

Town Of Chester Zoning Board of Appeals
1786 Kings Highway, Chester, New York 10918
Phone: (845) 469-7000, ext. 308 Fax: (845) 469-9242

APPLICATION TO THE ZONING BOARD OF APPEALS

PART I: OWNER INFORMATION-Please type or print below

DATE: 2/11/19

Property Location: 1355 Kings Highway

Owner(s) of Record: Full name(s) Broccoli Patch, Inc

Home Phone#: () - Work #: (845)497-7772 Cell #: () -

Email address: bylandseair63@yahoo.com

Mailing Address of Owners(s): 555 Mt. Airy Road

City, State, Zip Code: New Windsor, NY, 12553

PART II: AGENT INFORMATION- If applicable (Please attach Owner Authorization letter)

Agent Name: Engineering & Surveying Properties, PC

Work #: (845)457-7727 Cell #: () -

Email address: ross@ep-pc.com

Mailing Address of Agent: 71 Clinton Street

City, State, Zip Code: Montgomery, NY, 12549

PART III: ATTORNEY INFORMATION

Attorney for Applicant: _____

Mailing Address of Attorney: _____

City, State, Zip Code: _____ Phone # () -

PART IV: APPLICATION DETAILS

Note: If this application is being made by someone other than the owner, the owner must sign the owner's authorization attached to this document.

Orange County Tax Map Number: _____ Section/Block/Lot 13 / 3 / 2

Zoning District: LB/SL Lot Size 2.19 acres

Type of Variance Sought: (check one or more)

☒ Area Variance

☐ Use Variance

☒ Interpretation

Referred by:

☒ Planning Board

☐ Code Enforcement Officer

State in factual terms the exact manner in which applicant seeks from the Zoning Board of Appeals:

The applicant proposes an area variance from section 40A-5(a) to build within a 100 ft cemetery buffer on the lot. In addition, the applicant is seeking an interpretation that a catering facility is included as a use under a "restaurant" and that more than one building is permitted on a lot.

A summary statement of the practical difficulty because of the existing zoning regulations for the subject premises as follows:

The 100 ft cemetery buffer area on the northeast corner of the lot is required by code section 40A-5(a). It appears that this buffer was instituted to preserve the historic character of the cemetery. The state historic preservation office has determined there are no impacts to the cemetery and in our opinion a 100 ft setback would amount to a taking of the property

Describe any circumstances supporting this application:

The section 98-37(A)(1) definition of "principle building or use" specifically states that "...more than two principle uses may be located in a single building or on a single lot". This statement therefore contemplates more than one building.

Has a variance or special exception use ever been applied for on this property?

☐ Yes ☒ No

If yes, indicate the Zoning Board of Appeals date of decision: _____

Is the subject property located within 500 feet of any of the following?

- ☐ Town or Village boundary line (if yes, indicate which Town or Village : _____)
- ☐ State road, park, or other recreational facility
- ☒ County Road or right of way
- ☐ Federal owned property

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OWNER AUTHORIZATION

STATE OF NEW YORK

COUNTY OF ORANGE

I, Lewis J. Donnelly
OWNER
residing at 555 Mount Airy Rd New Windsor NY 12553
OWNER ADDRESS
being the owner of premises 1355 Kings Highway, Chester, NY
PROPERTY LOCATION
also known as Orange County Tax Map #: Lot 13-3-2
TAX MAP
hereby authorize Engineering & Surveying Properties, PC
AGENT
whose mailing address is 71 Clinton Street, Montgomery, NY
AGENT ADDRESS
to appear on my behalf before the Zoning Board of Appeals
of the Town of Chester, and to file any documents required with reference to my
application for Area Variance and Interpretation

I hereby agree to allow my agent, whose name appears above, to act on my behalf and I further agree to abide by any requirements imposed by this Board as a condition of their approval.


OWNER SIGNATURE

Sworn to before me this 19
Day of February, 2019
Notary Public


MARY CATHERINE WELCH
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01WE6334650
QUALIFIED IN ORANGE COUNTY
MY COMMISSION EXPIRES 12-21-2019

ZONING BOARD OF APPEALS

OWNERS AUTHORIZATION FOR A SITE VISIT

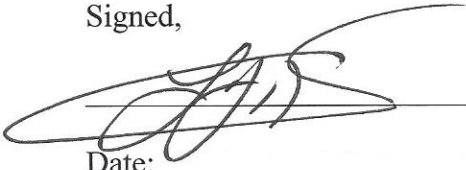
I (Please print) Lewis J. Donnelly, Member of Broccoli Patch, Inc

grant permission for members of the Zoning Board of Appeals and/or representatives of same Board to make a site visit on my property should they deem it necessary to review my application. The property location is:

1355 Kings Highway, Chester, NY

Tax Lot#13-3-2

Signed,



Date:

2-19-19

MY COMMISSION EXPIRES 12-31-2018
QUALIFIED IN ORANGE COUNTY
(NO DISBURSE)
NO DATA PUBLIC-STATE OF NEW YORK
MARY CATHERINE WELCH

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Interpretation Only

A request for an interpretation is made for the following reason:

Catering- To confirm that catering is a type of restaurant use that is covered by the more generic use category of "Restaurant". Catering is not defined in the zoning code but is generally defined to provide food and services to a large private party. The only difference is that the supply of food services is not open to the general public and is specifically reserved for a group.

Multiple Principle Uses on One Lot- The section 98-37(A)(1) definition of "principle building or use" specifically states that "...more than two principle uses may be located in a single building or on a single lot. This statement therefore contemplates more than one building

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Area Variance Only

Please answer the following:

Will there be an undesirable change in the character of the neighborhood, or a detriment to nearby properties if this variance is granted?

No this will in no way negatively affect the surrounding properties as the building architecture and location will be screened from the road.

Can you achieve your goals via a reasonable alternative which does not involve the necessity of an area variance?

Due to the topography of the site and location of existing building there is no reasonable alternative to avoid the area variance.

Is the variance is substantial?

The request to reduce the setback to 60 ft is not substantial as S.H.P.O. has determined there are no impacts to the cemetery (See S.H.P.O. sign off attached)

Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?

We do not believe it will have an adverse impact on the physical or environmental conditions as any potential impacts will be mitigated.

Is this a self-created difficulty?

No it is a result of the site physical conditions (E.G. wetlands, slopes and the location of existing buildings)