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1942-2014

August 17, 2015

Dimitrios Lambros, Chairman  
Zoning Board of Appeals  
Town of Chester  
1786 Kings Highway  
Chester, NY 10918

Re: ZBA Application for interpretation of Town Code § 98-26 J(2)  
Applicant: JJLV Properties

Dear Chairman Lambros:

Applicant owns Tax Lot SBL 6-1-68.2 and intends to develop the property as a gasoline filling station with accessory convenience retail. Town Code § 98-26 J(2) provides in part:

“§ 98-29 Special requirements for specific uses.

These uses shall require site plan approval by the Planning Board:

“J. Gasoline filling stations.

....

(2) No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site.”

As shown on the aerial map submitted herewith, portions of the ball fields located at “Frozen Ropes”, a private business specializing in baseball and softball instruction, are located within 500 ft. of the proposed site. Applicant seeks an interpretation that the Frozen Ropes business is not a “place of public assembly” within the meaning of § 98-26 J(2).

“Place of public assembly” is defined in Town Code § 98-2 as a “Meeting hall, clubhouse, auditorium, place of worship or other structure or portion of a structure accommodating 25 or more persons and used at regular or periodic intervals as a gathering place for purposes of

Dimitrios Lambros, Chairman

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conference, deliberation, worship, entertainment, amusement, recreation, education or performance of social, athletic or cultural programs.”

However, Town Code § 98-26 J(2) is substantially more restrictive than the said definition in identifying places of public assembly that cannot be within 500 ft. of a gasoline filling station. Specifically, those places are churches, schools, libraries and playgrounds or similar places of public assembly.

As to Frozen Ropes, it is undisputed that its business operation is not a “church”, “school”, “library” or “playground”. It is also apparent that Frozen Ropes is not a gathering place for purposes similar to churches, schools, libraries or playgrounds. Specifically, churches, schools, libraries and playgrounds are noncommercial uses open to the public at large for religious, educational and civic purposes. Frozen Ropes is not similar to any of these uses. It is a commercial business where its customers are paying to receive professional instruction. It does not invite the general public to assemble or gather at its facility; it invites paying customers to use their for-profit services.

It is requested that this Board interpret Town Code § 98-26 J(2) as not including Frozen Ropes as a “place of public assembly” as defined therein.

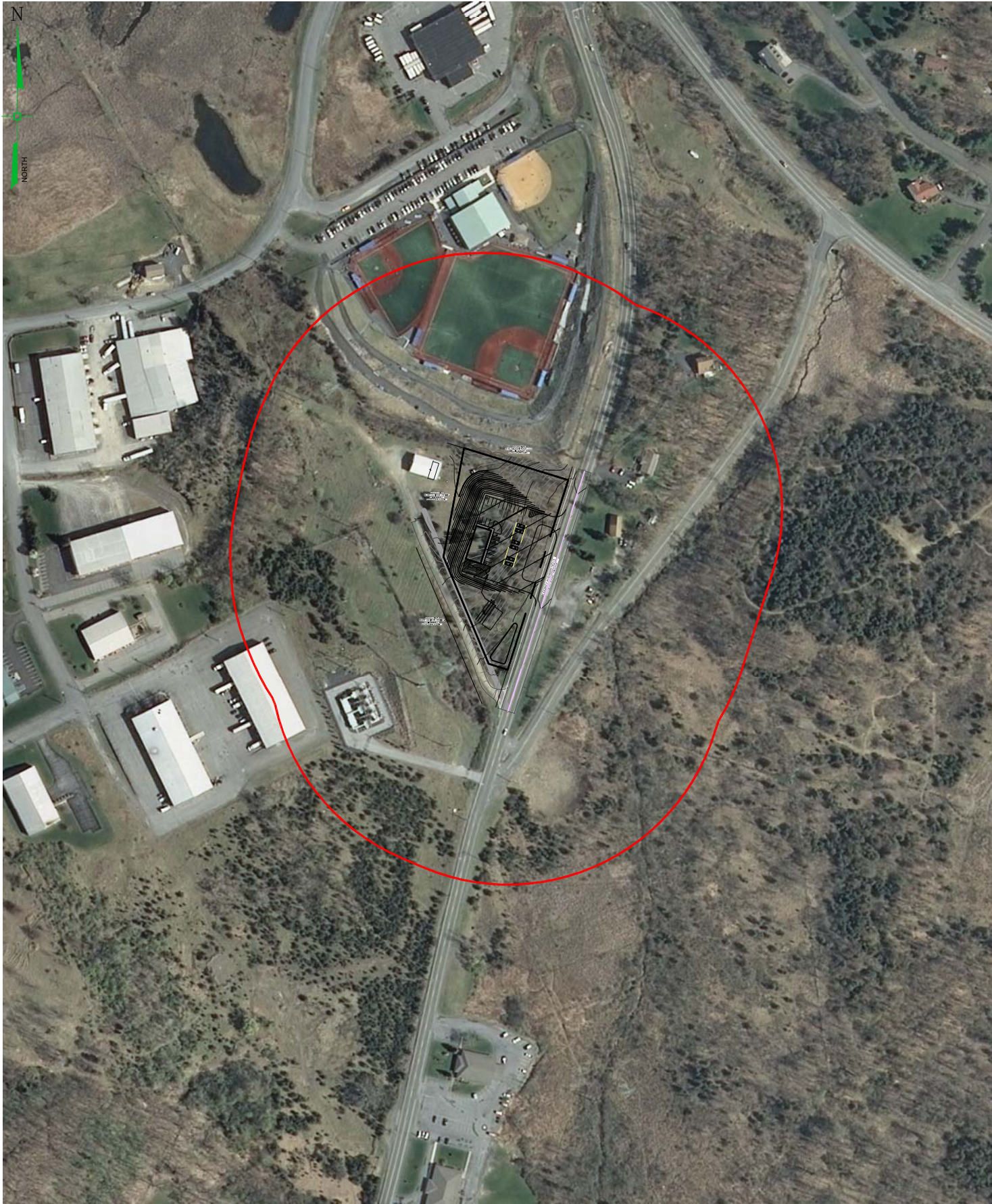
Respectfully,

BLUSTEIN, SHAPIRO, RICH & BARONE, LLP

JAY R. MYROW

cc: JLV Properties





500' SITE OFFSET TO A  
"PLACE OF  
PUBLIC ASSEMBLY"

LAVIANO  
COUNTY ROUTE 13  
TOWN OF CHESTER  
ORANGE COUNTY, NY

DATE:  
08/11/15

JOB #  
1114.01

SCALE:  
1"=300'

SHEET #  
ZBA-1

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& SURVEYING  
PROPERTIES**  
Achieving Successful Results  
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