



**MINUTES OF MEETING  
ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
November 27, 2018**

The meeting was called to order by Chairman John MacMillen at 7:00PM.

**ATTENDANCE:**

John MacMillen, Arnold Jensen, Christine Hayes, Barbara Kearney, Michael Hough and Alternate Mary Clark

**NEW BUSINESS' AND PUBLIC HEARINGS:**

**#452-V:** Paul and Eileen Whitman requesting a 25' frontline setback variance per Section 4.03 Town of Chester Zoning Law to construct a single-family dwelling located at 625 Atateka Dr. Tax Map 120.19-115 Zone: Moderate Intensity.

Chris May, representing the applicants stated that the owners would like to demolish the old house and rebuild, the septic is being re-engineered and approved by the Town Board of Health at the November 13<sup>th</sup> meeting, has located the new house to be in compliance as much as possible, further from the lake and sidelines but closer to the front line of the property.

**Public Hearing was opened #452-V:** Michael Hough asked if the new house could be oriented differently on the lot. Chris May responded that the larger leach field for the new septic will take up much of the area. Arnold Jensen stated that the new home is an improvement as it sits further from the lake, would like to see the property plowed and staked out in order to properly visit the site. Chris May stated that the row of trees will be kept. Being no further comments or questions, Christine Hayes made a motion to close the public hearing, 2<sup>nd</sup> by Arnold Jensen, All Ayes.

Arnold Jensen made a motion to treat application #452-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 significant impact on the environment", 2<sup>nd</sup> by Barbara Kearney, All Ayes. Warren County Planning Board stated No County Impact.

The Board reviewed the Area Variance Criteria #452-V

1. Can benefit be achieved by other means feasible? No, the new home is being placed in the appropriate area to allow for the leach-field and driveway.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? The improved septic field and house being located further from the lake will be an improvement
3. Is the request substantial? Yes.

4. Physical or environmental effects to neighborhood? No as this is being located further from the lake
5. Is difficulty self-created? Yes

Arnold Jensen made motion to approve variance #452-V, based on the above discussion, 2<sup>nd</sup> by John MacMillen, All Ayes.

**#453-V:** Jeanne Hawkey and Robert Treiling requesting a 96.5' frontline setback variance and a 70' backline setback variance per Section 4.03 Town of Chester Zoning Law to construct an addition to existing camp with a roof extension and enclosure of existing deck located at 36 Pines Lakeside Rd. Tax Map 136.7-1-22 Zone: Rural Use.

Jeanne Hawkey stated that part of the existing deck on the front will be screened and part will be a 3-season room.

**Public Hearing was opened #453-V:** John MacMillen stated that a letter was received from the neighbor regarding the encroachment of a portion of the deck which also included a copy of the Boundary Line Agreement between the applicants and Helen Martin Baldwin.

Jeanne Hawkey stated that the owner had done a survey and 2' of the deck corner is located on the neighbor's property. Lengthy discussion ensued regarding the sketch and plans provided with the application. Jeanne Hawkey stated that the part of the deck that encroaches the neighbor's property will not be touched. John MacMillen stated that he feels that this board could not legally grant a variance on someone else's property. Christine Hayes stated that this would be a negative variance. Barbara Kearney stated that she would like to see an "as built" drawing and a proper sketch. John MacMillen suggested that the applicant go back to the architect and get a more accurate plot plan showing proper dimension. The board clarified with the applicant what should be submitted for the next meeting: 1) That the existing portion of the deck be removed to match the agreement in the deed 2) A drawing showing the existing addition and the proposed addition and 3) measurements on the plot plan matching the architect's renderings, further indicating to the applicant that a survey be completed as a condition of approval by this board.

**Being no further comments or questions, Christine Hayes made a motion to keep the public hearing open until the requested information is submitted to the Zoning Administrator, and once submitted, this application will be put back on the agenda, 2<sup>nd</sup> by Barbara Kearney. All Ayes.**

**#454-V:** Little Big House LLC requesting a 5' backline setback variance and an 8' frontline setback variance per Section 4.03 Town of Chester Zoning Law to construct a handicap ramp and front porch addition to an existing structure located at 6240 State Route 9 Tax Map 104.14-1-31.12 Zone: Hamlet.

Mark Carpenter, owner stated that the new porch will be no closer to Route 9 than the old porch, and the handicap ramp gives a second egress to the building, the new porch will have a roof over it to protect from the elements, is safer and has better curb appeal. The new porch

will be 8' out of compliance, the new porch is 9'6" wide 4'6" deep and 1' roof overhand for a total of 11'6" wide with the steps 2' beyond the roof for a total of 13'6", 7' wider than the old porch be no closer to Route 9. The handicap ramp requires a 25' setback, there is no room to add a ramp without a variance and chose the rear access as, any commercial building requires a 2<sup>nd</sup> means of egress and this is the only feasible option on the property.

