

## MINUTES OF MEETING ~ APRIL 24, 2007

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

**CORRESPONDENCE:** Zoning Administrator's Monthly Activities; Minutes of March 19, 2007 Planning Board Meeting; Notice of Training class to be held on April 25<sup>th</sup> sponsored by NYS Dept. of State and the APA; and Notice of Training class to be held on May 31, 2007 sponsored by the Town of Chester, instructed by Atty. Mark Schachner.

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

**OLD BUSINESS:** #362-V ~ Decision on rehearing for Dennis Halliwell & Ann Marie Kalajian. (Public hearing had already been heard. Applicant's are owner's of property located at 88 Indian Springs Road, tax map parcel #120.6-2-25. Applicant's had previously been approved for a 26' front yard variance, and a 10' rear yard setback variance, with conditions, in order to construct an addition to their existing dwelling. The rehearing ensued following objection by the neighbor to the rear of the dwelling, Mr. Eric Pfeffer, who would be affected most by the 10 foot distance to lot line). Applicant was represented by Attorney, Ilona Coyle, of Caffry & Flower. Applicant had submitted a new plot plan, relocating the proposed porch to the opposite side of the dwelling, thus allowing for a 15 foot rear line setback. Mr. Pfeffer had requested that a fence be erected for screening purposes, and that an existing shed located on the property line be removed. Ms. Coyle reminded the Board that the original application had contained plans for vegetative plantings, which would be more in keeping with the character of the neighborhood in comparison to a fence.

Attorney for Mr. Pfeffer, John Silvestri of Silvestri & Stanclift, stated that the revised plans showing relocation of the porch addressed his clients' concerns, and he was also happy with the proposed plantings. He would, however, still like to see the old shed removed.

The Board found that: Benefit could not be achieved by other means feasible to applicant due to geography of the property; there would be no undesirable change in the character of the neighborhood or to nearby properties; the request for a rear yard setback is substantial, but meets with no resistance as proposed; will have no adverse physical or environmental effects on the neighborhood; and is basically self-created in that it is applicant's desire to enlarge the dwelling. Motion was made by Mr. Sewall for the granting of a 35 foot rear yard variance resulting in a 15 foot setback, and a 26 foot front yard variance resulting in a 34 foot setback from the road, in accordance with Sect. 4.03 of the Town of Chester Zoning Local Law, to allow

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for the construction of an addition to the existing dwelling, with condition that vegetative plantings for a buffer be put in place and maintained for screening purposes between applicant and Mr. Pfeffer following completion of construction and in a timely manner, and that the existing shed located on the property line be removed. Motion seconded by Mrs. Dower and carried 3/0.

**PUBLIC HEARINGS:** Having been duly advertised, the following applications were reviewed by public hearing, opening at 7:30 p.m.:

#377-V ~ Douglas & Carolyn Murray seeking relief from required front yard setback (2 sides) on a corner lot, in order to construct a single family dwelling. Applicants represented by Atty. Rob Simon of Smith & Simon, and Engineer James Hutchins. Applicant owns adjoining lots on Clarkson Road Extension, Tax Map Parcels: 86.15-1-24 and 86.15-1-25. Applicant wishes to construct a 48'x 26' single family dwelling with 1' overhang, utilizing the property as one parcel and giving up one building right to do so. Parcels are located on a corner in a Moderate Intensity Land Use area, thus requiring a 60 foot setback from each road front lot line according to Section 4.03 of the Town of Chester Zoning Local Law. Siting of the dwelling has been an issue due to steep slopes (40%) and placement of a culvert that had been installed about ten years ago. Prior to the installation of the culvert, drainage from the north would come to the road, proceed westerly downhill to the approximate location of the new culvert. At that point, there had been an incredibly large rock that acted as a barrier, and that caused the water to overflow the road and wash out the road. Some time ago, to alleviate that problem, a new culvert was installed. The culvert eliminated the periodic washouts on the road, but it concentrated the runoff onto the Murray property. About 20 percent of the water seems to flow to a large area near the proposed building site. The balance of it flows down the hill, generally in a southwest direction. Consequently, applicants have endeavored to modify the proposed location of the house in a manner that responds to neighbors concerns and still addresses the limitations of the combined lots. (Due to letters received from James & Gloria McIntosh, Thomas & Susan Sliva & Elaine Schwartz, applicants have changed their plans 3 or 4 different times). Applicants now submit a revised proposal for situation of the dwelling requiring a 12 foot variance from the front yard setback to the North, and only a 1 foot variance to the East. Plans have been engineered for the site with a pump system being proposed for an on site wastewater system. A minimal number of trees will be removed in the process with applicant proposing to maintain as much vegetative screening as he possibly can. The driveway will be coming into the property from the northeast corner. Engineer Hutchins feels that the chosen and staked out location is the most responsible position for the dwelling. The Board finds as follows:

Benefit to the applicant could be achieved by other means, but not necessarily feasible, and they have been diligent in seeking the most reasonable location for the dwelling, to the point that they have merged two building lots and surrendered one of the building rights; No undesirable change to the neighborhood character or to nearby properties; Request substantial at 20%, but; will not have any adverse physical or environmental effect; and is self-created only by virtue of the proposed new construction.

A motion was then made by Mrs. Dower to grant a 12 foot variance from the northern lot line, and a 1 foot variance from the eastern lot line, with the two parcels being combined into one

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for a single building lot. Motion seconded by Mr. Sewall, and carried 3/0.

#378-V ~ Matthew & Joni Dean seeking relief for the erection of a Boardwalk in excess of 100

square feet on the Schroon River within 50 feet of the mean high water mark, as required in Sect. 7.01 of the Town of Chester Zoning Local Law. Applicant is the owner of property located at 24 Dixon Road, tax map parcel #88.13-1-4, a Rural Land Use Area. Applicant had applied for and received an APA Project Permit and Order Granting Variance #2006-152 under the Recreational River Zone requiring an Adirondack Park Agency determination of jurisdiction. Applicant had initially proposed installation of a 4 foot wide by 100 foot long boardwalk in a previously disturbed portion of the existing wetland on the property. Park Agency staff recommended relocation of and reduction of the size of the proposed boardwalk to eliminate and minimize further impacts to the previously disturbed wetlands. Applicants then proposed a smaller 2 foot wide by 49 1/2 foot boardwalk in order to eliminate the need for a variance from the Town of Chester for locally implemented APA act shoreline structure standards. Upon further review, Agency staff determined that a 2-foot wide boardwalk, 18 inches above the ground was potentially dangerous, particularly to applicant's 3 1/2 and 6 1/2 year old children, due to the narrow width. Agency staff recommended that the width of the boardwalk be increased up to 3-feet wide to enhance the safety and functionality of it. Therefore applicant is seeking a 50 square foot variance in the construction of the 150 square foot boardwalk.

Public hearing closed at 8:12 p.m. Board found as follows:

Benefit to applicant cannot be achieved by other means feasible to the applicant; there will be no undesirable change in the character of the neighborhood or to nearby properties; the request is not substantial, there will be no adverse physical or environmental effect to the property or to the neighborhood, and the alleged difficulty has not been self-created.

Motion was then made by Mrs. Dower to approve application #378-V for a variance for an additional 50 square feet to increase the size of the proposed boardwalk from 2 1/2 feet x 49 1/2 feet to 3 feet wide by 49 1/2 feet, with very minimal impact to the area. Motion seconded by Mr. Sewall and carried 3/0.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Patricia M. Smith ~ Secretary