



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
July 23, 2019**

The meeting was called to order by Chairman MacMillen at 7:00pm

Chairman MacMillen introduced himself and welcome the public to the meeting.

ATTENDANCE:

Chairperson John MacMillen, Barbara Kearney, Michael Hough, Arnold Jensen, Christine Hayes, and Mary Clark (Alternate), Jack D. Bartlett (Secretary) and Jeremy J. Little (Zoning Administrator).

OLD BUSINESS:

#448-V: CK Franchise Mgmt. Corp. (Kevin Wickert) is requesting an area variance for a 10 ft. extension attached to an existing dock that currently extends 40 ft. offshore where 40 ft. is required, according to Section 7.03(B)(4) of the Town of Chester Zoning Local Law. Property is located at 9 Woodside Ln., identified by Tax Map Parcel # 86.15-1-41, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board and advised that this variance as still tabled as the Board has not received anything back from the Adirondack Park Agency who is currently reviewing.

#449-V: James M. Crandall is requesting a 20 ft. backline setback variance and 2.5 ft. right sideline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 16' x 16' storage shed. Property is located at 64 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-51, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. The Variance would be tabled until the applicant returns to a Meeting of the Zoning Board of Appeals.

NEW BUSINESS:

#463-V: Michael Legnard is requesting a 31.4 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a single family dwelling with deck. Property is located at Kingsley Lane, identified by Tax Map Parcel #: 86.14-1-15.2, in Zoning District Moderate Intensity.

Chairman MacMillen recused himself due to connections to the variance and sat in the Audience. Alternate Mary Clark joined the Board. Acting Chairman Arnold Jensen read the variance. Zach Monroe of Winchip Engineering representing the Legnard's introduced himself and presented the variance. Michael Hough asked about the type of basement being proposed, Mr. Monroe responded that the basement would be a walk out. Mr. Monroe explained the plan for the well and the alternative plan if the well cannot be placed where they hope and provided a letter from William Brannigan in support of sharing a well with the proposed property. Barbara Kearney asked if the well was capable of supporting both properties. Mr. Monroe responded that the well would be able to handle supporting both properties.

Having being duly advertised, Acting Chairman Jensen opened the Public Hearing at 7:08pm

Sue Securo of 14 Kingsley Lane Ext, expressed her concerns with the Variance Application stating that her property borders the proposed variance property. Her concern with the project is where the septic will be flowing and the possibility of it flowing into her well and contaminating her drinking water. Mr. Monroe responded that the septic would flow away from her well. The board agreed that Ms. Securo brought a valid concern. Michael Hough stated that currently the Department of Health requires a 100 feet distance. The board discussed the well issue.

A motion was made by Barbara Kearney, Seconded by Mary Clark to close the Pubic Hearing at 7:15pm. All Board Members present in favor, non-opposed, the motion was carried 5-0 with Chairman MacMillen recusing himself.

Acting Chairman Jensen stated that this was a Type II Action.

The Board Reviewed the Criteria for a Variance for the Application as part of the motion-

- 1.) There was no undesirable change would be produced in character of the neighborhood or a detriment to nearby properties.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant.
- 3.) The requested variance is considered 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.

All Board Members Present agreed on the above Criteria for Variance in regards to # 463-V and was included as part of the motion.

A motion by Michael Hough, Seconded by Barbara Kearney to approve #463-V for a 31.4 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a single family dwelling with deck. Property is located at Kingsley Lane, identified by Tax Map Parcel #: 86.14-1-15.2, in Zoning District Moderate Intensity. All Board members present in favor, non-opposed, the motion was carried 5-0 with Chairman MacMillen recusing himself.

Chairman MacMillen rejoined the meeting at 7:20pm.

#464-V: Earle R. Forbes and Michele Lebrun are requesting an 18 ft. front yard setback variance from Butternat[sic] (Butternut) Flats Rd. and a 35 ft. front yard setback variance from White Schoolhouse Rd., in order to construct a 24'x 50' Pole Barn. Property is located at 563 White Schoolhouse Rd. identified by Tax Map Parcel #: 69-1-14, in Zoning District Moderate Intensity.

The Variance was read to the Board by Chairman MacMillen. Earle Forbes presented the variance to the Board and explained what he was requesting. Arnold Jensen asked if the barn could be moved closer to the house, Mr. Forbes responded that due to the wetlands the barn's location could not be moved closer to the house. Chairman MacMillen expressed that he thought that it would be placed in a reasonable place. Arnold Jensen asked if there was any concerns from the APA.

Having been duly advertised the Public Hearing was opened at 7:25pm by Chairman MacMillen.

No Business was conducted during the Public Hearing.

A motion was made by Christine Hayes, Seconded by Arnold Jensen to close the Public Hearing at 7:25pm. With all Board Members present in favor, non-opposed, the motion was carried 5-0.

Chairman MacMillen stated that this variance was not SEQER.

The Board Reviewed the Criteria for a Variance for the Application as part of the motion-

- 1.) There was no undesirable change would be produced in character of the neighborhood or a detriment to nearby properties as this would be placed on an existing slab.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant. Due to the wetlands and the crick, there are no alternatives.

- 3.) The requested variance is considered 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.

All Board Members present agreed on the above Criteria for Variance in regards to #464-V and was included as part of the motion.

Chairman MacMillen recommended that a condition of approval be made for the installation of a Silk Fence.

A motion by Christine Hayes, Seconded by Barbara Kearney to approve # 464-V for a 18 ft. front yard setback variance from Butternat[sic] (Butternut) Flats Rd. and a 35 ft. front yard setback variance from White Schoolhouse Rd., in order to construct a 24'x 50' Pole Barn. Property is located at 563 White Schoolhouse Rd. identified by Tax Map Parcel #: 69-1-14, in Zoning District Moderate Intensity. All Board Members present in favor, non-opposed, the motion was carried 5-0.

MINUTES:

A motion was made by Barbara Kearney, Seconded by Michael Hough to approve the June 25, 20-19 Minutes of the Zoning Board of Appeals. Board Members MacMillen, Kearney, and Hough in favor, and Board Members Hayes and Jensen abstaining, and non-opposed, the motion was carried 3-0.

CORRESPONDENCES:

The Zoning Board of Appeals received the following Correspondences-

- Zoning Administrator's Activity Report for June 2019
- 2019 Planning & Zoning School Agenda for Thursday, September 26, 2019
- Letter from William Brannigan of 100 Kingsley Lane in regards to #463-V

PUBLIC PRIVILEGE:

There was no business conducted during Public Privilege.

BOARD PRIVILEGE:

Chairman MacMillen and Board Member Hayes requested that the Secretary make changes with the Yes and No Section of the Criteria for Approval of a Variance as they feel it will better cover the board. Secretary Jack Bartlett stated that he would start to do this in the minutes going forward.

ADJOURNMENT:

A motion was made by Barbara Kearney, Seconded by Arnold Jensen to adjourn the meeting at 7:33pm. All Board members present in favor, non-opposed, the motion was carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals