

ZONING BOARD OF APPEALS
TOWN OF CHESTER
1786 Kings Hwy
Chester, New York 10918
April 20, 2017

MEMBERS PRESENT:

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

ALSO PRESENT:

David Gove, Attorney
Alexa Burchianti, Secretary

The meeting was opened at 7:02 pm by the Chairman Vincent Finizia who led those present in the Pledge of Allegiance.

Motion made to adopt minutes from February 16, 2017. Motion made by Konrad. Second by Walter. Motion carried 5-0

Motion made to adopt minutes from March 16, 2017. Motion made by Walter. Second by Gregg. Motion carried 5-0

Let the record reflect that the legal notice was published and the mailings were sent out.

JOEL WERZBERGER – PUBLIC HEARING

Joel Werzberger is an electrical contractor currently based out of Rockland County who purchased 191 Lehigh Ave which is residential house. Would like to be able to use the property as contractor storage and parking the vehicles that we have. Have approximately 7-8 vehicles that would be parked on the property. We want to keep the property clean and have a couple of extra structures on the property that they would like to use as storage yard.

Motion to open the public hearing. Motion made by Walter. Second by Gregg. Motion carried 5-0.

Unidentified speaker: Did I hear you say you wanted to keep the property clean? What's stopping you from picking up the garbage now? Joel: I did not see any garbage on the property. Unidentified speaker: I wish I would've took pictures before I came here there is garbage strewn all over the place. Right in the front. You don't have to look far. Joel: well we have done some construction on the property in the past 3 or 4 weeks. We will clean it up. And keep the property clean.

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Chairman: You may or may not want to give you name and address to speak at the public hearing however you don't have to.

Gregg: And you should be addressing us "the board" not the applicant your comments and we are under no obligation to actually respond to your comments.

Amber Becker: Lived in Chester for 23 years. I personally noticed a lot of trash. The trash has not been brought in from the road since they moved in. They have had vehicles parked on the road. I have personally had to wait and let someone else come from the other way because they had someone parked in from the driveway straight across the road because there are to many vehicles on that property already. So if this is just the construction to it, it is not people living there, business isn't being conducted yet. We are already having those issues with vehicles parked straight across and along the road. Which is obviously an issue. Garbage is strewn across the front of the yard. Trucks are not properly strapped down all you know you'll be going down the road and pieces of wood could be flying off. They are not taking care of the property.

Chairman: Is the trash construction debris? Amber: Yes Chairman: Ok it's not house hold trash and food products, it's strapping wire and wood and stuff like that. Amber: Yes, there's cups, glasses, the actual garbage cans are left in the road. He says he wants to keep it clean but it's already not clean and they just got the property.

Cindy Becker: Understand he wants an area variance. I assume when he bought this property knowing it was 1.2 acres knowing he purchased that property wanting to do a business there when he knew it needed 5 acres. It's a big stretch. To go from just over 1 acre to 5 acres. That's a concern for me.

Tom Becker: As my wife said, the variance seems a little extreme to go from 1.2 to 5 acres. Due to the grade of that property it really isn't like 1.2 acres it's more like less than an acre. If something does go through on this board does this go to Planning Board also with a site plan? To show how everything will be placed on the property. How everything will work or is that something that should have been done already?

Chairman: Tommy, what do you mean by that? Do you mean septic or water or utilities?

Tom: You have property that will possibly parking 8 vehicles on. Those vehicles will be there and possibly another 8 vehicles for the employees to come and parked there also. So there will always be 8 vehicles there along with whoever is in the residence. So how are you going to park 16 vehicles, so I'm not sure this goes back to planning board or not.

Julie: You said something about 7-8 vehicles is that what you just said? You never said that at the first meeting, you said tops 5. Joel: We have a total of 7-8 vehicles in the

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company including down in Rockland. But there shouldn't be more than 5. Julie: Is this business already working out of there. Joel: No, we don't use it as storage yet. Julie: somebody is living there? Joel: Correct Julie: So you are making offices what are we doing? Joel: so far my brother-in-law moved in there, but business is not operating off the property yet. Julie: These vehicles they say that are going in and out? Joel: We did the electric and the plumbing in the house. The septic and the flooring.

Cindy: I don't know what the protocol is for that? Am I allowed to ask? Chairman: Sure go ahead. Cindy: When you replaced that (septic) did you have an engineer? Was it turned into the town? Joel: No, It was just replacing the actual system. Cindy: Also another concern I have is not only the vehicles or the potential amount of vehicles but the fact that he is going to store other stuff for his business. He wants to turn it into from what was a residence that's something that's lost. This was a residential house, in an agricultural area. It's zoned industrial but it's surrounded by farm, I don't want this lost on the board. At this point it's kind of hard for me because this is all my land around it and its farm. It's like a square peg in a round hole it doesn't fit. What's going to be stored outside? It could be wheels of wire. Wheels of wire could be outside, how much? Where? What are we going to see? I know he paid good money for it, but at the same time thought into it before he did it, I don't know. I thought a little more thought would have been done.

Bob: You said between 7-8 vehicles? What kind of vehicles, vans, box trucks? Joel: We have 4 little box trucks the ones that have the compartments, and we have 4 vans. Box trucks are 12 footers.

Chairman: Tom you were correct if the area variance is granted they still have to go to the planning board. For 2, site plan and also living upstairs for the care taker.

One of the issues we all have to deal with is one of the changes that was made in our laws and rules for zoning and not accommodating the 5 acres. Easy to you can put an ice cream stand there, but you can't have ice cream delivered.

Cara Baitwell: Lived in Chester for about 24 years. Another concern we have when the business is up and running is what is the hours of operation going to be. We already see workers in there at 10 and 11 at night working. When this business does open how is that going to effect the community what are the hours going to be? Weekends as well, and early in the morning.

Chairman: But because the Town saw for to make the change, which is fine I'm not casting any dispersions on why the change was made to industrial, unfortunately where you live now is industrial. Not the whole thing. This is going to happen if now or in the

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future. And you're right, if we grant the variance I am certainly going to put in time restrictions. But because it is now industrial, it's an advantage for businesses to come and try to open up. I don't see this as a one-time situation, and I know you are not happy with it, and I don't blame you. I don't live there, but it's zoned industrial now. And that's a problem we all have to live within the community. The Zoning Board we all live in the community.

David Collins: I am a recent resident, have only been in Chester for a year and a half. One of the things that most drew me to Chester was the fact that I have 3 small children oldest son is only 7. It's seemed like a very family oriented area. And once I heard about the changing to industrial I had questions about the future of this area of Chester that I live in. Especially with having such a young family and making my stay in Chester for decades to come. Like you said the zoning has changed and there is nothing can be done about it. It then causes me to have the question of how much more industrialized can it become or how many other businesses can potentially come to the area. Just last weekend it was very nice outside, so my boys were outside playing and riding bikes and I have the reservation of the quiet type of area, going to change. I'm nervous about it being more industrial than residential.

Chairman: It is something we have to deal with, and your concerns are genuine. Thank you for coming and speaking this evening. But again, the Town counsel for whatever reason sees fit to make that industrial. People have the right to come in and buy the property for industrial. We want businesses in town. We certainly have to think hard about this. And I certainly respect why people come to Orange County. But, Joel something was brought to my attention, I believe the last month, this was really supposed to be a storage area, your brother-in-law living upstairs. And not so much of what is going on right now. If all of this of what is going on with construction right now and you don't seem to have a control over debris, trucks moving in and out. Then it's not going to be storage. Or is it going to be basically storage? Because storage would solve a lot of people's concerns. Go in the morning and pick up the spools, get a delivery or 2 and it's not like a retail store. Joel: Correct. Chairman: What they are seeing is more like a retail operation going on right now. A lot of men coming in and out. Men or women shape up in the morning and pick up whatever and take the trucks and go out? Joel: Correct, they just leave for the job for the rest of the day. Chairman: And that's it. They come back at the end of the day? Joel: Correct, we may have deliveries coming to the property. Chairman: Absolutely. According to my assistant, she says you have plenty of room for trucks to come in and stay off the road. Joel: Correct, absolutely. Chairman: I know you are in Rockland County are you making a base in Orange County? Joel: We have a base for a while in Orange County.

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Walter: Are the trucks going to be parked where the pool is? Joel: Yes, That's what I would like. Walter: and you think you can get a tractor trailer in there? Joel: if I pave the lawn yes.

Walter: This is a planning board issue.

Chairman: For those of you who see the renovation, or the reconstruction, is it pleasing? Is it something that he is doing nice? Is he improving the property? Amber: No, (other people in audience no) Chairman: Getting a lot of shaking heads.

Cindy Becker: Can I ask a question? I tried to find Joel's business so I could see what type of operation he ran and what it looked like. And I couldn't find anything. Did anyone here ride past the place to look at it, to see what is going on? Did anyone go to see the business he has now to see how he takes care of that property?

Alexa: The business he has now is in Rockland. Cindy: But it's based out of Rockland yeah? Joel: Rockland, I live in Rockland County, Cindy: You live in Rockland County? Yeah and I tried to find it because I wanted to see. Joel: Google On Time Electric it will come right up.

No one else spoke for or against the application.

Fran Harris: I just had a procedural question, when you have a hearing like this, how many times do you let it go to another hearing with the idea in mind that you could either visit the property, visit the property in Rockland, in other words where you can do a more in depth understanding of the situation. I guess that's what I want to say.

Chairman: You beat me to the punch Francis I was just going to do that. I want to table the meeting until next hearing. I want to do some site visits, maybe we can spread out go to Rockland.

Bob Favara: I just pulled up On Time Electric and I get an address of Monroe NY. Joel: I opened the company in 2006 and that was my first address of the company. We actually still have part of a contractors yard at that address. Bob: So this will be your 3rd facility? Joel: Correct. Bob: Monroe is not big enough to do what you want to do? Joel: No I just have a small area.

Fran Harris: For the record for the paper, can I have all the addresses of the businesses that are involved here that you are going to see. Do you know where you'll be visiting? Chairman: I, myself and Bob Garstak the gentleman that use to be on this board before he moved have visited several businesses that came before us. One for an area variance

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for parking. We went to investigate, and we were able to grant the variance based on the site visit.

Motion made to keep Public Hearing open until next month May 18, 2017.

Motion made by Konrad. Second by Julie. Motion carried 5-0.

CHARLES WELSH – AREA VARIANCE

36 Snake Path Lane. Seeking an area variance of 4 foot Mr. Welsh is proposing a detached 2 car garage with useable workspace upstairs. The proposed garage is designed to be 28ft high where the allowable height requirement 98-11(A)(1) is 24ft. All setback requirements are met. Keeps machinery to maintain the road on his property. Needs 12ft high on the first floor due to the machinery.

Nearest neighbor is about 300' from the house.

Julie: You maintain the road? Charles: That's a sore subject. There was supposed to be a maintenance agreement nobody bothers with it. So it's fend for yourself.

Motion to grant public hearing on May 18, 2017 at 7pm. Motion made by Julie. Second by Walter. Motion carried 5-0.

Motion to adjourn meeting. Motion made by Konrad Second by Gregg. Motion carried 5-0.

Respectfully Submitted,

Alexa Burchianti
Zoning Board of Appeals Secretary