

**TOWN OF CHESTER ~ ZONING BOARD OF APPEALS**

**MINUTES OF MEETING ~ NOVEMBER 23, 2010**

ATTENDANCE: Ken Marcheselli, John Grady, Bill Oliver, Arnold Jensen, John MacMillen, Mary Jane Dower, and Secretary, Pat Smith.

MINUTES: On a motion by Mrs. Dower, seconded by Mr. Jensen, the Minutes of the Joint Meeting with the Planning Board of the September 22<sup>nd</sup> meeting were accepted, as presented. Motion carried 5/0.

CORRESPONDENCE: Minutes of Joint meeting with Planning Board from Sept. 22<sup>nd</sup>, 2010; Planning Board Minutes for September and October, 2010; and Zoning Office Activity Reports for September and October, 2010.

PUBLIC HEARINGS: Having been duly advertised, Chairman Marcheselli opened the Public Hearings at 6:00 p.m.

#395-V ~ Michael & Anne Marie Baumis. Applicant represented by Engineer, Bret Winchip, seeking relief from a 50 ft. rear yard setback, required per Section 4.03 of the Zoning Local Law. Property is located at 121 Kingsley Lane, a Moderate Intensity Land Use Area, tax parcel #86.14-1-31. Dwelling is already located within any required setback area, at a 24.5 ft. setback, on a pre-existing, non-conforming lot. Applicant seeks to erect a second story on the dwelling, and add a garage on the front of the house, which would provide a front entrance to the home, but also further encroach on the setback area to the lot line, leaving only 4.5 ft. Sideline setbacks and distance to the lake are all within the regulations.

Board members were concerned over snow removal area, which would be difficult with a 3 or 4 foot apron on the garage, and they were also concerned about backing out of the garage, stating that the rear end of the vehicle would be in the road before the driver would be able to see.

Following extended discussion, Mr. Grady made a motion to table the public hearing until the December 28<sup>th</sup> meeting. Mr. MacMillen seconded the motion, which carried 5/0.

#396-V ~ John & Barbara Chelucci. Applicants were represented by Attorney Dan Smith, of Smith & Simon, LLC. Applicants are owners of 43.66+/- acres of land located off State Route 9 at 22 Autumn Moon Lane in Pottersville. The property is situated in a Low Intensity Land Use Area, tax parcel #19.-1-13. Applicant currently has 391.10 total feet of road frontage, and is proposing to break out an area of 3.20 acres for conveyance, while retaining the remainder of the parcel with 200 ft. of road frontage. The proposed new lot would be left with 191.10 feet of road frontage, requiring an 8.90 ft. variance. The 3.20 acres will be conveyed subject to the rights retained by the Chelucci's to access their property on the north, and the rights of Gudikunst, (neighbors) on the south. There will be no need for further curb cuts.

Following discussion, the Board found as follows:

1. The benefit to applicant cannot be achieved by other feasible means, as the property is not fronted by any other roads;
2. There will be no undesirable change in the character of the neighborhood, or to nearby properties;
3. The request is not substantial, at less than a 10 ft. variance;
4. The request will have no adverse physical or environmental effects, and:
5. The alleged difficulty is not self-created, in that when the property was purchased in 2004, the Zoning Ordinance only required 100 ft. of road frontage per lot.

The board therefore finds for approval of application #396-V for an 8.90 ft. road frontage variance, according to Sect. 4.03 of the Zoning Local Law, with the condition that access to the property building site will be over Autumn Moon Lane. Resolution was introduced by Mr. Jensen, seconded by Mr. MacMillen, and carried 5/0.

BOARD PRIVILEGE: No discussion.

ADJOURNMENT: On a motion by Mr. Jensen, the meeting adjourned at 6:45 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary