Meeting Called to order: 7:00pm

Chairman Finizia led the meeting in the Pledge of Allegiance.

Present: Chairman Finizia, Gregg Feigelson, Julie Bell, Walter Popailo, Konrad Mayer, Dan Doellinger, Bob Favara

Also Present: Dave Gove-Attorney, Alexa Burchianti-Secretary

Board Update: Bob Favara is the newest board member that was just appointed to fill Bob Garstak seat.

**The Castle-Zipline Public Hearing**

Brian Leentjes owner of The Castle before the board. Jim Dillin his engineer couldn’t make it tonight.

Motion to open the public hearing. Motion made by Walter. Second by Konrad. All in favor.

OCDP Response:



Dave Gove asked the size of the property in the town. Listed on the application was 3.73+/- is that combined with the village property or just the lot in the Town of Chester? Brian response was the s/b/l in the town only.

According to Dave Gove his review of the code varies slightly different than the OCDP, it appears that it would be a 50’ regulation because you are at 2+ acres as opposed to the 35’ requirement which would be if you had an acre or less.

Brian Leentjes, we are proposing more of a chair lift kind of ride as opposed to the standard typical zip line. This is a double seat chair that you sit side by side, and pulled backwards to the top of the 100-110ft then get to check out the view and then brought back down. (Sample video shown)

The site plan shows that it will leave from the deck in the back of the building that is existing (in the Village of Chester)

Pole is going to be in the Town of Chester where the proposed maintenance shop is going to be.

Walter: Is the pole going to be on the building or in the ground? Brian: In the ground.

Leslie Smith 117 Brookside Ave: Is surrounded by castle property. The lot that is being referred to here is actually gateway property into the Village. It is the last property in the town and his other property which it joins is in the village. In the LB zone where the proposed pole is going to be, that zone with site plan approval does allow outdoor recreation. There is a footnote about landscaping. The other thing that needs clarification that in the town code 98-17 amusement parks and circus’s and related activities are prohibited except for a temporary period with special license from the town. There is no definition in the code for amusement parks. And it doesn’t say what can take place in the definition of outdoor recreation. If this is allowed, this opens the door to many other rides on that property. I think that should be taken into consideration.

Mr. Talamage: Where is the stream? Brian pointed where the stream is on the site map. So you are going to cut into the hill to put the new building there? Brian: Yes. Talamadge: So you are going to take out the old cabin, and cutting into the hill, where are you going to put all the dirt? Brian: I don’t know yet. Talamdge: How is that going to affect my billboard? Brian: Showed on the plan where Mr. Talamdge’s billboard is located and pointed out that it won’t affect his billboard.

Mr. Talamadge: I think this is kind of high, I know he needs the height but maybe ill come and ask for a height thing like that on my hill and put something like that on it. If Legoland buys me out for some reason that what you will have next to you. So be careful on what you approve.

Chairman: Where there any written letters that came in? Alexa: No there wasn’t.

Clifton Patrick office is at 119 Brookside Ave: When Brian put the events grounds in, he said it was going to be a picnic area, so there could be a place for kids to come. Picnics, parties, corporate retreats that kind of thing. I don’t recall him ever mentioning amusement rides. The other concern is safety. The zip-line comes in at 140-150ft if I do the math right the line would be 100ft or so above grade, I am concerned with emergency services if the need to can they rescue someone from that line. Will it need a beacon on it?

Gregg: Can you tell me how this would affect you personally? What’s the personal impact this would have on you?

Mr. Patrick: I don’t have any specific opposition to the plan or the idea of the plan. I think that it contradicts our town code and that should be cleared up before anything like this proceeds.

Leslie: This 150ft structure will also be almost right across from the most scenic gateway views which are Tetz Farm.

Chairman: Any other questions for Brian or the board?

Steve Brown: I have seen the project; I have been to the castle many times. I don’t see how this is a big impact. I think this would really add something to the town. Everything he has done there has been a positive thing. It certainly makes sense and is in line with the kind of place it is.

