



ZONING BOARD OF APPEALS

February 27, 2024

Chairperson Barbara Kearney called the meeting to order at 7:02 pm.

Attendance:

Chairwoman Barbara Kearney, James Batsford, Vice Chairwoman Mary Clark, Stephen Kahrs, Alternate Dr. Bryan Bilfield, Zoning Administrator Jeremy Little (via Zoom) and Mindy Conway (Acting Secretary) were present. Victor Greco was absent.

Chairwoman Kearney welcomed everyone to the meeting.

Old Business:

#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 ± 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). 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.

No discussion.

New Business and Public Hearings:

Chairwoman Kearney recused herself, turned the Meeting over to Vice Chairwoman Clark, and left the room at 7:04 pm.

#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.

Elaine Pontone (Owner) and Tim Wade (Architect) were present.

Elaine Pontone purchased the house in 2022 and the house was built on a cliff with a boulder in her kitchen. They have approval for a brand-new septic system. Their goal is to create a house that looks like it has always been there, keeping with the existing design, mimicking the other side given the limitations of the property.

Vice Chairwoman Clark asked if the Board had any questions.

Stephen Kahrs asked if in the addition there would be any additional bathrooms, sinks, or any other wastewater would be produced. Time Wade replied that the proposed addition will add one (1) additional bedroom, which is why they had to install a new septic system which has a five (5) bedroom capacity. The existing house has three (3) bedrooms, and they are proposing to have one (1) additional bedroom and two (2) additional bathrooms.

Tim Wade walked the Board through the project.

Tim Wade commented that the proposed pump tank is roughly where the existing pump tank is now and said that Heitman's House is the closest residence.

On a motion by James Batsford, seconded by Stephen Kahrs, the public hearing for **Variance Application #546-V: James G. and Elaine M. Pontone** opened at 7:17 pm.

Jack Sweeney asked how they planned on removing the rock in the kitchen. Time Wade replied that they are looking into chipping with a small machine, or some expansive chemical epoxies put into drilled holes in the rock. There will not be blasting inside the house.

Jack Sweeney asked if they were going to blast the rock outside the house. Time Wade said they were not putting any footings or basement in.

Carol Monroe is very excited about seeing the new addition for their growing family. She is sad to see the rock in the kitchen go because she has great memories. Elaine Pontone commented that she stubs her toe on it all the time.

Vice Chairwoman Clark read the following letters into the record:

"My name is Gregory Heitmann and I own the property at 115 Blythewood Island along with my two brothers Roland and Eric Heitmann. Our property is directly next to James Pontone who is applying for a variance. We just wanted to write this letter stating we have no problem with the variance he is applying for."

"Thank you for sending all this information so promptly. We have reviewed all the documents and also spoken to Mr. Pontone and we wanted to let you know that we have no objections to his variance application #546-V. It appears to us that the variance facing our property will not extend any further than the existing deck, which was our major concern. Their house doesn't appear to be very far from the property line, so we wouldn't want it to extend any further.

Thank you for allowing our input,

Sincerely,

Bonnie and Tim Sullivan

109 Blythewood Island Rd"

"The attached Blythewood Island map shows the Fred & Sarah Monroe subdivision status in the 1990's with the lot owner names.

George and Louise Douros bought lot no. 18 from Fred and Sarah Monroe. They soon built their house according to the setback rules that were in effect at that time- the most important one being a 50 ft setback from the shoreline.

The property was recently sold to James & Elaine Pontone, who are now asking for significant variances to the setback rules on their small rocky lot.

Among the reasons for the original 50 ft setback rule was that it would prevent septic sewage from easily reaching the shoreline. With hardly any free acreage left around the lake to develop, the sewage issue is becoming more and more important in keeping loon lake a beautiful place with great fishing and water sports.

By allowing one owner to accommodate their personal wishes, their neighbors are faced with encroachment of one type or another. The enlargement of the Pontone's house as requested would be out of proportion with those of their neighbors.

Sincerely,
Alexandra Koppen and Peter Koppen"

Tim Wade commented that the existing house is 38.8 ft. from the shoreline, which is an existing non-conformity. The proposed addition is 31.1 ft. from the shoreline. The new septic will be further from the lake than the existing one.

