



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
March 22, 2022**

Chairwoman Barbara Kearney called the meeting to order at 7:02pm.

ATTENDANCE:

Chairwoman Barbara Kearney, Vice-Chair Micheal Hough, Bryan Bilfield (Alternate), Allisa Blanchard (Recording Secretary & Zoning Assistant), and Jeremy J. Little (Zoning Administrator) (Via Zoom). Absent was Jack Bartlett (Board Secretary).

Bryan Bilfield sat on the Board in the absence of Mary Clark.

Chairwoman 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:

#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.

Not Present

#510-V: James and Maribeth Batsford are requesting a 39.7 ft. front yard setback, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to demolish an existing 12' x 22' deck and construct a new addition to an existing single-family dwelling. Addition will consist of a 16' x 36' bedroom/sunroom, 8' x 26' hallway and 16'-6" x 24'-5" open deck with steps. Property is located at 268 Perry Road, identified by Tax Map Parcel #: 51.-1-26.1, in Zoning District Rural Use. ****PUBLIC HEARING remained opened from 02/22/2022 ZBA Meeting.****

Jim Batsford recused himself at 7:05pm and left the room.

Brett Winchip of Winchip Engineering was present representing the applicants. Brett Winchip stated that the proposed addition is because if the addition was put on other parts of their home, it would block off the basement egress access and bilco doors would need to be installed and the addition cannot be put on the front of the house as it would be too close to the road.

Barbara Kearney asked Mr. Winchips professional opinion regarding the location of the addition. Mr. Winchip stated that based on the design and information provided by the applicant he feels that the addition is being placed on the proper location.

Brian Bilfield asked about the crawl space on the design. Mr. Winchip stated about design and structural changes that would need to be made.

The Public Hearing was reconvened at 7:15pm

Don Stadler, a neighboring property owner spoke stated that he gave his support for the project.

A motion by Barbara Kearney, Seconded by Brian Bilfield to close the Public Hearing at 7:16pm. A Roll Call Vote was called by Secretary Blanchard-

AYES: Kearney, Hough, Bilfield
NAYES: NONE
ABSTAIN: Batsford
ABSENT: Clark and Greco

A motion was made by Brian Bilfield, Seconded by Michael Hough to introduce Resolution #510-V as follows-

TOWN OF CHESTER
ZONING BOARD OF APPEALS

RESOLUTION FOR VARIANCE APPLICATION #510-V

WHEREAS, James and Maribeth Batsford (the “Applicant(s)”) are proposing to demolish an existing 12’ x 22’ deck and construct a new addition to an existing single-family dwelling. Addition will consist of a 16’ x 36’ bedroom/sunroom, 8’ x 26’ hallway and 16’-6” x 24’-5” open deck with stepson property located at 268 Perry Road, identified by Tax Map Parcel Number 51.-1-26.1, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 39.7 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, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #510-V on February 22, 2022 and closed the public hearing on March 22, 2022; and,

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project; 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. The proposed addition is in-line with the existing single-family dwelling.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. The Board asked the authorized Agent to look into other options and he's given good reason why the addition cannot be constructed in the rear of the home.

3. The requested area variance is substantial. It is a large addition, but it does not negatively affect, and fits in with what he has and there is no other place to construct the addition.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, as it is a single-family home.

5. The alleged difficulty is self-created, as the project involves the construction of an addition.

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. There is no other place to construct the addition.

7. The benefit to the Applicant if the variance is granted would not 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.

Duly adopted this 22nd day of March, 2022 by the following vote:

AYES: Chairperson Barbara Kearney

Michael Hough

Bryan Bilfield

NOES: None.

ABSTAIN: James Batsford

ABSENT: Mary Clark

Victor Greco

Mr. Batsford rejoined the meeting and was reseated with the Board at 7:25pm.

#508-V: Kathi DeClerk, Robert Devlin, and Deborah Devlin are requesting a 49.7 ft. front yard setback variance from Woodcliff Acres Rd., 10.1 ft. front yard setback variance from Boulder Drive, and a 2.7 ft. side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to renovate the existing one-bedroom Single Family Dwelling with a loft (904 sq. ft. of living area) and construct a new addition to the existing single family dwelling. The addition will consist of a new bedroom with master bathroom, living room, laundry, and loft (to be used only as an office), 120 sq. ft. screened porch and 312 sq. ft. deck (Total 1,626 sq. ft. living area). Property is located at 38 Woodcliff Acres Road, identified by Tax Map Parcel #: 120.6-2-17, in Zoning District Moderate Intensity.

Deborah Devlin was present via Zoom. She stated that they had reduced the deck size to meet the setbacks, relocated staircase to side deck. Landscaping plan for privacy. Extended side yard to meet the setback requirements. Plans were redrawn due to the survey conducted by the

neighbor. Added landscaping for privacy.

