

ZONING BOARD OF APPEALS ~ TOWN OF CHESTER

WARREN COUNTY ~ NEW YORK

MINUTES OF MEETING ~ JANUARY 27, 2009

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

The meeting was called to order at 6:00 p.m. by Vice Chairperson, Mary Jane Dower.

MINUTES: On a motion by Mr. Grady, seconded by Mr. Jensen, the Minutes of the October 28th, 2008 meeting were accepted, as presented. Motion carried 3/0.

CORRESPONDENCE: Zoning Board Minutes of October 28th, 2008; Planning Board Minutes of October 20th, Special meeting of November 3rd, and regular meeting of November 17th, 2008; Zoning Administrator's Activity Reports of Oct., Nov., and Dec. 2008; Article from Association of Towns Publication; and E-Mail correspondence from former FLPOA President, Mary VanLeuven, with regard to Variance application #384-V.

PUBLIC HEARING: Chairperson Dower opened the public hearing at 6:02 p.m. for application #384-V ~ Peter Fitzgerald seeking a 49 foot road frontage variance in a Moderate Intensity Land Use Area requiring 200 feet of road frontage, in order to create a subdivision parcel on property located at 809 Atateka Drive, tax map parcel #120.11-1-1.1.

Matt Steves, of VanDusen & Steves, Land Surveyors, was representing applicant in this project. He explained that the Fitzgerald family wanted to create residential lots for the family members, consisting of siblings and a niece, and were seeking a variance from road frontage requirements on Lot #3, a lake front lot in the proposed subdivision. Applicants also own additional property of 100 or so acres on the opposite site of Atateka Drive where they will eventually be subdividing, but will have enough required road frontage for the 3 lots they intend to create there. The most northerly lot on the west side of Atateka is already in existence, having 162 feet of road frontage. Applicant proposes breaking off the existing house parcel into a 2 1/2 +/- acre parcel, the parcel with the barn into a 1 +/- acre parcel, with no lake frontage, and they want to create a common area for those parcels not fronting on the water, but limited to family only. The common area that they are proposing is an area that they have congregated on and used for many years, and they do not wish to disturb any more of the shoreline area above and beyond that which they have already been using. There will be no building allowed on the common area. Applicants will be sharing existing driveways which will limit the number of curb cuts and driveways on Atateka Drive.

Board member Grady asked whether applicant wanted the board to limit discussion to only the road frontage issue on lot # 3, as there seems to be a number of other evident issues existing in the proposal. Discussion then took place regarding the existing road frontage on the barn lot, which horseshoes around other lands of Fitzgerald, and is not an existing lot in and of itself, but is part of the larger piece containing the existing house that is being considered for

subdivision. Mr. Steves explained that they consider only the frontage as pre-existing, and therefore not subject to a variance.

Mr. Grady also addressed the issues surrounding Waterfront Access Lots, as explained in Section 7.02 of the Town of Chester Zoning Local Law. The waterfront access lot, as proposed, would have 20 ft. of road frontage, and a total area of 37.023 sq. ft. or 0.85 +/- acres. The Zoning Local Law, as stated in number 4 of the aforementioned Section states: "Each lot used as a contractual access lot, or for contractual access, shall measure at least the minimum lot area, width and depth for the zoning district in which contractual access is proposed."

Mr. Steves explained that what they have proposed is being presented in order to find out what they can and cannot do, and they are before the board to also learn of what is allowed, and what they need to do to accomplish what they wish to. He continued that all of the family is currently using this property, but they are trying to divide it up in order that each one will have an individual lot attached to their own names. Mr. Grady explained that with regard to the access lot, it was his understanding that the size needed to be a minimum of one acre, with ¼ acre for each additional lot over 4.

There were letters of concern from Al & Linda Muench, Mary & Gary VanLeuven, and Jake Mabie.

A lengthy discussion ensued regarding reconfiguration of the entire proposed subdivision which would be instituted to accommodate 6 family members. Some possible considerations were explored, and Mr. Steves is willing to meet with the family to discuss and design feasible alternatives. Applicant or Mr. Steves would then return to the board with their proposal for the boards consideration. As it stands, Mr. Steves explained that the access lot would be by access easement only, and not land owned in common. Additionally, the existing house would be utilized, as well as the existing cottage, the barn would be redesigned for housing, and only one new dwelling would be constructed on one of the waterfront lots, that being on the northernmost, preexisting parcel. No new driveways will be created.

Following discussion of all concerns, a motion was made by Mr. Jensen, seconded by Mr. Grady, to adjourn this project to the February meeting. Motion carried 3/0.

BOARD PRIVILEGE: Discussion over board members contacting Secretary at least one full day in advance of any given meeting, in order that it may be established that a quorum will be present, and, if not, that any applicant may be notified in time that a meeting will not be taking place due to lack of a quorum, to prevent them from traveling any great distance for nothing. As it stands now, being contacted on the night of the meeting, or just not coming to a meeting, leaves the applicant already in transit with no way to be contacted, or sitting in a meeting room waiting to have their project heard at a meeting that cannot take place.

ADJOURNMENT: On a motion by Mr. Grady, seconded by Mr. Jensen, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary