



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
JUNE 28, 2016**

The meeting was called to order by Arnold Jensen at 7:00PM.

7:01pm- Motion made by Tom Thorsen to appoint Arnold Jensen as acting chair person in Mary Jane Dower's absence. Seconded by Bill Oliver. All in favor. 4-0.

ATTENDANCE:

Acting Chairperson Arnold Jensen, Bill Oliver, Bob Walp and Tom Thorsen. Also, in attendance was Walt Tennyson (Zoning Administrator), MaryEllen Stockwell, lawyer from Meyer & Fuller representing parties involved with Variance Application #432-V, Brian Murphy, Nancie Welch, Rand Fosdick, Karen DuRose and John Silvestri, lawyer representing party involved with Variance Application #431-V.

PUBLIC HEARING:

Arnold Jensen opened public hearing at 7:03PM.

#430-V: Brian F. and Jeanne Murphy are requesting a 30 ft. shoreline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an 8' x 10' bathroom addition to an existing seasonal camp. Property is located at 28 Stewart Lane, identified by Tax Map Parcel #: 86.10-1-70, in Zone Classification Moderate Intensity.

Brian Murphy representing himself had previously submitted all necessary paperwork and was reviewed by the board.

Bob Walp asked how long he owned the property?

Brian Murphy stated since 2011.

Bob Walp asked if the septic will still meet code?

Brian Murphy said Yes.

Walt Tennyson stated a 4 bedroom would need a 1000 gallon tank.

Arnold Jensen asked if there were any neighbors here to talk about variance request? There were none present. He also stated that it is consistent with all others in area and the association has already approved it.

Tom Thorsen asked if there had been any issues with any neighbors and is the septic already in place?

Brian Murphy said no issues with any neighbors and yes the septic is already in place.

Bill Oliver made motion to close hearing at 7:10PM. Seconded by Tom Thorsen.
All in favor. 4-0.

Bill Oliver made motion to classify this project (application #430-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 impact on the environment.

Seconded by Arnold Jensen. All in favor. 4-0.

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? No.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes.

Bill Oliver made motion to approve application #430-V. Seconded by Bob Walp.
All in favor. 4-0.

#431-V: All Brands Redemption Center, LLC is applying for an area variance, to decrease current conforming sideline setback distance to commercial two-story building from 16.1 ft. to 7.2 ft., where the required sideline setback is 15 ft. for the Hamlet zone, as part of a proposed boundary line adjustment. Property is located at 6393 State Route 9, identified by Tax Map Parcel #: 104.10-2-8, in Zone Classification Hamlet.

Arnold Jensen made motion to open hearing. Seconded by Bob Walp. All in favor. 4-0.

John Silvestri, representing the Brand's, posted a map of the proposed building. He stated he presented this to the planning board and they had 2 questions. They believe in addition to sideline setback variance they would need an area variance and due to the change in use from commercial to residential they may need another variance.

Arnold Jensen stated this hearing was only to discuss sideline setback variance as stated in application. It is his understanding that it is not substandard in size but would potentially impact the Brand's property value according to Town of Chester attorney.

Walt Tennyson agrees that it is adequate size for the lot.

Tom Thorsen said when he talked to the owner he did not really sound like he wanted to do this.

John Silvestri stated that it has been court ordered for him to do so due to pending litigation. It is an attempt to resolve a dispute between neighbors.

Arnold Jensen made motion to close hearing at 7:18PM.
Seconded by Tom Thorsen. All in favor. 4-0.

Bill Oliver made motion to classify this project (application #430-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 impact on the environment.

Seconded by Tom Thorsen. All in favor. 4-0.

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? No.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? No.

Tom Thorsen made motion to approve application #431-V. Seconded by Bob Walp. All in favor. 4-0.

#432-V: William T. and Deborah Yates & William and Gail Schmidt are requesting a 35 ft. shoreline setback variance and a 23.5 ft. frontline setback variance, in order to construct a single family dwelling, and are also requesting a 38 ft. sideline setback variance and 75.5 ft. frontline setback variance, in order to construct a garage, according to Section 4.03 of the Town of Chester Zoning Local Law. Property is located at 23 Glendale Rd. Extension, identified by Tax Map Parcel #: 36.3-2-13, in Zone Classification Moderate Intensity and Rural Use. Mary-Ellen E. Stockwell, Esq. will be present to represent the applicants.

Arnold Jensen made motion to open public hearing at 7:22PM. Seconded by Tom Thorsen All in favor. 4-0.

Mary Ellen Stockwell representing 4 parties involved. She said they want to demolish what is existing as it is a very old camp and construct a new single family dwelling that is winterized. They plan on retiring there in a couple of years. She stated the letter from the APA dated Feb 2016 directed them to the town for appropriate variances. She has a proposed plot plan but no drawings of actual dwelling.

The board would like to see it as they generally do just to verify the exact size and location of dwelling. Walt Tennyson said that was not a requirement but would need to apply separately for the septic system.

Mary Ellen stated the garage was moving back which is more in compliance than before.

Tom Thorsen and Arnold Jensen both agree as long as the new dwelling stays within the setbacks it should not be an issue. Even though deck extend out further they are still 115 ft back.

Arnold Jensen also feels that it is a substantial variance but not inconsistent with what is there.

No neighbors present to discuss and no letters received from any.

Dwelling will not be visible to any neighbors.

Bill Oliver made motion to close hearing at 7:38PM. Seconded by Tom Thorsen.
All in favor. 4-0.

Bill Oliver made motion to classify this project (application #430-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 impact on the environment.

Seconded by Tom Thorsen. All in favor. 4-0.

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? No.

Tom Thorsen made motion to approve application #432-V. Seconded by Bob walp.
All in favor. 4-0.

CORRESPONDENCE: Zoning Administrator and Sanitary Code Enforcement Officers
Activity report for May 2016.

NEW BUSINESS: None.

OLD BUSINESS: None.

MINUTES:

Tom Thorsen made motion to approve minutes from May 24, 2016 meeting. Seconded by Bill Oliver. All in favor. 4-0.

PUBLIC PRIVILEGE: None.

BOARD PRIVILEGE: None.

ADJOURNMENT:

Bill Oliver made motion to close meeting. Seconded by Bob Walp. All in favor. 4-0.

Respectfully submitted,

Brandi Bessette
Secretary
Zoning Board of Appeals