



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
March 23, 2021**

Chairman John MacMillen called the meeting to order at 7:00 p.m.

ATTENDANCE:

Chairman John MacMillen, Barbara Kearney (Via Zoom), Mary Clark, Michael Hough, Jack D. Bartlett (Secretary), Mark Schachner (Town Attorney) (Via Zoom), and Jeremy Little (Zoning Administrator) (Via Zoom). Absent was Arnold Jensen.

NEW BUSINESS AND PUBLIC HEARINGS:

#492-V: Francis J. and Shonna M. McTiernan are requesting a 4 ft. front yard setback variance, 110 ft. shoreline setback variance, 32 ft. left side yard setback variance and a 32 ft. right side yard setback variance, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to construct a 12' x 12' (14' x 14' including overhangs) lean-to structure. Property is located at South East Hudson River Drive, identified by Tax Map Parcel #: 102.14-1-13, in Zoning District Rural Use.

Francis & Shonna McTiernan were present at the meeting and explained their project of building an Adirondack Lean-To to help make fuller use of their property. They have owned the property for 17 years and feel that this would be a good fit for the property and should not affect the neighbors and will be right in line with the other camps in the area.

Michael Hough asked if this would be an open faced lean to structure and the applicant stated that it was. Mr. Hough also asked about the foundation and the applicant stated that it would be on blocks.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:09pm-

No comments were made during the Public Hearing

A motion to close the Public Hearing at 7:10pm by Michael Hough, Seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 4-0.

Chairman MacMillen stated that Warren County issued a notice of no County impact. He also stated that this was a Type II Action not subject to SEQR.

A Motion to Approve Variance #492-V by Michael Hough with the following 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 self-created.

The motion was seconded by Mary Clark. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 4-0.

OLD BUSINESS:

#A2021-01: Jill and William Broderick are requesting an appeal of the determination of the former Zoning Enforcement Officer, Thomas Thorsen, with regard to property located at 826 Atateka Drive, Tax Map Parcel #: 120.11-1-4, currently owned by Anthony F. and Linda T. Taverni.

Jill Broderick was present at the meeting as was Linda & Anthony Taverni (Via Zoom).

Chairman MacMillen stated that a Draft Decision was distributed to the Board this evening. A copy was e-mailed to Barbara Kearney and the Attorney for the Town by the Secretary.

Mark Schachner (Attorney for the Town) stated that he felt the Board has a “skeleton” of a decision that could use more “meat”. He is happy to review the decision from a legal standpoint; however, he reminded the Board that he would not write the decision for them.

Barbara Kearney stated that she would like more time to review the decision and come up with notes. The Attorney for the Town recommended the Board review over the next month and come up with thoughts for a more in depth discussion at the April 2021 Meeting.

Chairman MacMillen stated that Board Members should send the comments to the Attorney for the Town and the Chairman will come up with a Final Draft Decision for discussion in April.

Mark Schachner stated that he will not tell the Board how to decide.

Chairman MacMillen asked Mrs. Broderick if she would allow the Board to reach a decision on Day 63 following the closing of the Public Hearing. Mrs. Broderick verbally agreed; however, reminded the Board that as per the Open Meetings Law that the Board must be discussing any decisions at an Open Public Meeting.

A motion was made by Mary Clark, Seconded by Barbara Kearney to table #A2021-01 until the April 27, 2021 Meeting of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 4-0.

Mark Schachner stated that he would like to commend the Zoning Administrator for his hard work and knowledge.

MINUTES:

Michael Hough recommended the following proposed amendments to minutes of the February 23, 2021 ZBA meeting:

Page One:

Removal of the word “No” in the following sentence:

“A discussion ensued on the Engineering Report in regards to Storm Water Calculations in regards to the Association Engineer and no the applicants engineer took place.”

Page One:

Public Hearing for Valentine Park: Remained Open, should not have been stated that it was opened.

Secretary Bartlett stated that he would remove the following sentence on Page 1, as the public hearing remained open:

“Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:09pm-”

A motion was made by Michael Hough, Seconded by Barbara Kearney to approve the February 23, 2021 Minutes of the Zoning Board of Appeals with the amendments as presented. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 4-0.

CORRESPONDENCE:

- Zoning Administrator’s Activity Report for February 2021;
- Letter from Linda Taverni dated February 25, 2021 and received by the Zoning Office via e-mail on February 25, 2021 RE: Appeal 2021-01;
- Letter from Jill Broderick (recited at the 02/23/2021 ZBA Meeting and submitted to the ZBA Chairman) received by the Zoning Office via e-mail on February 25, 2021 RE: Appeal #2021-01;

- Letter from Tom Thorsen dated March 02, 2021 and received by the Zoning Office via e-mail on March 03, 2021 RE: Broderick/Taverni Hearing of February 23, 2021;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on March 17, 2021 for Variance #492-V. Form received by the Zoning Office on March 18, 2021.

PUBLIC PRIVILEGE: None

BOARD PRIVILEGE: None

ADJOURNMENT:

A motion was made by Barbara Kearney, seconded by Mary Clark to adjourn the meeting at 7:48pm. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, Ms. Kearney- Yes, the motion carried 4-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals