

TOWN OF CHESTER ~ ZONING BOARD OF APPEALS

MINUTES OF FEBRUARY 22, 2011

ATTENDANCE: Ken Marcheselli, John MacMillen, John Grady, Mary Jane Dower, Arnold Jensen, Alternate, Bill Oliver, and Secretary, Pat Smith. Zoning Administrator Walt Tennyson was also in attendance.

MINUTES: On a motion by Mr. Grady, seconded by Mrs. Dower, the Minutes of the January 25th, 2011 meeting were accepted, as presented. Motion carried 5/0.

CORRESPONDENCE: ZBA Minutes of January 25th meeting; Planning Board Minutes of January 24th; and Zoning Office Activity for January 2011.

Chairman Marcheselli called the meeting to order at 6:00 p.m. Having been duly advertised, the public hearings were then opened.

#398-V ~ John & JoAnn Nick. Applicant proposes building a garage that cannot meet the roadside setback on property located at 53 East Shore Drive, Tax parcel #69.18-1-17, a Moderate Intensity Land Use Area. Proposed garage will be 25' x 25' in size, and will be located 42' from East Shore Drive. Applicant is concerned that moving the building closer to the Lake will begin to obstruct neighbors view. There is a shed on the parcel that will be torn down once the garage is constructed. Applicant had submitted a map that did not accurately show the existing structures on the parcel, as the house and shed had been relocated further from the lake than was portrayed. Plans for the garage indicate that a dormer area will be constructed overhead, and applicant explained that it was designed to match the house, and the overhead area will be used for storage, and, possibly, woodworking tools. Distances between the dwelling and the garage, septic and well, etc., were not indicated on the map. Following brief discussion, and in the interest of clarity, motion was made by Mr. Jensen to hold the public hearing open until the March 22nd meeting, in order for a reconfigured plot plan to be submitted and reviewed. Motion was seconded by Mr. MacMillen, and carried 5/0.

#399-V ~ Orson Richards. Applicant was represented by Engineer, Bret Winchip. Applicant is owner of property located at 65 Marina Road, tax parcel #86.13-1-1, a Moderate Intensity Land Use Area. Applicant wants to tear down the existing dwelling on the property and construct a new one. At present, the cottage on site encroaches on the APA required 50 ft. shoreline setback. Plans are to demolish the existing 944 square foot structure, and erect a new 1,278 square foot camp to be located beyond the required 50 foot shoreline setback, but closer to Marina Road by 6' 5" than the existing camp. Additionally, a new enhanced treatment wastewater system will be installed. The current building pre-exists zoning, having been constructed circa 1945, and the current front and rear yard zoning setbacks substantially cover the entire lot. Existing septic is an unknown system, and has not been disturbed due to proximity to the lake, and being suspected as a possible 55 gallon drum. The proposed road side setback would be 22' 6", requiring a 27' 6" variance. A letter had been received from Mr. Leroy

Layton, a neighbor, offering no objection to the project.

Following discussion, the public hearing was closed at 6:30 p.m. The board then found as follows:

1. Benefit cannot be achieved by other means feasible to the applicant, due to the size and configuration of the lot;
2. There will be no undesirable change in the neighborhood character or to any nearby properties;
3. The request is not substantial in relation to the existing conditions;
4. The project will not have any adverse physical or environmental effects;
5. The project could be considered self created just by virtue of the fact that it is taking place.

The board therefore grants a 27 ft. 6 inch area variance, finding that the proposed project is a vast improvement to the existing condition.

ADJOURNMENT: There being no further discussion, on a motion by Mrs. Dower, seconded by Mr. MacMillen, the meeting adjourned at 6:45 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary