**MEMBERS PRESENT: ALSO PRESENT:**

Vincent Finizia, Chairman David Gove, Attorney

Gregg Feigelson Alexa Burchianti, Secretary

Julie Bell

Konrad Mayer

Dan Doellinger

Bob Favara

The meeting was opened at 7:00 pm by the Chairman Vincent Finizia who led those present in the Pledge of Allegiance.

**THE CASTLE ZIPLINE – BOARD DECISION**

First item on the agenda is an area variance for height on a flagpole for a zipline. Appearing before the Board for the applicant was Brian Leentjes (owner) Jim Dillin-Engineer, Ben Ostrer-Attorney. The property location of the application is Route 17M, Chester.

Jim Dillin was not at the first meeting, knows that the public hearing was closed but is here to answer any questions anyone might have. They have submitted some new pictures and was posted up on the projector screen for audience and board to see.

These particular pictures were taken in Kansas City and are by built by the same company. They have 50 or 60 of these located throughout the country. They tried to find pictures that had the pole with the carriage at the top of it. Jim: it kind of looks like a power line a little bit. Chairman Finizia: Are they all the same distance? Brian: They should have a 600-700ft run we would be at about 640ft run, and they average a pole height from 120-130 but the base of our pole would be a little bit lower than our launching point. We are at 130. Each zipline is custom to each place.

The first set of pictures shown at the first meeting we pulled up on screen again as well as the small video.

Chairman Finizia: Anyone have any questions they want to ask. Poll the board.

Julie: I don’t know what 150ft looks like, I would like a balloon test so I can visualize better. Brian: I would prefer not to delay the project it’s been 3 months I think since we tried to get this thing going. I have to go to the Village Board, Town Board for public hearings and approvals. Julie: I don’t know how the rest of the board feels but I think it’s up to us if we want a balloon test.

Konrad: I would like to see it.

Dan: I think I’m neutral on it.

Gregg: I have no opinion on that.

Jim: there is tree growth there. They shot the highest tree that’s there and this would be about 50ft above that. They shot it electronically so they could estimate it themselves.

Brian: There are also a lot of other structures that are in the town that I’ve noticed sugarloaf mtn rd there are poles that are 4ft round at the base that are sticking up all over. Right thru the center of town there are power lines with these massive towers all over the place. This is 1 2 footer, 20” pole, going up with a couple of guide wires to hold it there with 3 cables coming off all together for the carriage to ride on. It’s not a visual impact like these power line towers that are all over our community. Chairman: I don’t disagree with you, the power lines are at least that tall, and they are at least that ugly. But those things unfortunately are a necessity. Where the zipline, where I think it’s a great idea but it isn’t a necessity. I think Julie’s idea is a good idea, I would like the village to see what it looks like. Jim: It’s not a bad idea, but usually when you do a balloon test we do them so you CAN’T see something. Example we did the balloon test for the water tank in Chester to see how much. There is no question you will be able to see it. It is going to be 50 feet above the tallest tree. It’s not going to be hidden anywhere.

Chairman: I believe at the first meeting you said you were NOT an amusement park? Brian: The fun center itself does not constitute as an amusement park, has researched it a little bit to strengthen the argument, and the outdoor recreation fits into an adventure park which is, ropes, courses, ziplines, I referred to ring homestead at the last meeting. Chairman: I thought that at the first meeting, I could be wrong, that you stated you weren’t an amusement park that you were a Fun Center. Brian: Correct. Chairman: However on the website you say that you are a Fun Center and an Amusement Park. Brian: Since then I did study that also, we are not putting an amusement park in this area. The Fun center I looked up and studied definitions and fun center can be called an amusement park. Chairman: Can Be. Brian: Yes. So I’m not denying that in definition that the fun center isn’t an amusement park. What I’m saying is that this use that allows outdoor recreation the pole and the line does not constitute as an amusement park. All the activity and the loading and unloading IF it was done in the town I would not feel that would constitute as an amusement park. Chairman: Is your licensing or approvals for an amusement park? Or a fun center? Like great adventure is an amusement park. Brian: that’s a themed amusement park. Chairman: Yours is a little bit smaller, people go there so why wouldn’t you be an amusement park? Brian: I guess you can consider me an amusement park. Chairman: Ok.

