



**MINUTES OF MEETING  
ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
MARCH 22, 2016**

The meeting was called to order by Mary Jane Dower at 7:01 p.m.

**ATTENDANCE:**

Acting Chairperson Mary Jane Dower, Arnold Jensen, Bill Oliver, John MacMillen, Tom Thorsen and Walter J. Tennyson (Zoning Administrator).

Also in attendance (audience) was Bob Walp (Alternate) and Supervisor Craig Leggett (7:20PM).

**PUBLIC HEARING:**

**#425-V – David House is requesting multiple sign variances, according to Section 7:04: Signs of the Town of Chester Zoning Local Law, in order to erect nine (9) signs for a Rite Aid retail store. Property is located at 6272 State Route 9, identified by Tax Map Parcel #: 104.14-1-39, in Zone Classification Hamlet.**

Mary Jane Dower reviewed letter from Warren County Planning Dept and the letter read as follows. “The issues here appear to be of a local nature involving local issues without any significant impacts on County properties or resources. Staff recommends no county impact based on the information submitted according to the suggested review criteria of NYS General Municipal Law Section 239 L applied to proposed project.”

Dave House presented each drawing referring to each of the 9 sign variances needed for the Rite Aid expansion. All drawings reviewed by board members.

Arnold Jensen pointed out that the expansion is an improvement to existing structure.

There was no public comments.

Motion made to close hearing by Arnold Jensen at 7:12pm and was seconded by John MacMillen. All in favor. 5-0.

Bill Oliver made motion to classify this project (application # 425-V) as a Type II action which does not require further review under SEQRA and to declare negative declaration due to the project having no significant impact on the environment. Seconded by Tom Thorsen. All in favor. 5-0.

Area Variance Criteria-

1. Can benefit be achieved by other means? No. It is a requirement of the Rite Aid store.

2. Is it a detriment to nearby properties or an undesirable change in the neighborhood? No.
3. Is the request substantial? Yes.
4. Physical or environmental effects to neighborhood? No.
5. Is difficulty self-created? Yes. John MacMillen points out they want to expand so yes it is self-created.

John MacMillen and Bob Walp discussed the Zoning Law Section 7.04(C)(2)(c) but decided that referred to such things as a mall or The Town Of Chester building for example where there is one sign out front but it lists all businesses within building.

Motion made by John MacMillen (7:23pm) to grant variance application 425-V which is as follows.

Section 7.04 (C)(2)(b):

- Variance from maximum number of 2 business signs allowed on premises, total of 8 business signs proposed (excluding “Clearance” sign)
- No single sign shall exceed 24 sf. Rite Aid sign with shield measures 31.25 sf; therefore two (2) 7.25sf variance required since there are two Rite Aid signs with shield.
- Total sf. Of 8 business signs-108.9 sf. proposed where 48 sf. is required (60.9 sf. variance required)

Section 7.04 (E) (1):

- Variance from no interiorly illuminated sign shall be allowed (one variance request to cover all 8 business signs).

Section 7.04 (E)(6):

- No luminous sign shall be erected or maintained having a sign area greater than 15 square feet. Two (2) Rite Aid signs with shield measures 31.25 sf. each illuminated where 15 sf. is required (Two (2) 16.25 sf. variance required).
- There are a total of 9 signs, including the “Clearance” sign. For two signs, the total sign area shall not exceed (60) square feet. Total sf. of 9 signs equals 111.91 sf. where 60 sf. maximum allowed (51.91 sf. variance required).

Seconded by Tom Thorsen. All in favor. 5-0.

Motion made by John MacMillen to close public hearing at 7:27PM, Seconded by Mary Jane Dower. All in favor. 5-0.

**CORRESPONDENCE:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**MINUTES:**

Mary Jane requested amendment to minutes for September 22, 2015 meeting. Please note that it was Dan Smith representing neighbor Ron Stevens that had asked to have shed moved back so a variance would be obsolete, not Walter Tennyson.

Mary Jane Dower also requested amendments to the minutes for February 23, 2016 meeting.

- Tom Thorsen is a member and no longer an alternate to the board and as of Jan 14 Chairperson John Grady had resigned so was not absent.
- Please note that the town board member was Karen DuRose.
- Please note the name is Fred Holman not Fred Homer and he received a notice he needed a variance approval not that it had to be removed.

Motion made to approve minutes as they have been amended for Sept 22, 2015 and February 23, 2016 meetings by Arnold Jensen, Seconded by Mary Jane Dower. All in favor. 5-0.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:** None.

Town Supervisor Craig Leggett mentioned that the Town Board has approved 3 people to go to the classes in Lake Placid in April as each board member is required to take 4 credits per calendar year as a ZBA requirement.

**ADJOURNMENT:**

Motion made by Bill Oliver to close meeting (7:35pm), Seconded by Arnold Jensen. All in favor. 5-0.

Respectfully submitted,

Brandi Bessette  
Secretary  
Zoning Board of Appeals