



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
Tuesday, June 23, 2020**

Chairman John MacMillen called the meeting to order at 7:01 p.m.

ATTENDANCE:

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

PUBLIC HEARINGS AND NEW BUSINESS:

#477-V: Ray and Katherine Henrikson are requesting a 40 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an 8' x 12' pump house. Property is located at 7240-7242 State Route 9, identified by Tax Map Parcel #: 69.13-1-17.14, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance request to the Board. Katherine Henrikson presented their request stating that they had purchased the property 20 years ago and need to replace their Pumphouse as it has been destroyed each year by spring runoff and heavy rains. They would like to put a new pumphouse over the existing footprint from the pumphouse at the former Loon Lake Cabins Property. Mr. Jensen stated that the building does not look bad from the roadway and that he has no reservations. Ms. Clark stated that they definitely need a pumphouse and it cannot be seen from the road. Chairman MacMillen stated that he agrees that it is not visible from the roadway.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:07pm.

No comments were made during the Public Hearing.

A motion to close the Public Hearing at 7:08pm by Arnold Jensen, Seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

Chairman MacMillen reviewed the Criteria to Approve a Variance-

1. There was no undesirable change produced to change the character of the neighborhood or be a detriment to nearby properties.
2. There is not a feasible alternative to the variance that can provide a benefit if sought by the applicant.
3. The requested variance is substantial.
4. The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The Board agrees that the alleged difficulty is not self-created as the Property Owner needs to be able to pump water.

A motion to approve Variance # 477-V was made by Mary Clark, Seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

#478-V: Maureen Parker is requesting a 21'-1" front yard setback variance and 32'-10" rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a three-bedroom single family dwelling with attached one-car garage, deck, screened porch, and covered front entry. Property is located at Chester Shores View, identified by Tax Map Parcel #: 86.18-1-6, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance request to the Board. Ken Andersen representing Maureen Parker was present and explained their request for the variance. Mr. Andersen stated that the property had been purchased in 2019 and the proposed dwelling would be a similar footprint to what is already in the Sub Division, he stated that there was a 2012 Septic Variance approved by the Local Board of Health, and that that had already met with the Planning Board to propose their Site Plan Review and a determination was going to be made at their meeting in July. Mr. Hough stated that they have limited space on the site and he felt that they did a good job with their plans. Mr. Jensen stated that there is very little to what can be done with the property and it is a buildable lot. Ms. Kearney asked if they could shift the house on the property. Mr. Andersen responded that they could not grate over the property line and there would be no off-street parking available. Ms. Kearney asked if rotating the house would fix the need for a variance request. Mr. Andersen stated that they would always need a variance and he worked to find a balance on the site plan and how the property is going to take shape. Chairman MacMillen asked when the property was purchased? Mr. Andersen responded 2019 and it was not disclosed that there would be a need for a variance in order to construct. Chairman MacMillen stated that it is a tough site. Mr. Jensen stated that the angle of the house gives the property owner a better view of the lake and roadway. Chairman MacMillen advised Mr. Andersen that measurements were needed.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:24pm.

No comments were made during the Public Hearing.

A motion to close the Public Hearing at 7:24pm by Michael Hough, Seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

A motion to approve Variance #478-V was made by Arnold Jensen with the following Criteria for Approving a Variance reviewed-

1. There was no undesirable change produced to change the character of the neighborhood or be a detriment to nearby properties.
2. There is not a feasible alternative to the variance that can provide a benefit if sought by the applicant.
3. The requested variance is substantial, however, based on history it is reasonable.
4. The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The Board agrees that the alleged difficulty is not self-created as the Property was approved by the Local Board of Health for a three bedroom single family dwelling.

The motion and criteria was seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

#479-V: Suzanne Holdcraft Sherrard is requesting a 57.4 ft. front yard setback variance (from Chester Shores Dr.), 47.7 ft. front yard setback variance (from Chester Shores Ridge), and a 26 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a five-bedroom single family dwelling with screened porch, open porch, entry porch and entry landing. Property is located at 170 Chester Shores Dr., identified by Tax Map Parcel #: 86.18-1-50, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance request to the Board. Brett Winchip representing the applicant presented the request for the variance. He stated that they will be demolishing an existing house and creating a new house, which will pull the property back on own property lines. He stated that they went to the local Board of Health for Waste Water Variance, and that they would be maintaining their existing foot print. Mr. Jensen asked for any discussion on an attached garage. Mr. Winchip stated they don't have interest at this time. Mr. Jensen asked if the proposed house would be larger than the existing, Mr. Winchip stated that it would only be increased in one corner as they don't own two lots. Mr. Hough stated that he did not hear any objections from the neighbors and it is tucked back really well.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:36pm-

Jeff Detrick, President of the Chester Shores Association stated that their private roadway for Chester Shores is close to the property. He asked if the Board would have any issues with the roadway getting move back and the house being closer to the roadway if needed. Chairman MacMillen stated that he believes that moving the roadway closer is a separate approval. Mr.

Jensen stated that the right of way is existing. Mr. Winchip stated that pulling the house back on the property line gives a buffer if there is an increase to the size of the roadway. Chairman MacMillen stated that the roadway would not have a bearing on the approval of the variance.

No further comments were made during the Public Hearing. A motion to close the Public Hearing at 7:42pm by Barbara Kearney, seconded by Arnold Jensen. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

A motion to approve Variance # 479-V was made by Michael Hough with the following Criteria for Approving a Variance-

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

The motion and Criteria was seconded by Arnold Jensen. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

#480-V: Joan Donahue is requesting a 13.3 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 12' x 28' two-bedroom addition to the existing dwelling. Property is located at 4 Agard Rd., identified by Tax Map Parcel #: 35.2-1-18, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance Request to the Board. Dan Morehouse representing the applicant was present and presented his request for a variance. He stated that he now has a larger family and needs more space. He has been working on cleaning up the property and believes that the addition will improve the property. He also stated that the Septic Variance has been approved. Chairman MacMillen stated that there is little to what can be done on the property. Mr. Morehouse stated that there used to be an old garage on the footprint for the addition. Mr. Jensen asked if the garage was attached the house, Mr. Morehouse stated that it was. Ms. Clark asked if he would be using the slab for the addition, Mr. Morehouse stated yes. Mr. Jensen asked about the addition on the front side of the house. Mr. Morehouse stated that there was no siding on that side and it has now been completed. Mr. Jensen asked if he would be using the same siding for the proposed addition, Mr. Morehouse stated that it would all match and look more like a house than a trailer. Mr. Hough asked if there was a County Permit

needed, Zoning Administrator Little stated that he will need one. Mr. Morehouse stated that he is also working on getting the campers off the property.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:52pm.

No comments were made during the Public Hearing.

A motion to close the Public Hearing at 7:52pm by Mary Clark, Seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

A motion to approve Variance # 480-V was made by Arnold Jensen with the following Criteria for Approving a Variance-

1. There was no undesirable change produced to change the character of the neighborhood or be a detriment to nearby properties.
2. There is not a feasible alternative to the variance that can provide a benefit if sought by the applicant.
3. The requested variance is substantial, however, it is a small piece of property.
4. The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The Board agrees that the alleged difficulty is self-created.

The motion and criteria was seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

MINUTES:

A motion to approve the minutes of the February 25, 2020 Meeting of the Zoning Board of Appeals was made by Barbara Kearney, Seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for February, March, April and May 2020.

PUBLIC PRIVILEGE: None

BOARD PRIVILEGE:

No Business took place during Board Privilege.

ADJOURNMENT:

A motion was made by Mary Clark, seconded by Arnold Jensen to adjourn the meeting at 7:57pm. A Roll Call Vote was called by Secretary Bartlett-

Mr. Hough- Yes, Ms. Kearney- Yes, Mr. Jensen- Yes, Ms. Clark- Yes, Chairman MacMillen- Yes

The motion carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals