



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
OCTOBER 23, 2018**

The meeting was called to order by Chairman MacMillen at 7:00 p.m.

ATTENDANCE:

Chairperson John MacMillen, Arnold Jensen, Christine Hayes, Barbara Kearney, Michael Hough, Jeremy J. Little (Zoning Administrator). Absent was Mary Clark (Alternate).

NEW BUSINESS AND PUBLIC HEARINGS:

Having been duly advertised, the public hearing for Application **#448-V** was opened by Chairman MacMillen at 7:00 p.m.

#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.

Mr. Wickert who is representing himself stated that he is requesting a 10 ft. extension onto a shared existing dock. Mr. Wickert stated that he shares the dock with Mr. Koehler and Mr. Murray. Mr. Wickert said that the Woodside Lane Beach is at capacity and there is no room for him to have his own personal dock. Mr. Wickert stated that the dock right now is approximately 200 square feet. If the dock is shorter, it will only serve one boat.

John MacMillen asked if he obtained a permit for the extension. Mr. Wickert said he did not know because it was put in by the Marina. He also said that the new dock was replacing an old dock. John MacMillen wanted to see a plot plan. Mr. Wickert said he did not have one.

Arnold Jensen said that the Board could not guarantee approval and also asked why he needed this variance. Mr. Jensen also questioned what was in his deed in regards to beach/boating rights. He asked how big all of the boats were that were going to use the dock. Mr. Wickert replied with the following measurements: his boat was 19 ft., Mr. Koehler's was 18 ft. and Mr. Murray's was 16 ft.

Mr. Jensen also requested a copy of a survey which he did not have. All Board members were in agreement that Mr. Wickert would have to come back and that they would leave the public hearing opened.

Chairman MacMillen read two letters in opposition to the Wickert Variance, one from Sue Sliva and one from Elaine Schwartz.

Sue Sliva presented the Board with photos of the dock and explained how the dock goes directly into their swim area. She also mentioned that she had filed a complaint. She also stated that Mr. Murray has renters that drive their boats through her swim area. She stated that Mr. Wickert has misinformed everybody and that the dock was illegal. She also stated that Mr. Murray's renters had no consideration of the rules.

Jill Broderick asked a question about ownership of the beach and referred to the Indian Springs Variance that had previously been applied for. Doug Murray stated that he may have a survey. As far as the terms of usage, he has previously had renters that had power boats but will no longer allow renters to bring boats. Mr. Jensen stated that the dock actually was replaced around 2015.

Chairman MacMillen stated that the public hearing will stay open. Sue Sliva questioned the type Variance this was and Mr. MacMillen replied an Area Variance. Mr. Jensen requested that all future information in regard to this Variance is sent to all the property owners involved.

Christine Hayes made a motion to keep the public hearing open until further information has been received from the applicant concerning Variance Application **#448-V** at 7:40 p.m.; motion seconded by Mr. Jensen. Motion carried 5-0.

#449-V: James M. Crandall is requesting a 20 ft. backline setback variance and 2.5 ft. right sideline setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 16' x 16' storage shed. Property is located at 64 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-51, in Zone Classification Moderate Intensity.

Having been duly advertised, the public hearing for Application **#449-V** was opened by Chairman MacMillen at 7:45p.m.

Mr. Crandall representing himself is requesting a 20 ft. backline setback variance and 2.5 ft. right sideline setback variance to build a 16' x 16' storage shed to store items from his home that he is selling in Massena. He stated that he has owned the property since 1953 pre-zoning. He also stated that he was under the impression that none of his neighbors had a problem. Mr. Crandall explained that where he has placed the shed is the only spot that he has to put it that would not interfere with his picnic tables and camp fire there would also be no need to remove other trees. The shed would be painted brown with a brown metal roof. Arnold Jensen stated that he had visited the property and strongly felt that there were alternate places to build a storage shed.

Chairman MacMillen who also visited the property stated that he felt the same way and that perhaps the other location would not require a variance. Mr. Crandall disagreed. There was a complaint brought up at the meeting over the accumulation of junk that is on the property now and putting up another building would only add to the already existing problem. Mr. Crandall said that a lot of the stuff belonged to family members and not him and they were suppose to get rid of it.

Chairman MacMillen suggested he get an engineer and also advised that their job was to see if there is a viable alternative and the Board seems to agree. Barb Kearney suggested he get a spray can and mark it out or change size.

Chairman MacMillen stated that the public hearing will stay open. Motion made by Christine Hayes seconded by Barbara Kearney. Motion carried 5-0.

#451-V: Carol S. Becker Irrev. Trust is seeking an area variance for the installation of a 4 ft. wide dock (plus potential for boat(s) on each side) that will consume more than one-half of the shoreline, as required by Section 7.03(B)(7) of the Town of Chester Zoning Local Law. Property is located at Atateka Dr., identified by Tax Map Parcel #: 120.15-1-14, in Zone Classification Moderate Intensity.

Having been duly advertised, the public hearing for Application **#451-V** was opened by Chairman MacMillen at 8:25 p.m.

Mr. Jay Becker and his wife Carol representing themselves are seeking variance to put a dock on a piece of property that they are selling on Atateka Drive. He stated that he owns the adjoining property and that the house he is selling is across the road and comes with a 25ft piece of lakefront. His concern is that without being able to put a dock on property it would be difficult to sell. Peter Heonis questioned the size of the lake frontage because he owns the beach to the south of Beckers.

Arnold Jensen suggested that the Beckers put the dock on their property line and allow one boat. The board is in agreement to allow a 3ft wide dock and allow one boat.

Christine Hayes makes a motion to close the public hearing at 8:35 p.m.; Arnold Jensen seconded the motion. Motion carried 5-0.

Chairman MacMillen stated that the proposal is a Type II action. Chairman MacMillen and the Board answered questions in Part II: Impact Assessment of the Short Environmental Assessment Form and answered all questions with "No, or small impact may occur".

Christine Hayes made a motion to declare a negative declaration and that the Chairman sign the box and the form; motion seconded by Barbara Kearney. Motion carried 5-0.

Arnold Jensen went through the Area Variance Criteria for the proposal:

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance: No.
- 2.) Whether the benefit sought by the applicant can be achieved by some method feasible to the applicant to pursue other than an area variance: No.
- 3.) Whether the requested area variance is substantial: No.
- 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: No.
- 5.) Whether the alleged difficulty was self-created: Yes.

Arnold Jensen made a motion that the Board approves Variance **#451-V** to allow a 3 ft. wide dock be built on the property (TM #: 120.15-1-14) and that there be a stipulation that the dock be on the Northerly side of the property and only one boat can be docked on the Southerly side of the dock; motion seconded by Christine Hayes. Motion carried 5-0.

OLD BUSINESS: None.

MINUTES:

Christine Hayes requested a change in the August 2018 minutes because of errors. Chairman MacMillen makes a motion to table the August 2018 minutes pending attorney review. Christine Hayes seconded the motion. Motion carried 5-0.

CORRESPONDENCE:

Zoning Administrator and Sanitary Code Enforcement Officer's Activity Report for August and September 2018; Town of Chester Master Plan; Letter to Zoning Board of Appeals from Zoning Enforcement Officer dated October 09, 2018 re: Taverni accessory structure and associated stop work order.

BOARD PRIVILEGE:

ADJOURNMENT:

Chairman MacMillen made a motion to adjourn. Barb Kearney seconded the motion. Motion carried 5-0.

Respectfully submitted,

Marion Eagan
Acting Secretary
Zoning Board of Appeals