



ZONING BOARD OF APPEALS
January 24, 2024

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. Victor Greco was absent.

Chairwoman Kearney welcomed everyone to the meeting.

Chairwoman Kearney asked for a moment of silence for the loss of Vice Chairperson Michael Hough.

New Business and Public Hearings:

#545-V: Rebecca Baroudi (Mulvey) is requesting a 15 ft. road frontage variance (185 ft. proposed; 200 ft. required), according to Section 4.03 of the Town of Chester Zoning Local Law, in order to subdivide one parcel into two (2) lots (Lot 1 will be a $4.88 \pm$ acre building lot for construction of a single-family dwelling, on-site wastewater treatment system, water supply well and driveway and Lot 2 will remain as a $42.64 \pm$ acre lot with 53 ft. of frontage on the southerly end for future access and subdivision). Property is located at 358 Bird Pond Road, identified by Tax Map Parcel #: 49.-1-3.2, in Zoning District Moderate Intensity and Rural Use.

Rebecca Baroudi and Angie Mead were present.

Rebecca Baroudi was not sure when road frontage requirements went to 200 ft. instead of 150 ft. There are no drainage issues.

Chairwoman Kearney asked why they were requesting a variance. Rebecca Baroudi said that she would like to keep access to the back for a possible future subdivision.

James Batsford asked about the dimensions from the back corner of the proposed lot to the edge of the large parcel. Rebecca Baroudi said that it was to scale.

James Batsford asked if the building could go back 100 ft. instead of the 60 ft. that is required.

James Batsford commented that the survey is older.

Chairwoman Kearney asked the Board if they had anymore questions for Rebecca Baroudi.

Chairwoman Kearney opened the public hearing for **Variance Application #545-V: Rebecca Baroudi (Mulvey)** at 7:14 pm.

Karen Kowalczya commented that if this lot is approved, she is going to build a home on it.

Angie Mead said that she sketched the lot and thinks they are asking for a very small variance.

Norm Syvertsen, via Zoom, asked if there was a planned subdivision at this time for the remaining acres. Chairwoman Kearney said there is no planned subdivision at this point.

On a motion by James Batsford, seconded by Mark Clark the public hearing for **Variance Application #545-V: Rebecca Baroudi (Mulvey)** closed at 7:18 pm.

Chairwoman Kearney said that she does respect that it is a minimal variance, she is having a problem with this because they do not know what this land is going to be used for. There is plenty of room on the other side to gain access and she is all for a thoroughfare through for life safety, but they do not know what the subdivision would look like if it were ever subdivided. She feels that they are doing a “what if” variance. Maybe do a boundary line agreement later if you decide to do a subdivision. We do not have a professional survey, so we don’t really know the exact dimensions. We have criteria that we have to meet. We do not have the whole picture.

James Batsford said that a subdivision would need to be approved through the Planning Board.

Chairwoman Kearney would like the exact measurements.

James Batsford said that it looks like the survey is many years old.

Rebecca Baroudi did not want to go out and have the land surveyed and then not get it approved.

Chairwoman Kearney said they have to go by the facts.

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"/>

After a lengthy discussion the Board decided that no further discussion needed to occur since “No, or small impact may occur”.

Mary Clark said that the Applicant only needs to have a survey done on the one side.

Chairwoman Kearney said that since they closed the public hearing the Board has 62 days to make a decision and the Applicant can provide more information within that time.

Chairwoman Kearney said they received a letter from Krista & Mark Kulaga and that is on file.

James Batsford read the following:

RESOLUTION

NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #545-V, REBECCA BAROUDI (MULVEY)

WHEREAS, the Town of Chester Zoning Board of Appeals (“ZBA”) has received an Application from Rebecca Baroudi (Mulvey) (the “Applicant”) in order to subdivide one parcel into two (2) lots (Lot 1 will be a 4.88 ± acre building lot for construction of a single-family dwelling, on-site wastewater treatment system, water supply well and driveway and Lot 2 will remain as a 42.64 ± acre lot with 53 ft. of frontage on the southerly end for future access and subdivision) on property located at 358 Bird Pond Road, identified by Tax Map Parcel #: 49.-1-3.2 (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 Applicant; 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 Applicant;

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 #545-V, REBECCA BAROUDI (MULVEY),

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

Duly adopted this 24th day of January 2024 by the following vote:

AYES:	Chairwoman Kearney James Batsford Mary Clark
NOES:	None.
ABSTAINED:	None.
ABSENT:	Victor Greco

Chairwoman Kearney said that there will not be a quorum for the next variance, **#546-V: James G. and Elaine M. Pontone** because she will be recusing herself so that will be heard at the next meeting.

#546-V: James G. and Elaine M. Pontone are requesting a 10.93 ft. right side yard setback variance, 6.7 ft. left side yard setback variance, an 18.88 ft. shoreline setback variance and a 5 ft. left side yard setback variance, according to Section 4.03 and Section 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to construct a 1,075 sq. ft. addition to the existing Single-Family Dwelling and to construct a 24' x 26' Detached Garage. Property is located at 111 Blythewood Island Road, identified by Tax Map Parcel #: 86.5-1-18, in Zoning District Moderate Intensity.

Old Business:
None.

Minutes:

On a motion by James Batsford, seconded by Mary Clark, the minutes from the Regular Meeting on November 28, 2023 were accepted.

AYE 3 NO 0

Correspondence:

- Zoning Administrator's Activity Report for November 2023 and December 2023;
- 2024 Meeting Schedule and Submittals;
- E-mail from Krista and Mark Kulaga dated January 16, 2024 and received by the Zoning Office on January 17, 2024 RE: Variance Application #545-V;
- E-mail from Gregory Heitmann dated January 19, 2024 and received by the Zoning Office on January 19, 2024 RE: Variance Application #546-V;

- Letter from Alexandra and Peter Koppen dated January 19, 2024 and received by the Zoning Office on January 24, 2024 RE: Variance Application #546-V.

Public Privilege:

The Zoning Administrator said that Variance Application #546-V will be heard at the February 27th meeting, and they are required to send out notices again to all property owners within 500 ft.

Board Privilege:

Chairwoman Kearney asked that the meeting scheduled for December 24th be changed to December 17th. The Board agreed to move the meeting to Tuesday, December 17, 2024.

The Board agreed that Mary Clark should be Vice Chairwoman.

Adjournment:

On a motion by Mary Clark, seconded by James Batsford, the meeting adjourned at 7:55 pm.

AYE 3 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary