

DAVID NIEMOTKO ARCHITECT, P.C.

167 Stage Road

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January 21, 2020

Gregg Fiegelson, Zoning Board Chair

c/o Town of Chester

1786 Kings Highway

Chester, NY 10918

Via: Hand Delivery

Re: 15 Davis Hill Road, Chester, NY 10918
SBL: 7-1-51

We are submitting the following application to the zoning board for approval of a renovation of an existing barn structure to a living space for the applicant's parents.

The following is attached, as required per the Zoning Board Application:

1. 7 copies of the completed Zoning Board Application, dated 1/17/20.
2. 7 copies of the completed short form EAF, dated 1/15/20.
3. 7 copies of sheet C-1 for 15 Davis Hill Road, dated 1/21/20.
4. A check in the amount of \$525 for the application fees.

Please feel free to contact me with any questions or comments.

Very truly yours,

David Niemotko (Electronic Signature)

David Niemotko, Registered Architect

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: _____

Property Location: 15 Davis Hill Road

Owner(s) of Record: Full name(s) Yogesh and Aradhna Pal

Home Phone#: () - Work #: () - Cell #: () -

Email address: maneeshpal@outlook.com

Mailing Address of Owners(s): 15 Davis Hill Road

City, State, Zip Code: Chester, NY 10918

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

Agent Name: David Niemotko Architects, PC

Work #: (845) 774 - 7523 Cell #: () -

Email address: david@niemotkoarchitects.com

Mailing Address of Agent: 167 Stage Road

City, State, Zip Code: Monroe, NY 10950

PART III: ATTORNEY INFORMATION

Attorney for Applicant: N/A

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: 7-1-51 Section/Block/Lot 7 / 1 / 51

Zoning District: AR-3 Lot Size 2.13

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:

We are seeking relief from code section 98-11E of the zoning code. There is an existing detached barn structure on the property that we wish to renovate to a living space for the applicant's parents. There will be no change to the existing footprint.

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

This property is a pre-existing non-conforming use. There exists 2 structures on the property. The zoning regulations only allow one dwelling unit per lot for this district. We wish to convert an existing structure and not incur unnecessary expenses by building a new addition. Any new addition will require a zoning board application regardless as a result of the location of the 2 non-conforming structures within the front yard setbacks.

Describe any circumstances supporting this application:

The applicant wishes to provide care for an elderly and infirmed parent.

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: N/A

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, YOGESH PAL
OWNER
residing at 15 Davis Hill Road, Chester NY 10918
OWNER ADDRESS
being the owner of premises 15 Davis Hill Road, Chester NY 10918
PROPERTY LOCATION
also known as Orange County Tax Map #: 7-1-51
TAX MAP
hereby authorize David Niemotko, PC
AGENT
whose mailing address is 167 Stage Road, Monroe NY 10950
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 Existing Barn Conversion

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 17th
Day of January, 2020
Notary Public

JASON D. KUKLIS
Notary Public, State of New York
Qualified in Orange County
Reg. No. 01KU6229448
My Commission Expires 12-5-2022

ZONING BOARD OF APPEALS

OWNERS AUTHORIZATION FOR A SITE VISIT

I (Please print) YOGESH PAL

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:

15 Davis Hill Road, Chester NY 10918

Signed, Yogesh Pal

Date: 1/17/2020

**Town Of Chester
Zoning Board of Appeals
1786 Kings Highway,
Chester, New York 10918
(845) 469-7000, Ext. 308**

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?

The land and 2 structures have existed for a minimum of over 50 years and will remain unchanged. Therefore, they are consistent with the nature of the neighborhood, and pose no detrimental impact.

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

Since the structure and lot are existing non-conformities, any expansion of such non-conformity involves the necessity of an area variance. Also, connecting the two structures to form "one house" with an enclosed breezeway is not a viable option. It is costly and not contextual with the neighborhood.

Is the variance is substantial?

The variance is not substantial because it does not involve the change of any building exterior or physically disturb any area.

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

There will be no adverse impacts on the neighborhood since the exterior footprint and design of the house will not change. The house is contextual with the area.

Is this a self-created difficulty?

Yes, because all area variances in question are a result of an expansion of an existing non-conformity. Any alteration would necessitate an appearance before the zoning board, so in asking for the alteration, the difficulty is self created and unavoidable.

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Use Variance Only

Please answer the following:

The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.

To avoid the further application of variances, such as a building addition, the applicant wishes to use an existing structure as a new dwelling unit. To accomplish this, the existing barn structure will be converted as it is the least expensive and most sensible measure to achieve a living space for the applicant's family. Please see question two on page 8 for further information on this question.

The alleged hardship unique relating to the property in question, and does not apply to a substantial portion of the district or neighborhood.

This hardship only affects an existing building on the applicants own property, and nothing exterior will be altered in the process of the barn conversion.

Will the use variance, if granted, alter the essential character of the neighborhood?

The character of the neighborhood will not be changed because the exterior and facade of the lot will not change, thus not allowing any space for character alteration.

Has the alleged hardship been self-created?

Yes, because all the use of the barn is different from the proposed use of the structure. Any alteration would necessitate an appearance before the zoning board, so in asking for the alteration, the difficulty is self created and unavoidable.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

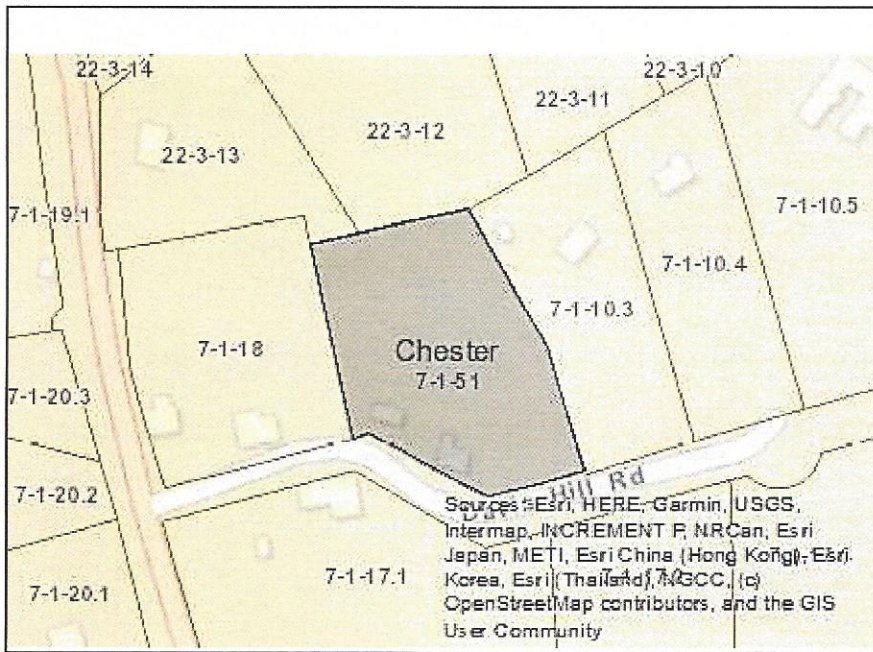
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

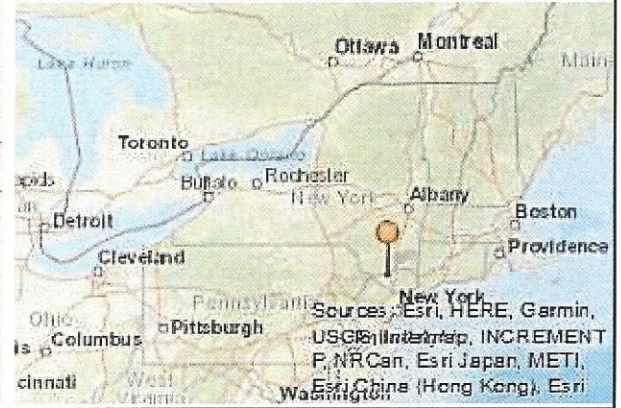
Part 1 – Project and Sponsor Information			
Barn Conversion for Yogesh Pal			
Name of Action or Project:			
15 Davis Hill Road			
Project Location (describe, and attach a location map):			
15 Davis Hill Road			
Brief Description of Proposed Action:			
Conversion of existing barn to living space			
Name of Applicant or Sponsor:		Telephone: 845-774-7528	
David Niemotko Architects, P.C.		E-Mail: david@niemotkoarchitects.com	
Address:			
167 Stage Road			
City/PO:		State:	Zip Code:
Mahwah		NY	10950
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action?			2.1 acres
b. Total acreage to be physically disturbed?			0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			2.1 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____			
<u>The proposed action will meet all state energy code requirements.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Bog Turtle, Timber Rattlesn...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>DAVID NIEMOTKO ARCHITECT PC</u> Date: <u>1.15.2020</u>		
Signature: <u><i>David Niemotko</i></u> Title: <u>President</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bog Turtle, Timber Rattlesnake, Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No