The Public Hearing was resumed-

Cynthia Brown- Neighbor at 41 Woodcliff Acres Road stated that she sent in a letter. She stated that there were no previous surveys on the record. She appreciates the shrubbery as a buffer but would prefer more of a natural planting. She would like stakes put in by the engineer to ensure accuracy. Devlin's shed is 4.5 feet from their property line. She is concerned with drainage at all stages.

Erica Mitchell- Concerned with drainage to Woodcliff Acres

A motion was made by Jim Batsford, Seconded by Brian Bilfield to close the Public Hearing at 7:44pm. A Roll Call vote was called by Secretary Blanchard-

AYES: Kearney, Hough, Bilfield, Batsford

NAYES: NONE

ABSTAIN: NONE

ABSENT: Clark and Greco

Discussion ensued regarding approval of the application and conditions for approval.

A motion was made by Brian Bilfield, Seconded by Jim Batsford to introduce Resolution #508-V as follows-

TOWN OF CHESTER
ZONING BOARD OF APPEALS

RESOLUTION FOR VARIANCE APPLICATION #508-V

WHEREAS, Kathi DeClerk, Robert Devlin, and Deborah Devlin (the "Applicants") are proposing to renovate the existing one-bedroom single-family dwelling with a loft (904 sq. ft. of living area) and construct a new addition to the existing single-family dwelling. The addition will consist of a new bedroom with master bathroom, living room, laundry, and loft (to be used only as an office), screened porch and deck (Total 1,384 sq. ft. living area for proposed addition) on property located at 38 Woodcliff Acres Road, identified by Tax Map Parcel Number 120.6-2-17, in Zoning District Moderate Intensity (the "Project") and have applied to the Town of Chester Zoning Board of Appeals ("ZBA") for a 36.4 ft. front yard setback variance from Woodcliff Acres Rd. and a 14.4 ft. front yard setback variance from Boulder Drive 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 #508-V on November 23, 2021 and closed the public hearing on March 22, 2022; and,

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project; 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. This is a single-family home, in a single-family home development and it is an addition with the minimum variances.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. The minimum amount of variances requested and eliminated the side yard setback variance request, as initially requested. Due to the size of the lot, they are limited and there is an acceptable desire to construct the addition.

3. The requested area variances are substantial because of the size of the lot.

4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The single-family home matches other homes in the community, area and association.

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. The Applicant has modified the plans to request the minimum variance.

7. The benefit to the Applicant if the variances are granted would not outweigh the potential detriment to the health, safety and welfare of the neighborhood or community. This is a single-family home in a single-family development.

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

A. The loft cannot be a bedroom.

B. The landscaping should be a year-round buffer.

C. There is no rear driveway off of Boulder Drive per the plan.

Duly adopted this 22nd day of March, 2022 by the following vote:

AYES: Chairperson Barbara Kearney

James Batsford

Bryan Bilfield

Michael Hough

NOES: None.

ABSTAIN: None.

ABSENT: Mary Clark

Victor Greco

#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.

Not Present

MINUTES:

Mary Clark needs to be added to the February 2022 Minutes.

A motion was made by Jim Batsford, Seconded by Brian Bilfield to approve the February 22, 2022 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Blanchard-

AYES: Kearney, Hough, Bilfield

NAYES: NONE

ABSTAIN: Batsford

ABSENT: Clark and Greco

CORRESPONDENCE:

- Zoning Administrator's Activity Report for February 2022;
- Revised Site Plan and Architectural Renderings received from Deborah Devlin RE: Variance #508-V;
- Letter from Cindy Brown dated March 06, 2022 and received by the Zoning Office via e-mail on March 07, 2022 RE: Variance #508-V;
- Letter from Bret W. Winchip dated March 07, 2022 and received by the Zoning Office on March 07, 2022 RE: Variance #510-V, Examination of the loading of the existing roof structure and residential building code related issues for construction of addition on rear of existing dwelling;
- Letter from Randall Ryan dated March 21, 2022 and received by the Zoning Office on March 21, 2022 RE: Variance #510-V.

PUBLIC PRIVILEGE:

None

BOARD PRIVILEGE:

The next meeting will be April 27th (Wednesday) at 7pm.

ADJOURNMENT:

A motion was made by Barbara Kearney, seconded by Jim Batsford to adjourn the meeting at 8:08pm.

AYES: Kearney, Hough, Bilfield

NAYES: NONE

ABSTAIN: Batsford

ABSENT: Clark and Greco

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals

On the behalf of:

Alissa Blanchard
Zoning Assistant
Town of Chester