



**ZONING BOARD OF APPEALS
November 28, 2023**

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

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: 117 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. REVIEW OF THIS APPLICATION WILL BE CONTINUED AT THE NOVEMBER 28, 2023 ZBA MEETING****

Doug Page, Applicant, was present and is looking to install two (2) moorings. This proposal is to put one (1) mooring 85 ft. from shoreline and 25 ft. from the boundary line.

Chairperson Kearney asked how deep it was where the moorings were proposed to go? Doug Page the depth is 4 ft. and 60 ft. from the shore and 4 ft. deep at 85 ft. from the shore.

Chairperson Kearney asked if one of the boats draws was more? Doug Page said for mooring #2 the real issue is the sailboat, which has a fixed keel.

James Batsford said to give the 32 ft. of swing you are bringing it back to 53 ft. The existing dock is 65 ft. out. Doug Page said the existing dock is 65 ft. out and they have two (2) boats on that.

Chairperson Kearney asked if anyone else on the Board had questions?

Chairperson Kearney **resumed** the public hearing for **Variance Application #540-V: Douglas and Kim Page** at 7:10 pm.

Will Petell commented that he helped measure and the water is extremely shallow relative to other sections.

Chairperson Kearney asked if the Board had any questions?

On a motion by James Batsford, seconded by Mary Clark, the public hearing for **Variance Application #540-V: Douglas and Kim Page** closed at 7:11 pm.

AYE 3 NO 0

Chairperson Kearney read through Part 2 of the Short Environmental Assessment Form:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chairperson Kearney said that no further discussion needed to occur since “No, or small impact may occur”.

Chairperson Kearney read the following:

RESOLUTION

NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #540-V, DOUGLAS AND KIM PAGE

WHEREAS, the Town of Chester Zoning Board of Appeals (“ZBA”) has received an Application from Douglas and Kim Page (the “Applicants”) for the installation of two (2) moorings on property located at 8522 State Route 9, identified by Tax Map Parcel #: 19.4-1-5 (the “Project”); and

WHEREAS, the ZBA has identified the Project to be an Unlisted action for purposes of State Environmental Quality Review Act (“SEQRA”) review pursuant to 6 NYCRR 617; and

WHEREAS, the ZBA has decided to conduct an uncoordinated review as a Lead Agency for the Project; and

WHEREAS, the ZBA has received a Short Environmental Assessment Form (“SEAF”) for the Project with Part 1 of the SEAF completed by the Applicants; and

WHEREAS, SEQRA requires that the ZBA undertake a thorough review of the potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, the ZBA has reviewed Parts 1, 2 and 3 of the SEAF and all other supporting information submitted to the ZBA by the Applicants;

NOW, THEREFORE BE IT

RESOLVED, that in accordance with SEQRA, the ZBA, as a Lead Agency, has determined that the Project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration pursuant to the requirements of SEQRA and directs the ZBA Chairperson to complete and sign Part 3 of the SEAF as required for the Determination of Significance, confirming the foregoing Negative Declaration.

MOTION FOR ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #540-V, DOUGLAS AND KIM PAGE,

Introduced by Barbara Kearney who moved for its adoption, seconded by James Batsford:

Duly adopted this 28th day of November, 2023 by the following vote:

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

James Batsford read the following:

RESOLUTION FOR VARIANCE APPLICATION #540-V

WHEREAS, Douglas and Kim Page (the “Applicants”) are proposing 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: 117 ft. proposed where 75 ft. is allowed) on property located at 8522 State Route 9, identified by Tax Map Parcel Number 19.4-1-5, in Zoning District Low Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for variances from requirements of Section 7.03(D)(1) of the Town of Chester Zoning Local Law; 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 #540-V on October 02, 2023 and closed the public hearing on November 28, 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; and

WHEREAS, the ZBA has classified the Project as an Unlisted Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations in 6 NYCRR 617 and determined to conduct an uncoordinated review; and

WHEREAS, the ZBA performing the duties as Lead Agency has prepared and reviewed the records of SEQRA, Short Environmental Assessment for the Project; and

WHEREAS, the ZBA has issued a Notice of Determination of Significance and Negative Declaration concluding that the Project will not create any significant adverse environmental impacts and that a draft Environmental Impact Statement will not be prepared; 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;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 7.03(D)(1) 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. There are neighboring properties with moorings, and it is a shallow part of Schroom Lake.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances, as the Applicant applied for a lesser variance request.
3. The requested area variances are substantial.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Other properties in the area have similar moorings.
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 with no condition(s) imposed.

Introduced by James Batsford who moved for its adoption, seconded by Mary Clark
Duly adopted this 28th day of November, 2023 by the following vote:

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

New Business and Public Hearings:

#543-V: Richard E. and Mary J. Irish are requesting multiple area variances, according to Section 4.03, 7.01(B)(4) and Section 8.01(B)(5) of the Town of Chester Zoning Local Law, in order to demolish a portion of the Existing Three-Bedroom Single-Family Dwelling to be rebuilt in the same footprint (2,437 total sq. ft.), construct new shed dormers on the second floor (915 total sq. ft.), 152 sq. ft. front porch, in-kind replacement of an existing deck (275 sq. ft.) and construct a 26' x 33' Two-Car Detached Garage. Property is located at 27 Rock Ledge Road, identified by Tax Map Parcel #: 136.6-1-24, in Zoning District Rural Use.

Susan Davis from SD Atelier Architecture, LLC was present along with Richard and Mary Irish, the Applicants.

Susan Davis said that this sounds worse than it is. Rural use has very different setback than moderate intensity which is what 75% of Loon Lake is. The lot is only 100 ft. wide, and they are required to have a 50 ft side yard setback. We are dealing with a preexisting situation, we are dealing with the constraints of the zoning classification it is under, it is a hardship.

Susan Davis said that the existing camp is seasonal with no insulation and no foundation and was built circa 1965 and the other structure was built in 2008. They are trying to tie the two (2) together. The footprint will not change. The only extension outside the footprint, which does not need a variance right now is the front porch. They do not meet the sideline setbacks or the shoreline setbacks because it was built prior to APA, prior to zoning regulations. They do comply with the front yard setback with regards to the residence.

Susan Davis said the proposal is to expand a portion of the second floor, rebuilding a portion of the camp, because it is not constructed to be a year-round residence, bring it into code compliance, but keep the character of the residence. They are not increasing the height. The other proposal is to construct a new garage.

Chairperson Kearney asked if the new structure would have a basement or the existing structure that is staying have a basement. Susan Davis there will be an insulated crawl space under the new section.

Chairperson Kearney asked where the leach field was, she only saw the septic cover on the map. Richard Irish said that there is an off-site raised system.

Chairperson Kearney asked if there was a reason why the garage could not go closer to the house, so you have less of a front yard variance.

Chairperson Kearney commented that it is the Board's goal is to give the least amount of variances.

A lengthy discussion ensued about placement of the garage and the septic line.

The Applicants have chosen to just ask for variances for the house and come back at a later date for variances for a garage.

Chairperson Kearney opened the hearing for **Variance Application #543-V: Richard E. and Mary J. Irish** at 7:56 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 about the house.

On a motion by James Batsford, seconded by Mary Clark, the Public Hearing **closed** for **Variance Application #543-V: Richard E. and Mary J. Irish** at 7:56 pm.

Chairperson Kearney commented that it would be great when they come back for the garage to have an as built drawing of the septic.

Chairperson Kearney read through Part 2 of the Short Environmental Assessment Form:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chairperson Kearney said that no further discussion needed to occur since “No, or small impact may occur”.

Chairperson Kearney read the following:

RESOLUTION

NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #543-V, RICHARD E. AND MARY J. IRISH

WHEREAS, the Town of Chester Zoning Board of Appeals (“ZBA”) has received an Application from Richard E. and Mary J. Irish (the “Applicants”) for the demolition of a portion of the existing Three-Bedroom Single-Family Dwelling to be rebuilt in the same footprint, construction of new shed dormers on the second floor, construction of a 152 sq. ft. front porch, and an in-kind

replacement of an existing deck on property located at 27 Rock Ledge Road, identified by Tax Map Parcel #: 136.6-1-24 (the “Project”); and

WHEREAS, the ZBA has identified the Project to be an Unlisted action for purposes of State Environmental Quality Review Act (“SEQRA”) review pursuant to 6 NYCRR 617; and

WHEREAS, the ZBA has decided to conduct an uncoordinated review as a Lead Agency for the Project; and

WHEREAS, the ZBA has received a Short Environmental Assessment Form (“SEAF”) for the Project with Part 1 of the SEAF completed by the Applicants; and

WHEREAS, SEQRA requires that the ZBA undertake a thorough review of the potentially significant adverse environmental impacts prior to making its determination with respect to the Project; and

WHEREAS, the ZBA has reviewed Parts 1, 2 and 3 of the SEAF and all other supporting information submitted to the ZBA by the Applicants;

NOW, THEREFORE BE IT

RESOLVED, that in accordance with SEQRA, the ZBA, as a Lead Agency, has determined that the Project will not result in any significant adverse environmental impacts and hereby issues a Negative Declaration pursuant to the requirements of SEQRA and directs the ZBA Chairperson to complete and sign Part 3 of the SEAF as required for the Determination of Significance, confirming the foregoing Negative Declaration.

MOTION FOR ISSUANCE OF NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #543-V, RICHARD E. AND MARY J. IRISH,

Introduced by Barbara Kearney who moved for its adoption, seconded by James Batsford:

Duly adopted this 28th day of November, 2023 by the following vote:

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

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - No, beneficial.

2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - No, it was noncompliant in the first place.
3. Whether the requested variance is substantial:
 - Yes.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - No, beneficial to the neighborhood.
5. Whether the alleged difficulty was self-created:
 - The Board agreed that the alleged difficulty is self-created.

Mary Clark read the following:

RESOLUTION FOR VARIANCE APPLICATION #543-V

WHEREAS, Richard E. and Mary J. Irish (the “Applicant(s)”) are proposing to demolish a portion of the Existing Three-Bedroom Single-Family Dwelling to be rebuilt in the same footprint (2,437 sq. ft.), construct new shed dormers on the second floor (915 total sq. ft.), 152 sq. ft. front porch, and an in-kind replacement of an existing deck (275 sq. ft.) on property located at 27 Rock Ledge Road, identified by Tax Map Parcel Number 136.6-1-24, in Zoning District Rural Use (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for multiple area variances from requirements of Section 4.03, 7.01(B)(4) and Section 8.01(B)(5) of the Town of Chester Zoning Local Law; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #543-V on November 28, 2023 and closed the public hearing on November 28, 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; and

WHEREAS, the ZBA has classified the Project as an Unlisted Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations in 6 NYCRR 617 and determined to conduct an uncoordinated review; and

WHEREAS, the ZBA performing the duties as Lead Agency has prepared and reviewed the records of SEQRA, Short Environmental Assessment for the Project; and

WHEREAS, the ZBA has issued a Notice of Determination of Significance and Negative Declaration concluding that the Project will not create any significant adverse environmental impacts and that a draft Environmental Impact Statement will not be prepared; 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;

NOW, THEREFORE, BE IT

RESOLVED, that the ZBA hereby determines that the Application meets the requirements set forth in Section 4.03, 7.01(B)(4) and Section 8.01(B)(5) 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 same footprint and the structure will be constructed to code.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances, as this is a non-conforming property.
3. The requested area variances are substantial.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The project will be beneficial to the neighborhood.
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 with no condition(s) imposed.

Introduced by Mary Clark who moved for its adoption, seconded by James Batsford:

Duly adopted this 28th day of November, 2023 by the following vote:

AYES: Chairperson Barbara Kearney
 James Batsford
 Mary Clark

NOES: None.
ABSTAIN: None.
ABSENT: Michael Hough
Victor Greco

#544-V: Daniel and Lisa Keating are requesting a 24.7 ft. front yard setback variance, according to Section 4.03 of the Town of Chester Zoning Local Law, in order to construct a 35' x 40' Three-Bedroom Single-Family Dwelling with a 494 ± sf. covered porch (1 ft. overhangs). Property is located at Kingsley Lane, identified by Tax Map Parcel #: 86.15-1-2, in Zoning District Moderate Intensity.

Steve Dean, consulting engineer, was present representing the Applicants.

Steve Dean said that it is a single-family residence with a septic and well.

James Batsford commented that it is the only flat spot.

Chairperson Kearney opened the public hearing for **Variance Application #544-V: Daniel and Lisa Keating** at 8:12 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 #544-V: Daniel and Lisa Keating** at 8:12 pm.

AYE 3 NO 0

Chairperson Kearney commented that it is a steep lot and she appreciated the drawing showing the grade.

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 a single-family dwelling in residential.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - No, slope.
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:
 - No, single-family dwelling.

5. Whether the alleged difficulty was self-created:

- The Board agreed that the alleged difficulty is self-created because they wanted to build.

James Batsford read the following:

RESOLUTION FOR VARIANCE APPLICATION #544-V

WHEREAS, Daniel and Lisa Keating (the “Applicant(s)”) are proposing to construct a 35’ x 40’ Three-Bedroom Single-Family Dwelling with a 494 ± sf. covered porch (1 ft. overhangs) on property located at Kingsley Lane, identified by Tax Map Parcel Number 86.15-1-2, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for a 24.7 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, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #544-V on November 28, 2023 and closed the public hearing on November 28, 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 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 or/nor be a detriment to nearby properties. This project is for the construction of a single-family dwelling in a residential neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances due to the slope of the property.
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 single-family dwelling will be a benefit to the neighborhood as the property will no longer be vacant.
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 James Batsford who moved for its adoption, seconded by Mary Clark:

Duly adopted this 28th day of November, 2023 by the following vote:

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

Minutes:

On a motion by James Batsford, seconded by Mary Clark, minutes from the meeting on October 24, 2023 were accepted.

AYE 3 NO 0

Correspondence:

- Zoning Administrator's Activity Report for October 2023.

Public Privilege:

None.

Board Privilege:

The Acting Secretary, Mindy Conway, asked if the December Board meeting could be moved from Tuesday, December 19th to Wednesday, December 20th. The Board agreed to move the meeting to Wednesday, December 20, 2023.

Adjournment:

On a motion by Mary Clark, seconded by James Batsford, the meeting adjourned at 8:19 pm.

AYE 3 NO 0

Respectfully submitted,

Mindy Conway

Acting Secretary