

**Town Of Chester
Zoning Board of Appeals
1786 Kings Highway,
Chester, New York 10918
(845) 469-7000, ext. 308**

Board Members:

**Vincent Finizia
Robert Dickover**

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

**Julie Bell
Gregg Feigelson
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:

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

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?**

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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: _____

Property Location: _____ 1351 Kings Highway _____

Owner(s) of Record: Full name(s) _____ Jeffery Sapanaro _____

Home Phone#: () - Work #: (845) 986 - 1366 Cell #: () -

Email address: _____ jeff@materailprocessors.com _____

Mailing Address of Owners(s): _____ 280 State School Road _____

City, State, Zip Code: _____ Warwick, New York 10990 _____

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

Agent Name: _____ Kirk Rother, P.E. PLLC _____

Work #: (845) 988-0620 Cell #: () -

Email address: _____ krother@kirkrother.com _____

Mailing Address of Agent: _____ 5 Saint Stephens Lane _____

City, State, Zip Code: _____ Warwick, New York 10990 _____

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 13 / 3 / 3.1 _____

Zoning District: _____ LB/SL District _____ Lot Size 22,557sq.ft.+/- _____

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:

The property lies within the Town's LB/SL Zoning District which permits 2-family uses subject to a 175% increase in the zoning district's 21,780 SF minimum lot area for single family dwellings.

The resultant 2-family minimum lot area is therefore 38,115 SF with connection to the municipal sewer within Kings Highway. The parcel in question has a lot area of approximately 22,557 SF +/- . An area variance requesting the reduced lot area is requested

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

Given current market conditions, the owner feels that commercial space will be difficult to fill.

Describe any circumstances supporting this application:

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

() Yes (x) 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

(x) County Road or right of way

() Federal owned property

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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. Properties in the general area are a mix of residential and commercial uses.

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

No, the existing lot is surrounded by the Lycian Theater Property and a commercial business with no ability for additional land purchase to increase the lot from the adjoining lands

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, The lot area exists
