

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: 07/08/15

Property Location: 1831 Kings Highway, Chester NY

Applicant: JJLV Properties (Jeff Laviano)

Owner(s) of Record: Full name(s) Burt Hunter Co. Inc.

48 Four Corners Rd., Warwick, NY 10990

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

Email address: _____

Mailing Address of Owners(s): 32 Crosby Ct.

City, State, Zip Code: Pine Bush, NY 12566

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

Agent Name: Engineering & Surveying Properties, PC (Jay Samuelson, P.E.)

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

Email address: jay@ep-pc.com

Mailing Address of Agent: 71 Clinton Street

City, State, Zip Code: Montgomery, NY 12549

PART III: ATTORNEY INFORMATION

Attorney for Applicant: Blustein, Shapiro, Rich & Barone, LLP (Michael Blustein, Esq.)

Mailing Address of Attorney: 10 Matthews Street

City, State, Zip Code: Goshen, NY 10924

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: 332289 Section/Block/Lot 6 / 1 / 68.2

Zoning District: GC - General Commercial Lot Size 2.0 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 remedy from the Zoning Board of Appeals:

The Applicant is proposing to construct is a gasoline filling station with accessory convenience retail which is a permitted use as long as all requirements of Town of Chester Zoning Code 98-29 J. Section 98-29 J(2) states that "No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site." The applicant is seeking an interpretation as to whether the adjoining private facility "Frozen Ropes", meets the definition of a "place of public assembly". If so, the definition within the Town Code specifically defines a place of public assembly as a "structure" and the Planning Board has requested a determination if the sports fields are to be

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

Describe any circumstances supporting this application:

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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Interpretation Only

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

The Applicant is proposing to construct is a gasoline filling station with accessory convenience retail which is a permitted use as long as all requirements of Town of Chester Zoning Code 98-29 J. Section 98-29 J(2) states that "No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site." The applicant is seeking an interpretation as to whether the adjoining private facility "Frozen Ropes". meets the definition of a "place of public assembly". If so, the definition within the Town Code specifically defines a place of public assembly as a "structure" and the Planning Board has requested a determination if the sports fields are to be considered as a place of assembly.

OWNER PROXY STATEMENT

Burt Hunter Co., Inc., deposes and certifies that they
(Owner)

own the property located at 1831 Kings Highway
(Address)

Chester, NY 10918

with a tax lot(s) of Section 6 Block 1 Lot 68.2

and authorizes the following Applicant and Engineer

Applicant:

JJLV Properties
48 Four Corners Road
Warwick, NY 10990

Engineer:

Engineering & Surveying Properties, PC
71 Clinton Street
Montgomery, NY 12549

to make applications and provide representation as necessary.

06/17/15
Date

Burt P. Hunter

Owner's Signature

J. N. O.

Applicant's Signature

[Signature]

Engineer's Signature

Short Environmental Assessment Form

Part 1 - Project Information

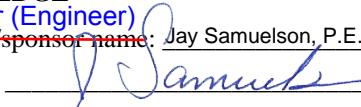
Instructions for Completing

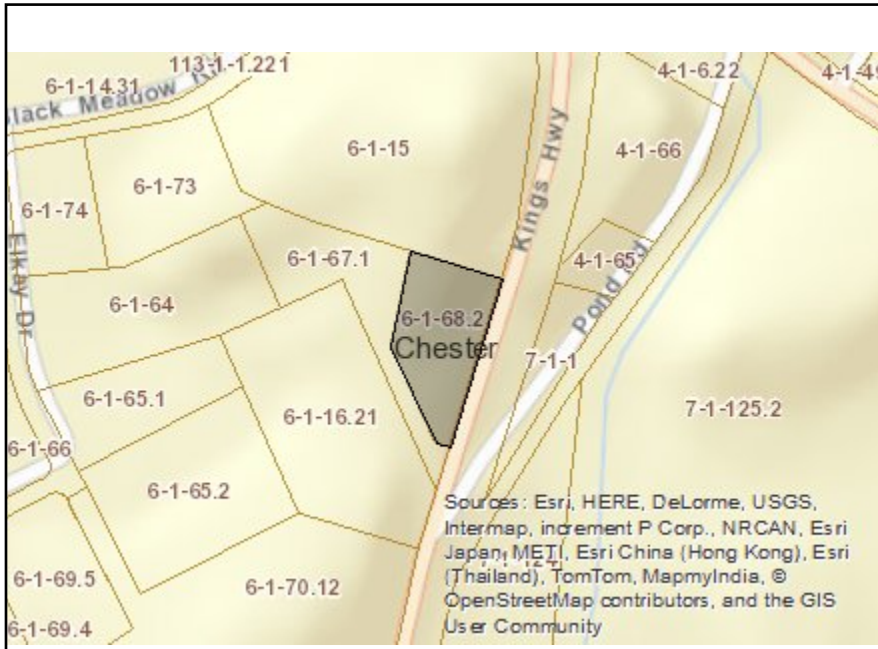
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Name of Action or Project: Laviano Site Plan			
Project Location (describe, and attach a location map): Kings Highway, Town of Chester, Orange County, NY			
Brief Description of Proposed Action: The Applicant is proposing to construct is a gasoline filling station with accessory convenience retail which is a permitted use as long as all requirements of Town of Chester Zoning Code 98-29 J. Section 98-29 J(2) states that "No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site." The applicant is seeking an interpretation as to whether the adjoining private facility "Frozen Ropes", meets the definition of a "place of public assembly". If so, the definition within the Town Code specifically defines a place of public assembly as a "structure" and the Planning Board has requested a determination if the sports fields are to be considered as a place of assembly.			
Name of Applicant or Sponsor: JJLV Properties		Telephone:	
		E-Mail:	
Address: 48 Four Corners Road			
City/PO: Warwick		State: NY	Zip Code: 10990
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Chester ZBA (Zoning Interpretation)			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 2.0 acres			
b. Total acreage to be physically disturbed? _____ 2.0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.0 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" 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, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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? If Yes, identify: _____	NO	YES	
	<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"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Proposed individual well	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Proposed individual septic	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES On-site stormwater practices will be used to treat and detain stormwater. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ Stormwater facilities _____ _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Preparer (Engineer) Applicant/sponsor name: Jay Samuelson, P.E. Date: 07/09/15 Signature: 		



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 Register of Historic Places]	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 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No