**Public Hearing was opened #454-V:** Arnold Jensen stated that this change make sense, and this is an improvement to the property, a commercial building needs to be accessible by wheelchairs or the building could not be used. John MacMillen agreed that this building would not be a house, must be a commercial building. Barbara Kearney confirmed with the applicant regarding the total dimensions of the front porch. Being no further comments or questions, Christine Hayes made a motion to close the public hearing, 2<sup>nd</sup> by Arnold Jensen, All Ayes

Arnold Jensen made a motion to treat application #454-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 significant impact on the environment", 2<sup>nd</sup> by Christine Hayes, All Ayes. Warren County Planning Board stated No County Impact.

The Board reviewed the Area Variance Criteria #454-V

1. Can benefit be achieved by other means feasible? No, the commercial building is required to have a 2<sup>nd</sup> egress and handicap access and this design is the most feasible to the property.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No, this is an improvement to the neighborhood.
3. Is the request substantial? No, the front porch or going no closer to Route 9 and the back-setback variance is 5'.
4. Physical or environmental effects to neighborhood? None
5. Is difficulty self-created? No

**Michael Hough made motion to approve variance #454-V**, based on the above discussion, 2<sup>nd</sup> by Arnold Jensen, All Ayes.

**John MacMillen recused himself from Application #455-V and sat in the audience, Arnold Jensen presided over application and Mary Clark, Alternate, took a seat on the Board.**

**#455-V:** Kevin and Susan Roach requesting a 46' frontline setback variance per Section 4.03 Town of Chester Zoning Law to construct a 22' x 32' detached garage located a 63 Jones Rd. Tax Map 86.10-1-22 Zone; Moderate Intensity.

Bret Winchip, Engineer, representing the applicants stated that the applicants want to build a garage with rear storage on a double lot in the subdivision near the existing home. A Septic variance is being sought from the Board of Health and if approved the garage will have a 2<sup>nd</sup> story containing a bedroom and bathroom. If the septic variance is not approved, then the 2<sup>nd</sup> story will be storage only.

**Public Hearing was opened #455-V:** Bret Winchip continued to state that there is no other area on the property to put a garage as it can't go closer to the home, due to fire separation requirements. Christine Hayes confirmed that if the septic variance is approved that this would be just a bedroom and bathroom and no kitchen. Barbara Kearney asked about the cost of the fire separation. Bret Winchip answered that the cost for fire separation is expensive. Discussion ensued regarding moving the garage 2' closer to the house. Michael Hough stated that moving the garage 2' closer to the house would not reduce the frontline setback variance request. Christine Hayes stated that this not an oversized garage 20' x 30' Bret Winchip stated that this is a one-car garage and the back is storage. John MacMillen stated that an email was received from a neighbor Mary Rohde with no objections to the variance request. Being no further comments or questions, Christine Hayes made a motion to close the public hearing, 2nd by Barbara Kearney. All Ayes.

Arnold Jensen made a motion to treat application #455-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 significant impact on the environment", 2<sup>nd</sup> by Barbara Kearney, All Ayes. Warren County Planning Board stated No County Impact.

The Board reviewed the Area Variance Criteria #455-V

1. Can benefit be achieved by other means feasible? No, moving the garage closer to the house will not reduce the need for a frontline setback variance, no other place to build a garage on this property.
2. Is it a detriment to nearby properties or an undesirable change in neighborhood? No, this is a small one car garage.
3. Is the request substantial? Yes.
4. Physical or environmental effects to neighborhood? None
5. Is difficulty self-created? Yes

**Barbara Kearney made motion to approve variance #455-V**, based on the above discussion, with the condition that if Winchip Engineering P.C. has septic variance approved by the Local Board of Health, the garage is approved to have living quarters (bedroom and a bathroom) on the second floor. If septic variance is denied by the Local Board of Health, the second floor will be used for storage, 2<sup>nd</sup> by Michael Hough, All Ayes.

**John MacMillen returned to the Board as Chairperson.**

### **OLD BUSINESS:**

**#448-V:** CK Franchise Mgmt. Corp; Application was tabled, Public Hearing is continued until further information is submitted.

**#449-V:** James Crandall; Application was tabled, Public Hearing is continued until further information is submitted.

**MINUTES:**

**October 2018:** Christine Hayes made motion to approve the October 23, 2018 minutes. 2<sup>nd</sup> by Arnold Jensen. All Ayes.

**August 2018:** Revisions were submitted to the board. Arnold Jensen made a motion to approve the revised August 28, 2018 minutes as presented, 2<sup>nd</sup> by Christine Hayes. All Ayes.

**CORRESPONDENCE:** Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for October 2018; "Save-The-Date" for the 2019 Adirondack Park Local Government Day Conference on April 3 and 4, 2019; E-mail from Michael Stalker dated November 16, 2018 re: #453-V, Parcel #: 136.7-1-22 with 6 attachments; E-mail from Mary Rohde dated November 26, 2018 re: #455-V.

**PUBLIC PRIVILEGE:** None

**BOARD PRIVILEGE:** None

**ADJOURNMENT:** Arnold Jensen made motion to adjourn the Town of Chester ZBA meeting, 2<sup>nd</sup> by Michael Hough, All Ayes.

Respectfully submitted,

Christine Hayes, Acting Secretary  
Town of Chester Zoning Board of Appeals