



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
October 22, 2019**

The meeting was called to order by Chairman MacMillen at 7:03pm

A motion was made by Christine Hayes, Seconded by Barbara Kearney to appoint Mindy Conway as Acting Secretary in the absence of Jack D. Bartlett, Secretary for the October 22, 2019 meeting. With all Board Members in favor, non-opposed, the motion was carried 5-0.

Chairman MacMillen introduced himself and welcome the public to the meeting. The Chairman also explained the rules for the meeting which included everyone would get a chance to speak and their opinions would be heard. He reminded the public that shouting and talking over each other of any kind would not be tolerated.

ATTENDANCE:

Chairman John MacMillen, Barbara Kearney, Michael Hough, Christine Hayes, Mary Clark (Alternate), Mindy Conway (Town Clerk/Recording Secretary) and Jeremy J. Little (Zoning Administrator). Absent were Arnold Jensen, and Jack D. Bartlett (Secretary).

OLD BUSINESS:

#448-V: CK Franchise Mgmt. Corp. (Kevin Wickert) is requesting an area variance for a 10 ft. extension attached to an existing dock that currently extends 40 ft. offshore where 40 ft. is required, according to Section 7.03(B)(4) of the Town of Chester Zoning Local Law. Property is located at 9 Woodside Ln., identified by Tax Map Parcel # 86.15-1-41, in Zone Classification Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. Kevin Wickert of CK Franchise Mgmt. Corp. represented himself at the meeting. Mr. Wickert explained the history of the dock in question and the fact that CK Franchise is a company that he owns, however, the property is a vacation home that is his personal property. Mr. Wickert spoke with his neighbors and wants to work with them to find a solution that works for everyone. He spent the time since the September 2019 meeting to come up with a feasible alternative. Currently looking for a 4 foot extension of the dock instead of a 10 foot extension. Feels that this a better solution for him and his neighbors. Chairman MacMillen asked if this was surveyed, and Mr. Wickert stated that these were his drawings. The Board discussed if they had asked for a survey at the prior meeting. Mr. Wickert stated that this has been ongoing since the October 2018 Meeting, and with the dock being out of the water and the APA Investigation, he has not had a survey completed. Christine Hayes asked why

the dock does not going straight out and seems to curve straight out. Mr. Wickert explained the locations of boulders in the lake that are preventing him from being able to do this. The Board discussed alternatives for the dock. Mr. Wickert has alternatives that he would still like to discuss with Mrs. Sliva. Michael Hough asked what the alternatives were that he had wanted to discuss. Mr. Wickert discussed the alternatives that had had come up with. The Board discussed that Mr. Wickert's boat cannot extend past the property line, in which the Board does not feel that it does. Chairman MacMillen clarified that Mr. Wickert is now requesting a 4 foot variance instead of a 10 foot variance. Chairman MacMillen attempted to open a Public Hearing, however, on a posed question by Christine Hayes to Zoning Administrator Little, it was stated that the Public Hearing could not be reopened so no additional Public Hearing was held.

Chairman MacMillen stated that he felt that Mr. Wickert brought a reasonable alternative for a variance. He also stated that a contingency of approval would be that all of the property owners must sign off on the variance. Mr. Wickert asked for clarification on this. Chairman MacMillen stated that this precedence was set in a previous variance and under the advice of the Town Attorney, the applicant must get every property owner that has a right to the beach must sign off on the variance.

A motion was made by Michael Hough, Seconded by Barbara Kearney to approve #448-V: CK Franchise Mgmt. Corp. (Kevin Wickert) is requesting an area variance for a 4 ft. extension attached to an existing dock that currently extends 40 ft. offshore where 40 ft. is required, according to Section 7.03(B)(4) of the Town of Chester Zoning Local Law. Property is located at 9 Woodside Ln., identified by Tax Map Parcel # 86.15-1-41, in Zone Classification Moderate Intensity. This motion is contingent on the following provisions- applicant resubmitting a drawing for the 4 foot extension, an amended application, and receiving permission from the property owners with rights to the beach. As part of his motion, the Board reviewed the Criteria for approving a variance-

- 1.) There was no undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant, because this plan for the variance is in fact the alternative.
- 3.) The requested variance is not substantial because it is only 4 feet.
- 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.

With all members of the Board in favor, non-opposed, the motion was carried 5-0.

NEW BUSINESS:

#470-V: James M. Crandall is requesting a 9 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to place a 12' x 12' storage shed. Property is located at 64 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-51, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. James Crandall presented his request for a variance. The history of the project dated back to 2008 was presented and stated that after the construction of the shed that he went to the Town and County and found that the overhang was too close to his neighbor; however, his neighbor has no issues. Chairman MacMillen asked if he had needed a permit for the construction or just that it was too close to the property line. Zoning Administrator Little stated that it was just too close to the property line. A discussion took place on the construction of the 12x12 Storage Shed.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 7:33pm-

Dawn Freleigh of 68 Clarkson Road stated that it is a nice shed and that it is truly not bothering anyone.

A motion was made by Christine Hayes, Seconded by Mary Clark to close the Public Hearing at 7:34pm. With all Board Members in favor, non-opposed, the motion was carried 5-0.

A motion was made by Mary Clark, Seconded by Christine Hayes to approve #470-V: James M. Crandall is requesting a 9 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to place a 12' x 12' storage shed. Property is located at 64 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-51, in Zoning District Moderate Intensity. As part of her motion, Ms. Clark reviewed the criteria to approve a variance-

- 1.) There was no undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant, the shed has already been built.
- 3.) The requested variance is not 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.

With all Board Members in favor, non-opposed, the motion was carried 5-0.

#471-V: Gary Gisonda is requesting a 5 ft. front yard setback variance and a 6 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an 8' x 9' front porch addition and 8' x 20' front porch addition to an existing single family dwelling. Property is located at 3 Elk Glade Rd., identified by Tax Map Parcel #: 120.6-2-26, in Zoning District Moderate Intensity

Chairman MacMillen read the Variance Information to the Board. Gary Gisonda presented the variance and stated that he is trying to make the front of the property to make it look no so ugly and give it a new look. He also stated that Zoning Administrator Little has been very helpful. The Board discussed the changes to the property that the applicant wanted to make.

Having been duly advertised, the Public Hearing was opened at 7:40pm-

No comments were made during the Public Hearing.

A motion to close the Public Hearing at 7:41pm by Christine Hayes, Seconded by Mary Clark. With all Board Members in favor, non-opposed, the motion was carried 5-0.

A motion was made by Barbara Kearney, Seconded by Christine Hayes to approve #471-V: Gary Gisonda is requesting a 5 ft. front yard setback variance and a 6 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct an 8' x 9' front porch addition and 8' x 20' front porch addition to an existing single family dwelling. Property is located at 3 Elk Glade Rd., identified by Tax Map Parcel #: 120.6-2-26, in Zoning District Moderate Intensity. As part of her motion, Ms. Kearney reviewed the criteria for approving a variance-

- 1.) There was no undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties.
- 2.) There is no feasible alternative to the variance that can provide a benefit if sought by the applicant.
- 3.) The requested variance is not 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.

With all Board Members in favor, non-opposed, the motion was carried 5-0.

MINUTES:

A motion was made by Michael Hough, Seconded by Barbara Kearney to approve the September 24, 2019 Minutes of the Zoning Board of Appeals. Board Members MacMillen, Clark, Kearney, and Hough in favor, Board Member Hayes abstained, and non-opposed. The motion was carried 4-0.

CORRESPONDENCES:

The Zoning Board of Appeals received the following Correspondences-

- Zoning Administrator's Activity Report for September 2019.
- Letter from Louis and Valerie Koehler dated October 03, 2019 and received by the Zoning Office on October 03, 2019 with attachments (drawings, measurements and supporting photos).
- Letter from Dorothy Hallenbeck signed October 03, 2019 and received by the Zoning Office on October 07, 2019 RE: #470-V.

PUBLIC PRIVILEGE:

There was no business conducted during Public Privilege.

BOARD PRIVILEGE:

December 2019 Meeting is scheduled to take place on December 24th, the Board would like to hold the meeting on December 17th with the deadline being November 28th. A motion to approve the meeting date change by Christine Hayes, Seconded by Mary Clark. With all Board Members in favor, non-opposed, the motion was carried 5-0.

ADJOURNMENT:

A motion was made by Michael Hough, Seconded by Christine Hayes to adjourn the meeting at 7:45pm. All Board members present in favor, non-opposed, the motion was carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals