

**DAVID NIEMOTKO ARCHITECT, P.C.**

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March 4, 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 letter to address further zoning board comments regarding the additional living space application at 15 Davis Hill Road. In particular, we are focusing on the 4 criteria needed for a use variance application. In addition, we have attached 2 properties with accessory apartments in the nearby area that have been valued in excess of the sale price of 15 Davis Hill Road. Please see the following:

1. The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence.
  - In this case, we expect a 0% return on investment due to the personal use of the apartment. Since the family members are living there at the homeowner's expense, there is no return whatsoever because he will gain no value from rent and, if the ZBA decision is conditioned to the owner/occupant and not the land, the house value will return to its original state if the current homeowner ever vacates the property. Therefore, no added value can be attached to the property and the work undertaken to convert this to living space will not be realized as a gain. We believe that this lack of return is total and substantial, compared to no financial gain due to the cost and lack of rent from the construction of the separate living space. This is a residential, family based application, not a commercial investment property.
  - The property was purchased in 2017 for \$290,000. The comparative listings for homes with legal accessory apartments have a difference in price of at least \$50,000 and as much as \$100,000 more than this listed price for the property in question. Therefore, relocating would result in a negative return and financial burden for the owner.
  - Adult care facilities have an average estimated cost of \$15,000 per couple per month, resulting in a continual strenuous financial burden on the family along with separating them physically from their home and loved ones. This application seeks to avoid forced separation and the high costs that are associated with assisted living facilities. The applicant is willing to assume the role of primary caretaker.

2. 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 remains unique because it proposes changes to an existing barn that has been on the property for many decades. The proposed change in use does not extend farther than the confines of an existing structure, and the building footprint will not change. It will only be interior renovations to allow for a living space, which will ensure no alterations to an outside observer.
3. Will the use variance, if granted, alter the essential character of the neighborhood?
  - As stated above, the character of the neighborhood will be unchanged due to the proposal of purely interior changes to an existing structure on the property in question. More so, we would request the variance is conditioned with the owner and his family only and therefore if the current homeowners ever move out, the character of the lot will not change by allowing any accessory apartments for rent.
4. Has the alleged hardship been self-created?
  - This is a self-created hardship due to the incursion of all costs on behalf of the homeowner, with no financial gain intended. This application is submitted due to a required change in use, which is disallowed by the zoning laws. This results in a difficulty that is self created.

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

Very truly yours,

***David Niemotka*** (Electronic Signature)

**David Niemotka, Registered Architect**

Enclosures:

1. 7 copies of the realtor report for 15 Davis Hill Road in Chester, NY.
2. 7 copies of the realtor report for 16 Old Route 17 in Chester, NY.
3. 7 copies of the realtor report for 131 Laroe Road in Chester, NY.

15 Davis Hill Rd, Chester, NY 10918-2404, Orange County



4	1,962	95,832	\$290,000
Beds	Bldg Sq Ft	Lot Sq Ft	Sale Price
2	1860	SFR	09/12/2017
Baths	Yr Built	Type	Sale Date

Owner Information

Owner Name:	Pal Yogesh	Tax Billing Zip:	10918
Owner Name 2:	Pal Aradhna	Tax Billing Zip+4:	2404
Tax Billing Address:	15 Davis Hill Rd	Owner Occupied:	Yes
Tax Billing City & State:	Chester, NY		

Location Information

City/Town:	Chester Town	Zoning:	AR3
School District:	Monroe-Woodbury	Section:	7
Zip Code Property:	10918	Flood Zone Code:	X
Census Tract:	143.02	Flood Zone Panel:	36071C0459E
Carrier Route:	R004	Flood Zone Date:	08/03/2009

Tax Information

Tax ID:	332289.007.000-0001-051.00	% Improved:	66%
SWIS:	0/0000		
	332289	APN :	332289-007-000-0001-051.00
Block:	1		0-0000
		Parcel ID:	332289007000000105100000
Lot:	51		00

Assessment & Tax

Assessment Year	2018	2017	2016
Assessed Value - Total	\$183,700	\$183,700	\$183,700
Assessed Value - Land	\$62,000	\$62,000	\$62,000
Assessed Value - Improved	\$121,700	\$121,700	\$121,700
YOY Assessed Change (\$)	\$0	\$0	
YOY Assessed Change (%)	0%	0%	
Market Value - Total	\$311,400	\$293,900	\$291,600

Tax Year	Total Tax	Change (\$)	Change (%)
2016	\$10,692		
2017	\$9,945	-\$747	-6.98%
2018	\$11,327	\$1,381	13.89%

Characteristics

Property Class:	Single Family Resid	Water:	Individual
Land Use -CoreLogic:	SFR	Sewer:	Individual
Lot Acres:	2.2	Heat Type:	Hot Water Steam
Lot St Ft:	95,832	Garage Type:	Detached Garage
Basement Type:	Partial	Garage Sq Ft:	792
Style:	Old	Exterior:	Wood
Building Sq Ft:	1,962	Year Built:	1860
Stories:	2	Effective Year Built:	1941
Construction Grade:	Good	Other Rooms:	Kitchen

Courtesy of Amanda Dnistrian, Hudson Gateway MLS Inc

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

Property Detail

Generated on 03/03/2020

Total Rooms:	8	Heat Fuel Type:	Oil
Bedrooms:	4	Ground Floor Area:	1,178
Full Baths:	2	2nd Floor Area:	784
Half Baths:	1	Above Gnd Sq Ft:	1,962
Fireplaces:	1	State Use Description:	Single Family Resid-210

## Features

Feature Type	Size/Qty	Year Built
Garage 1 Stry Detchd	792	1930

## Estimated Value

RealAVM™ (1):	\$309,600	Confidence Score (2):	67
RealAVM™ Range:	\$260,064 - \$359,136	Forecast Standard Deviation (3):	16
Value As Of:	02/20/2020		

- (1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.
- (2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.
- (3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

## Last Market Sale & Sales History

Recording Date:	09/25/2017	Owner Name:	Pal Yogesh
Settle Date:	09/12/2017	Owner Name 2:	Pal Aradhna
Sale Price:	\$290,000	Seller:	Uhler Timothy & Debbie J
Document Number:	14295-1433	Price Per Square Feet:	\$147.81
Deed Type:	Bargain & Sale Deed		
Recording Date	09/25/2017	09/15/1989	
Sale/Settlement Date	09/12/2017	09/13/1989	10/07/1988
Sale Price	\$290,000	\$190,000	
Buyer Name	Pal Yogesh & Aradhna	Uhler Timothy & Debbie	
Seller Name	Uhler Timothy & Debbie J	Lucia Richard Paul Jr	
Document Number	14295-1433	3189-89	3021-32
Document Type	Bargain & Sale Deed	Deed (Reg)	Deed (Reg)

## Mortgage History

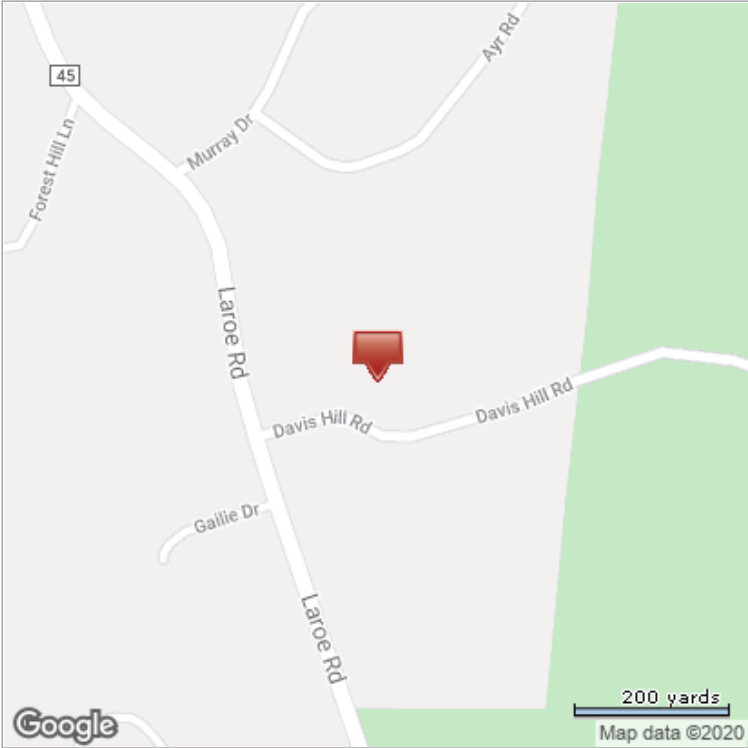
Mortgage Date	09/25/2017	06/14/2012	09/05/2001	02/09/2000	03/31/1999
Mortgage Amount	\$100,000	\$250,000	\$30,000	\$25,000	\$3,686
Mortgage Lender	Walden Svgs Bk	Home Ln Ctr Inc	Bank Of Ny	Bank Of Ny	Chase Manhattan Bk
Mortgage Code	Conventional	Conventional	Conventional	Conventional	Conventional
Borrower Name	Pal Yogesh	Uhler Timothy	Uhler Timothy	Uhler Timothy	Uhler Timothy
Borrower Name 2	Pal Aradhna	Uhler Debbie J	Uhler Debbie	Uhler Debbie	Uhler Debbie
Mortgage Type	Resale	Refi	Refi	Refi	Refi
Mortgage Term	30	30			

Mortgage Date	06/14/1994	09/15/1989
Mortgage Amount	\$8,198	\$140,000
Mortgage Lender	Arcs Mtg Inc	Arcs Mtg Inc
Mortgage Code	Conventional	Conventional
Borrower Name	Uhler Timothy	Uhler Timothy
Borrower Name 2	Uhler Debbie J	Uhler Debbie
Mortgage Type	Refi	Resale
Mortgage Term		

Property Map



\*Lot Dimensions are Estimated



**Rhonda G Dnistrian**

ARC Realty 1 in Sales

rdnistrian@yahoo.com

Ph: 845-783-0860



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MLS#:	<b>4913886</b> <i>Expired</i>	List Price:	<b>\$345,000</b>
Addr:	<b>16 Old State Route 17</b>		
PO:	<b>Chester</b>	County:	<b>Orange County</b>
City/Town:	<b>Chester Town</b>	Zip:	<b>12729</b>
Village:	<b>None</b>	Hamlet/Loc.:	
P Type:	<b>Single Family</b>	Type:	<b>Detached</b>
Sub/Devel:		Builders Lot #:	
Beds:	<b>5</b>	SqFt:	<b>2,402</b>
Baths:	<b>2 (2 0)</b>	Rooms:	<b>11</b>
		Levels:	<b>2.00</b>
Sch Dist:	<b>Chester</b>	Elem:	<b>Chester</b>
Jr High:	<b>Chester Junior-Senior High</b>	High:	<b>Chester Junior-Seni</b>

Style: **Farm House, Other/See Remarks**

Model:

<u>Level</u>	<u>Description</u>
<b>1</b>	<b>Living Room, Kitchen, Bedroom, Bedroom, Bathroom, Dining Room, Den/Office</b>
<b>2</b>	<b>Living Room, Dining Room, Kitchen, Bedroom, Bedroom, Bedroom, Bathroom</b>

Basement:	<b>Partial</b>	Attic:	<b>Dormer</b>	Fireplaces:
Yr Blt:	<b>1920 / Estimated</b>	Yr Reno:	<b>1936</b>	

Tax ID#:	<b>332289.003.00-0001-017.222/0000</b>	Tax:	<b>\$6,580</b>	Tax Year:	<b>2017</b>
Tax Src:	<b>Municipality</b>	Assmt:		HOA:	
Addl Fees:	<b>No</b>				
Avail Financing:					

Amenities:	<b>1st Fl Master Bedroom, 1st Floor Bedrm, Cul-De-Sac, Eat in Kitchen, Hardwood Floors As Seen, Legal Accessory Apartment, Patio, Porch</b>		
Includes:	<b>A/C Units, Ceiling Fan, Dishwasher, Door Hardware, Dryer, Energy Star Appliance(s), Humidifier, Light Fixtures, Oven/Range, Refrigerator, Second Stove, Wall to Wall Carpet, Washer</b>		
Excludes:	<b>Basketball Hoop, Curtains/Drapes, Grill, Lawn Maint Equip, Mailbox, Microwave Oven, Selected Plantings, Selected Window Treatment</b>		
Elec Co:	<b>Orange &amp; Rockland</b>		
Heat Zones/Type:	<b>Base Board, Hot Water</b>	Fuel:	<b>Oil Above Ground, Propane</b>
A/C:	<b>Window Units</b>	Water:	<b>Municipal</b>
Garbage:	<b>Private</b>	Sewer:	<b>Septic</b>
Parking:	<b>1 Car Detached, Carport, Lot Parking, Off-Street Parking</b>		
Lot Description:	<b>Borders State Land, Sloping, Wooded</b>		
Siding Desc:	<b>Wood</b>		

Remarks

**Well maintained Two-story home with accessory apartment conveniently located off Route 17. Live in one and rent out the other! Lower level has Living Room, Dining Room, spacious Kitchen, 2 Bedrooms, and Den with outside entrance. Upstairs has Living Room, Dining Room, Kitchen, and 3 Bedrooms with separate outside entrance. Detached garage and carport for convenience. Lovely, level .5 acre. Currently owner occupied, therefore, income is estimated.**

Directions: **Route 17W to Exit 126. Right on Craigsville. Right on 17M. Right on Old State 17M. 2nd house on right.**

Prepared By:

Date Printed: 03/02/2020

All information courtesy of Rhonda G Dnistrian

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**Rhonda G Dnistrian**

ARC Realty 1 in Sales

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MLS#:	<b>4922503</b>	<b><u>Expired</u></b>	List Price:	<b>\$389,000</b>
Addr:	<b>131 Laroe Road</b>			
PO:	<b>Chester</b>		County:	<b>Orange County</b>
City/Town:	<b>Chester Town</b>		Zip:	<b>10918-1468</b>
Village:	<b>None</b>		Hamlet/Loc.:	
P Type:	<b>Single Family</b>	Type:	<b>Detached</b>	
Sub/Devel:		Builders Lot #:		
Beds:	<b>4</b>	SqFt:	<b>2,298</b>	Rooms:
Baths:	<b>4 (3 1)</b>	Acre(s):	<b>1.2000</b>	Levels:
Sch Dist:	<b>Chester</b>	Elem:	<b>Chester</b>	
Jr High:	<b>Chester Junior-Senior High</b>	High:	<b>Chester Junior-Senior</b>	

Style: **Raised Ranch**  
 Basement: **Finished, Walk Out**  
 Yr Blt: **1971**

Model:  
 Attic: **Unfinished**  
 Yr Reno:  
 Fireplaces:

Tax ID#: **332289.007.000-0001-053.110/0000**  
 Tax Src: **Municipality**  
 Addl Fees: **No**  
 Avail Financing:

Tax: **\$8,896**  
 Assmt: **\$196,500**  
 Tax Year: **2018**  
 HOA:

Amenities: **Deck, Granite Countertops, In Ground Pool, Legal Accessory Apartment, Master Bath, Patio, Sky Light**  
 Includes: **Dishwasher, Dryer, Microwave, Oven/Range, Pool Equipt/Cover, Refrigerator, Washer**

Excludes:  
 Elec Co:  
 Heat Zones/Type: **Base Board**  
 A/C: **None**  
 Garbage: **Private**  
 Parking: **2 Car Attached, Driveway**  
 Lot Description:  
 Siding Desc: **Brick, Vinyl**

Fuel: **Oil Above Ground**  
 Water: **Drilled Well**  
 Sewer: **Septic**

Remarks

**This Fabulous Raised Ranch home is great for Extended Family/MD use! Move in Just in time for Summer to enjoy the In-Ground Pool with slide and cabana! Main home offers open living concept with LR with Skylites, DRw/sliders to large deck, Kitchen w/breakfast bar , MBR w/full bath, 2 secondary BRs and a very large Familyroom with walkout sliders to patio and yard. Apartment offers LR/DR combination, Kitchen, Bath and separate entrance. Additionally there is a 2Car Garage with large workshop for tinkering. In-Ground pool is fenced with Cabana that has electric and cable. Great Yard for Kids to run and play! Very close to Rt 17, minutes to everything you need!**

Directions:

Prepared By:

Date Printed: 03/02/2020

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