

Town Of Chester Zoning Board of Appeals
1786 Kings Highway, Chester, New York 10918
Phone: (845) 469-7000, ext. 338 Fax: (845) 469-9242



APPLICATION TO THE ZONING BOARD OF APPEALS

PART I: OWNER INFORMATION-Please type or print below

DATE: January 5, 2022

Property Location: 193 Black Meadow Road

Owner(s) of Record: Full name(s) 193 BMD LLC

Home Phone#: () - Work #: 845-343-1200 x402 Cell #: () -

Email address: josh@superiobrand.com

Mailing Address of Owners(s): 193 Black Meadow Rd, PO Box 2368

City, State, Zip Code: Chester, NY 10918 Monroe, NY 10949

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

Agent Name: Attorney and

Work #: () Engineer will Cell #: () -
appear on behalf of

Email address: applicant/owner

Mailing Address of Agent: _____

City, State, Zip Code: _____

PART III: ATTORNEY INFORMATION

Attorney for Applicant: Stephanie Tunic - Blustein, Shapiro, Frank & Barone, LLP

Mailing Address of Attorney: 10 Matthews Street

City, State, Zip Code: Goshen, NY 10924 Phone # 845-291-0011

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 6-1-100

Zoning District: Industrial Park w Flood Plains & Ponding Area Enviro Lot Size 5.9 acres
Overlay

Type of Variance Sought: (check one or more)

☒ Area Variance

☐ Use Variance

☐ Interpretation

Referred by:

☒ Planning Board

☐ Code Enforcement Officer

*Received
Check #20458
\$215.00*

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

Town of Chester Zoning Code Section 98-7 (Schedule of Use and Area Requirements Table for the IP district) provides that for wholesale operations of a light industry nature/fully enclosed warehouse distribution centers (both uses could be applicable to the instant application) the minimum front yard is 100 feet and the minimum side yard requirement is 90 feet for one side. The applicant is proposing a 25,000 sq. ft addition to the rear of the existing facility with an existing front yard of 86.6 feet and an existing side yard of 70.4 feet. Per the June 8, 2021 referral letter from the Planning Board Chair, possible variances are required for at least the existing side yard. However, since both are similar existing nonconformities, both side yard and front yard variances are being presented for the ZBA's consideration.

In addition, pursuant to Town Code Section 98-22(C)(1)(b), the project would require a total of 120 parking spaces and the applicant is proposing a total of 69 parking spaces, including one handicapped space.

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

- The Owner/Applicant is seeking to extend its existing facilities based upon business demand for more storage area for the various goods it sells. Although said extension would be in the rear of the premises, existing nonconformities may need variances. —
- Additionally, the particular business model of the applicant/owner does not have a high demand for parking spaces. Most of the new space in the facility will be used for pallet storage and will not be occupied by persons working, such that the parking calculations do not reflect the actual persons (or cars) occupying the new space. Moreover, very rarely do customers come to the facility, and, as such, the parking requirement would be excessive in this particular instance. —

Describe any circumstances supporting this application:

- Based upon the actual number of employees and very little customer traffic, the required 120 parking spaces would be excessive in this instance. Here, the addition being proposed is solely intended for the storage of materials and supplies, with no additional staff or foot traffic intended. The current parking at the facility is sufficient and requiring anymore is unnecessarily adding impervious surface to the property. —

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? None are believed to apply.

- ☐ 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, Joshua Kohn, Sole Member of 193 BMD LLC

OWNER

residing at PO Box 2368 Monroe, NY 10949

OWNER ADDRESS

being the owner of premises 193 Black Meadow Road

PROPERTY LOCATION

also known as Orange County Tax Map #: 6-1-100

TAX MAP

hereby authorize Stephanie Tunic, Esq. and Larry Torro PE

AGENT

whose mailing address is 10 Matthews St, 55 Brookside Ave,
Goshen, NY 001 Chester, NY

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 Two Area Variances.

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 6th

Day of January, 2022

Notary Public

STEPHANIE TUNIC
Notary Public, State of New York
No. 02TU6373755
Qualified in Orange County
Commission Expires April 16, 2022

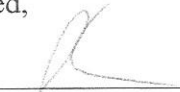
**ZONING BOARD OF APPEALS
OWNERS AUTHORIZATION FOR A SITE VISIT**

I (Please print) Joshua Kohn

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:

193 Black Meadow Road
Chester, NY

Signed,



Date:

01/06/2022

**ZONING BOARD OF APPEALS
INTER-COMMUNITY IMPACT FORM
239 DISCLOSURE**

Applicant Name Joshua Kohn

Property Address 193 Black Meadow Road

The law requires that certain applications be provided to neighboring communities and to the County. Please state if any of the following are applicable:

1. This property is within 500 feet of any other municipality (including any other Town or Village)?
NO ☒ YES ☐ if you answered yes, which other municipality or municipalities?

2. Is the property within 500 feet of any of the following?

No ☐ The boundary of any existing or proposed county or state park or any other recreation area

No ☐ The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

No ☐ The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

No ☐ The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

N/A ☐ The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

Please note that the answers to these questions are needed in order to deem the application complete.


Applicant Signature

Name (please print): Joshua Kohn

Date: 01/06/2022

Interpretation Only

N/A

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PLEASE SEE
ATTACHED.

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?

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

Is the variance is substantial?

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

Is this a self-created difficulty?

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Use Variance Only

Please answer the following: N/A

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

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

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

Has the alleged hardship been self-created?

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PROCEDURAL FORMAT FOR A PUBLIC HEARING

A Public Hearing must be held prior to issuing an interpretation or variance to the Town of Chester zoning laws. The applicant will be notified by the Chairman of the date and time of the public hearing. An ad must be placed in the newspaper along with sending certified mailings to each property owner within 300 feet of the proposed action. Please follow the below instructions carefully.

Failure to follow the procedures will automatically cancel the public hearing without exception.

Newspaper Publication

The applicant will be responsible to publish a notice in the **Legal Notice Section** of the Middletown Times Herald Record. The Chairman must approve the notice prior to publication. This notice **MUST be published between 5 and 10** days prior to the public hearing. Typically, the newspaper requires that the notice be sent to them three days prior to the actual publishing date. **The applicant is responsible for all associated costs.**

Please note that: At the time of the hearing, the applicant is **required** to furnish the Zoning Board of Appeals with a **copy of the publicized legal notice and the date published.**

Property Owner Notification

The applicant will be responsible to notify all property owners within 300 ft. of the proposed action. The same notice published in the newspaper must be sent out to each individual property owner on the list, **and must be sent by certified mail with return receipt requested.** The official list of property owners within 300 feet is obtainable only from the **Town of Chester Zoning Board.** **The applicant is responsible for all associated costs.**

Please note that: At the time of the hearing, the applicant is required to furnish the Zoning Board of Appeals with the **proof of each certified mailing and any return receipts they may have received.** **Please organize the receipts in the same order as the list supplied by the Zoning Board.**

Front Yard: The variance of 19.6 feet is not substantial as it represents less than 22% of the required footage. As the nonconformity already exists, the totality of the circumstances do not support a finding of substantial.

Parking: No, based on the totality of the circumstances this variance is not substantial. As previously stated, the 69 parking spaces proposed are in excess of the amount that the current owner requires to sufficiently operate its business. The requirement for even more parking spaces would cause the potential for excessive and unnecessary land disturbance. In addition, the applicant respectfully submits that as many warehouse and commercial type business become automated with more technology growing, the need for physical human presence will likely decrease. Meaning that although there is absolutely no plan to sell this property, it is noted that even future owners of this property would likely not require the 120 parking spaces that the Zoning Code seeks.

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

Side Yard: No, the nonconformity already exists with no adverse impact on the physical or environmental conditions in the neighborhood or district.

Front Yard: No, the nonconformity already exists with no adverse impact on the physical or environmental conditions in the neighborhood or district.

Parking: No, as the variance to allow for 51 less parking spaces allows for less land disturbance and thus less impervious surface. As such, a granting of this variance would be a benefit to the physical and environmental conditions in the neighborhood, district and subject property.

Is this a self-created difficulty?

Side Yard: No, as it is currently existing. In addition, the applicant/owner purchased the original building as is.

Front Yard: No, as it is currently existing. In addition, the applicant/owner purchased the original building as is.

Parking: Although the difficulty in this instance is self-created, it is ultimately more beneficial to the built environment. Moreover, a hardship being self-created is a consideration for the Board but cannot be the sole deciding factor in granting the variance.

Based on the foregoing, the Applicant has established that the benefit to the applicant outweighs any perceived detriment or minimal impacts to the health, safety and welfare of the community that the grant of the variances will have. The Applicant respectfully requests that the Zoning Board of Appeals grants the area variances as requested.