



**MINUTES OF MEETING
ZONING BOARD OF APPEALS
TOWN OF CHESTER
September 24, 2019**

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

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:

Chairperson John MacMillen, Barbara Kearney, Michael Hough, Arnold Jensen, Mary Clark (Alternate), Jack D. Bartlett (Secretary) and Jeremy J. Little (Zoning Administrator).

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. The Public Hearing remains open from the October 2018 Meeting of the Zoning Board of Appeals. Kevin Wickert of CK Franchise Mgmt. Corp. represented himself at the meeting. Mr. Wickert explained the Boards request from the previous year's meeting and how the dock came out of the water and a surveyor was found over the winter. An APA Review of the property had been completed. A question from Mr. Wickert regarding the 10 foot setback request. Mr. Jensen explained the normal process for determining the dock code. Chairman MacMillen agreed with Mr. Jensen's interpretation of the code. Chairman MacMillen asked Mr. Wickert to give his original presentation from October 2018 so members of the Board and public that may not have been present at that meeting could be given all of the information on his request for this variance. Lou Koehler of 28 Kingsley Lane gave the presentation on the variance and some history on the dock. Mr. Koehler verbally responded during his presentation to some of the concerns and complaints presented in the letter from Susan & Tom Sliva. Mr. Jensen stated that he had some concerns with where the property line extends. Mr. Hough asked why a surveyor was not used. A discussion took place regarding the time that the dock had been in the water and how this was never an issue prior to this request for a variance. Mr. Jensen requested a confirmation with a drawing. Chairman MacMillen asked if we were only here in regards

to the requested expansion. Zoning Administrator Little responded that that was correct. Mr. Jensen asked if there were any alternatives. Chairman MacMillen asked if a company like Dock Doctors has been consulted to see if alternatives to their plan could be come up with. Ms. Kearney asked what the distance was between the docks. A discussion took place regarding the distance. The Board and Mr. Koehler discussed moving the dock as an alternative. Mr. Hough asked about a docking system for everyone on the lot. Mr. Koehler responded that they have tried to speak with their neighbors in regards to this and there are 14 people against this. Mr. Jensen spoke about compelling their neighbors. Chairman MacMillen recommends that Mr. Wickert have this tabled and come back with a plan of alternatives to make the Board feel more comfortable about approving this variance. The Board also requests a survey of the property. Prior to the opening of the Public Hearing, Mr. Jensen expressed that he does have a relationship with the Sliva's and did consider recusing himself, however, he said he would have voted the same way either way.

Having been duly advertised, Chairman MacMillen reopened the Public Hearing at 7:45pm-

Sue Sliva spoke in regards to her objection of this variance request being approved by the Board. Mrs. Sliva stated that she has written three letters and feels that granting this variance would create a true safety issue. She stated that she has no objections to the current dock, however, feels that the extension and the fact that there is a notarized agreement between the three parties using the dock that renters and the added docks crossing their swim area will cause a major concern for all swimmers in their swimming area. Mrs. Sliva stated that she objects to the extension and feel it will cause problems and that there are feasible alternatives to the request.

Thomas Sliva stated that the dock that is currently in the water is not the same dock from 2009 that the Town permitted.

Lou Koehler stated that the new dock in the water is the modern design. He also spoke in regards to the presented safety issue by Mrs. Sliva and feels that the boats would need to cross an area of weeds to get to the dock and that no one is swimming in that area anyways.

Wade Johnston stated that he objects to the variance and also feels that it is a safety issue and requests that the Board request a full survey of the property.

A motion was made by Barbara Kearney, Seconded by Arnold Jensen to close the Public Hearing at 7:55pm. All Board Members present in favor, non-opposed, the motion was carried 5-0.

Chairman MacMillen stated that a solution is needed for this variance. Mr. Jensen stated that a marker of the location is needed to show exactly where the property line is and see if the docked vessel is actually on the correct property. A discussion took place in regards to the objections presented by Mrs. Sliva. Mr. Koehler presented the Board with the notarized agreement to share a dock. Chairman MacMillen stated that he would like to see where the dock is moved to and is also concerned with the safety of the swimmers. He would like to also see a setback due to the distance between and feels that just because adjustments are being made that this no guarantee for approval of the variance. Ms. Kearney asked about the dimensions of beach frontage. Mr. Hough stated that

he would rather that the applicants infringe on their own swim area rather than a neighbors swim area. Mr. Jensen would like to see the applicants find an alternative. Mrs. Sliva stated that she would like the Variance application voted down. Chairman MacMillen explained the process. Mr. Koehler stated that the applicants would come back with a revised plan if that is what the Board would like. Zoning Administrator Little informed the Board that because they closed the Public Hearing, a decision needs to be made within 62 days.

#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.

Chairman MacMillen read the Variance Information to the Board and informed that the Application has been withdrew.

NEW BUSINESS:

#467-V: James and Meg Casey are requesting a 32 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 21' open car port addition to the existing single family dwelling. Property is located at 65 Clarkson Rd., identified by Tax Map Parcel #: 86.19-1-65, in Zoning District Moderate Intensity.

Chairman MacMillen read the Variance Information to the Board. Bruce Mowery representing the Casey's presented the Variance request to the Board. Mr. Jensen asked for clarification on the Open Car Port. Mr. Mowery responded that they were doing a covering over the current driveway to protect from the weather. Mr. Hough clarified that it would be covering the existing driveway, hidden from the road, and that he had no objections.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 8:33pm-

Dawn and Robert Freligh stated that they were neighbors of the Casey's and that they have no objections to the Variance Request.

With no further business before the Public Hearing, a motion was made by Arnold Jensen, Seconded by Mary Clark to close the Public Hearing at 8:34pm. With all Board Members in favor, non-opposed, the motion was carried 5-0.

A motion was made by Arnold Jensen, Seconded by Barbara Kearney to approve # 467-V: James and Meg Casey requesting a 32 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 21' open car port addition to the existing single family dwelling. Property is located at 65 Clarkson Rd, identified by Tax Map Parcel #: 86.19-1-65, in Zoning District Moderate Intensity. As part of his motion, Mr. Jensen reviewed the Criteria for approving a Variance-

The Board agreed that there would be no undesirable change produced in character of the neighborhood or a detriment to nearby properties, as the car port addition can hardly be seen and is covering the existing driveway.

The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant, as the car port addition would be covering an automobile and is the only driveway they have.

The Board agreed that the requested variance is substantial, but has no bearing on the neighborhood.

The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.

The Board agreed that the alleged difficulty is self-created.

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

#468-V: St. Isaac Jogues Church is requesting a 25 ft. front yard setback variance from Church St. and a 7.7 ft. front yard setback variance from Riverside Dr., according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace existing concrete steps/landing on the same footprint. Property is located at 6 Church St., identified by Tax Map Parcel #: 104.10-7-1, in Zoning District Hamlet.

Chairman MacMillen read the Variance Information to the Board. Present for the Variance was John Pelletier, Father John, and Brett Winchip of Winchip Engineering. Mr. Winchip presented on behalf of the Church and spoke about how the steps are crumbling and need to be repaired and a sidewalk needed to be added to the end at the same footprint.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 8:40pm-

Karen DuRose stated that she feels that the requested Variance should be approved.

With no further business before the Public Hearing, a motion was made by Barbara Kearney, Seconded by Michael Hough to close the Public Hearing at 8:40pm. With all Board Members in favor, non-opposed, the motion was carried 5-0.

A motion was made by Mary Clark, Seconded by Barbara Kearney to approve # 468-V: St. Issac Jogues Church is requesting a 25 ft. front yard setback variance from Church St. and a 7.7 ft. front yard setback variance from Riverside Dr., according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace existing concrete steps/landing on the same footprint. Property is located at 6 Church St, identified by Tax Map Parcel #: 104.10-7-1, in Zoning District Hamlet. As part of her motion, Ms. Clark reviewed the criteria for approving a variance-

The Board agreed that there would be no undesirable change produced in character of the neighborhood or a detriment to nearby properties.

The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant.

The Board agreed that the requested variance is substantial.

The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.

The Board agreed that the alleged difficulty is not self-created, as it is not the Church's fault the concrete deteriorated.

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

#469-V: Carla and Doyle Ross are requesting a 127.8 ft. front yard setback variance and a 39.3 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace an existing manufactured home with a new manufactured home. Property is located at 507 Rock Ave., identified by Tax Map Parcel #: 122.-1-36, in Zoning District Resource Management.

Chairman MacMillen read the Variance to the Board. Carla and Doyle Davis were present and explained that they would be placing a new manufactured home on the same footprint as their existing manufactured home. The old additions that had been placed on their previous manufactured home will be eliminated as well.

Having been duly advertised, Chairman MacMillen opened the Public Hearing at 8:44pm-

No Comments were made during the Public Hearing.

A motion to close the Public Hearing by Arnold Jensen, Seconded by Mary Clark. With all in favor, non-opposed, the motion was carried and the Public Hearing was closed at 8:44pm.

A motion by Barbara Kearney, Seconded by Michael Hough to approve #469-V, Carla and Doyle Ross requesting a 127.8 ft. front yard setback variance and a 39.3 ft. rear yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace an existing manufactured home with a new manufactured home. Property is located at 507 Rock Ave., identified by Tax Map Parcel #: 122.-1-36, in Zoning District Resource Management. As part of her motion, Ms. Kearney reviewed the Criteria for Approving a Variance-

The Board agreed that there would be no undesirable change produced in character of the neighborhood or a detriment to nearby properties.

The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant.

The Board agreed that the requested variance is substantial.

The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.

The Board agreed that the alleged difficulty is not self-created.

MINUTES:

A motion was made by Arnold Jensen, Seconded by Mary Clark to approve the August 27, 2019 Minutes of the Zoning Board of Appeals. All Board members present in favor, non-opposed, the motion was carried 5-0.

CORRESPONDENCES:

The Zoning Board of Appeals received the following Correspondences-

- Zoning Administrator's Activity Report for August 2019.
- Letter from the Adirondack Park Agency (APA) dated August 29, 2019 and received by the Zoning Office on August 29, 2019 RE: Potential Violation: Dock installation involving wetlands on TM #: 86.15-1-41.
- "Plan of a Proposed Dock Location for Kevin Wickert" dated 12/04/2018 (RE: Variance #448-V). Letter from Susan and Thomas Sliva dated September 16, 2019 and received by the Zoning Office on September 16, 2019 (RE: Variance #448-V).
- Photograph from Susan and Thomas Sliva received by the Zoning Office on September 16, 2019 (RE: Variance #448- V).
- Letter from "Rebuilding Together" dated September 16, 2019 and received by the Zoning Office on September 17, 2019 (RE: #469-V).
- Letter from Wade Johnston dated September 17, 2019 and received by the Zoning Office on September 18, 2019 (RE: Variance #448-V).
- Letter from Douglas Murray dated September 18, 2018 and received by the Zoning Office on September 23, 2019 (RE: Variance #448-V).

PUBLIC PRIVILEGE:

There was no business conducted during Public Privilege.

BOARD PRIVILEGE:

A discussion took place regarding Susan Sliva's request to table meeting if a member of the public could not be present at the meeting. Zoning Administrator Little reminded the Board that they must make a decision within 62 Days of closing the Public Hearing. A discussion took place regarding having the Town Attorney at the next meeting of the Board.

ADJOURNMENT:

A motion was made by Arnold Jensen, Seconded by Barbara Kearney to adjourn the meeting at 8:57pm. All Board members present in favor, non-opposed, the motion was carried 5-0.

Respectfully submitted,

Jack D. Bartlett
Secretary
Zoning Board of Appeals