



**MINUTES OF MEETING  
TOWN OF CHESTER ZONING BOARD OF APPEALS  
Regular Meeting  
May 25, 2022**

Chairwoman Barbara Kearney called the meeting to order at 7:00pm.

**ATTENDANCE:**

Chairwoman Barbara Kearney, Vice Chairman Michael Hough, Jim Batsford, Mary Clark, Victor Greco, Bryan Bilfield (Alternate), Jack D. Bartlett (Secretary), and Jeremy J. Little (Zoning Administrator) (Via Zoom).

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.

**#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. **\*\*PUBLIC HEARING** remained opened from 12/28/2021 ZBA Meeting. **\*\***

Not Present.

**NEW BUSINESS:**

**#514-V:** Charles and Rosemary M. William are requesting a 26 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 16' deck addition to the existing single-family dwelling. Property is located at 6941 State Route 9, identified by Tax Map Parcel #: 85.12-1-6, in Zoning District Moderate Intensity.

Charles William was present at the meeting and presented the proposal to the Board.

A discussion took place regarding the design and layout.

The Applicant stated that the deck will not encroach on the driveway.

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:09pm.

No comments were made during the Public Hearing.

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

**AYES:** Kearney, Hough, Clark, Greco, Batsford

**NAYES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

The motion was carried 5-0.

A discussion took place regarding the comments received from the Warren County Planning Department.

Resolution was introduced by Jim Batsford and Seconded by Victor Greco:

**TOWN OF CHESTER  
ZONING BOARD OF APPEALS**

**RESOLUTION FOR VARIANCE APPLICATION #514-V**

**WHEREAS**, Charles and Rosemary M. William (the "Applicants") are proposing to construct a 12' x 16' deck addition to the existing single-family dwelling on property located at 6941 State Route 9, identified by Tax Map Parcel Number 85.12-1-6, in Zoning District Moderate Intensity (the "Project") and have applied to the Town of Chester Zoning

Board of Appeals (“ZBA”) for a 26 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**, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and,

**WHEREAS**, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #514-V on May 25, 2022 and closed the public hearing on May 25, 2022; 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.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is self-created.
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.
7. The benefit to the Applicant if the variance is granted would 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 25<sup>th</sup> day of May, 2022 by the following vote:

**AYES:** Chairperson Barbara Kearney

Michael Hough

James Batsford

Mary Clark

Victor Greco

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** None.

**#515-V:** Edward J. Fitzpatrick is requesting a 36.72 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 14' x 38' (including overhangs) screened porch addition to the existing single-family dwelling. Property is located at 443 Chester Shores View, identified by Tax Map Parcel #: 86.18-1-76, in Zoning District Moderate Intensity.

Janet Fitzpatrick was present at the meeting. She stated that they are looking to construct a screened in porch for their family. The original porch was 8' x 12'.

The comments received from the Warren County Planning Department were reviewed.

Michael Hough asked about the Short Environmental Form in which the Applicant marked that the porch will meet the New York State Energy Code. The Applicant stated that she has no plan on insulating the porch and may have marked the wrong box..

Having been duly advertised, Chairwoman Kearney opened the Public Hearing at 7:23pm.

No comments were made during the Public Hearing.

A motion was made by Victor Greco, seconded by Jim Batsford to close the Public Hearing at 7:24pm. A Roll Call Vote was called by Secretary Bartlett:

**AYES:** Kearney, Hough, Clark, Greco, Batsford

**NAYES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

The motion was carried 5-0.

Resolution was introduced by Victor Greco, Seconded by Jim Batsford:

**TOWN OF CHESTER**  
**ZONING BOARD OF APPEALS**

**RESOLUTION FOR VARIANCE APPLICATION #515-V**

**WHEREAS**, Edward J. Fitzpatrick (the “Applicant”) is proposing to construct a 14’ x 38’ (including overhangs) screened porch addition to the existing single-family dwelling on property located at 443 Chester Shores View, identified by Tax Map Parcel Number 86.18-1-76, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 36.72 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**, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and,

**WHEREAS**, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #515-V on May 25, 2022 and closed the public hearing on May 25, 2022; 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.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is self-created.
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.
7. The benefit to the Applicant if the variance is granted would 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 25<sup>th</sup> day of May, 2022 by the following vote:

AYES:                    Chairperson Barbara Kearney  
                                 Michael Hough  
                                 James Batsford  
                                 Mary Clark  
                                 Victor Greco

NOES:                    None.

ABSTAIN:                None.

ABSENT:                 None.

**MINUTES:**

A motion was made by Mary Clark, Seconded by Jim Batsford to approve the April 27, 2022 Minutes of the Zoning Board of Appeals. A Roll Call Vote was called by Secretary Bartlett-

**AYES:** Kearney, Hough, Clark, Greco, Batsford

**NAYES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

The motion was carried 5-0.

**CORRESPONDENCE:**

- Zoning Administrator's Activity Report for April 2022;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on May 16, 2022 for #514-V and #515-V. Forms received by the Zoning Office on May 17, 2022.

**PUBLIC PRIVILEGE:** None.

**BOARD PRIVILEGE:** None.

**ADJOURNMENT:**

A motion was made by Jim Batsford, seconded by Michael Hough to adjourn the meeting at 7:30pm.

**AYES:** Kearney, Hough, Clark, Greco, Batsford

**NAYES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

The motion was carried 5-0.

Respectfully submitted,

Jack D. Bartlett  
Secretary  
Zoning Board of Appeals