

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: July 14, 2015

Property Location: 110 Conklingtown Road between Route 94 and Arcadia

Owner(s) of Record: Full name(s) Velevit P. Duzdevich

Home Phone#: (845) 610-3040 Work #: (212) 799-8040 Cell #: (646) 319-3805

Email address: sacarnuela10@aol.com

Mailing Address of Owners(s): 110 Conklingtown Road

City, State, Zip Code: Chester NY 10918

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

Agent Name: n/a

Work #: () - Cell #: () -

Email address: _____

Mailing Address of Agent: _____

City, State, Zip Code: _____

PART III: ATTORNEY INFORMATION

Attorney for Applicant: n/a

Mailing Address of Attorney: _____

City, State, Zip Code: _____

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 ____/____/____

Zoning District: _____ Lot Size _____

Type of Variance Sought: (check one or more)

☒ Area Variance

☐ Use Variance

☐ Interpretation

Referred by:

☐ Planning Board

☐ Code Enforcement Officer

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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?

Absolutely not, the home is located at midpoint of route 94 and Arcadia road on Conklingtown Road. The backyard is privately located with neighboring properties existing a fairly good distance away.

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

In order to avoid this variance and to find the flattest part of the property, the pool would have to be installed at our front door. As for the goal of providing a safe environment for our children to play in, this location is ideal.

Is the variance substantial?

Yes it is. It is our findings that the map on record is a proposed building map and not an actual and accurate measurement of the location of the septic tank.

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

The variance will not have an adverse effect on physical or environmental conditions in the neighborhood. The proposed pool structure is developed by Radiant pools which as stated in their website as being more durable than steel, polymer, or even 12 inches of concrete. Well, at least, it is more durable than any other pool wall. It is constructed to be placed semi or entirely in the ground without the use of retaining walls. Our intent is to place the pool nearby our house, beyond 10 feet of the house, with the high end of the pool submerged within the hill. The said pool will be engineered with a gravel filled perimeter and a French drain constructed around it which will guiding rain water or sudden loss of pool water to be drained away from the home's drain field. Part of the pool's architectural design incorporates the terrain in this area, where water naturally drains down yet away from the drain field.

Is this a self-created difficulty?

No, we are trying to work with the existing plan and natural slope of the land as well as trying to keep our children safe and within reasonable supervision distance and away from a wooded tick region. Ticks are well known to cause disease. One of our dogs contracted and died of lyme disease walking in our backyard. When we decided to rescue a new dog, one stipulation was a fenced in yard in order for us to be considered. Therefore, for the protection of our children and our new dog; to play safely within a protected area we decided to install a large and costly fence in our backyard. Currently within this protected fenced in area, we have a playground and trampoline and we would like to install a pool for them as well.

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

We strongly feel that the scaled map of the property on file is from a proposed drawing and is not accurate to scale. As can be seen from the photos attached, the distance from the center of the septic tank to the end of the gravel collar around the proposed swimming pool is 30 feet. In the present scaled mapping it is only shown as being 10 feet. Therefore, a 30 foot distance does not violate the regulations. Also, the scaled mapping shows a 5 foot distance from the proposed pool structure to the drain field, however, according to our measurements, we are 25 feet away from the closest point of the drain field. The pool structure is created to withstand partial/full in ground installation not requiring retaining walls or structures that will consume more space. Furthermore, if there should be a sudden loss of water, the pool will be situated on part of the slope where water will run down and away from the drain field.

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

In order to avoid questions regarding zoning choices, we would have to build a pool further out into a more wooded and sloppier tick filled environment. It would be hazardous for us to place a pool further away from our children's existing play area where supervision would be difficult.

Describe any circumstances supporting this application:

As previously mentioned regarding the distances from the septic tank/ drain field to the proposed pool structure; we are attaching pictures taken from our deck and back yard.

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?

(no) Town or Village boundary line (if yes, indicate which Town or Village:_____)

(no) State road, park, or other recreational facility

(no) County Road or right of way

(no) Federal owned property