



**ZONING BOARD OF APPEALS
Regular Meeting - August 24, 2022**

Chairperson Barbara Kearney called the meeting to order at 7:00 pm.

Attendance:

Chairperson Barbara Kearney, Vice Chairman Michael Hough, James Batsford, Mary Clark, and Mindy Conway (Acting Secretary). Absent were Victor Greco, Dr. Bryan Bilfield, and Zoning Administrator Jeremy Little.

Chairperson Kearney welcomed everyone to the meeting and reminded the public of the rules of the Board and that everyone would have a chance to be heard during the public sections of the meetings.

Old Business and Public Hearings:

#498-V: C. Thomas Luciano and Darlene Luciano are (1) requesting multiple setback variances for construction of structures on proposed Lot 1 and Lot 2 and (2) seeking relief from the 8.5 acres per Principal Building Intensity requirement for a proposed two-lot subdivision, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law. The proposed two-lot subdivision will result in the creation of Lot 1 consisting of 4.56 acres and Lot 2 consisting of 6.31 acres. Property is located at Carl Turner Road currently consisting of 10.87 acres, identified by Tax Map Parcel #: 87.2-1-1.1, in Zoning District Rural Use. ****PUBLIC HEARING remained opened from 04/27/2021 ZBA Meeting.****

Chairperson Kearney stated that **Variance Application #498-V: C. Thomas Luciano and Darlene Luciano** will remain open at the request of the applicant.

Chairperson Kearney recused herself for Variance Application #522-V, turning the meeting over to Vice Chairman Hough at 7:01 pm and leaving the room.

New Business and Public Hearings:

#522-V: Kerry and Michael Conlan are requesting a 30.77 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 948 square ft. addition to the existing single-family dwelling with a walkout basement. The project will consist of a 24' x 24' addition (bedroom, kitchenette and bath) to be utilized as an accessory apartment and a 12' x 31' addition to be utilized as a three-season room. The property is located

at 106 White Schoolhouse Road, identified by Tax Map Parcel #: 86.-1-30.1, in Zoning District Low Intensity.

Kerry and Mike Conlan were present. Kerry Conlan explained that their house was currently a one-bedroom house and she needs to care for her elderly mother. They are hoping to give her her own space that she can call home because she has nowhere else to go. This would make the house two-bedroom, two bathroom, and a three-season room. Kerry commented that all of their immediate neighbors are in favor. Kerry also stated that they received APA approval even though they don't need it and they are not removing any trees.

Vice Chairman Hough commented that they currently have a 1,000-gallon septic tank for only one-bedroom.

Kerry handed a letter to Vice Chairman Hough to read:

“To Whom This May Concern:

My wife and I live almost directly across the street from Mike and Kerry. We have no objection to their addition. If anyone were to have a problem, it would be us that will see it. With no objections from us, we believe they should be able to build the addition.

John and Gertrude Jaffe”

Vice Chairman Hough read the following letter from Russell Ruehl:

“In response to the provided list of zoning variance applications in the Town of Chester, NY, numbered 522-V, 523-V, 524-V, this is my written notice, required to object to all three variances as proposed. I am a property owner in close proximity to the 522-V variance location of 106 White Schoolhouse Road, and in the area of the others (523-V and 524-V), variance applications. If there is further information or confirmation required, I can be contacted prior to the 24 August, 2022 meeting, at the above address. I will Attend the variance meeting as well.”

Mary Clark read the follow letter from Elaine Walsh:

“Please be advised that I approve and respect the addition being made to Mike and Kerry Conlan’s home, who reside at 106 White Schoolhouse Road, Chestertown, in order to properly care for Kerry’s elderly Mother. I have known Mike and Kerry for many years and consider them upstanding and compassionate neighbors and members of the Chestertown community. Thank you for your time in this matter.”

Vice Chairman Hough **opened** the Public Hearing for **Variance Application #522-V: Kerry and Michael Conlan** at 7:14 pm.

Chairman Hough asked if there was anyone from the public who would like to speak.

Kathryn Davis said she and her husband are directly across from Mike and Kerry. They are very supportive of their endeavor and feel that the changes to their home are going to improve their little neighborhood.

Chairman Hough asked if there was anyone else.

Hearing none.

On a motion by James Batsford, seconded by Mary Clark, the Public Hearing for **Variance Application #522-V: Kerry and Michael Conlan** closed at 7:16 pm.

AYE 4 NO 0

James Batsford read the following resolution:

RESOLUTION FOR VARIANCE APPLICATION #522-V

WHEREAS, Kerry and Michael Conlan (the “Applicant(s)”) are proposing to construct a 948 square ft. addition to the existing single-family dwelling that will consist of a 24’ x 24’ addition (bedroom, kitchenette and bath) to be used as an accessory apartment and a 12’ x 31’ addition to be utilized as a three-season room on property located at 106 White Schoolhouse Road, identified by Tax Map Parcel Number 86.-1-30.1, in Zoning District Low Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 30.77 ft. front yard setback variance from requirements of Section 4.03 of the Town of Chester Zoning Local Law; and

WHEREAS, the ZBA has classified the project as a Type II Action, requiring no further review under SEQRA; and

WHEREAS, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #522-V on August 24, 2022 and closed the public hearing on August 24, 2022; and

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 4.03 of the Town of Chester Zoning Local Law for issuance of an area variance as further discussed below:

1. An undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is self-created.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

Duly adopted this 24th day of August, 2022 by the following vote:

AYES: James Batsford
Mary Clark
Vice Chairman Hough
NOES: None.
RECUSE: Chairperson Kearney

Chairperson Kearney returned to the meeting at 7:23 pm.

Adjournment:

Chairperson Kearney informed everyone that she was contacted by the Town and the meeting is canceled. They will notify the other applicants when they reschedule.

Meeting adjourned at 7:24 pm.

Respectfully submitted,

Mindy Conway
Acting Secretary