Jim: The use we have in the town is an event center. That’s all we do in the TOWN of Chester right now. We also have parking for the event center and we have additional parking which we have an agreement with the Village of Chester for reciprocal parking for different things. That’s all the Town of Chester does right now. We are going to be putting up this pole which is going to facilitate this ride which starts in the Village and ends in the Village. They don’t really touch the Town of Chester when they take this ride. They go over the property and go back. That’s all we do in the town of Chester. We don’t have any amusement park in the TOWN. We don’t have anything in the Town except the Event Center. Brian: That’s all we are looking for. In this application what we are looking for is to do a workshop (not the application before you) workshop and this pole with the cables to connect for the zipline. We are not looking for any more than that. If I do look for something else I will have to go through all the processes like I’m doing now.

Dave Gove Counsel for ZBA: coming back to the original application I think for today’s purposes whether the board is going to want any further balloon test or not, is the board is going to have to resolve the 1st part which is the interpretation. He originally came here saying seeking an opinion of the board whether or not the zoning code actually regulated the structure that he is going to build. The last meeting we submitted the submission by the county and I also put my opinion that I did believe it was regulated under the zoning code in the Town of Chester and the county concurred with that opinion. But the board for today’s purposes has to start at that, in that if the board is in agreement that it is regulated by the town code then move on to the issue of the area variance application. There should be a vote of the board members to see what specifically there opinion is as to whether or not the code applies to the structure he wants to build there initially. Beyond that we can move into the area variance. Did any of the issue of amusement park or rec center come up at Planning or they just sent you immediately here because you need this to go beyond further there. Jim: We went to the Planning Board with this application and that question wasn’t really raised. They only thing we were sent here for is the variances we are requesting. Dave: which they will review that again, it is an open issue. Jim: The county planning didn’t make one comment on it which they are usually thorough, if they though it was a problem they would have definitely brought it up. Dave: Yes, they said local Determination. Jim: so they thought the use was fine.

Chairman: We agree it’s NOT the 35ft. Dave: Yes, they were in error based on the schedule and the amount of property the height would be 50ft height. Jim: there are 2 answers to the same question in the code so no one is really wrong.

Chairman: How low below grade is the pole going to be.

Julie: Does the Town have any rescue vehicles in case someone gets stuck up top?

Chairman: A letter was sent to the chief, they really didn’t want to answer, to give any information that would be misleading. The Town of Chester does not have a vehicle, a lift, a ladder. But I understand that the County does. Bobby is a former chief he can help us out with that.

Bobby Favara: Based on you guys sending a letter to the chief and the chief giving you his answer I really can’t speak for the Chester fire dept. Chairman: No no I’m not asking you to, does the County have, do you have knowledge of the County having an apparatus that can reach that high? Bobby: They don’t have apparatus but they have a high angle rescue team. Chairman: That’s it! Thank you. There is a repelling/tactical team that can actually go across the Hudson as I understand.

Jim: The base of the pole is 18 feet below the launch pad.

Dan: Question for the attorney whether we are simply interpreting the pole height right now or if we would be tackling the idea whether an amusement park is allowed in this zone or not. Dave: That is a Planning issue but it could be considered by the board when you go thru the factors the board needs to consider whether or not you are going to grant the area variance. It’s essentially combined within one of the factors in terms of the different questions that you’ll have to consider when you decide whether or not you would grant the area variance. Again procedurally the board needs to come to a vote at least making a record of it, of agreeing or disagreeing that the interpretation is regulated or not.

Gregg: If the area variance is granted can we put specifications that this is not an ordinary pole? Dave: If the variance is granted yes, it would describe specifically what they are building there. It would be this structure to hold a zipline and all of those things correct.

Vote called for the interpretation that it is regulated under the zoning code for the Town of Chester

Gregg Feigelson: Yes

Julie Bell: Yes

Konrad Mayer: Yes

Dan Doellinger: Yes

Chairman Finizia: Yes

Jim: This is not going to exceed a height of 130ft. Can there be some kind of asterisks that we are not getting a variance for a building. This is a special pole. Dave: Specifically a structure which is essentially to would be used to support a zipline at that location that wouldn’t exceed a height of 130ft. Where the current zoning has a maximum building height of 50ft.

