



ZONING BOARD OF APPEALS Regular Meeting – January 24, 2023

Chairperson Barbara Kearney called the meeting to order at 7:00 pm.

Attendance:

Chairperson Barbara Kearney, Vice Chairman Michael Hough, James Batsford, Victor Greco, Mary Clark, Zoning Administrator Jeremy Little (via Zoom) and Mindy Conway (Acting Secretary).

Chairperson Kearney welcomed everyone to the meeting and reminded the public of the rules of the Board and that everyone would have a chance to be heard during the public sections of the meetings.

Old Business:

#498-V: C. Thomas Luciano and Darlene Luciano are (1) requesting multiple setback variances for construction of structures on proposed Lot 1 and Lot 2 and (2) seeking relief from the 8.5 acres per Principal Building Intensity requirement for a proposed two-lot subdivision, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law. The proposed two-lot subdivision will result in the creation of Lot 1 consisting of 4.56 acres and Lot 2 consisting of 6.31 acres. Property is located at Carl Turner Road currently consisting of 10.87 acres, identified by Tax Map Parcel #: 87.2-1-1.1, in Zoning District Rural Use. ****PUBLIC HEARING remained opened from 04/27/2021 ZBA Meeting.****

Chairperson Kearney stated that **Variance Application #498-V: C. Thomas Luciano and Darlene Luciano** will remain open at the request of the applicant.

New Business and Public Hearings:

#526-V: Cooper Management Associates, LLC (Deborah Freer) is requesting a 27'-7" shoreline setback variance and an area variance for 22 proposed parking spaces where 38 parking spaces are required (based on one space for each 100 sq. ft. of gross floor area), according to Section 7.01(B)4 and 7.06(C) of the Town of Chester Zoning Local Law, in order to renovate and construct additions to the existing restaurant to provide for expanded indoor and new outdoor dining. The proposed additions will consist of a 519 sq. ft. addition for indoor dining and a 507 sq. ft. outdoor covered patio. Property is located at 5810 State Route 8, identified by Tax Map Parcel #: 104.1-2-1, in Zoning District Hamlet.

Ethan Hall, representing Deborah Freer, gave a brief description. Ethan Hall explained to the Board that Deborah Freer is looking to open the building as a year-round restaurant with a few additions and modifications. Deborah Freer would like to have a billiard table and dart areas,

small stage for acoustic music, something for the summertime with outdoor dining and something that can be used also in the winter because they are in the snowmobile trail.

Chairperson Kearney asked if the septic system was across the street. Ethan Hall replied yes, the disposal field is across the street on the Monroe Property and there is an agreement. They have been in touch with the Department of Health to make sure that it is sized properly.

Ethan Hall said that the variance they are seeking is for the expansions for the outdoor dining. The existing building to Faxon Pond is seven (7) ft and the proposed expansion to the pond is 22 ft 3 inches to the Pond where 50 ft is required for a waterfront setback.

Victor Greco asked where the run off would go. Ethan Hall commented that they would install eve trenches along the drip line.

Chairperson Kearney **opened** the Public Hearing for **Variance Application #565-V: Cooper Management Associates, LLC** at 7:11 pm.

Chairperson Kearney asked if there was anyone from the public who would like to speak.

Hearing none.

On a motion by Michael Hough, seconded by Victor Greco, the Public Hearing **closed** for **Variance Application #565-V: Cooper Management Associates, LLC** at 7:12 pm.

AYE 5 NO 0

RESOLUTION FOR VARIANCE APPLICATION #526-V

WHEREAS, Cooper Management Associates, LLC (Deborah Freer) (the “Applicant(s)”) is proposing to renovate and construct additions to the existing restaurant to provide for expanded indoor and new outdoor dining (proposed additions consisting of a 519 sq. ft. addition for indoor dining and a 507 sq. ft. outdoor covered patio) on property located at 5810 State Route 8, identified by Tax Map Parcel Number 104.1-2-1, in Zoning District Hamlet (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 27’-7” shoreline setback variance from requirements of Section 7.01(B)(4) of the Town of Chester Zoning Local Law; and

WHEREAS, the ZBA has classified the project as a Type II Action, requiring no further review under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, as required by General Municipal Law Section 239-m, the Variance Application was referred to the Warren County Planning Department for its review and the County has determined that there was No County Impact; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #526-V on January 24, 2023 and closed the public hearing on January 24, 2023; and

WHEREAS, Site Plan Review approval by the Planning Board will be required for the Project; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variance requested and the written and verbal comments received in connection with the variance application;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 7.01(B)(4) of the Town of Chester Zoning Local Law for issuance of an area variance as further discussed below:

1. An undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances.
3. The requested area variance is substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is self-created.
6. The proposed variance is the minimum variance that is necessary and adequate to achieve the Applicant's goal and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
7. The benefit to the Applicant if the variance is granted would outweigh the potential detriment to the health, safety and welfare of the neighborhood or community.

FURTHER RESOLVED, that the ZBA therefore grants the requested area variance with no condition(s) imposed.

Introduced by Victor Greco who moved for its adoption, seconded by James Batsford:

Duly adopted this 24th day of January 2023 by the following vote:

AYES:	Chairperson Barbara Kearney
	Michael Hough
	James Batsford
	Victor Greco
	Mary Clark

NOES:	None.
ABSTAIN:	None.

ABSENT: None.

Minutes:

On a motion made by James Batsford, seconded by Michael Hough, minutes for the Regular Meeting November 23, 2022 were accepted.

AYE 5 NO 0

Correspondence:

- Zoning Administrator's Activity Report for November and December 2022;
- 2023 Meeting Schedule and Submittals;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on January 12, 2023 for Variance #526-V. Form received by the Zoning Office on January 13, 2023.

Public Privilege:

None.

Board Privilege:

All Board Members present agreed to change the December Zoning Board of Appeals meeting date from December 26, 2023 to December 19, 2023.

Adjournment:

On a motion by Mary Clark, seconded by James Batsford, meeting adjourned at 7:25 pm.

AYE 5 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary