

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

**RECEIVED**

**FEB 11 2020**

**TOWN OF CHESTER  
BUILDING DEPARTMENT**

**Board Members:**

**Gregg Feigelson**  
**Robert Dickover**

**Chairman**  
**Attorney (Dickover, Donnelly & Donovan)**

**Julie Bell**  
**Dan Doellinger**  
**Walter Popailo**

**Alternate Members: Bob Favara and Tom Atkins**  
**Alexa Burchianti- Zoning/Planning Board Clerk**

**Variances:** Relief from the Town's Zoning Ordinance is granted by the Zoning Board of Appeals in accordance with NYS Town Law 267 and Town of Chester Zoning Law Section 98-36. The board of appeals shall, in the granting of variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. The following criteria are used for the granting of variances.

**FEES:**

<b>Residential Area Variance or Interpretation</b>	<b>\$175</b>
<b>Commercial/Industrial Variances</b>	<b>\$275</b>
<b>Use Variance</b>	<b>\$350</b>
<b>Mailing List</b>	<b>\$75 (first 25 names)</b> <b>\$ 1 (per name after 25)</b>
<b>Work Session</b>	<b>\$ 75 <u>each</u> work session (up to a half hour)</b>

**Requests for Interpretations**

An interpretation is a request to interpret an order, requirement, decision, or determination made by an administrative official or a request by any official, board, or agency to decide any of the following questions:

- Determination of the meaning or requirement of any portion of the Town of Chester Zoning Laws.
- Determination of the exact location of any district boundary shown on the zoning map.

### Area Variance

An Area Variance is a granting of relief from the dimensional requirements of the zoning ordinance. An area variance is heard where lot size, width, setbacks, number and size of structures, sign ordinances, etc. are involved.

An Area Variance application must address the balance between the benefit to the applicant versus the detriment to the health, safety and welfare of the neighborhood, should the variance be granted. The Zoning Board of Appeals must consider the following criteria when "balancing" the request for relief.

1. Will granting this variance produce an undesirable change in character or a detriment to the neighborhood?
2. Can the benefit sought by the applicant be gained by any other feasible alternatives?
3. Is the relief requested substantial to the Ordinance requirements?
4. Will the relief requested have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
5. Is the relief requested a result of a self-created difficulty?

### Use Variance

A Use Variance is a granting of relief to allow a use not otherwise allowed under the Zoning Ordinance.

A Use Variance application must demonstrate, to the Zoning Board of Appeals, an unnecessary hardship. Demonstration of such hardship includes responses to the following criteria. Responses must address each and every permitted use listed, under current zoning, for the property in question.

1. Can a reasonable return be realized if the land is used as zoned?  
*If the answer is no, this claim must be substantiated by competent financial evidence.*
2. Is the alleged hardship unique to the property in question?
3. Will the requested variance, if granted, alter the essential character of the neighborhood?
4. Is the alleged hardship self-created?

**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:** 4 FEB 2020

Property Location: 265 Pine Hill Road

Owner(s) of Record: Full name(s) Matthew Orr & Mai Randall

Home Phone#: (845) 610 - 3514 Work #: (862) 239 - 1311 Cell #: (845) 781 - 6482

Email address: nyorrm@gmail.com

Mailing Address of Owners(s): 265 Pine Hill Road, Chester NY 10918

City, State, Zip Code: Chester, NY 10918

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

Agent Name: \_\_\_\_\_

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

Email address: \_\_\_\_\_

Mailing Address of Agent: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

**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 16 / 1 / 64

Zoning District: A23 Lot Size 2 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:

24' x 36' three car garage on a concrete foundation with partial  
2nd floor storage.

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

The garage needs to go where it is because that is where the existing  
driveway is and there is a drastic drop off in elevation which would  
raise the cost by \$10k-\$12k if it would go behind the house.

Describe any circumstances supporting this application:

The proposed garage is in character with the existing house, so it  
will blend nicely with the property and neighborhood.

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

☐ Yes ☒ No (<sup>as</sup> current owner)

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

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

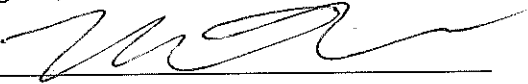
I (Please print) Matthew Orr

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:

265 Pine Hill Road

Chester, NY 10918

Signed,

  
\_\_\_\_\_

Date:

4 FEB 2020

ZONING BOARD OF APPEALS  
INTER-COMMUNITY IMPACT FORM  
239 DISCLOSURE

Applicant Name Matthew Orr

Property Address 265 Pine Hill Road, Chester NY 10918

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?

☒ The boundary of any existing or proposed county or state park or any other recreation area

☒ The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

☒ 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

☒ The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

☒ 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): Matthew Orr

Date: 4 FEB 2020

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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

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

No

Is the variance is substantial?

No

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

No

Is this a self-created difficulty?

No