



**MINUTES OF MEETING
TOWN OF CHESTER ZONING BOARD OF APPEALS
Regular Meeting
Tuesday, October 27, 2020**

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), and Jeremy Little (Zoning Administrator). Absent was Arnold Jensen.

OLD BUSINESS AND PUBLIC HEARINGS:

#481-V: Anthony F. and Linda T. Taverni are requesting a 13'-9" side yard setback variance and 10' rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace a storage shed that was demolished pursuant to issued permits with a structure of same size (232 sf. ±) in existing footprint. Property is located at 826 Atateka Dr., identified by Tax Map Parcel #: 120.11-1-4, in Zoning District Moderate Intensity. ****PUBLIC HEARING remained open from 07/28/2020 Meeting.****

The applicant requested that this application be tabled until the November 2020 Meeting.

#485-V: Mary and Terry Carmel are requesting a 92 ft. front yard setback variance and a 70 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace an existing 8' x 19' deck with a 9' x 30' screened in porch and construct a 7' x 15' open deck to existing single family dwelling. Property is located at 34 Pines Lakeside Rd., identified by Tax Map Parcel #: 136.7-1-21, in Zoning District Rural Use.

Chairman MacMillen read the Variance Request. Ray Carmel was present at the meeting and stated that he had supplied the Board with the licensed survey and drawings as they had requested. He also stated that based on the drawings that the applicants were meeting fire code.

Mr. Hough asked the applicant to demonstrate on the survey the changes made to meet the fire code. Ms. Kearney asked about steps to the porch. The applicant stated that there were existing steps on the deck and there would be a step down from the porch to the screened in porch. Chairman MacMillen stated that based on the drawings that the applicant would only be one foot further than they are now on the property. The applicant agreed with the statement of the Chairman. Mr. Hough asked if the applicant would be crowding the roadway and the applicant responded that it was correct that they would not be crowding the roadway. Chairman

MacMillen clarified for the record that the roadway could not be used for long term parking in which the applicants responded that the statement was correct. Chairman MacMillen stated that he does not see an infringement on the driveway. Ms. Clark stated that she agreed with the statement. Mr. Hough asked about the maintenance of the driveway and if it was plowed during the winter. The applicant stated that the roadway was not plowed and it was maintained by the association.

Having been duly advertised, the Public Hearing was opened at 7:08pm by Chairman MacMillen-

Jeanne Hawkey (Via Zoom)- Ms. Hawkey stated that the driveway does not belong to the association, it belongs to the three houses that it surrounds. She is concerned with access to the driveway based on the proposed request for a variance. Ms. Hawkey also stated that she is concerned with the Building & Fire Code between the building. Chairman MacMillen stated that there would need to be five feet from the property line and the Carmel's would meet this requirement. Ms. Hawkey also stated she is concerned with footage for Emergency Vehicle access. Chairman MacMillen stated that there is no requirements and that this roadway is already pre-existing. The Board agreed based on the photos provided that the driveway is at least 10 feet wide and it is even shown on the survey.

A motion to close the Public Hearing at 7:16pm by Mary Clark, Seconded by Barbara Kearney. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, and Ms. Kearney- Yes. The motion was carried 4-0.

A Motion to Approve Variance #485-V by Michael Hough granting a 94 foot front yard setback variance and a 69 foot 9 inch rear yard setback variance in order to replace an existing 8' x 19' deck with a 9'-6" x 27'-6" screened-in porch and construction of a 7' x 15' open deck to existing single family dwelling 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, Mr. Hough- Yes, Ms. Clark- Yes, and Ms. Kearney- Yes. The motion was carried 4-0.

NEW BUSINESS:

#486-V: Richard M. and Noelle E. McCrum are requesting a 44 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 15' enclosed structure attached to an existing covered walkway. Property is located at 47 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-59, in Zoning District Moderate Intensity. Chairman MacMillen read the Variance Request. Richard McCrum was present at the meeting and explained his request for a variance. Mr. Hough asked if he was taking down a structure and rebuilding it, the applicant stated that he was redesigning the pitch of roof. Chairman MacMillen asked if he would be attaching it to the building. The applicant stated that he planned to bring it to the roof. Chairman MacMillen stated that this may require a Warren County Building Permit and an Engineer signing off on it. Mr. Hough asked if this project was planned to be completed this year. The applicant stated that he would like to have it completed before snowfall comes. He further stated that he was originally going to just put another shed on the property but felt that this design would look better. Ms. Kearney stated that she agrees with referring to Warren County and also stated that the applicant may want to begin there and then come back to the Zoning Board of Appeals.

Having been duly advertised, the Public Hearing was opened at 7:36pm by Chairman MacMillen-

The applicant stated that he will get in touch with Warren County and then return to the Board with a plan.

A motion was made by Mary Clark, Seconded by Barb Kearney at to Table #486-V. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, and Ms. Kearney- Yes. The motion was carried 4-0.

#487-V: Brett and Kara Butenhoff are requesting an 8.4 ft. side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, for the placement of an 8.7 ft. x 4.2 ft. storage shed. Property is located at 3 Vista View Dr., identified by Tax Map Parcel #: 69.17-1-25, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance request. McCallion Butenhoff was present at the meeting and asked if the Board had any questions. Mr. Hough asked if they were moving the shed around the corner. The applicant stated that they picked a location for minimal need for a variance. Chairman MacMillen stated that he believes they are cleaning up the property.

Having been duly advertised, the Public Hearing was opened at 7:41pm by Chairman MacMillen-

No comments were made during the Public Hearing

A motion was made by Barb Kearney, seconded by Michael Hough to close the Public Hearing at 7:42pm. A Roll Call Vote was called by Secretary Bartlett-

Chairman MacMillen- Yes, Mr. Hough- Yes, Ms. Clark- Yes, and Ms. Kearney- Yes. The motion was carried 4-0.

A Motion to approve Variance #487-V by Barb Kearney 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, Mr. Hough- Yes, Ms. Clark- Yes, and Ms. Kearney- Yes. The motion was carried 4-0.

MINUTES:

A motion to approve the minutes of the September 22, 2020 Meeting of the Zoning Board of Appeals was made by Mary Clark, Seconded by Michael Hough. A Roll Call Vote was called by Secretary Bartlett- Chairman MacMillen- Yes, Ms. Clark- Yes, Mr. Hough- Yes, and Ms. Kearney- Yes. The motion carried 4-0.

CORRESPONDENCE:

- Zoning Administrator's Activity Report for September 2020;
- Map of a Boundary Survey "Lands Now or Formerly of Mary and Terry Carmel" dated October 09, 2020 RE: Variance #485-V;
- Revised Short Environmental Assessment Form (EAF), Revised Page 6 of 9 of the Variance Application, and Revised Page 2 and 3 of the Application for Zoning Permit, RE: Variance #485-V.
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on October 15, 2020 for #487-V. Form received by the Zoning Office on October 19, 2020.

PUBLIC PRIVILEGE: None

BOARD PRIVILEGE:

Mr. Hough stated that he believed that the Route 8 Shed that was approved this summer was too close to the road. The Zoning Administrator stated that he had checked and measured and the applicant had built correct.

ADJOURNMENT:

A motion was made by Mary Clark, seconded by Michael Hough 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, and Ms. Kearney- Yes. The motion carried 4-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals