



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
FEBRUARY 27, 2018**

The meeting was called to order by Mary Jane Dower at 7:00PM.

ATTENDANCE:

Chairperson Mary Jane Dower, John MacMillan, Arnold Jensen, Bill Oliver and Tom Thorsen. Also, in attendance was Bob Walp (alternate) Walt Tennyson (Zoning Administrator), Craig Leggett (Town Supervisor) and Peter Knauf.

PUBLIC HEARING:

Mary Jane Dower opened public hearing at 7:01PM.

#441-V: Peter E. Knauf, Janet H. Knauf, and Beth Knauf Secor are requesting a 17'-2" shoreline setback variance, according to Section 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to rebuild an existing deck attached to an existing dwelling and expand the width of the deck by two ft. (2'). Property is located at 238 Indian Springs Road, identified by Tax Map Parcel #: 120.14-1-4, in Zone Classification Moderate Intensity.

Peter Knauf spoke on his own behalf. He stated the camp was constructed in the early 60's and it needs upgrades to make it correct. He stated it is 8x20 now and he wants to make it 10x20. It would sit on the existing footprint with an extension of 2 ft on end of the deck. It would be 2ft closer to the lake. It adds more deck space that they really need. A relative of his is the engineer who drew up the plans. He stated he is planning on having Aaron Mosher do the construction if all goes well.

Mary Jane stated a letter was received from the Warren County Planning Board which finds that the project will not create any significant inter-municipal or county-wide impacts to the items identified in GML 239.

Another letter was received from John J. Hodgson and he stated he had received the Public Hearing Notice and is unable to attend meeting but wanted it on record that he has no objection to the variance and recommend that it be approved.

Tom Thorsen asked Mr. Knauf if Hodgson was his only neighbor? Mr. Knauf stated No. Tom Thorsen asked if there were any other neighbors that may have a problem with this variance? Mr. Knauf stated No, not that he knows of. The Butlers, The Abares and the Cleary's should not have an issue with variance.

Mary Jane Dower asked if you can approach property from both sides like a drive-thru? Mr. Knauf stated No.

Arnold Jensen asked why is the road only plowed so far and not to his house? Mr. Knauf stated that it is private and one guy at the end of the road plows it for 2 weekends in the winter. It used to always be plowed as Donny Lambert was the one hired to do it. Mr. Knauf wishes it was not plowed at all because that reduces the risk of a break-in. John MacMillan stated that you need to be able to get fire trucks in there as well as ambulances.

John MacMillan asked about the stairs and the gazebo. How long have they been there? Mr. Knauf stated the stairs around 20 years or so and the gazebo is a bit older. John MacMillan stated he does not see a problem with this request. Mr. Knauf stated his brother in law had built that.

Arnold Jensen is reluctant as he was unable to get into the property to see it. He doesn't want to speculate on something he could not see. He understands why he wants the larger deck but as a board member we like to hear a good explanation as to why this would be needed. And do any of the other neighbors have decks closer to the lake? Mr. Knauf stated Hodgson on the left had made terraces going down to lake but that is not a structure. The Cleary's on the other side (2 lots north) had a boat ramp installed for launching boat s he is a big bass fisherman which is also not a structure. The existing camp is only approx. 20 ft from the lake. Other than that there are not any he can recollect.

Mr. Knauf stated that the deck had a 6ft picnic table which was very tight. They put in a round table instead to conserve some space but it is still tight due to the positioning of the awning windows and railings etc... Mr. Knauf stated an extra 2 ft would really make a difference.

Tom Thorsen asked if he remembered seeing something about safety for the grandchildren as well? Mr. Knauf stated yes, the construction needs improvement as it was built so long ago. It doesn't have vertical posts every 4 inches but it will all be up to code when finished.

John MacMillan asked Walt Tennyson what he thought about the APA and how they would rule on this? It is 2 ft. closer to the lake, do you think they will approve variance? He stated typically they do not grant these types of variances. Walt Tennyson stated his opinion was that it should not be an issue.

Tom Thorsen recollects a similar variance in the past but John MacMillan does not. Walt Tennyson stated the APA has granted much larger variances. Arnold Jensen feels that there is a good possibility the APA will not grant variance. John MacMillan and Arnold Jensen both agreed they did not have an issue with variance request. Arnold Jensen repeated he had an issue because he could not actually look at it. Arnold Jensen asked Mr. Knauf if there was any reason why we couldn't hold off until next meeting giving all board members a chance to review property. Mr. Knauf did not have an issue with that but does not want to wait any longer than that. It will be some time before snow is gone and mud has dried up enough to get materials in there.

John MacMillan stated in addition to our approval the APA has 30 days to grant/deny variance and the county can take up to 2 weeks to review before issuing building permit. So, he would be looking at Mid May before breaking ground if we wait another month for approval.

Mr. Knauf stated he would be there at the end of this week if they wanted to come take a look. John MacMillan stated that won't help as it would have to be tabled until next months meeting.

Tom Thorsen asked board if they could convene and vote before next meeting? John MacMillan stated only if a special meeting was scheduled.

Arnold Jensen stated it also may snow before end of season as well so they still may not be able to get to it. He repeated he has an issue with approving something he has not seen. It's not because I just didn't go, I couldn't get to it. He also feels there probably won't be a problem in the end. He still agrees with John MacMillan that the APA may or may not approve variance. Arnold Jensen stated safety could be addressed with existing footprint.

Mr. Knauf stated it really has to be taken down and reconstructed. He stated that is what he will do if APA does not approve variance.

Arnold Jensen asked board how they feel about approving a variance that the APA may not approve?

John MacMillan stated that as part of the zoning boards responsibility is to see if there are any other feasible alternatives. John stated you could increase deck on the other side (not going closer to the lake) and accomplish the same goal. He also believes that with the APA usually if you give a little and take a little they are more prone to approval.

John MacMillan also stated that the stairs and gazebo are closer to the lake than the deck will be so it shouldn't be a problem. John pointed out that survey map is dated 1993 so it has been longer than 20 years.

Bill Oliver stated he has no problem with it approving it blind. John MacMillan stated it will sit on existing footprint so there should not be any issues. No need for silt fencing and no erosion issues. The piers will not change. Mr. Knauf stated they would be 8x8 or 6x6 when completed. They are 4x4 currently.

Motion made to close hearing at 7:21 PM by Arnold Jensen, Seconded by Tom Thorsen, All in favor. 5/0.

Bill Oliver made motion at 7:22pm to "classify this project (Application #441-V) as a Type II action which does not require further review under SEQRA and to declare a negative declaration due to the project having no significant impact on the environment".
Seconded by John MacMillan. All in favor. 5-0.

Area Variance Criteria-

1. Can benefit be achieved by other means? No.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No.
3. Is the request substantial? Yes.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes.

John MacMillan made motion to approve variance request #441-V for Peter Knauf. Seconded by Tom Thorsen. 4 in favor/1 abstained.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for December 2017 and January 2018.

NEW BUSINESS: None.

OLD BUSINESS: None.

MINUTES: Arnold Jensen made motion to approve minutes from December 13, 2017. Seconded by John MacMillan. All in favor. 5/0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: Tom Thorsen explained how he has been working with Walt, the APA and others to revise and update local zoning laws. They are getting ready to send proposal to the APA.

ADJOURNMENT: Tom Thorsen made motion to close meeting at 7:27PM. Seconded by Bill Oliver. All in favor. 5-0.

Respectfully submitted,

Brandi Bessette
Secretary
Zoning Board of Appeals