

TOWN OF CHESTER ZONING BOARD OF APPEALS

MINUTES OF MEETING ~ APRIL 22, 2008

ATTENDANCE: Ken Marcheselli, Elizabeth Morris, Mary Jane Dower, and Secretary Pat Smith. Also in attendance was Zoning Administrator Walt Tennyson. Absent were Sam Sewall and Elwood Findholt.

CORRESPONDENCE: Zoning Administrator's Activity report for March, 2008, and letters re: Palermo/Leggett proposed docking system from: Ronald Rice, Wayne & Sally Baxter, Patricia & Christopher Probasco, Kay Cerrina, Keith & Bonnie Ellis, Thomas Gagnon, Thomas McGorty, Sandra Corsetti, Elaine Gangeri, Kathleen O'Connor, Thomas Lauro, Gary & Cassandra Sanders, Ann & John Coberg, Jane Devaney, Roger Murphy, Roxy & Ed Griesmen, Jim & Nancy Redeker, Arthur & Elizabeth Gangeri, the Fryers, the Hagens, the Shepards, Donald & Marie Mancini, Mary & William Tierney, Susan Roach, Carol & William Charping, Mary Rohde, Sandra Fajans, Joan & William Fitzsimons, Stefanie DiLallo Bitter, Alice & George Holmes, Terry & Faye Thomas, Mary Ann Walker, George & Kathy Greenwood, Robert & Elaine Lewis, Bob Bigansky, Robert & Dawn Freligh, Joseph & Roberta Holmes, Jean Vetter, Claire Ziamandanis, Fredric & Kristine Mikeska, Peter & Jean Appow, Nick & Jackie Avignon, Karl Stewart, Vincent O'Connor, Shirley Betts, Bradley & Maria Bloss, Robert Quinn, Billy & Jan Gilleland, Dr. & Mrs. Harold Chaskey, Maureen & Bill Thoma, Kathryn Arbuckle, Lucille Pohlman, 23 members of the Blythewood Island Association, Paul & Janet Haberstock, Henry & Colleen Clark, Curtis Scoons, Thomas & Barbara Gilmore, Clare Mayberry, Alexandra & Peter Koppen, Philip & Cynthia Smith, Deborah Mudge, Richard Scoons, Kate & Gary Pritchard, Douglass Harvey, Eugene & Marie Olafsen, Anthony & Penelope Atkiss, Ralph Smith, Gerald & Joanne Loftus, John & Caroline LaFleche, John & Margo Storey, Nancy Noel, Jerry & Sandi Vallone, Catherine Sherwood, Glen Vogel, Shepard & Laura Peck, Leonard Emig, Amy & Steven Mahoney, Chris & Tracy Holaday, Cash & Joan Jones, Matthew McTamane, Wayne & Laura Lane, Susan Emig, Sandra & Jack Terwilliger, Edward & Sylvia Young, Margaret Silane, Keith Ellis, Tom & Mary Kinslow, Bob & Amelia McTamane, Amy & Steven Mahoney, Nancy & James Fregoe, Nancy Walter, Don Sr., Don Jr., Marie, Janet, Joseph, Toni & Juliann Mancini, Paul Tenan, Ken & Jeannette Mortensen, and Catherine McTamane.

MINUTES: On a motion by Mrs. Dower, seconded by Mrs. Morris, the Minutes of the January 22nd, 2008 meeting were accepted, as presented. Motion carried 3/0.

OLD BUSINESS: #A-16 ~ Appeal by Jill & William Broderick. In view of the fact that this party currently has a matter pending before the Supreme Court with resulting information that could be helpful in this case, Chairman Marcheselli made a motion to continue to table this appeal until the May 20th meeting. Motion was seconded by Mrs. Dower, and carried 3/0.

Having been duly advertised, Chairman Marcheselli opened the public hearings at 6:03 p.m.

#381-V ~ John & Linda Hales proposed garage. Applicants are owners of an undeveloped property on Jones Road, a Moderate Intensity Land Use area, measuring 50 feet wide by 250 feet in length. They propose installation of a 24 foot by 30 foot garage on a foundation with overhead storage loft, which will result in an overhang on finished building for a total of 26 feet by 32 feet. Sideline setbacks, according to Section 4.03 of the Town of Chester Zoning Local Law, requires 15 feet on either side, and a 60 foot setback is required from the front lot line. Applicant desires a four foot variance on either side of the garage and requests that the front of the building be no closer to the road than the neighbor's house, which is allowed under the ordinance. Following discussion and review, the board finds that in order for applicant to enjoy reasonable use of the land, a pre-existing lot, no undesirable change will be made in the character of the neighborhood or to nearby properties, project will not have any adverse physical or environmental effects, is not substantial and benefit cannot be achieved by other means feasible to the applicant. On a motion by Mrs. Dower, approval was given for application #381-V, as a pre-existing lot, for a four foot variance on either side of the garage, as applicant cannot meet the sidelines on an undersized lot, and structure cannot be closer to the road than the neighbor's dwelling, at 35 feet from the front lot line. Motion was seconded by Mrs. Morris, and carried 3/0. Application will be forwarded to the Park Agency for their review and applicant may not begin construction until such review is accomplished and approved.

Appeal #A-17 ~ Continuation of public hearing, and determination of appeal by June Maxam. Ms. Maxam is appealing a determination of the Zoning Administrator with regard to sign location and related issues on property of Charles Redmond, 6229 State Route 9, tax map #104.14-1-44.31. Ms. Maxam was not in attendance. Chairman Marcheselli made a motion to close the public, giving the board 62 days to make a decision regarding this appeal. Motion was seconded by Mrs. Dower, and carried 3/0. Determination will be made at the May meeting which is scheduled for the 20th (the 3rd Tuesday, due to Grievance Day falling on the 4th Tuesday, with grievances being heard in the meeting room), at 6:00 p.m.

#380-V ~ Palermo & Leggett Family LLC proposed docking systems on Loon Lake. Attorney Dan Smith was in attendance to represent the applicant. Two shoreline lots, tax map Parcel #86.9-1-12 and #86.9-1-28, both in Moderate Intensity Land Use area. Proposal is for : 0.87+/- acre parcel with 134 feet along the shoreline, a 16 slip system. Currently there are 4 docks that would easily support 8 boats. Second parcel is 0.53+/- acres, 294.42 feet of lake frontage with 8 existing docks, easily supporting 16 boats. Proposal is for 34 boat spaces. Both proposals would honor the Zoning Local Law requirement for a designated boat area versus a designated swimming area, but would protrude too far into the lake. Parking spaces were also being proposed on both common areas. There are 47 lots within the existing subdivision known as Lake View Point, and there is currently no Homeowner's Association in place. Since the project was published for notice, the zoning board has received over 90 letters, with only one being a proponent of the project. Attorney Smith had been provided with copies of

each letter, and announced that applicant wished to withdraw his application and plan a reconfiguration that would meet the requirements for docks in the Zoning Local Law,

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perhaps returning for a variance in order to increase the size of the proposed walkways.

A very lively discussion ensued, and Chairman Marcheselli called for order, then read the current Zoning Local Law with regard to docking. Loon Lake residents in attendance wanted to express concerns, but since the application had been withdrawn, the board no longer had jurisdiction over the project. At this point, Chairman Marcheselli made a motion to accept the withdrawal of application #380-V, and stated that applicant will reapply should additional square footage of the walkways be required. Motion was seconded by Mrs. Dower, and carried 3/0.

ADJOURNMENT: On a motion by Mrs. Morris, seconded by Mrs. Dower, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary

NEXT MEETING WILL BE HELD ON MAY 20TH AT 6:00 P.M.