

ZONING BOARD ~ TOWN OF CHESTER

MINUTES OF MEETING ~ FEBRUARY 24, 2009

ATTENDANCE: Ken Marcheselli, Mary Jane Dower, John Grady, Elizabeth Morris, Arnold Jensen, Bill Oliver, John MacMillen and Secretary Pat Smith. Also in attendance was Zoning Administrator Walt Tennyson. Absent was Sam Sewall.

CORRESPONDENCE: Minutes of January 27th, 2009 Zoning Board of Appeals meeting; Minutes of January 26th, 2009 Planning Board meeting, and Zoning Administrator's Activity Report for January 2009.

MINUTES: On a motion by Mr. Grady, seconded by Mrs. Dower, the Minutes of the January 27th meeting were accepted, as presented. Motion carried 3/0.

{Note: applicant was a few minutes late, therefore Public Hearing did not open at 6:00 p.m.}

BOARD DISCUSSION: Chairman Marcheselli held a brief discussion regarding the meeting held with the Adirondack Park Agency over new Agency regulations that had been adopted on December 31st, 2008. He mentioned the 5 areas of regulatory revisions, in particular the last one, regarding the expansion of non-conforming shoreline structures. He talked about the differences between towns with Agency approved zoning, and those without it, and how they treated these shoreline expansions. Basically, the Town of Chester only reviews the projects that bring a pre-existing, non-conforming structure closer to the water. Otherwise, the Zoning Administrator is able to issue a Zoning Certificate for lateral construction, construction to the rear, or additions in height up to 39 feet, unless such construction exceeds 25% of the overall square footage of a dwelling which would make it subject to Site Plan Review by the Planning Board. Discussion continued about bringing our current Zoning Local Law into closer relationship with the Park Agency's regulations. Chairman Marcheselli asked that the Board think about this matter, and perhaps suggestions can be made to the Town Board with regard to an amendment to that portion of the Zoning Local Law dealing with this issue.

PUBLIC HEARING: Having been re-advertised, the public hearing was opened at 6:30 p.m. in the matter of application #384-V for Peter Fitzgerald seeking a road frontage variance for a shoreline access lot in a future proposed subdivision of property located at 809 Atateka Drive, Tax map parcel #120.11-1-1.1.

Applicant was represented by Matt Steves of VanDusen & Steves. Initially, there were six lots being proposed for a future subdivision, needing a variance for Lot # 3 in that proposal for required road frontage of 200 feet. There had been discussion at the January 27th meeting with regard to reconfiguration in order to bring the proposed building lots into compliance. Applicant now shows the large horseshoe shaped lot as lot #1, (which actually is the total lot that is proposed for subdivision of 5.90 +/- acres, and being the tax map number identified above). In the last proposal, proposed lot #1

was broken into lots #1 and #2, with lot #1 containing the existing barn at 0.94+/- acres, and lot #2 containing the existing house and 2.59+/- acres. The remainder of the 5.90 acres was to consist of a 1.46+/- acre lot (# 3) needing the road frontage variance (having only 151.63 feet), and a shoreline access lot with 20 feet of road frontage and an area of 0.85 feet.

In the new proposal, lot #1 consists of 3.53 acres, and horseshoes around existing parcel # 120.11-1-41, also owned by the Fitzgerald's (mother's house). Lot # 3 in the original proposal was done away with, and the road frontage of the pre-existing northerly lot was increased to 200 feet, leaving a shoreline access lot increased in size from the last proposal of 0.85 +/- acres with 20 feet of frontage, to 1.61 +/- acres and 133 feet of road frontage. The 3 proposed lots across the road have not changed.

Therefore, a variance is being requested for the proposed shoreline access lot area for 66.36 feet of road frontage. Discussion ensued regarding this parcel. Overall, the proposed reconfiguration was a big improvement, and Mr. Steves stated that the applicant wanted to be in compliance for any proposed building lots. (Only the pre-existing northerly lot is proposed for construction of a dwelling at this time). The shoreline access lot would be by access easement only, and not land that would be owned in common.

Discussion from the public involved a question over any boat launching that might have to be done at the common area located below lot #1, and thought that some kind of agreement should be reached with those having deeded ROW there before this project continued. The road leading to this launch is narrow and the proposed access lot is steep and rocky, with no good area for a boat launch at this time. Mr. Steves stated that applicant had already considered this, and stated that he did not want to over impact the existing narrow road leading to the existing launch. At this time Chairman Marcheselli stated that this board was only examining the request for a variance, and issues involving the subdivision would be reviewed with the Planning Board. Mr. Steves concurred that all of this information would be presented with the Subdivision application.

Following discussion, the public hearing was closed at 6:55 p.m. on a motion by Mr. Grady, seconded by Mrs. Dower. Motion carried 5/0.

Board continued their review and their findings are as follows:

1. Whether benefit can be achieved by other means feasible to applicant, the Board finds that applicant has met their objective with the least possible impact to the neighborhood and the environment.
2. No undesirable change will take place in the character of the neighborhood.
3. Request is substantial at 66.36 feet, but the lot that the variance is for is a non-buildable lot.
4. The request will not have any adverse physical or environmental effect.

5. The alleged difficulty is self-created, however, any alternatives would also be. The general consensus is that any request for a variance is self-created.

Discussion continued, with the board seeking to impose a condition that this access lot could never be used as a building lot.

In conclusion, the Board of Appeals, on a motion by Mr. Jensen, seconded by Mrs. Dower, grants a 66.36 foot variance for road frontage on a proposed shoreline access lot, located at 809 Atateka Drive, tax map parcel #120.11-1-1.1, with the condition that it be forever restricted as a non-buildable lot, and that any subsequent deed and mapping would so state. Motion carried 5/0.

No further discussion. On a motion by Mrs. Dower, seconded by Mr. Jensen, meeting adjourned at 7:10 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary