

**MINUTES**  
**VILLAGE OF CHESTER**  
**ZONING BOARD OF APPEALS**  
**MAY 11, 2017**

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

**PUBLIC HEARING 7:00 PM:**

Chairman Stevenson opened the Public Hearing for the Mikaberidze's application at 7:00 PM. The Public Hearing Notice was read into the record (copy attached). Proof of mailings was presented by the applicant.

Chairman Stevenson confirmed we received a response from Orange County Planning, indicating Local Determination (copy attached). The advisory comments were read into the record.

**Project # ZBA-17-01    Project Name: Mikaberidze**  
 Applicant/Owner:    Ushangi Mikaberidze  
 Location:            22 Lehigh Avenue, Chester (SBL: 115-1-3.1 / M-2 Zone)  
 Re:                    Use Variance from Village Code §98-9(A)(2); Area Variances from Village Code §98-6  
                           Minimum Lot Area, Front and Side Yard

Mike Morgante, Engineer for the applicant, provided an overview of the project:

- Existing 2 story dwelling with existing 2<sup>nd</sup> floor apartment and 1<sup>st</sup> floor business;
- There are currently two car service centers in the area – Prestige Auto and Chester Valley;
- Proposing a 6' privacy fence;
- Proposing renovations to the 2<sup>nd</sup> floor apartment;
- Use variance is for 1<sup>st</sup> floor taxi business and parking of the taxis;
- Area variances are for pre-existing, non-conforming conditions;
- Parking for the apartment would be separate from the taxi parking;
- New York State took approximately 30-40' of the front yard for Lehigh Avenue;
- Front yard is approximately 50-60' from the road to the dwelling.

CEO John Orr provided background information on the property:

- There was a dental implant business on the 1<sup>st</sup> floor;
- The apartment on the 2<sup>nd</sup> floor is an existing use;
- The house was sold and the new owner, Ushangi Mikaberidze, is trying to conform the property to existing zoning;
- Property is located in an M-2 Zone. Other businesses in the area have sought both use variances and zone changes;
- This property is problematic as New York State claimed part of the front yard for Lehigh Avenue and has a maintenance for drainage pipe easement on the property.

Discussion was held regarding:

- The property line is approximately 80' or more from New York State Route 17M;
- Neighboring businesses are Prestige Auto Body and Chester Valley Tires Inc.;
- There are currently car storage businesses to the east and roads to the west;
- Lot size is approximately .42 acres;
- The property has been vacant for approximately 7-9 years;
- The current owner has not made an attempt to use the business for what's allowed in the M-2 Zone;
- As the property owner is not present, we cannot confirm how the business is run or how many taxis they have;
- The proposed apartment renovation will be in the same footprint – there is no addition proposed;
- Tenants in the apartment will have separate parking spaces;
- Hours of operation were estimated to be 24 hours a day, 7 days a week;
- Parking proposal is using existing conditions;
- Parking would be looked at in more detail by the Planning Board;
- Taxi parking would be limited by the existing space and would probably fit 10-15 taxi cars;

- Limiting the number of taxis allowed on the property, the number of inoperable vehicles – both those possibly waiting for repairs and those no longer in use and the number of unregistered, uninspected vehicles.

As there were no other questions from the members of the Zoning Board and no public in attendance, **\*MOTION** was made by Member Gorman, second by Member Shehab to **CLOSE THE PUBLIC HEARING**. Motion passed 5-0.

### **REGULAR MEETING**

Chairman Stevenson opened the Regular Meeting at 7:30 PM.

#### **1. Minutes**

**\*MOTION** was made by Member Gorman, second by Member Shehab, to **ACCEPT THE JULY 2016 MINUTES AS DRAFTED**. Motion passed 5-0.

Discussion was held regarding minutes being approved outside of a meeting. Per Zoning Board Attorney Harold Pressberg, the minutes can be distributed and informally approved prior to a meeting, but he believes the minutes can only be officially approved at a meeting. He will review and advise.

#### **2. Correspondence**

Correspondence was reviewed during the Mikaberidze public hearing

#### **3. Projects for Review**

<b>Project # ZBA-17-01</b>	<b>Project Name: Mikaberidze</b>
Applicant/Owner:	Ushangi Mikaberidze
Location:	22 Lehigh Avenue, Chester (SBL: 115-1-3.1 / M-2 Zone)
Re:	Use Variance from Village Code §98-9(A)(2); Area Variances from Village Code §98-6 Minimum Lot Area, Front and Side Yard

Discussion was held regarding:

- The proposed fence gate is approximately 10.5' wide, the proposed fence is 6' high;
- The proposed fence cannot be installed past the front of the house or it could only be 4' according to the Code;
- The New York State maintenance easement is for a concrete pipe that cannot be built on, but can be paved over;
- Restrictions on the number and size of vehicles allowed for the proposed taxi business;
  - Registered, inspected vehicles only;
  - Inoperable vehicles allowed for a limited number of days/months
  - Total number of vehicles allowed – including vans, limousines and buses.
- All vehicles related to the proposed taxi business are to be stored behind the fence;
- The proposed fence could be raised to 8 feet to cover buses stored in the parking area;
- Parking area limited to the area delineated to the area between the concrete curb and the fence.

**\*MOTION** was made by Member Shehab, second by Member Collins, to **DECLARE THIS AN UNLISTED ACTION UNDER SEQRA** and, as there are no potentially significant impacts, requires no further action. Motion passed 5-0.

**\*MOTION** was made by Member Shehab, second by Member Gorman, to **DECLARE A NEGATIVE DECLARATION UNDER SEQRA** on the grounds that the area variances requested are only to make the property conform to a pre-existing condition. Interior renovation, construction of fence, and other minor improvements will not cause any potentially significant impacts and the requested use variances are minor in nature and in conformity with the surrounding parcels, and quite similar to the permitted use of a truck terminal. Motion passed 5-0.

**\*MOTION** by Member Gorman, second by Member Shehab to **GRANT AN AREA VARIANCE FROM VILLAGE CODE §98-6 MINIMUM LOT AREA, FRONT AND SIDE YARD, TO ALLOW A MINIMUM LOT AREA REDUCTION FROM 1 ACRE TO 0.42 ACRE**. Motion passed 5-0.

**\*MOTION** by Member Shehab, second by Member Collins to **GRANT AN AREA VARIANCE FROM VILLAGE CODE §98-6 MINIMUM LOT AREA, FRONT AND SIDE YARD, TO ALLOW A MINIMUM FRONT SETBACK REDUCTION FROM 50 FEET TO 14.4 FEET**. Motion passed 5-0.

**\*MOTION** by Member Gorman, second by Member Shehab to **GRANT AN AREA VARIANCE FROM VILLAGE CODE §98-6 MINIMUM LOT AREA, FRONT AND SIDE YARD, TO ALLOW A MINIMUM SIDE YARD REDUCTION FROM 30 FEET TO 14.4 FEET**. Motion passed 5-0.

**\*MOTION** by Member Shehab, second by Member Collins to **GRANT A USE VARIANCE FOR AN APARTMENT ON THE SECOND FLOOR OF THE EXISTING BUILDING ON THE GROUNDS THAT IT IS A PRE-EXISTING USE**. Motion passed 5-0.

Chairman Stevenson reviewed the requirements for a use variance which were satisfied by the application including the fact that the State taking had created most of the hardship and the requested use variance is a minor change from the permitted truck terminal permitted use in the zone.

**\*MOTION** by Member Gorman, second by Member Collins to **GRANT A USE VARIANCE FOR A TAXI BUSINESS ON THE FIRST FLOOR OF THE EXISTING BUILDING AND CAR STORAGE IN THE EXISTING PARKING AREA BEHIND THE PROPOSED FENCE. MOTION PASSED 5-0 WITH THE FOLLOWING CONDITIONS:**

- **VEHICLE STORAGE LIMITED TO THE SPACE BETWEEN THE CONCRETE CURB AND THE PROPOSED 8 FOOT PRIVACY FENCE;**
- **ALL VEHICLES STORED ON THE LOT MUST BE REGISTERED AND INSPECTED;**
- **NO INOPERABLE VEHICLES TO REMAIN ON THE PROPERTY FOR MORE THAN 6 MONTHS.**

Chairman Stevenson asked if anyone had anything else to discuss and as there were no other comments, **\*MOTION** was made by Member Gorman, second by Member Shehab, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 8:15 PM.

Respectfully Submitted,



Sandra VanRiper  
Zoning Board of Appeals Secretary

**ZONING BOARD OF APPEALS**  
**VILLAGE OF CHESTER, NEW YORK**  
**PUBLIC HEARING**  
**MAY 11, 2017 – 7:00 PM**

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 May 11, 2017, at 7:00 PM, or as soon thereafter as the matter can be heard, concerning the application of Ushangi Mikaberidze. The applicant is requesting a use variance from the Village Code Section 98-9(A)(2) pertaining to a proposed reconstruction of a nonconforming building or structure to accommodate renovation of an apartment on the first floor and establishment of a taxi business on the second floor with taxis being parked in a screened, gated area of the existing parking area; and area variances from the Village Code Section 98-6 Schedule of District Regulations – “Minimum Yard Setback Dimensions – Front Yard and Side Yard” to accommodate a pre-existing, non-conforming structure.

The property is located in the Village of Chester, New York, at 22 Lehigh Avenue and is listed on the Village Tax Map as Section 115, Block 1 and Lot 3.1 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



## Orange County Department of Planning

### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

**Local Referring Board:** Village of Chester ZBA

**Applicant:** Ushangi Mikaberidze

**Project Name:** 22 Lehigh Avenue

**Proposed Action:** Area Variances for minimum lot size, minimum front yard setback, and minimum side yard setback for pre-existing building; Use Variance for mixed residential and commercial uses

**Reason for County Review:** Within 500 feet of NYS Routes 17M and 17 and US Route 6

**Date of Full Statement:** March 22, 2017

**Referral ID #:** CHV 02-17M

**Tax Map #:** 115-1-3.1

**Local File #:** none provided

**Comments:**

The Department has received the above referenced area and use variances and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Area Variances: While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

Use Variance: Likewise, the County has no objection to the continued use of the second floor of the existing building as an apartment, while the first floor continues to be used for commercial purposes. We advise the Village to consider reviewing their Zoning Code to make such mixed uses permitted in commercial districts. We further advise the Village that the Planning Board should review this project, and should refer it to the Department for our comments and concerns.

**County Recommendation:** Local Determination

**Date:** April 11, 2017

**Prepared by:** Megan Tennermann, AICP, Planner

  
**David Church, AICP**  
**Commissioner of Planning**

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).