

DAVID NIEMOTKO ARCHITECT, P.C.

167 Stage Road

Monroe, New York 10950

(845) 774-7523 (phone & fax) (845) 401-2891 (mobile)

david@niemotkoarchitects.com

www.niemotkoarchitects.com

November 4, 2015 *Revised*

Supervisor Alex Jamieson

Town of Chester

1786 Kings Highway

Chester, New York 10918

Via: Hand Delivery

Re: Davidson Drive – Lots 4, 5, 6 and 7

SBL #s 17-1-83, 17-1-84, 17-1-85 and 17-1-86.

Newly Proposed Project/Requested Zoning Amendment

Supervisor Jamieson:

We appreciate the opportunity to present this proposal for a new townhouse development at the above referenced location. This land is located in the IP district and was subdivided and approved into 7 commercial lots in October of 1990. Each lot contains over 2 acres. The subdivision plan shows an approximate 10,000 square foot building on each lot which would require anywhere from 5 to 15 parking spaces per lot. The buildings would be serviced by a septic system and well.

In April of 2004, my clients, Sugarloaf Industrial Park Association LLC, currently owned by Edward Bertolino and Brent Sheldon (local resident), purchased 4 of the lots (4, 5, 6, and 7) for \$250,000.00 and have owned the land for the past 11 ½ years.

Since that time, Sugarloaf Industrial Park Association LLC has improved the land in accordance with the subdivision by building a 1500 linear foot new road, along with curbing on both sides of that road, storm drainage, and the retention pond. They have invested to date over \$400,000, including the engineering fees, and have paid \$190,515 in real estate taxes. We realize the road needs to be finished to secure a building permit.

During the past 10 years, Sugarloaf Industrial Park Association LLC has advertised these lots as “shovel ready” for any commercial or industrial type client and remained eager to, either “sell as is” or, provide the Architectural/Engineering and construction services to fully develop a project for a prospective client. In fact, for the last 3 years, Laurie Dziedzic of ADG Realty has marketed the lots as such without any success or interest. Please see her attached letter.

Residential Context

This area of Chester has a residential climate inherently associated with it. While the IP district is commercial in nature, the zoning allows single family dwellings that currently exist and bed-breakfast inns subject to Site Plan approval as permitted uses. Also, Davidson Drive is surrounded by the SR-1 district and Ridge Preservation Overlay district AR-3, both residential in use. Vehicular traffic can be limited on Davidson Drive, which makes the area conducive to children and families. This context, surrounding Davidson Drive, suggests that this property would be ideal for a residential application and ***residential uses need not be wholly incompatible with the IP district.***

New Proposal

My client would like to combine the current four lots into a single parcel and be permitted to build approximately 30 or more condominiums serviced by 5-6 septic systems and 5-6 well/water systems as located and identified on the attached site/use conceptual plan. This design avoids any need to create or connect to central sewer services, which are not available to the site. Storm water surface run-off can be directed to the already designed and approved retention pond. Davidson Drive would provide the driveway access to the condominiums.

Therefore, we are requesting that a new use be added to the IP District allowing for multiple dwellings, without access to central water and sewer; or in the alternative, a modification to the zoning map for the Davidson Drive IP district as *distinct* from the IP District located adjacent to the Village of Chester, that actually provides for such a use.

These condominium units would be afforded beautiful views, with uninterrupted vistas of Sugarloaf Mountain, while helping to provide for **affordable housing** in the Town, which is a goal of the Town of Chester Comprehensive Plan Update. The residential units can contribute to a **quieter environment** and will be “buffered” from Bellvale Road due to the nature of the land and access roadway. The Owners intend to sell these units for approximately \$269,900.00 each. The Comprehensive Plan Update (HD-3) suggests that the Town consider incentive zoning which would allow for inducements to developers for development projects that provide some type of community benefit, such as senior housing or affordable senior and workforce housing. The Plan Update also holds that the Town should provide for a mix of housing types that will promote a diverse population base. ***The proposed amendment and design satisfies these goals.***

Despite the extensive outlay of capital made for the road construction and other site infrastructure, the client has been unable to find users for these lots. The site’s frontage on the L&HR rail line is located within New York State wetlands. This makes it unfeasible to access because of existing regulations. Furthermore, the size of the lots and their separation from Route 17 (over 5 miles) would further make it infeasible to use the rail line, even in the absence of regulatory constraints. ***Thus, ownership of this land has become an unexpected burden and hardship.***

Also, Davidson Drive may prove NOT to be a good location for an industrial park for another reason; it’s necessary travel route to Route 17. Trucks and tractor trailers must travel approximately 5 miles through residential areas to get to Route 17, disturbing the neighborhoods and roadways along the way with unnecessary noise, pollution and traffic. This type of traffic could potentially

damage the roadways along Bellvale Road and Kings Highway or other routes, which lead to Route 17, impacting the Town's maintenance costs.

The Town is losing out on a substantial increase in taxes that this type of development would generate. In addition, local businesses would no doubt benefit from the purchasing power of approximately 22 or more families that would reside in this area. Using shared septic systems and wells, the Town avoids the burden of operating "package" sewer plants, consistent with the Comprehensive Plan Update.

We request that you review this proposal, consider its viability and provide us the direction needed to secure approval from the necessary Town boards. At that time, we would hope to present before whatever Board you deem appropriate to begin this process.

Thank you for your consideration.

Sincerely,

David Niemotko, Registered Architect

Attachments: Proposed Site / Use Plan – 11 x 17 and 24 x 36 format
Town of Chester Zoning Map
Conceptual Architectural Front Elevation Rendering
Conceptual Architectural Floor Plans
ADG Realty Letter
Original Subdivision Plan