

ZONING BOARD OF APPEALS
TOWN OF CHESTER
1786 Kings Highway
Chester, New York 10918
July 31, 2014

Members Present: Chairman Dimitrios Lambros, Gregg Feigelson, Ernie Damiani, Vinnie Finizia, David Aikman- Attorney.

Members Absent: Konrad Mayer, Julie Bell, and Walter Papailo

The next ZBA meeting will be held on September 18, 2014 at 7:00 PM.

Janet McElroy – 59 Lincoln Road, Monroe, NY 10950 – Public Hearing

This property is in the SR2 District and is Section 28-3-22. Ms. McElroy is seeking an interpretation of Section 98-2 (B) to permit a home dessert/baking business at her home. Ms. McElroy has received the necessary home processor certificate from the NYS Dept. of Agriculture and Markets. The business would be for baked goods, cookies, jellies, spices and some candy. There will be no dairy products. She would like to sell these at fairs, farmers markets and flea markets. Nothing will be sold at the house. She can do wholesale to restaurants if need be. She has taken classes at the Culinary Arts Institute in New Hyde Park regarding home businesses. Her business will be called Just Desserts Get Yours.

Let the record reflect that the mailings are correct and that the proper ad was placed in the Times Herald Record.

A motion was made by Lambros and seconded by Damiani to open this up to a public hearing at 7:05 PM. Motion was carried in favor.

Chairman Lambros asked if there was anyone that would like to come forward to speak for or against Ms. McElroy's application.

Jay Newler was concerned that this would set precedence for the homes in that area. Ms. McElroy stated that this would not be a commercial enterprise. She bakes and cooks every day. There are no modifications made to her kitchen. There are no commercial appliances. No one will be coming to her house to pick up the baked goods. She is governed by the NYS Agricultural Markets Guidelines.

Let the record reflect that no one else came forward to speak for or against this applicant.

A motion was made by Lambros and seconded by Damiani to close this public hearing at 7:20 PM.

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A motion was made by Lambros and seconded by Damiani to grant an interpretation of Section 98-2(B) of the Zoning Ordinance of the Town of Chester as it pertains to the definition of a home occupation to permit a home dessert baking business at Ms. McElroy's property at 59 Lincoln Road, Monroe, NY as an acceptable accessory use in a SR2 district. There will be a condition that no signage of any type is permitted at the location and that the home occupation fully complies with section 276.3 of the NYS Agriculture Markets regulations.

Finizia will not be voting.

SEQRA determination is that this is a Type 2, no further action is required.

The Board voted unanimously that this would not cause a detriment to the neighborhood.

The Board voted unanimously that this applicant could not achieve her goals via a reasonable alternative.

The Board voted unanimously that the variance was not substantial.

The Board voted unanimously that this would not have an adverse impact on the neighborhood.

The Board voted unanimously that this was not a self-created difficulty.

The Board voted unanimously to grant this interpretation.

Interpretation granted.

Primo Sports (Luca Spensieri) Glenmere Road & NYS Route 94 – Public Hearing

This application has been referred by the Planning Board. The owner Luca Spensieri is before the Board to get a 24.2 acre area variance where fifty acres (50) is required to build a 60,000 square foot sports complex with six (6) soccer fields. The property is located on Glenmere Road and NYS Route 94. The property is in the SR1 Zone and consists of 25.80 acres. They are also seeking an interpretation of Section 98-29 A (1) of the Zoning Code.

Let the record reflect that the mailings are correct and that the proper ad was placed in the Times Herald Record.

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Mark Fellenzer who is the engineer for Primo Sports spoke. He explained that the location of the project is about a mile due west on Route 94. The plan is to put three large exterior soccer fields, three smaller exterior fields, some small basketball courts and an indoor recreation facility.

A motion was made by Lambros and seconded by Damiani to open this up to a public hearing at 7:21 PM. Motion was carried in favor.

Chairman Lambros asked if there was anyone who would like to come forward to speak for or against the applicant.

Rory Brady from Goshen NY – He is in support of this project. His kids are members of the club and he thinks the owners have good business ethics. He is a lawyer and trusts them. He also thinks that Mr. Fellenzer is a top notch engineer.

William Galvin from Middletown, NY stated he thinks it is a great opportunity for Chester. The owners are all about the kids.

Sandy Singh – His son has played soccer there since he was three years old. It has been nothing but positive. It would be a great benefit for Chester to have this business.

Kevin Trapp – He is in support of this project. His kids go there to train and can play high level soccer.

Julie Cauda – She is in support of this project. She has used the facility and thinks it is great for the community.

Lennie Germain – Lives across the street and has numerous concerns.

1. Size of the fields
2. Size of building
3. Location of the building in relation to the road and his house
4. Height and peak of the building
5. Wetlands on the field; concerned about flooding
6. Does fill need to be brought in
7. Drainage for the building: retention ponds
8. Parking
9. Hours of operation
10. Lighting
11. Is there going to be irrigation for the fields
12. Water usage for grass and fields

13. Are fertilizer and pesticides going to be used
14. Runoff
15. Number of people using the facility at one time
16. Traffic: has the DOT pre-approved this entranceway already
17. Is there going to be a need for a third turning lane or a red light
18. Garbage
19. Crime
20. Is this project being totally funded by Mr. Spensieri or will he have partners to help
21. Is this going to get partially built and then abandoned like the structure on Bellvale Road
22. Are buffers that are on the plans going to be enforced
23. Is this going to be built all at once or by piecemeal
24. Could this be built in Goshen and this property be put back in agricultural usage
25. Are there going to be bleachers for spectators
26. What is this project going to do to our property values (increase or decrease) them
27. Noise from crowds
28. Before this project is done can the speed limit be lowered at all
29. Is there going to be a fence around the property ; if so how high will it be

Steven Mihok – his property is adjacent to the project. He thinks this project will be okay if it is done right. Nobody has kept an eye on the owner Alex Kocot and some pretty shady things have gone on. He is concerned about runoffs and borders to all the neighbors. He is also concerned about parking.

Gary Tetz – He has no objections to the project but wants the applicant to know that his quarry company does drill and do controlled blasts in the summer possibly once or more a week. He wanted to make sure the owners know.

Chairman Lambros stated that most of Mr. Germain's concerns would be addressed when the project went before the Planning Board. He also stated that he knows the gentlemen involved and believes the project will be completed and properly done. The speed limit issue is through the County and NYS.

Mr. Fellenzer stated that he concurred with Chairman Lambros that most of the concerns would be addressed when the project reached the Planning Board. The applicant would also have to do another Public Hearing and the neighbors would be notified again. This project will be referred out to the other regulatory agencies. Town of Chester would probably be designated as lead agency. There will be an organized SEQRA process. They will note the history of the land when developing it. We will take all concerns into consideration as the project moves forward.

Mr. Germain asked if there was any flexibility in moving things around. Mr. Fellenzer replied that there might be. There is a hundred (100) foot setback from the property line. His comments are duly noted.

Member Feigelson asked Mr. Fellenzer to comment on quality of life issues such as lighting and hours of operation.

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Mr. Fellenzer stated that they would be complying with the Planning Board requirements on those. This is mostly for school age children from most aspects and it would not be unreasonable to work out timing for the lights to be shut down. There would be tournaments. There are two hundred slots for parking on site right now. These are not the final plans.

Member Feigelson asked Mr. Fellenzer if they were asking for a use variance.

Mr. Fellenzer replied that they were seeking an area variance.

Member Feigelson asked if this was an annual membership club.

Mr. Fellenzer stated that they are seeking an interpretation of the closest code in the Town of Chester zoning that would fit their category. There is no other place in the zoning that fits this sports building. Maybe it was a flaw in the Town zoning.

Member Damiani stated that if for example there was a golf club of which you had to be a member then that would qualify. He does not believe this would qualify under a membership club that is stated in the zoning code.

Mr. Fellenzer replied that he did not know; he was not an attorney.

Member Finizia asked if the preliminary plans were designed for twenty five acres or fifty acres. His concern is the parking because as a fireman if there are not enough spaces and parking gets out of hand a fire truck cannot get through.

Mr. Fellenzer replied that the plans were for twenty five acres and the size would not increase.

Mr. Spensieri stated that they plan to have two hundred parking spaces.

Mr. Germain asked if this building was going to have sprinklers. If so, how is the water going to be supplied.

Mr. Fellenzer stated this building would probably not need sprinklers. In the event it did; they would provide their own water supply. It is a steel building.

Let the record reflect that this was referred to the county for the area variance and they have stated it was a local determination. Chairman Lambros read the letter out loud. Letter is on file.

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Let the record reflect the Board has received a letter from Barbara Utter of 64 Glenmere Road stating her concerns regarding water runoff, spotlights, noise and traffic soil contamination, etc. and ultimately supporting this project as long as all her concerns are addressed. Chairman Lambros read the letter out loud. Letter is on file.

A motion was made by Lambros and seconded by Damiani to close this public hearing at 8:10 PM. Motion carried in favor.

The first vote will be for an area variance to allow development of a 25.8 acre site in an SR1 district when a minimum of 50 acres is required. This would require a variance of 24.2 acres.

The Board voted unanimously that this would cause a detriment to the neighborhood.

The Board voted unanimously that this applicant could achieve his goals via a reasonable alternative.

The Board voted unanimously that the variance was substantial.

The Board voted unanimously that this would have an adverse impact on the neighborhood.

The Board voted unanimously that this was a self-created difficulty.

Finizia will not be voting.

The Board voted 2- 1 to deny this variance. Feigelson and Damiani voted no and Lambros voted yes.

Area Variance was denied.

The second vote was to grant an interpretation of Section 98-29 (A)(1) of the Zoning Ordinance of the Town of Chester, as it pertains to the applicant's property that the proposed use qualifies as an annual membership club providing outdoor recreational facilities in a SR-1 District.

Finizia will not be voting.

A motion was made by Lambros and seconded by Damiani to vote on this interpretation.

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The Board voted 2-1 to deny this interpretation. Feigelson and Damiani voted no and Lambros voted yes.

Interpretation was denied.

Respectfully submitted,

Dot Wierzbicki
Zoning Board Clerk