



**ZONING BOARD OF APPEALS
October 24, 2023**

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

Attendance:

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

Chairperson Kearney welcomed everyone to the meeting.

Old Business and Public Hearings:

#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. ****PUBLIC HEARING REMAINED OPEN AND VARIANCE APPLICATION #540-V TABLED AT OCTOBER 02, 2023 ZBA MEETING****

New Business and Public Hearings:

#541-V: William J. and Donna R. Lagoy are requesting a 15 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 24' x 24' Two-Car Detached Garage with storage above (1 ft. overhangs). Property is located at 416 Atateka Drive, identified by Tax Map Parcel #: 136.-1-6, in Zoning District Rural Use.

Donna and William Lagoy were present. Donna Lagoy commented that they need a variance to build a garage because they can't go back any further because the land drops off and they also need to avoid the shed.

Chairperson Kearney asked if the Board had any questions.

Chairperson Kearney commented that the Warren County Planning Department had no comment.

On a motion by Mary Clark, seconded by James Batsford, the public hearing **opened** for **Variance Application #541-V: William J. and Donna R. Lagoy** at 7:04 pm.

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

On a motion by Victor Greco, seconded by James Batsford, the Public Hearing **closed** for **Variance Application #541-V: William J. and Donna R. Lagoy** at 7:04 pm.

AYE 4 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, if it was built when the house was built it would be conforming.
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. They are as close to the drop off as they can get.
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. The garage will be set back further than the house.
5. Whether the alleged difficulty was self-created:
 - The Board agreed that the alleged difficulty is self-created.

Victor Greco read the following:

RESOLUTION FOR VARIANCE APPLICATION #541-V

WHEREAS, William J. and Donna R. Lagoy (the “Applicant(s)”) are proposing to construct a 24’ x 24’ Two-Car Detached Garage with 1 ft. overhangs on property located at 416 Atateka Drive, identified by Tax Map Parcel Number 136.-1-6, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 15 ft. front 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 #541-V on October 24, 2023 and closed the public hearing on October 24, 2023; 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 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.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances. There is a drop off of the land and the placement of the detached garage is about as close to the drop off that is feasibly possible.
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. The detached garage is set back further away from the road from the existing dwelling.
5. The alleged difficulty is self-created, as the Applicant would like to construct a detached garage.
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 October, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
James Batsford
Mary Clark
Victor Greco

NOES: None.

ABSTAIN: None.

ABSENT: Michael Hough

#542-V: Beth A. Magee is requesting a 17 ft. shoreline setback variance, according to Section 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to construct a 16' x 24' addition to an existing Three-Bedroom Single-Family Dwelling. Addition will consist of a home office and bathroom. Property is located at 16 Riverside Drive, identified by Tax Map Parcel #: 104.10-1-14, in Zoning District Hamlet.

Beth Magee, Applicant, said that she was requesting a variance for a shoreline setback. Her house is very close to the edge of Faxon's Pond. She bought the house about a year ago and since then she has been able to work from home more often than she was before. She feels that having a dedicated home office will benefit her more than the kitchen counter.

Chairperson Kearney asked if the Board had any questions.

Chairperson Kearney commented that she likes that it is in front of the home instead of the back because it is less of a variance required and she didn't see anywhere else it could go with the driveway and the garage. Beth Magee said that the septic system is on the other side of the garage, and she is trying to stay as far away from the pond as possible in order to protect it.

Chairperson Kearney said that Warren County Planning Department reviewed the project and the staff commented "Do the Town's existing shoreline development supplementary regulations apply to this project?" So that brings in the Town of Chester code Article 7. Supplementary Regulations.

Chairperson Kearney read the following:

ARTICLE 7 - SUPPLEMENTARY REGULATIONS

Section 7.01 Shoreline Regulations.

A. General.

1. All construction on any shoreline lot shall be carried out in such a manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway, to remove only that vegetation which is necessary to the accomplishment of the project, and to generally maintain the existing aesthetic and ecological character of the shoreline.
3. Any paved or otherwise improved parking, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or earthen siltation into the waterway.
6. There shall be no grading within ten (10) feet from the top of the slope of any stream bed or drainage way.

Chairperson Kearney said that her only concern before they open the public hearing would be that they attach a condition. They know the plans state it is an office but because of the location of the office and the walk-in closet some might think it may be used as a bedroom. So, a condition to say; the residence remains a three bedroom home with an office and the septic system will need to be evaluated if the owner were to convert the office to a bedroom.

On a motion by Mary Clark, seconded by James Batsford, the public hearing **opened** for **Variance Application #542-V: Beth A. Magee** at 7:16 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 Victor Greco, seconded by James Batsford, the Public Hearing **closed** for **Variance Application #542-V: Beth A. Magee** at 7:16 pm.

AYE 4 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 is in line with the existing 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. The garage is where the office could have been located.
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. It will continue to blend in.
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 #542-V

WHEREAS, Beth A. Magee (the “Applicant”) is proposing to construct a 16’ x 24’ Addition to an Existing Three-Bedroom Single-Family Dwelling on property located at 16 Riverside Drive, identified by Tax Map Parcel Number 104.10-1-14, in Zoning District Hamlet (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 17 ft. 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 #542-V on October 24, 2023 and closed the public hearing on October 24, 2023; 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 subject to the following condition:

- A. The existing single-family dwelling remains a three-bedroom single-family dwelling with an office. The septic system will need to be evaluated if the owner were to convert the office to a bedroom.

Introduced by James Batsford who moved for its adoption, seconded by Victor Greco
Duly adopted this 24th day of October, 2023 by the following vote:

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

Minutes:

On amotion by James Batsford, seconded by Mary Clark, the minutes from the Special Meeting on October 02, 2023 were accepted.

AYE 3 NO 0
Victor Greco - Abstained

Correspondence:

- Zoning Administrator's Activity Report for September 2023.

Public Privilege:

None.

Board Privilege:

Victor Greco asked if the November Board Meeting was still on the 28th. Chairperson Kearney said yes and reminded everyone that the December Meeting will be held on the 19th instead of the 26th.

Adjournment:

On a motion by Mary Clark, seconded by Victor Greco, the meeting adjourned 7:25 pm.

AYE 4 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary