



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
July 27, 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, Dr. Bryan Bilfield, and Zoning Administrator, Jeremy Little (Via Zoom). Absent were Victor Greco and Jack D. Bartlett (Secretary).

In the absence of Victor Greco, Dr. Bryan Bilfield (alternate) sat on the Board in his place.

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:

Chairman Kearney stated that **Variance Application #498-V: C. Thomas Luciano and Darlene Luciano** and **Variance Application #509-V: Word of Life Fellowship, Inc.** will be kept open.

#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.****

Not Present.

#509-V: Word of Life Fellowship, Inc. are requesting multiple area variances from requirements of Section 7.04 of the Town of Chester Zoning Local Law, in order to install a 53.16 square ft. internally illuminated free-standing monument sign to include a digital display to notify motorists of community events and important information for students. Property is located at 8072 State Route 9, identified by Tax Map Parcel #: 36.-1-20, in Zoning District Hamlet. ****PUBLIC HEARING remained opened from 12/28/2021 ZBA Meeting.****

Variance Application #519-V: Word of Life Fellowship, Inc.

Chairperson Kearney reconvened the Public Hearing for **Variance Application #519-V: Word of Life Fellowship, Inc** at 7:01 pm.

Dr. Bryan Bilfield entered the meeting at 7:01 pm.

#519-V: Word of Life Fellowship, Inc. are requesting multiple area variances from requirements of Section 7.04 of the Town of Chester Zoning Local Law, in order to install a 221.7 square ft. freestanding sign (after-the-fact) for the Word of Life Bible Institute. Property is located at 8072 State Route 9, identified by Tax Map Parcel #: 36.-1-20, in Zoning District Hamlet.

Eric Messer, Vice President of Operations for Word of Life, stated that Jeremy Little, Zoning Board Administrator, sent the application to the APA after the last meeting and we have received a response back notifying the Town that the Town is Lead Agency.

Chairperson Kearney asked if there was anyone from the public who would like to speak.

Hearing none.

On a motion by Mary Clark, seconded by Dr. Bilfield, the Public Hearing for **Variance Application #519-V: Word of Life Fellowship, Inc. closed** at 7:05 pm.

AYE 5 NO 0

Chairperson Kearney stated that a response has been received from the Adirondack Park Agency for SEQR lead agency status and that “the Agency has no objection to the designation of the Town of Chester Zoning Board of Appeals as lead agency for this project for funding or planning purposes.”

Chairperson Kearney read the following Resolution:

DECLARE THE TOWN OF CHESTER ZONING BOARD OF APPEALS AS LEAD AGENCY UNDER SEQRA REVIEW IN CONNECTION WITH VARIANCE APPLICATION #519-V, WORD OF LIFE FELLOWSHIP, INC.

WHEREAS, the Town of Chester Zoning Board of Appeals (“ZBA”) has received an Application from Word of Life Fellowship, Inc. (“the Applicants”) for the installation of a 221.7 square ft. free-standing sign (after-the-fact) for the Word of Life Bible Institute on property located at 8072 State Route 9, identified by Tax Map Parcel #: 36.-1-20 (the “Project”); and

WHEREAS, the ZBA has determined to begin an environmental review process under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the ZBA has identified the Project to be an Unlisted action for purposes of SEQRA review pursuant to 6 NYCRR 617; and

WHEREAS, in connection with the Project, the ZBA, by Resolution, previously authorized the Town Zoning Administrator to notify other potentially involved agencies of the ZBA’s intent to be Lead Agency to conduct a coordinated SEQRA review; and

WHEREAS, the Zoning Administrator has advised that other involved agencies have been notified and no objections have been received from the notified Agencies of the ZBA’s Intent to be Lead Agency for the Project;

NOW, THEREFORE BE IT

RESOLVED, that the ZBA of the Town of Chester declares itself Lead Agency for this Action.

MOTION TO DECLARE THE TOWN OF CHESTER ZONING BOARD OF APPEALS AS LEAD AGENCY IN CONNECTION WITH VARIANCE APPLICATION #519-V, WORD OF LIFE FELLOWSHIP, INC., Introduced by Chairperson Barbara Kearney who moved for its adoption, seconded by James Batsford:

Duly adopted this 27th day of July 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 James Batsford
 Mary Clark
 Dr. Bryan Bilfield

NOES: None.

ABSTAIN: None.

ABSENT: Victor Greco

Chairperson Kearney read the following questions from the Short Environmental Assessment Form, Part 2 Impact Assessment. The Board all agreed to choose “No, or small impact may occur”.

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chairperson Kearney read the following Resolution:

ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #519-V, WORD OF LIFE FELLOWSHIP, INC.

