



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
Tuesday, February 25, 2020**

Acting Chairman Arnold Jensen called the meeting to order at 7:00 p.m.

ATTENDANCE:

Arnold Jensen, Barbara Kearney, Mary Clark, Michael Hough, Jack D. Bartlett (Secretary), Jeremy Little (Zoning Administrator). Absent was Chairman John MacMillen.

Arnold Jensen served as the Acting Chairman in the Absence of Chairman John MacMillen.

PUBLIC HEARINGS AND NEW BUSINESS:

#476-V: Conrad F. and Elaine H. Koehler are requesting a 15 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 30' two-car garage. Property is located at 223 Blue Bay Rd., identified by Tax Map Parcel #: 86.9- 1-46, in Zoning District Moderate Intensity.

Acting Chairman Arnold Jensen read the Variance information to the Board. Conrad Koehler presented the request for a Variance. Acting Chairman Jensen asked if the garage was being built as far back as possible on the property. Mr. Koehler responded that it is a long driveway and it is being built on the property where it will not interfere with the rock. Acting Chairman Jensen stated to the applicant that the long driveway is not the Boards problem. Mr. Hough asked if the contractor was concerned with anchoring the garage in the rear. Mr. Koehler responded that he was concerned with it as there is rock in the rear. Acting Chairman Jensen stated that in his opinion it appears that the garage could go back further and that the Board should have more evidence that there is no alternative.

Having been duly advertised, Acting Chairman Jensen opened the Public Hearing at 7:05pm.

Supervisor Craig Leggett stated that if there is going to be a new driveway off of the Town road as proposed that it should be checked by the Town Highway Supervisor. Acting Chairman Jensen responded that getting the driveway checked by the Highway Supervisor is not a zoning issue and is a town issue and has no bearing on the discussion taking place at this meeting.

Mr. Hough asked when the construction being proposed would be completed. Mr. Koehler stated it would be completed in July. Mr. Hough asked if the contractor could see if it could be moved back further. Ms. Clark asked Ms. Kearney about her familiarity with the rock on the Koehler's property. Ms. Kearney responded that she cannot testify to the Koehler's property, however, there is definitely rock there.

Acting Chairman Jensen states that there is time to check on the rock still.

A motion was made by Barbara Kearney, Seconded by Mary Clark to close the Public Hearing at 7:11pm. With all Board members in favor, non-opposed, the motion was carried 4-0.

A discussion took place on the location of the proposal. Mr. Hough asked if the contractor would be open to checking distance from the rock. Mr. Koehler stated that his contractor would be in favor of doing this, if necessary.

A motion by Michael Hough to approve #476-V: Conrad F. and Elaine H. Koehler are requesting a 15 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 30' two-car garage. Property is located at 223 Blue Bay Rd., identified by Tax Map Parcel #: 86.9- 1-46, in Zoning District Moderate Intensity with the condition that the applicant supply the Zoning Administrator with a written affidavit to the Zoning Administrator stating that the garage could not be moved back further without any additional large expense. The Criteria for Approving a Variance was reviewed as part of the motion-

1. There would be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties.
2. There is a feasible alternative to the variance that can provide a benefit if sought by the applicant. The Board referenced the condition that the applicant submit a written affidavit to the Zoning Administrator.
3. The requested variance is not substantial.
4. The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The Board agreed that the alleged difficulty is self-created.

The motion was seconded by Mary Clark, with all Board Members in favor, non-opposed, the motion was carried 4-0.

A discussion took place with the applicants in regards to moving everything back if there is not a high expense included with it. The applicant agreed.

Secretary Jack Bartlett asked the Board if a SEQR declaration needed to be made for #476-V. Acting Chairman Jensen stated that this was a SEQR Type II action.

MINUTES:

Acting Chairman Jensen stated that amendments needed to be made to the January 28, 2020 Meeting Minutes. He presented the amendments and Secretary Jack Bartlett stated that he would make the changes and submit them to the Board.

A motion to approve the minutes of the January 28, 2020 Meeting of the Zoning Board of Appeals with the amendments presented by Mr. Jensen, Seconded by Ms. Kearney. With all members in favor, non-opposed, the motion was carried 4-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for January 2020;

- Adirondack Park Agency Referral for #475-V (LV2020-0004) dated February 20, 2020 and received by the Zoning Office on February 20, 2020.

PUBLIC PRIVILEGE: None

BOARD PRIVILEGE:

No Business took place during Board Privilege.

ADJOURNMENT:

A motion was made by Barbara Kearney, seconded by Michael Hough to adjourn the meeting at 7:26pm. With all members in favor, non-opposed, the motion was carried 4-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals