

ZONING BOARD OF APPEALS
TOWN OF CHESTER
1786 Kings Highway
Chester, New York 10918
October 16, 2014

Members Present: Chairman Dimitrios Lambros, Ernie Damiani, Vinnie Finizia, David Aikman-Attorney, Konrad Mayer, Julie Bell, Walter Popailo

Members absent: Gregg Feigelson

The next ZBA meeting will be held on November 20, 2014 at 7:00 PM.

Chairman Lambros made a motion which was seconded by Popailo to go into an executive session. Motion carried in favor at 7:10 PM.

Board returned from executive session at 7:27 PM.

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

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 61,750 square foot sports complex with various 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.

They were denied the interpretation and area variance on July 31, 2014. The applicant was then granted a Public Rehearing by unanimous vote at a meeting held on September 3, 2014. This is the Public Rehearing.

Konrad Mayer has recused himself from voting. He is a professional engineer who has shared clients with the applicant's engineer.

Luca Spensieri is one of the founding partners of Primo Sports along with Jim Legarde and Dr. Singh. He stated they had revised their plans to incorporate concerns of the public from the last meeting.

The first presentation was done by **Mark Fellenzer (engineer)** who went over the redesigned plans. There are four exterior soccer fields, two little league fields, two basketball courts, and two rinks (one for ice skating and one for roller skating). The building has been moved to the middle of the property. They have reduced the size of some of the fields. They have done a traffic study for parking calculations. They have analyzed the traffic into the site. They have had a water analysis done. They have drilled a well on site and proved out yields that the well can

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easily handle the amount calculated gallons per day necessary for the facility. They have looked at the NYS Stormwater Design Manual .They will be following that for both quality and quantity for discharge from the impervious areas created by the roof of the structure as well as the parking. Lighting will be done using very modern LED fixtures which have an extremely sharp cutoff. They will also be limiting the time of operation. There will be landscaping done.

Jon Dahlgren (planner) from Tim Miller Associates was the next presenter. All the bulk requirements such as height, setbacks, density etc. meet the required code and the applicant is here for an area variance and an interpretation.

They do not feel that there will be an undesirable change in the neighborhood. Right now it is abandoned. This will be a benefit for kids.

They cannot achieve their goals another way. The property is a fixed size.

They feel the variance is substantial. They need fifty acres and this requires a 24.2 acre variance.

They feel it would not create an adverse impact on the neighborhood because the abandoned site would be replaced by an active site for children engaging in family activities. This application is still subject to a full site plan review process before the Planning Board.

They feel it is not a self created difficulty. The site is the size that it is. The topography is an ideal location for this use.

Mark Fellenzer stated there is heavy screening on the residential side. There will be evergreens and other types of trees in between. Parking calculations show 303 parking spots.

The Board was concerned about overflow of cars.

Marl Fellenzer replied that they felt that the lot was oversized and they do not expect it to be an issue.

Jim Lagarde explained the concept of rotation the fields to the Board. The protection of the fields is very important to them. For example a couple of fields might not be used in the spring and when fall comes they will be utilized. They would let fields rest in between to preserve the longevity of them. There is a chance during special events such as tournaments that all the fields will be used. Outdoor season is about April through October.

Ernie Damiani had concerns regarding building height, hours of operation, lighting and traffic.

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Mark Fellenzer stated that the traffic study has been done and recommendations were a left hand turn where most of the traffic would be going and there will be two lanes leaving. In terms of lighting they are using lights with a very sharp cutoff, they are LED lights which do not spill beyond the fields. They are aimed very specifically. The hours of operation for outside would be limited to about 10:30 PM with the possibility of later hours on the weekend. The Planning Board will deem what hours are allowed. The building height is in compliance at thirty five (35) feet.

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

Chairman Lambros read three letters of support for Primo Sports from John Sgombick, Florida Youth Soccer, Pierre St-Dennis, Warwick Soccer Club Secretary and Eric Amundson, Regional Commissioner of the Chester Soccer Club. Letters are on file.

Ernie Damiani asked if any of the public would like to take a few minutes to look at the maps and plans of the property. No one came forward.

Ernie Damiani made a motion which was seconded by Vinnie Finizia to open this up to a public meeting at 8:00 PM. Motion carried in favor.

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

Lenny Germain of Summerville Way spoke. He stated that the applicant does not feel there will be an undesirable change in the neighborhood; however, how can it not be undesirable when you have all that lane widening and extra traffic. There is going to be a lot more people and cars. The applicant stated there are other sites that were looked at. They could go elsewhere. The Greens development will have about a thousand more people. There could be kids walking along that busy road. Mr. Germain had concerns regarding retention ponds and water runoff. Is the DEC going to find out if there are bog turtles or cricket frogs on the property? These concerns will be addressed at the Planning Board. Mr. Germain also had a concern with the speed limit, hours of operation, and lights.

Steve Mihok of 24 Green Drive had concerns regarding landscaping, septic, traffic and lighting. He asked how Primo Sports was turned down and could come back for another hearing. The process was explained to the public by Attorney David Aikman.

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Barbara Utter of Glenmere Road stated that when this applicant came forward the first time it was voted down because they didn't have enough land. They come back with another plan with more additions and it is still being considered.

Ernie Damiani stated that concerns raised at the last meeting have been addressed at this meeting. He stated if this were a fifty acre lot you would have twice the number of fields. His point being had this been a fifty acre field there would be more traffic and lighting along with more noise. The applicant would not need a variance.

Chairman Lambros made a motion which was seconded by Vinnie Finizia to close this public hearing at 8:30 PM. Motion carried in favor.

Chairman Lambros made a motion which was seconded by Walter Popailo to go in to executive session at 8:31 PM. Motion carried in favor.

The Board returned at 8:45 PM.

Chairman Lambros made a motion which was seconded by Vinnie Finizia to grant a variance seeking twenty four point two (24.2) acres to allow development of a twenty five point eight acre site (25.8) in an SR1 district where a minimum of fifty (50) acres is required by the zoning ordinance.

Attorney Aikman stated that this is a type two SEQRA determination. No further action is required.

The Board voted unanimous that the variance will not produce an undesirable change in the character of the neighborhood.

The Board voted 4-1 that the applicant could not achieve his objective via a reasonable alternative with Bell voting that he could.

The Board voted unanimous that the variance is substantial in nature.

The Board voted unanimous that the variance will not have an adverse impact on physical or environmental conditions in the neighborhood.

The Board voted unanimous that the hardship is self- created.

The vote for granting this variance was unanimous. **Variance granted.**

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Chairman Lambros made a motion which was seconded by Vinnie Finizia for an interpretation of section 98-29 A1 of the zoning ordinance that the proposed use qualifies as an annual membership club providing outdoor recreational facilities in an SR1 district. Motion carried in favor.

The Board voted unanimous in favor to grant this interpretation. **Interpretation granted.**

Meeting adjourned at 9:00 PM.

Respectfully Submitted,

Dot Wierzbicki
Zoning Board Clerk