Dave Gove: The only thing I have for the applicant is essentially my understanding of the application is that it is 2 parts. 1st is you are asking this board to make an interpretation whether or not the town code regulates the building of that structure or not. And part 2 is that if the town does regulate it, that you are looking for the area variance. So I don’t know if you want to speak specifically on each issue individually.

Brian: I think we discussed it at the last meeting that it was determined the board felt it was a structure because it was supporting people. I don’t necessary feel that constitutes it as being a “structure” it’s not an inhabited space. I would still consider it a pole, but that is up for your interpretation. Other than that, I feel it’s necessary for me to continue to grow with the Castle, and to add things that the public will show interest in. And I think this is an avenue that hasn’t been touched in our area. At least 50 other similar businesses like mine that have these kinds of experiences for people to keep it new and fresh.

Chairman: I have a question. What is the difference between what you’re running and an amusement park?

Brian: When the castle was built in the village we used the word “outdoor recreation” for it. That seemed to sum up all of what we are. When the town did the code change quite a while back, but when they said “outdoor recreation” they modeled it after the Castle. We have go-carts, rides, bumper cars, and batting cages, things that are active and move and make things happen for people. The one thing I would like to add, is a zip-line can be done into a play structure for outdoor recreation also, this one happens to be a little more mild for adults to go on it with children. Zip-lines can be in camps most of the larger like ring home things, like it would be considered outdoor recreation to have a zip-line within a structure and have different heights and elements involved in it. For this specific activity or ride I would say that it qualifies as outdoor recreation, at this time. I think that it was intended that we could add things to this outdoor area. For example for the event grounds we use inflatables, we have brought in different activities for out on the lawn area. So we are already doing experiences for people that are fun and engaging.

Chairman: I have to do some homework myself and really find out the difference between an amusement park and a recreational area.

Leslie: My memory is a lot different than Brian when he was asking for the recreation area. He stressed it would be picnics and badminton things of that nature. There wasn’t going to be rides. This is a ride. And if this ride comes in then other rides will come.

Julie: Is the concern because it is a ride? Or it’s going to look unacceptable?

Leslie: I don’t really have any objection to “IT”. But it’s opening the door. Because he also owns another lot which is about 1.8 or something? Brian: It is just over 1 acre. Leslie: I have no objection to the zip-line type of thing it’s just the fact that the zoning doesn’t allow it.

Clifton Patrick: I just want to add to my earlier comment that when the town board changed the zoning to include outdoor recreation I think that if they anticipated rides then or similar operation that Brian has in the village then they would have changed the prohibition against the amusement parks in all zones. Chairman: I don’t know if that would happen. I don’t know if our decision would make that an automatic or constitute that would happen.

Polled board for further comments. No further comments.

Motion to close the public hearing made by Konrad. Second by Gregg. All in favor. Motion carried 5-0

Dave: The first decision is to come to the conclusion if it’s regulated or not. Start from there and move from there. I would concur with the county that it is something that is regulated. I don’t believe the intent when the code was drafted that although it doesn’t state this type of structure, would have it ignored.

Gregg: the counter argument would be if you used the building as a determinant you are basically establishing height requirements. Other municipalities establish independent requirements for poles and other accessory structures. Did some searching, other municipalities address it head on. I’m a little uncomfortable because not we are saying that a building height allows a 35’ building or 50’ building that you automatically get to build a pole that height? I don’t know if I’m comfortable with that and I don’t know if the town definition of “building” is in line with a pole.

Dave: This would be a different type of structure, you don’t put people on every pole. Gregg: True, but I don’t know if the town would want to use building height requirements as pole requirements. Dave: I think you are giving to much by saying this is just a pole. This is clearly not just a pole, this structure is going to support people at certain points and time. So that’s the difference between the 2. You don’t want people just putting poles up that would be a completely different structure.

Motion to adjourn the meeting. Motion made by Walter. Second by Julie. All in favor. Motion carried 5-0

Respectfully Submitted,

Alexa Burchianti

Zoning Board of Appeals Secretary