On a motion by James Batsford, seconded by Bryan Bilfield, the public hearing for **Variance Application #546-V: James G. and Elaine M. Pontone** closed at 7:29 pm.

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - No.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - No, based on the lot itself.
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, it is an improvement with the new septic system.
5. Whether the alleged difficulty was self-created:
 - The Board agreed that the alleged difficulty is self-created.

RESOLUTION

WHEREAS, James G. and Elaine M. Pontone (the “Applicant(s)”) are proposing to construct a 1,075 sq. ft. addition to the existing Single-Family Dwelling and to construct a 24’ x 26’ Detached Garage on property located at 111 Blythewood Island Road, identified by Tax Map Parcel Number 86.5-1-18, in Zoning District Moderate Intensity (the “Project”) and have applied to the Town of Chester Zoning Board of Appeals (“ZBA”) for 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 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, Site Plan Review approval by the Planning Board will be required for the Project; and

WHEREAS, the ZBA opened and held a properly-noticed Public Hearing on Variance Application #546-V on February 27, 2024 and closed the public hearing on February 27, 2024; 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, 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 and 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, even though it will be an expansion to the existing single-family dwelling.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than area variances, based on the lot size.
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, with the installation of the new wastewater treatment system it will be an improvement to the property.

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 Bryan Bilfield
Duly adopted this 27th day of February 2024 by the following vote:

AYES: Vice Chairperson Mary Clark
James Batsford
Stephen Kahrs
Bryan Bilfield
NOES: None.
ABSTAIN: Chairperson Barbara Kearney
ABSENT: Victor Greco

#548-V: 13 Marina Road, LLC are requesting 26 ft. relief from Section 7.03(B)(4) (of the Town of Chester Zoning Local Law) as the existing dock, including the extension, will exceed the 40 ft. offshore requirement where 66 ft. is proposed, 24 sq. ft. relief from Section 7.03(B)(4) as the total dock area exceeds 240 sq. ft. where 264 sq. ft. is proposed, 50 ft. shoreline setback variance from Section 7.01(B)(4) and a 9.2 ft. left side yard setback variance from Section 4.03, in order to construct a 40' x 4' extension to the existing dock and construct an 88' x 4' boardwalk over wetlands. Property is located at 13 Marina Road, identified by Tax Map Parcel #: 86.13-1-13.3, in Zoning District Moderate Intensity.

Stephanie Bitter was present along with Russ and Sandra Crounse.

Stephanie Bitter said they were asking for a simple easement for shoreline access. This easement is to benefit 268 Blue Bay Road. They had a nice little footpath and a nice little dock, but the APA thought otherwise. They submitted it to the APA, but the APA did not approve of the natural footpath, they felt it was too much of an impact to the wetlands and they want to see it replaced with a crossing 88'x 4' which is on the detail sheet by Hutchins Engineering. The docks length is the way it is because of the APA. The APA cam and Russ Crounse took them out in the canoe, and they determined the best place for the dock to end.

Russ Crounse said that this has been an ongoing with the APA and he will be doing the construction himself.

Bryan Bilfield asked if the dock was going to stay in the water. Russ Crounse said that he does not know what the regulations are in regard to permanency. In the water there is an 8'x 12' (platform) existing deck with a 4'x 8' little jet that is existing. It is his understanding that that can stay and from that structure he wants to go out 40 ft. with an aluminum dock.

Bryan Bilfield asked if there was ice. Russ Crounse said that the water was open there.

Vice Chairwoman Clark asked why he was asking for an extra 40 ft. Russ Crounse said the APA said there was foliage and they needed to be past that.

Vice Chairwoman Clark said that there is a nonpermitted dock there now and he would have to go back to the Zoning Office to get a permit.

James Batsford asked what the depth of the water was needed for the APA at the end of the dock. Russ Crounse replied 3 ft.

Vice Chairwoman Clark asked if they could go with a shorter dock. Russ Crounse said that he is advocating for as far out as he can, but he could go shorter by 8 ft. They are rocks if you come in shorter.

Bryan Bilfield asked how long the dock was that he normally puts in. Russ Crounse replied 8 ft.