WHEREAS, the Town of Chester Zoning Board of Appeals (“ZBA”) has received an Application from Word of Life Fellowship, Inc. (“the Applicants”) for the installation of a 221.7 square ft. free-standing sign (after-the-fact) for the Word of Life Bible Institute on property located at 8072 State Route 9, identified by Tax Map Parcel #: 36.-1-20 (the “Project”); and

WHEREAS, the ZBA has received a Short Environmental Assessment Form (“SEAF”) for the Project with Part I of the SEAF completed by the Applicants; and

WHEREAS, the State Environmental Quality Review Act (“SEQRA”) requires that the ZBA undertake a thorough review of the potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, the ZBA has reviewed Parts 1, 2 and 3 of the SEAF and all other supporting information submitted to the ZBA by the Applicants;

NOW, THEREFORE BE IT

RESOLVED, that in accordance with SEQRA, the ZBA, as Lead Agency, has determined that the Project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration pursuant to the requirements of SEQRA and directs the Zoning Board of Appeals Chairperson to complete and sign Part 3 of the SEAF as required for the Determination of Significance, confirming the foregoing Negative Declaration.

MOTION FOR ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #519-V, WORD OF LIFE FELLOWSHIP, INC., Introduced by Chairperson Barbara Kearney who moved for its adoption, seconded by Michael Hough:

Duly adopted this 27th day of July 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 James Batsford
 Mary Clark
 Dr. Bryan Bilfield

NOES: None.

ABSTAIN: None.

ABSENT: Victor Greco

Mr. Hough stated that there should be consequences for installing a sign without a permit. Chairperson Kearney asked Mr. Little if they could double the fee. Mrs. Conway replied that the Town has an after-the-fact fee. Mr. Little said the after the fact fee was \$100 and \$25 for the permit.

Mr. Batsford said that it appears that there are a number of signs at the entrance that are not permitted. Discussion ensued over current signs at the entrance of the property.

Mr. Messer will work with Mr. Little to bring the signs into compliance.

Michael Hough read the following Resolution:

RESOLUTION FOR VARIANCE APPLICATION #519-V

WHEREAS, Word of Life Fellowship, Inc. (the “Applicant(s)”) are proposing to install a 221.7 square ft. free standing sign (after-the-fact) for the Word of Life Bible Institute on property located at 8072 State Route 9, identified by Tax Map Parcel Number 36.-1-20, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for multiple area variances from requirements of Section 7.04 of the Town of Chester Zoning Local Law; 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 #519-V on June 22, 2022 and closed the public hearing on July 27, 2022; and

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

WHEREAS, the ZBA has classified the Project as an Unlisted Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations in 6 NYCRR 617 and determined to conduct a coordinated review; and

WHEREAS, the ZBA performing the duties of Lead Agency has prepared and reviewed the records of the State Environmental Quality Review, Short Environmental Assessment for the Project; and

WHEREAS, the ZBA has issued a Notice of Determination of Significance and Negative Declaration concluding that the Project will not create any significant adverse environmental impacts and that a draft Environmental Impact Statement will not be prepared;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 7.04 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 variances are substantial.
4. The proposed variances 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 variances are 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 variances are granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variances subject to the following condition:

- A. Word of Life is to immediately remove all unpermitted signs on the properties and is to contact the Town of Chester Zoning Office prior to the installation of any future signs on the parcels.

On a motion by Michael Hough, seconded by Dr. Bryan Bilfield:

Duly adopted this 27th day of July, 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 James Batsford
 Mary Clark
 Bryan Bilfield

NOES: None.

ABSTAIN: None.

ABSENT: Victor Greco

Chairperson Kearney is requesting that Word of Life Fellowship Inc withdraw Variance Application #509 and submit a new application.

Mr. Little asked them to write a letter withdrawing the application to be submitted at the August meeting. Tom Wheeler from AJ Signs said that they would reach out to Mr. Little since they submitted the application on behalf of Word of Life Fellowship Inc.

NEW BUSINESS:

Variance Application #520-V: Henry and Mary T. Sonnemann

#520-V: Henry and Mary T. Sonnemann are requesting a 26 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace the existing decks with a one-story 14' x 24' (with 1' o/h) addition and a 14'-5.5" x 16' (with 1' o/h) screened porch addition to the existing single-family dwelling. Property is located at 20 Circle Drive, identified by Tax Map Parcel #: 136.7-1-4, in Zoning District Moderate Intensity.

Henry and Mary T. Sonnemann commented that their family is growing and they would like to add more living space.

Discussion ensued over the change in footprint.

Chairperson Kearney read the following letter from John Pellettier (28 Circle Drive) in support of the project:

July 19, 2022

REC'D JUL 21 2022

Jeremy J. Little
Zoning Administrator
Town of Chester
PO Box 423
Chestertown, NY 12817

Dear Mr. Little:

I am writing in favor of application #520-V, Henry and Mary Sonnemann's request for a 26 ft. front yard setback variance for a 14' x 24' screen porch addition. My wife and I are long-time neighbors of the Sonnemann's on Circle Drive and they take considerable care of their property.

Adding a porch, which could hardly be seen from the road, is something they have wanted to do for some time and would have no negative impact on their Circle Drive neighbors. Please give their request positive consideration.