Dan: If we agree to this are we opening the door to allow this piece of property to become an amusement park? Dave: No, It would be vetted out by Planning. This only allows them to go back to planning. Planning will have the final view.

Chairman: Are we opening the door for other people to put up flag poles this high? Dave: Again, No, this is a very specific application and where the resolution will be done very specified in terms of what’s actually being constructed. Those reasons will be set forth when the board goes thru the different considerations for it.

Counsel for Zoning Board Dave Gove, In making the determination whether to grant or deny this variance the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted is weighed against the detriment health, safety and welfare of the neighborhood or community by said such grant. In making the determination the board shall consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created.

Chairman Finizia: No.

Gregg Feigelson: No.

Julie Bell: No.

Konrad Mayer: No

Dan Doellinger: No

1. Whether the benefits sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the area variance.

Chairman Finizia: No.

Gregg Feigelson: No.

Julie Bell: No.

Konrad Mayer: Yes

Dan Doellinger: No

1. Whether the requested area variance is substantial.

Chairman Finizia: Yes.

Gregg Feigelson: Yes.

Julie Bell: No.

Konrad Mayer: Yes

Dan Doellinger: No

1. Whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Chairman Finizia: Yes.

Gregg Feigelson: Yes.

Julie Bell: No.

Konrad Mayer: No

Dan Doellinger: No

1. Was the alleged difficulty self-created.

Chairman Finizia: Yes.

Gregg Feigelson: Yes.

Julie Bell: Yes

Konrad Mayer: Yes

Dan Doellinger: Yes

Board shall now vote to grant or deny the request for an 80 ft variance.

Chairman Finizia: Yes.

Gregg Feigelson: Yes.

Julie Bell: No.

Konrad Mayer: Yes.

Dan Doellinger: Yes.

The application has been granted with a 4-1 vote. Dave will draw up the resolution.

Motion to close the meeting made by. Interrupted by Ted Talamadge. Ted: When will the minutes be ready for this? Alexa: 2 weeks. Ted: 14 days? Chairman: That’s what the Secretary said. Ted: I think I’m going to file an article 78 against the town; the other thing is I never got an agricultural data statement. And by law I’m supposed to get it. So just keep all that in mind fellas. I think you made a mistake here. Chairman: Is he in the 500ft? Alexa: He got the certified mail with the legal notification. He didn’t get the Ag data statement. Chairman: didn’t you say that at the last meeting? Didn’t we get that resolved that the agricultural letter didn’t have to go. Dave: He received the certified letter he was at the public hearing. Ted: But that doesn’t make a difference, I’m supposed to receive that. I’m not supposed to get it the way it was held here (last sentence slightly inaudible) and here we go a month later and still haven’t gotten it. That’s one of the reasons I’m going to file an article 78 against the Town here. Because that zipline is gonna be ugly. I thought when you closed the meeting the last time it was just to be postponed to this time so the rest of the people could talk again. Apparently you didn’t do that, boom boom boom that’s it. Chairman: There weren’t that many people that came to the public hearing, as a matter of fact I had to wrestle with that for a while and spoke to our attorney about it. It was publicized pretty heavy, I was shocked that very few people came. I thought the village would be here in a drove but, nothing. Ted: I didn’t speak last time much because I wasn’t really prepared yet. You didn’t discuss a lot of this stuff here, which I will bring up in the article 78. So this isn’t gonna go thru slam dunk here believe me.

Chairman: They are far from a slam dunk. Very far. Ted: You didn’t discuss anything about setbacks. Gregg: they didn’t apply for a variance for a setback. Ted: You know what, you could do restrictions on these things and you didn’t do any restrictions whatsoever. It’s going to be unsighted. I got some other issues with that too.

Motion to adjourn the meeting made by Konrad. Second by Chairman Finizia. All in favor.

Respectfully Submitted,

Alexa Burchianti

ZBA Secretary