Stephen Kahrs asked how long the dock will be. Russ Crounse said 66 ft. which includes the landing.

Bryan does not know what the average depth of the area is. Russ Crounse said the depth in the bay is the same.

The Zoning Administrator commented on the site plan from Hutchins Engineering shows that is 26 ft from the shoreline out into the water for the existing dock and a 40'x 4' dock extension off that existing dock and commented that if you could reduce the dock length by 6 ft one of the variances could be eliminated. Russ Crounse said that it is 16 ft. out. The Zoning Administrator said that there is a discrepancy in the site plan then.

Stephen Kahrs said that he would like to see lake depths at certain intervals.

On a motion by James Batsford, seconded by Vice Chairwoman Clark, the public hearing for **Variance Application #548-V: 13 Marina Road, LLC** opened at 8:07 pm.

Vice Chairwoman Clark asked if anyone from the public would like to speak.

No comments.

On a motion by Vice Chairwoman Clark, seconded by Bryan Bilfield, the public hearing for **Variance Application #548-V: 13 Marina Road, LLC** remained open at 8:08 pm until a revised site plan is submitted with water depths included.

AYE 4 NO 0

Chairwoman Kearney returned to the meeting at 8:10 pm.

#547-V: Douglas and Kim Page are requesting variances from requirements of Section 7.03(B)(4) of the Town of Chester Zoning Local Law, in order to replace an existing dock (in-kind) with a new 65' x 4' Floating Dock. The proposed dock will have a total dock surface area of 260 sq. ft. where 240 sq. ft. is allowed and will extend offshore from the shoreline 65 ft. where 40 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 Paige was present via Zoom and said that they like to change from a fixed dock to floaters in the same footprint.

James Batsford asked if the length of the pipes sticking out of the water. Doug Paige said that last year the depth of the water went up 5 ft. over a weekend. Schroon Lake Marina recommended putting in one (1) 12 ft. pole at the end.

James Batsford asked if this was going to be left in year-round. Doug Paige said no they would be put in in the spring and removed in the fall.

Chairwoman Kearney commented that it is removal and replace in kind, same size.

On a motion by Vice Chairwoman Clark, seconded by James Batsford, the public hearing for **Variance Application #547-V: Douglas and Kim Page** opened at 8:16 pm.

Chairwoman Kearney asked if anyone would like to speak.

On a motion by James Batsford, seconded by Vice Chairwoman, the public hearing for **Variance Application #547-V: Douglas and Kim Page** closed at 8:16 pm.

Chairwoman 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"/>

The Board decided that no further discussion was needed since “No, or small impact may occur”.

The Board discussed the following findings and decisions:

1. Whether undesirable change be produced in character of neighborhood or detriment to nearby properties:
 - No, same size, same place, only changing the material.
2. Whether benefit sought by the applicant can be achieved by feasible alternative to the variances:
 - No, same place.
3. Whether the requested variance is substantial:
 - No, in-kind.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:
 - No, it will be updated and removed during the winter.

Chairwoman Kearney read the following:

RESOLUTION

NOTICE OF DETERMINATION OF SIGNIFICANCE AND NEGATIVE DECLARATION IN CONNECTION WITH VARIANCE APPLICATION #547-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 in-kind replacement of an existing 65’ x 4’ dock 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 #547-V, DOUGLAS AND KIM PAGE,

Introduced by Chairperson Barbara Kearney who moved for its adoption, seconded by Mary Clark:

Duly adopted this 27th day of February, 2024 by the following vote:

AYES: Chairperson Barbara Kearney
Mary Clark
James Batsford
Stephen Kahrs
Bryan Bilfield
NOES: None.
ABSTAIN: None.
ABSENT: Victor Greco

Stephen Kahrs read the following:

RESOLUTION

WHEREAS, Douglas and Kim Page (the “Applicant(s)”) are proposing to replace an existing dock (in-kind) with a new 65’ x 4’ Floating Dock which will have a total dock surface area of 260 sq. ft. where 240 sq. ft. is allowed and will extend offshore from the shoreline 65 ft. where 40 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(B)(4) 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 #544-V on February 27, 2024 and closed the public hearing on February 27, 2024; 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(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, as the proposed dock is the same size and will be installed in the same place with no change in material.
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 proposed dock is an in-kind replacement and will be installed in the same place.
3. The requested area variances are not substantial, as the project is for an in-kind replacement of the existing dock.
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, as the dock will be removed during the winter.
5. The alleged difficulty is not 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 Stephen Kahrs who moved for its adoption, seconded by Mary Clark

Duly adopted this 27th day of February 2024 by the following vote:

AYES: Chairperson Barbara Kearney
 Mary Clark
 James Batsford
 Stephen Kahrs
 Bryan Bilfield
NOES: None.
ABSTAIN: None.
ABSENT: Victor Greco

#549-V: Jonathan Peter Angell is requesting a 12'-2" front yard setback variance, 12'-4" right side yard setback variance, 7'-6" left side yard setback variance and a 13'-11" shoreline setback variance, according to Section 4.03 and 7.01(B)(4) of the Town of Chester Zoning Local Law, in order to construct a 623 sq. ft. addition to the existing single-family dwelling. The addition will consist of an expansion to the existing living room, new covered porch and one bedroom. Property is located at 19 Tabernacle Foot Path, identified by Tax Map Parcel #: 102.40-1-34, in Zoning District Hamlet.

Mark Middleton was present representing the Applicant.

Mark Middleton said that the Applicant is looking to enlarge the living room, add a bedroom, and add a covered porch. The Applicant is unable to go upstairs, which is why he is looking to have a bedroom downstairs.

Chairwoman Kearney said that she noticed that Warren County had it listed as a 2-bedroom home. Mark Middleton said that there is only one (1) bedroom upstairs.

Chairwoman Kearney said they did not get a second-floor plan. Mark Middleton said there will not be a second floor, it will be just storage. Chairwoman Kearney said that the stairs go somewhere, and they did not get a copy of the plan.

Chairwoman Kearney's concerns are that they are really close to the property line, and she always thinks of life safety, and fire separation. You do not need fire separation construction if you are 5 ft. Mark Middleton said that the closest point is 2.8 ft at the living room overhang. Chairwoman Kearney would like to see a 5 ft separation from the property line and that would be measured perpendicular.

James Batsford said one distance from the overhang to the property line is only 3 inches. Chairwoman Kearney said that is existing on the other side on the south end.

Chairwoman Kearney would like to see a second-floor plan, any septic documentation, so we know the septic is sized for. Mark Middleton said that the holding tank is all new. Chairwoman would also like to see 5 ft separation on the north side.

James Batsford said they could add a condition the room upstairs only storage.

On a motion by Vice Chairwoman Clark, seconded by Stephen Kahrs the public hearing for **Variance Application #549-V: Jonathan Peter Angell** opened at 8:41 pm.

Chairwoman asked if anyone from the public would like to speak.

Chairwoman Kearney would like to keep the public hearing open until the side yard variance can be looked at, a new floor plan (1st and 2nd floors), and any information on the holding tank.

Chairwoman Kearney commented Warren County said, no County impact.

On a motion by Vice Chairwoman Clark, seconded by Bryan Bilfield the public hearing for **Variance Application #549-V: Jonathan Peter Angell** remained open at 8:44 pm until the requested information is provided.

AYE 5 NO 0

#550-V: Work Hard, Play Harder LLC (Members: Luke and Jessica Getty, Kyle and Rella Getty) are requesting multiple variances from Section 2.03, 4.03, 7.03(C)(3,4 and 5) and Section 7.03(B)(4) of the Town of Chester Zoning Local Law, in order to renovate the existing boathouse, including repairs to the foundation, replacement of the roof with a flat roof to including safety railings, expansion of the height of the boathouse (Existing Height: 16'-6"; Proposed Height: 22'-10") and construction of stairs, in-kind replacement of the existing 450 sq. ft. shoreline deck, construction of a new 30' x 8' dock and construction of a new 10' x 10' deck attached to the side of the existing boathouse. Property is located at 9 Pine Tree Drive, identified by Tax Map Parcel #: 136.6-1-18, in Zoning District Rural Use.