Sincerely


John Pellettier
28 Circle Drive

Chairperson Kearney opened the Public Hearing for **Variance Application #520-V: Henry and Mary T. Sonnemann** at 7:49 pm.

Chairman Kearney asked if anyone from the public would like to speak.

On a motion by Michael Hough, seconded by James Batsford, the Public Hearing **closed** at 7:50 pm.

AYE 5 NO 0

James Batsford read the following Resolution:

RESOLUTION FOR VARIANCE APPLICATION #520-V

WHEREAS, Henry and Mary T. Sonnemann (the “Applicant(s)”) are proposing to replace the existing decks with a one-story 14’ x 24’ (with 1’ o/h) addition and a 14’-5.5” x 16’ (with 1’ o/h) screened porch addition to the existing single-family dwelling on property located at 20 Circle Drive, identified by Tax Map Parcel Number 136.7-1-4, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 26 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 SEQR; 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 #520-V on July 27, 2022 and closed the public hearing on July 27, 2022; 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.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variance with no condition(s) imposed.

On a motion by James Batsford, seconded by Michael Hough:

Duly adopted this 27th day of July, 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 James Batsford
 Mary Clark
 Dr. Bryan Bilfield

NOES: None.

ABSTAIN: None.

ABSENT: Victor Greco

Chairperson Kearney advised the Applicant to follow up with the Zoning Office.

Variance Application #521-V: M & J Lakehouse LLC

#521-V: M & J Lakehouse LLC are requesting a 24 ft. front yard setback variance and a 5.5 ft. left side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 15'-6" x 20' living/gathering room addition and two (2) deck additions (14' x 14' and 14' x 12'-9") to the existing single-family dwelling. Property is located at 99 Kingsley Lane, identified by Tax Map Parcel #: 86.14-1-26, in Zoning District Moderate Intensity.

Craig Carlson, was present representing M & J Lakehouse, and briefly explained how the homeowners' family has grown and they are in need of more living space.

Discussion ensued about the size of the overhang, roofline, and number of bedrooms.

Chairman Kearney **opened** the Public Hearing for **Variance Application #521-V: M & J Lakehouse LLC** at 8:10 pm.

Chairman Kearney asked if anyone from the audience would like to speak, there is no one on Zoom.

Hearing none.

On a motion by Mary Clark, seconded by Michael Hough, Public Hearing for **Variance Application #521-V: M & J Lakehouse LLC closed** at 8:11 pm.

AYE 5 NO 0

Mary Clark read the following Resolution:

RESOLUTION FOR VARIANCE APPLICATION #521-V

WHEREAS, M & J Lakehouse LLC (the “Applicant(s)”) are proposing to construct a 15’-6” x 20’ living/gathering room addition and two (2) deck additions (14’ x 14’ and 14’ x 12’-9”) to the existing single-family dwelling on property located at 99 Kingsley Lane, identified by Tax Map Parcel Number 86.14-1-26, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 24 ft. front yard setback variance and a 5.5 ft. left side 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 SEQR; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #521-V on July 27, 2022 and closed the public hearing on July 27, 2022; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variances 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 variances are substantial.

4. The proposed variances 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 variances are 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 variances are granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variances subject to the following conditions:

- A. The construction plans are to be revised to show the proposed addition with 1'-6" overhangs (as shown on the plot plan) as opposed to 1'-4" overhangs; and
- B. The proposed living/gathering room addition is not to be used as a bedroom.

Introduced by Mary Clark, seconded by James Batsford:

Duly adopted this 27th day of July, 2022 by the following vote:

AYES: Chairperson Barbara Kearney
 Michael Hough
 James Batsford
 Mary Clark
 Dr. Bryan Bilfield

NOES: None.

ABSTAIN: None.

ABSENT: Victor Greco

MINUTES:

A motion was made by Mary Clark, seconded by Michael Hough to approve the June 22, 2022 Minutes of the Zoning Board of Appeals.

AYE: 3
NO: 0

ABSTAIN: Chairperson Kearney, Dr. Bryan Bilfield

Motion Carried 3-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for June 2022;
- Adirondack Park Agency SEQR Lead Agency response letter dated June 28, 2022 and received by the Zoning Office on June 28, 2022 RE: SEQR Lead Agency Status for the Word of Life Freestanding Wall Sign;
- Association of Towns and New York Planning Federation 2022 Fall Planning and Zoning Schools;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on July 18, 2022 for #520-V. Form received by the Zoning Office on July 19, 2022;
- Letter from John Pelletier dated July 19, 2022 and received by the Zoning Office on July 21, 2022 RE: Variance #520-V.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT:

A motion was made by Dr. Bryan Bilfield, seconded by James Batsford to adjourn the meeting at 8:22 pm.

AYES: Kearney, Hough, Clark, Batsford, Bilfield

NAYES: None

ABSTAIN: None

ABSENT: Greco

Motion Carried 5-0.

Respectfully submitted,

Mindy Conway
Acting/Recording Secretary
Zoning Board of Appeals