

MINUTES

VILLAGE of CHESTER ZONING BOARD OF APPEALS

JUNE 26, 2013

PUBLIC HEARINGS

PRESENT: David STEVENSON, Chairman
Gordon SHEHAB, Member
Daniel GORMAN, Member
Colleen COLLINS, Member
John ORR, Code Enforcement Officer
Harold PRESSBERG, Attorney

PUBLIC HEARING 7:00 PM:

Prestige Auto Body SBL 115-1-4.1 and 115.1.4.41 ZBA File #13-07
30 Lehigh Avenue
Applicant: Paul DiLorenzo
Re: Convert existing building into auto body shop.
Presented by James Dillin, PLS and Paul DiLorenzo

Zoning Board Secretary Missy Sosler read the Public Notice as it appeared in the Times Herald Record on June 13, 2013 (copy attached).

Chairman Stevenson opened the Public Hearing at 7:05PM and asked the representative for the certified mailings.

Mr. Dillin gave a brief history on the property. It was originally owned by Eastern Hydraulics. In 2007 it was purchased by Joseph DePaulis. (Incidentally, the Planning Board had given approval for a wholesale stone business to be located on the property but it never operated). Chester Resources LLC has had the property for the last 10 years and has stored some trucks there. They have been trying to get someone into the building.

Mr. Dillin reviewed some items regarding the project:

- If the current owner were allowed to have an auto body shop for trucks, the use would not be any different than an auto body shop for cars;
- All facilities are already on existing property with the exception of a totally enclosed, spray booth and office;
- There will be a complete fence around the property and a new gate;
- Will do paving for 4 handicap parking spots;
- Will have 3 to 4 employees;
- Approximately 20 spaces to park cars in back;
- All work that will be done at shop, will be performed inside;

Chairman Stevenson asked if they are looking for an interpretation for a variance. Mr. Dillin indicated that they are looking for an interpretation to allow work to be done on cars. Chairman Stevenson asked if they would be doing work on trucks and Mr. Dillin advised that they would only work on pick-up trucks. Attorney Harold Pressberg stated that the body shop use could fall under Principal Permitted Use "4" in the Zone with an interpretation. Chairman Stevenson asked about the hours of operation, the application stated they are planned to be Monday through Friday from 8am to 5pm and Saturday from 8am to 1pm. Chairman Stevenson asked Mr. DiLorenzo to tell him about the auto body work, noise level and painting in building. Mr. DiLorenzo advised that he has two other shops and has been in business for approximately 5 years. He further advised that he follows all of the guidelines, does the right thing and keeps it all safe. He also said that noise will not be a problem.

The hearing was opened to the public. Lauren Unold, 52 Lehigh Ave: Asked how tall is the fence? She stated that there have been car alarms going off on Fridays at approximately 8pm for 12 hours. She is very worried about: car noises, odor and trucks. I would like to see someone come in and take care of the property, fix it up and put up a fence. In the fall and winter, as you look down from exit 127, you can see what is going on in building and that's why I would like a fence. There is a beige building in the middle of the property but it doesn't seem big enough. Day time noise won't affect me because I work.

John Orr mentioned Buffer Strips, which will be looked at by the Planning Board. Chairman Stevenson asked Attorney Pressberg if requiring noise blocking (planting trees) and or a fence are even within the Board's jurisdiction. Attorney Pressberg advised that placing conditions is not proper when the Zoning Board on an interpretation but the Planning Board can take these issues into account when granting site plan approval. . Chairman Stevenson asked if the Zoning Board can convey this to the Planning Board. John Orr advised that the Planning Board will request a buffer. Paul Dilorenzo ended the discussion advising that the current owner will be putting a new roof on the building and he will be regulating what happens on the property.

Chairman Stevenson advised that we had received a letter from Orange County Dept. Of Planning determining this is a local determination issue.

As there were no other comments, *MOTION was made by Member Daniel Gorman, second by Member Colleen Collins, to CLOSE THE PUBLIC HEARING. Motion was passed 4-0. Public Hearing closed at 7:40 PM.

REGULAR MEETING - 7:45 PM

Chairman Stevenson opened the Regular Meeting at 7:45 PM.

