



ZONING BOARD OF APPEALS
Special Meeting – October 2, 2023
(Rescheduled from September 26, 2023)

Chairperson Barbara Kearney called the meeting to order at 7:18 pm.

Attendance:

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

Chairperson Kearney welcomed everyone to the meeting.

New Business and Public Hearings:

#538-V: Paige Pierce is requesting a 34 ft. shoreline setback variance, 5 ft. shoreline setback variance, and a 6 ft. left side yard setback variance, according to Section 4.03 and 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to replace the existing roof (in-kind) and construct dormers for additional headroom to the attic (Existing roof height 17'; proposed height 21'-7"). Property is located at 157 East Shore Drive, identified by Tax Map Parcel #: 69.14-1-3, in Zoning District Moderate Intensity.

Paige Pierce was present, and Peter Loyola was present via speaker phone/Zoom.

Paige Pierce said that the roof will be raised 4 ft. higher, and the footprint will not change. Peter Loyola said that the impervious cover is not changing, and the setbacks are not changing.

Chairperson Kearney asked what the attic space was going to be used for. Peter Loyola said the space will be used for extra storage to move things from outside to inside and they need more headroom.

Chairperson Kearney asked if the attic space would be used as a bedroom. Paige Pierce commented that it is not finished. Chairperson Kearney asked said there are windows up there and she is concerned about it being used as a sleeping area even though there is only a ladder going up through a closet.

Chairperson Kearney said the plan states that there is a septic pit. Peter Loyola said that it is a grandfathered seepage pit. Chairperson Kearney commented that their deed stated that they bought the property in 2021 and the Town has an ordinance that when you transfer the septic has to be evaluated. Paige Pierce asked if that was in place in 2021. Chairperson Kearney replied yes and that is why she is asking if there are any plans for it to be used as a bedroom even though it is unfinished now and her concern is that they would be going from a two (2) bedroom to a three (3) bedroom. Chairperson Kearney ask Zoning Administrator Little since the transfer of sale was in 2021 and the plans say septic pit and the plans are in front of the Board. Zoning

Administrator Little said to maybe put a condition on the approval that the attic space is not to be used as a bedroom. Peter Loyola said they were happy to do that.

On a motion by James Batsford the public hearing **opened** for **Variance Application #538-V: Paige Pierce** at 7:26 pm.

Chairperson Kearney asked if there was anyone from the audience who would like to speak or if anyone on Zoom would like to speak.

On a motion by Mary Clark, seconded by James Batsford, the Public Hearing **closed** for **Variance Application Variance Application #538-V: Paige Pierce** at 7:27 pm.

AYE 3 NO 0

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - No, it will enhance the look of the structure.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant. Only going up to add more attic space
3. Whether the requested variance is substantial:
 - The Board agreed that the requested variance is substantial.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood. Attic space not to be used as a bedroom.
5. Whether the alleged difficulty was self-created:
 - The Board agreed that the alleged difficulty is self-created.

James Batsford read the following:

RESOLUTION FOR VARIANCE APPLICATION #538-V

WHEREAS, Paige Pierce (the “Applicant”) is proposing to replace the existing roof (in-kind) and construct dormers for additional headroom to the attic (Existing roof height 17’; proposed height 21’-7”) on property located at 157 East Shore Drive, identified by Tax Map Parcel Number 69.14-1-3, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 34 ft. shoreline setback variance, 5 ft. shoreline setback variance, and a 6 ft. left side yard setback variance from requirements of Section 4.03 and 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, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #538-V on October 2, 2023 and closed the public hearing on October 2, 2023; and

WHEREAS, a full record of the Decision will be referred to the Adirondack Park Agency (“Agency”) as required by Section 10.08(E)(2) of the Town of Chester Zoning Local Law; and

WHEREAS, the variance does not take effect until thirty (30) days from the Agency’s receipt of the Board’s complete record of the Decision and if within such thirty (30) day period, the Agency determines that such variance involves the provisions of the land use and development plan including any shoreline restriction and was not based upon the appropriate statutory basis, the Agency may reverse the local determination to grant the variance; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variances 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 4.03 and 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. The proposed addition will enhance the look of the property.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. The proposed addition will only be used for attic space.
3. The requested area variances are substantial. The existing single-family dwelling is non-conforming.
4. The proposed variances 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 variances are 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 variances are 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 variances subject to the following conditions:

- A. The attic space may not be used as a bedroom or sleeping area without proper evaluation of the septic system and the Warren County Building Codes department. The attic space is only to be used for storage purposes.

Introduced by James Batsford who moved for its adoption, seconded by Mary Clark.
Duly adopted this 2nd day of October, 2023 by the following vote:

AYES:	Chairperson Barbara Kearney James Batsford Mary Clark
NOES:	None.
ABSTAIN:	None.
ABSENT:	Michael Hough Victor Greco

#539-V: Lakeside at Loon Lake Enterprises, LLC is requesting a 52 ft. front yard setback variance, 69.4 ft. rear yard setback variance and a 12 ft. right side yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to replace (in-kind) the existing Six-Bedroom Single-Family Dwelling damaged by fire with a new 56'-7" x 60'-1/2" Six-Bedroom Single-Family Dwelling (including new porches and decks). Property is located at 5420 State Route 8, identified by Tax Map Parcel #: 103.-1-19, in Zoning District Low Intensity.

Michael Temps, Applicant, was present.

Michael Temps commented that he was rebuilding a home that was burnt down in a fire last year. It would be the same footprint with the addition of decking around the front.

Chairperson Kearney asked the Board if they had any questions.

James Batsford said that it was pretty straight forward, and he had it marked out.

Chairperson Kearney asked Michael Temps if he was going through the septic variance application. Michael Temps replied correct.

Chairperson Kearney said that they have received a determination from the Warren County Planning Department that there was No County Impact.

On a motion by James Batsford, seconded by Mary Clark the public hearing **opened** for **Variance Application #539-V: Lakeside at Loon Lake Enterprises, LLC** at 7:38 pm.

Chairperson Kearney asked if there was anyone from the audience who would like to speak or if anyone on Zoom would like to speak.

On a motion by Chairperson Kearney, seconded by Mary Clark, the public hearing **closed** for **Variance Application Variance Application #539-V: Lakeside at Loon Lake Enterprises, LLC** at 7:39 pm.

AYE 3 NO 0

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - No, The Board agreed that there would be no undesirable change produced in character of the neighborhood or a detriment to nearby properties. The new house will be an improvement since the fire.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - The Board agreed there is no feasible alternative to the variance that can provide a benefit if sought by the applicant. There is a six (6) bedroom house, and they are replacing it with a six (6) bedroom house.
3. Whether the requested variance is substantial:
 - The Board agreed that the requested variance is substantial.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - The Board agreed the variance would not have an adverse impact on the physical or environmental conditions in the neighborhood. With the new building everything will be up to code and safer.
5. Whether the alleged difficulty was self-created:
 - The Board agreed that the alleged difficulty is not self-created due to the fire.

Mary Clark read the following:

RESOLUTION FOR VARIANCE APPLICATION #539-V

WHEREAS, Lakeside at Loon Lake Enterprises, LLC (the “Applicant”) is proposing to replace (in-kind) the existing Six-Bedroom Single-Family Dwelling damaged by fire with a new 56’-7” x 60’-1/2” Six-Bedroom Single-Family Dwelling (including new porches and decks) on property located at 5420 State Route 8, identified by Tax Map Parcel Number 103.-1-19, in Zoning District Low Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 52 ft. front yard setback variance, 69.4 ft. rear yard setback variance a 12 ft. right side yard setback variance from requirements of Section 4.03 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 #539-V on October 02, 2023 and closed the public hearing on October 02, 2023; and

WHEREAS, the ZBA has reviewed, considered and deliberated about the variances 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 4.03 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. This will be an improvement to the property.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. There will be no changes in the number of bedrooms, as the proposed single-family dwelling will consist of six bedrooms.
3. The requested area variances are substantial. The existing single-family dwelling is non-conforming and the existing single-family dwelling will be replaced in-kind with a new single-family dwelling within the same footprint.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty is not self-created, as the existing single-family dwelling was damaged by fire.
6. The proposed variances are 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 variances are 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 variances with no condition(s) imposed.

Introduced by Mary Clark who moved for its adoption, seconded by James Batsford.
Duly adopted this 2nd day of October, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
James Batsford
Mary Clark
NOES: None.
ABSTAIN: None.
ABSENT: Michael Hough
Victor Greco

#540-V: Douglas and Kim Page are requesting variances from requirements of Section 7.03(D)(1) of the Town of Chester Zoning Local Law, in order to install two (2) moorings (including any part thereof) that will each extend more than 75 ft. from the shoreline (Mooring #1: 109 ft. proposed where 75 ft. is allowed; Mooring #2: 132 ft. proposed where 75 ft. is allowed). Property is located at 8522 State Route 9, identified by Tax Map Parcel #: 19.4-1-5, in Zoning District Low Intensity.

Doug and Kim Page were present.

Doug Page is looking to install two (2) moorings. They have 250 ft. of waterfront give or take and an existing dock. When the weather changes, they have an issue with their sailboat that has a 4 ft. draw. One mooring would be at 75 ft. and the other mooring would be 100 ft. which would be the buoy.

Chairperson Kearney said the sailboat will be going at the 100 ft. mooring and the 75 ft. mooring will be used for an emergency if a boat needs to be removed from the dock. Doug Page said yes.

Chairperson Kearney asked what was parked at the dock. Doug Page said they have two (2) boats: a 24 ft. Sea Ray and a 1939 Chris-Craft. Chairperson Kearney asked if they have ever been without enough water at the dock. Doug Page said that the Chris-Craft has a 22-inch draw. Doug Page said no but it has been not far off.

James Batsford asked if the dock was 65 ft. for a point of reference. Doug Page said yes. James Batsford asked the depth of the water at the end of the dock right now. Doug Page said it was 4 to 4½ ft., they have pulled the dock.

Discussion ensued about an alternative to avoid the request for a variance.

On a motion by Mary Clark, seconded by James Batsford, the public hearing **opened** for **Variance Application #540-V: Douglas and Kim Page** at 8:07 pm.

Chairperson Kearney asked if there was anyone from the audience who would like to speak or if anyone on Zoom would like to speak.

Chris Walsh suggested a floating dock. Kim Page commented that they are pricey. Doug Page said he was not sure if they could accommodate 12 ft. poles. He has reached out to Schroom Lake Marina.

Chairperson Kearney suggested keeping the public hearing open in order to do more research to come up with a better solution and asked Doug Page to keep in touch with Jeremy Little, Zoning Administrator. The goal is to approve the least amount of variances.

On a motion by Chairperson Kearney, seconded by Mary Clark, the public hearing for **Variance Application #540-V: Douglas and Kim Page** will remain open.

AYE 3 NO 0

Request to amend the following **Variance Application #525-V Carl Barlow** approved by the ZBA on November 23, 2022:

- 8.2 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to renovate the existing two-bedroom single-family dwelling and construct a new addition to the existing single-family dwelling. The 4,287 square ft. addition will consist of an expanded kitchen and living room area, four bedrooms including second floor master suite, covered porch, three-car garage and covered deck above an indoor pool. Property is located at 76-70 Clarkson Road, identified by Tax Map Parcel #: 86.19-1-2, in Zoning District Moderate Intensity.

Melissa Currier, C.T. Male Associates was present via Zoom representing the Applicant.

Melissa Currier stated that the revisions are shown in red, the purple line is what was originally approved. The septic testing has been updated for the well location. They are going in front of the Town Board acting as the Local Board of Health for the wastewater to the well.

Chairperson Kearney asked about the lines on the west side by the stairs. Melissa Currier commented that there is a little bit wider right there, but the square footage is significantly smaller.

The Board were all fine with the amendments.

On a motion by Chairperson Kearney, seconded by Mary Clark, the Board **approved** the amendments to **Variance Application #525-V Carl Barlow**.

AYE 3 NO 0

Old Business:

None.

Minutes:

On a motion by James Batsford, seconded by Mary Clark, the minutes from Regular Meeting on August 22, 2023 were accepted.

AYE 3 NO 0

Correspondence:

- Zoning Administrator's Activity Report for August 2023.

Public Privilege:

None.

Board Privilege:

None.

Adjournment:

On a motion by Mary Clark, seconded by James Batsford, meeting adjourned 8:20 pm.

AYE 3 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary