

# **MINUTES**

## **VILLAGE OF CHESTER ZONING BOARD OF APPEALS**

**AUGUST 27, 2012**

### **PUBLIC HEARING AND SPECIAL MEETING**

**PRESENT:** David STEVENSON, Acting Chairman  
Gordon SHEHAB, Member  
Daniel GORMAN, Member  
John ORR, Code Enforcement Officer  
Ian SCHLANGER, Attorney

#### **PUBLIC HEARING - CONTINUED:**

##### **51 Meadow Avenue Public Hearing**

**Project # ZBA-12-01**

Applicant/Owner: Matthew Houston / Thundarr Blackstar  
Location: 51 Meadow Avenue, Chester (SBL 101-4-4 / RA Zone)  
Re: Variances - Side Yard; Minimum Lot Area; Use  
Presented By: Matthew Houston

Acting Chairman David Stevenson opened the Public Hearing at 7:04 PM.

Additional proof of mailings was presented by the applicant.

Matthew Houston provided an overview of the updated documents he provided:

- Financial information provided (copy attached).
- The Board reviewed both the site plan submitted previously as well as a survey brought to the meeting by Matthew Houston (the Board requested a copy of the survey be submitted) and discussion was held to confirm the number of feet needed for the side yard variances as well as the rear yard variance. It was determined that the applicant is requesting a 10 foot side yard variance for both side yards as well as a 40 foot rear yard variance.
- It was confirmed that the total square footage of the structure is 2300 and that each unit would be ½ of that (1150 square feet each).
- Area Variance discussion included:
  - If the applicant could build the structure with a 50 foot rear yard. The applicant indicated that he could do the 50 foot rear yard, however noted that the parcel is narrower at the front than at the rear and the angle will shorten the side yards.
  - The applicant noted that he wants to be as far away from the rear property line as possible, so if he can move the structure up on the property, he will.
  - CEO John Orr noted that the 10 foot side yard variances would allow the applicant some room in case of any discrepancies between the site plan and the as-built structure.
  - CEO John Orr also noted that there are 2 other variances to be discussed - area and lot width. They are both pre-existing, non-conforming and clarification was requested on whether they needed to be granted or just memorialized as pre-existing, non-conforming.
  - It was discussed and determined that once the variances are granted, the maximum lot coverage of 15% would be taken care of.
- Use Variance discussion included:
  - Village Attorney Ian Schlanger advised the board of the standards for a use variance.
  - Village Attorney Ian Schlanger noted that he reviewed the financial submitted by the applicant as well as the requirements for a use variance.
  - Applicant was asked if the units were stacked, would it create a smaller footprint than to have them side by side.

- Matt Houston advised there is no difference in the square footage of the building and he would still need the same footprint to accommodate the proposed structure.
- The applicant advised the property currently contains a large concrete garage / storage structure with a hole in front of it.
- CEO John Orr advised the property was in disrepair when the previous owner was living there and it has continued to deteriorate under the current owner.
- It was confirmed the ditch would remain on the property for drainage.
- The driveway is shown on the survey and the applicant will be using gravel / item 4 for the driveway surface.

**\*MOTION** was made by Member Gorman and second by Member Shehab to CLOSE THE PUBLIC HEARING. Motion passed 3-0.

It was noted for the record that no other public was in attendance.

**\*MOTION** was made by Member Gorman and second by Member Shehab to OPEN THE SPECIAL MEETING. Motion passed 3-0.

**SPECIAL MEETING:**

Acting Chairman Stevenson opened the Regular Meeting.

**1. MINUTES:**

Review of August 14, 2012

**\*MOTION** was made by Member Gorman and second by Member Shehab to ACCEPT THE AUGUST 14, 2012 MEETING MINUTES AS DRAFTED. Motion passed 3-0.

**2. PROJECTS FOR REVIEW:**

<b>51 Meadow Avenue</b>	<b>Project # ZBA-12-01</b>
Applicant/Owner:	Matthew Houston / Thundarr Blackstar
Location:	51 Meadow Avenue, Chester (SBL 101-4-4 / RA Zone)
Re:	Variances - Side Yard; Minimum Lot Area; Use
Presented By:	Matthew Houston

**\*MOTION** was made by Member Gorman and second by Member Shehab, to DECLARE THIS AN UNLISTED ACTION UNDER SEQR and, therefore requires no further action. Motion passed 3-0.

**\*MOTION** was made by Member Gorman and second by Member Shehab to ISSUE A NEGATIVE DECLARATION UNDER SEQR declaring that there are no potentially significant environmental impacts would occur from the construction of a 2 Family Dwelling on the property. Motion passed 3-0.

The Orange County Department of Planning review response was read into the record by Secretary Sandra VanRiper (**copy attached**). It was noted for the record that the application was reviewed and determined not to be within 500 feet of any adjoining municipalities.

The applicant was provided with an Agricultural Data Statement to fill out. The form was filled out and returned at the end of the meeting.

**\*MOTION** was made by Member Gorman and second by Member Shehab to GRANT THE AREA VARIANCE of 10 feet on either side yard for a total side yard variance of 20 feet and 10 feet rear yard variance. The record will reflect that these variances were granted based on the information

provided by the applicant and the Board determined that the benefits of this project far outweigh the detriment to the surrounding neighborhood and community. Motion passed 3-0.

The record will also reflect that the property does not meet the area or lot width requirements. The Board has reviewed the requirements and acknowledged the area and/or lot width are pre-existing, non-conforming and, therefore, do not require variances.

The Board finds that the applicant has shown an economic hardship and cannot make a reasonable economic recurrence by using the property as any other use and, therefore, **MOTION** was made by Member Shehab and second by Member Gorman to GRANT A USE VARIANCE TO ALLOW CONSTRUCTION OF A TWO FAMILY DWELLING IN A RA ZONE. Motion passed 3-0.

It was noted for the record that although the requested variances were granted, the applicant is still required to submit an application to the Planning Board.

**\*MOTION** was made by Member Gorman and second by Member Shehab to adjourn the meeting. Motion passed 3-0. Meeting adjourned at 7:33 PM.

Respectfully Submitted,

Sandra VanRiper  
Zoning Board Secretary