Chairwoman Kearney commented that she personally did a site visit along with some of the other Board members and noticed a lot of tree cutting was done and she recommended that they get in touch with the Zoning Department to make sure they are in compliance with the Zoning Code.

Jessica and Luke Getty, and Rella Getty were present.

Jessica Getty said that the boathouse is in poor condition which affects the deck, because that structure is tied into the boathouse. They do not have any existing dock, so they are looking to replace the existing cribbing and keeping the same width of the boathouse and they would like to go out an additional 6 ft., because the depth of the boathouse does not accommodate a boat of today's size. In doing that they are proposing putting in a flat roof and including any safety railings that would be required. There would not be stairs going to the top of the boathouse from

lake level. Additionally, they do not have any access to the interior of the boathouse beside the lakeside deck that is on the property now.

Chairwoman Kearney said that the boathouse foundation certainly needs to be repaired. The stairs should not be on the plans if they are going to be removed. On exhibit C with the platform, she commented that the Board is supposed to give the minimum variances and is wondering why the average person needs all of the space. There is going to be a deck on the roof of the boathouse, a 10'x 10' deck, attached to the side of boathouse, along with an in-kind replacement of an existing 450 sf deck, and a 30'x 8' dock.

Chairwoman Kearney asked if there was any alternative that would make this variance less substantial. Jessica Getty said there are two (2) families using this property. Chairwoman Kearney asked how many bedrooms. Jessica Getty replied four (4), with their large family they do require more space for activities for the kids, and keeping the boats away from where the kids are swimming for safety. One boat will go in the boathouse.

Chairwoman Kearney said that an 8 ft. wide dock is pretty big. Luke Getty commented that there is currently no existing dock, it is all deck and patio space.

Chairwoman Kearney said that this will need to go to the APA.

Jessica Getty asked what the Board recommendation be. Chairwoman Kearney said the least amount of variances and when you look at the criteria on the form that they filled out, you have to look at it, why should the Board grant this. Yes, the boathouse has to be repaired. Luke Getty said that they can have 240 ft of dock space, that is how they came up with the 40'x 8' dock. Chairwoman Kearney said they are already having a platform in water.

Luke Getty said they would like to go back to the drawing board. Chairwoman Kearney recommended meeting with the Zoning Administrator for assistance.

Chairwoman Kearney said that the Board is not making any decisions tonight, they want to look at the whole package.

James Batsford asked about water depths for the boathouse. Chairwoman Kearney said that the pictures were very helpful.

On a motion by James Batsford the public hearing for **Variance Application #550-V: Work Hard, Play Harder LLC (Members: Luke and Jessica Getty, Kyle and Rella Getty)** opened at 9:05 pm.

Chairwoman Kearney asked if there was anyone Zoom who would like to speak.

Chairwoman Kearney said there was no correspondence and commented that if the neighbors are supportive, it always helps.

On a motion by Vice Chairwoman Clark, seconded by Bryan Bilfield the public hearing for **Variance Application #550-V: Work Hard, Play Harder LLC (Members: Luke and Jessica Getty, Kyle and Rella Getty)** remained open at 9:06 pm.

AYE 5 NO 0

Minutes:

On a motion by Vice Chairwoman Clark, seconded by James Batsford, the minutes from the Regular Meeting on January 24, 2024 were accepted.

AYE 3 NO 0
Abstain – Brian Bilfield
Abstain – Stephen Kahrs

Correspondence:

- Zoning Administrator’s Activity Report for January 2024;
- E-mail received from Bonnie and Tim Sullivan dated January 30, 2024 and received by the Zoning Office on January 31, 2024 RE: Variance Application #546-V;
- Warren County Planning Department Project Review and Referral Form, reviewed by Department on February 16, 2024 for Variance Application #547-V, #548-V and #549-V. Forms received by the Zoning Office on February 20, 2024.

Public Privilege:

None.

Board Privilege:

None.

Adjournment:

On a motion by Chairwoman Kearney, seconded by Vice Chairwoman Clark, the meeting adjourned at 9:09 pm.

AYE 5 NO 0

Respectfully submitted,

Mindy Conway
Acting Secretary