1. Minutes

Review Draft of April 24, 2013 Zoning Board Meeting Minutes

*MOTION was made by Member Gorman, second by Member Shehab, to ACCEPT the April 2013 MEETING MINUTES AS DRAFTED. Motion passed 4-0.

2. Project # ZBA File #13-02	Project Name: Prestige Auto Body
Applicant/Owner:	Paul DiLorenzo
Location:	30 Lehigh Avenue
Re:	Convert existing building into auto body shop
Presented By:	James Dillin, PLS

Chairman Stevenson advised that OCDP answered that this is an issue of local interpretation. Since an interpretation is not a SEQRA action, therefore there is no need to type the application. Attorney Pressberg advised that an "interpretation" is a decision about what is allowed under code; generally asking for a use variance has different criteria and in granting a variance, the Board can impose conditions.

The discussion then turned to whether the Board thinks that the auto body repair use is permitted under Principal Permitted Uses #4 or #5. Chairman Stevenson felt that given the information presented at the hearing, there would be a stronger case under Principal Permitted Use #4 rather than #5. Member Gorman agreed. He went on to say that under Principal Permitted Use #4, the issue of fumes came up. Attorney Pressberg advised that, it appears from the application, that fumes are controlled. John Orr advised that as subjective as noise is, odor is, when dealing with #4. #5 is only determining that there is not a trucking terminal attached with repair work; lessening the impact by having repair work without all of the trucks. Attorney Pressberg advised that under #4 or #5, the Board could render an interpretation that the applicant's proposed use of operating an auto body repair shop is a permitted use.

MOTION for an interpretation of the Zoning Law of the Village of Chester on the application of Paul DiLorenzo d/b/a the Prestige Auto Body Shop, that the operation of an auto body shop as a principal permitted use in an M-2 Zone is allowed under Principal Permitted Uses 4 and/or 5 for that Zone. The Board also recommends that the Village Planning Board consider proper fencing and screening for the site in connection with its site plan review. Motion was made by Zoning Board Member Daniel Gorman and second by Zoning Board Member Gordon Shehab. The Motion was unanimously passed.

3. Other Business

Chairman Stevenson wants to send a letter to the mayor asking for consideration of one full-time, one part-time and one alternate member for the Zoning Board.

Chairman Stevenson asked if anyone had anything else to discuss and there were no other comments, *MOTION was made by Member Daniel Gorman, second by Member Colleen Collins, to ADJOURN THE MEETING. Motion passed 4-0.

Respectfully Submitted,

Missy Sosler
Zoning Board of Appeals Secretary

Publication Confirmation

<u>Ad Order Number</u> 0000025020	<u>Customer</u> CHESTER, VILLAGE	<u>Customer Address</u> 47 MAIN STREET CHESTER NY 10918 USA
<u>Sales Rep.</u> Foddrillp	<u>Customer Account</u> 500094394	<u>Customer Phone</u> 845-469-2388
		<u>PO Number</u> PRESTIGE

<u>Total Amount</u> \$57.34	<u>Payment Method</u>	<u>Payment Amount</u> \$0.00	<u>Amount Due</u> \$57.34
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<u>Ad Number</u> 0000025020-01	<u>Run Dates</u> 6/13/2013
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WYSIWYG Content

**ZONING BOARD OF APPEALS
VILLAGE OF CHESTER, NEW YORK
PUBLIC HEARING**

JUNE 26, 2013 - 7:00 P.M.

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Village of Chester, New York will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York, on June 26, 2013, at 7:00 P.M., or as soon thereafter as the matter can be heard, concerning the application of Paul D. Lorenzo d/b/a Prestige Auto Body. The applicant is requesting an interpretation and/or use variance from the Village Code Section 98-6 Schedule of District Regulations, M-2 Zone - Column 2. The applicant is requesting an interpretation and/or use variance to permit an auto body shop to be operated on the property, which is in an M-2 Zone.

The property is located in the Village of Chester, New York, at 30 Lehigh Ave and is listed on the Village Tax Map as Section 115, Block 1, Lot 4.1 & 4.41 in an M-2 Zone.

The Zoning Board of Appeals of the Village of Chester, New York, will hear all persons interested at the aforementioned time and place.

BY: ORDER OF THE
ZONING BOARD OF APPEALS
VILLAGE OF CHESTER, NEW YORK
DAVID STEVENSON, CHAIRMAN

JUN 17 2013

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