

**ZONING BOARD OF APPEALS
TOWN OF CHESTER**

1786 Kings Highway
Chester, New York 10918
January 13, 2022

PRESENT: Gregg FEIGELSON: Chairman
Dan DOELLINGER, Member
Tom ATKIN, Member
Giuseppe CASSARA, Alternate Member
Julie BELL, Member

ABSENT: Walter POPAILO, Member

ALSO PRESENT: Melissa FOOTE, Secretary
Rob DICKOVER, Counsel

Chairman FEIGELSON: called the meeting to order at 7:00 PM and opened with the Pledge of Allegiance

Chairman FEIGELSON: Welcome everybody. We have one item on the Agenda tonight. That is 193 BMD. Hopefully everyone had a chance to review the meeting minutes from November 11th, 2021. There were a couple of last minor corrections that were submitted at the last minute. Does anyone have any concerns about adopting the November 11, 2021 Minutes? I'll make a motion to adopt the minutes. Can I get a 2nd?

Member ATKIN: I'll 2nd

Chairman FEIGELSON: Let's do a roll call vote on that. Walter is not here yet, so Giuseppe you're in play here.

Member DOELLINGER: Yes

Member BELL: Yes

Member Tom ATKIN: Yes

Member CASSARA: Yes

Chairman FEIGELSON: And I say yes, so the November 11th, 2021 minutes are adopted.

Chairman FEIGELSON: So now we can move on the application for 193 BMD. Stephanie Tunic, Counsel for the Applicant will be representing them, is that correct?

Stephanie TUNIC: Yes

Chairman FEIGELSON: The application is dated January 5th, 2022 for 193 Black Meadow Road, its 5.9 acres in an IP district. I'll let Stephanie walk us through with what the applicant is looking to do. I should point out that this is a **referral from the Planning Board, the letter dated June 8, 2021**. The application is complete; we do have a Short Environmental Assessment form that was filled out. No county Referral 239 is required for this application, and we'll talk about SEQRA a little later because that's a little more complicated. I will turn the floor over for Stephanie.

Showing Visuals, Site Plan

I've done some artwork to high light some of the features that the Zoning Board may be interested in.

Stephanie TUNIC: Mr. Chairman and Board Members, thank you so much for having us, and putting us on the Agenda this evening. I'm here with Larry Toro who is the engineer for the Project with Civil Tech; also the client for 193 BMD LLC is here. This is an existing warehouse. We're proposing a 25,000 sq. ft. addition to the existing building, right now as you can see the existing conditions include about a 3,900 sq. ft. office space along with another 25,000 sq. ft. warehouse space. We are seeking to double this warehouse space for this business. The business is that they import, it's Superior. You can look them up if you're interested. They have a comprehensive website. Essentially they import different types of goods and they use this premises to import the goods, organize, package, and ship off to the customers who have ordered them. It's mostly house hold. We have 3 Area Variances before the board. One is under Section 98-7 referring to the bulk table that requires a minimum front yard of 100 ft. The existing condition is 86.6 ft. We also have a minimum side yard requirement of one side of 90ft. where we have an existing condition of 70.4ft. The other one is under Code 98-2 C1B. According to our calculations the square footage of this building would require 120 spaces we're proposing 69 spaces. So currently on site there are 11 spaces which fills the sufficient needs of the current business that is taking place there. 69 would be in excess of what my client would require for his current business practices there, mainly because a lot of what the building is used for is the storing of the pallet material. Like I said they import a lot of the so it doesn't require persons coming to the site. In addition I'm told that there are very little times that a customer will come to the site that would require parking. There are absolutely no plans to sell this. My client is using this for his business for the foreseeable future. With consideration to the Board they may be thinking, what happens in the future if somebody needs this parking? Per the code we're proposing that the industry standards with these types of buildings are really changing to the point that it's becoming more automated and it's going to be less people that are required on site so we think that 69 spaces are more than sufficient right now for 193 BMD LLC and Superio, and it would be sufficient for any future use of the site if that ever occurs. With that said, I can see if Larry would like to speak to any of the Engineering specifics, we can open it up to the board. I did submit with my application the factors for the board to consider, and I can go through those if you wish or answer any questions the board may have.

Chairman FEIGELSON: The yellow line that I've added to the Site Plan are the required setbacks, I've also put in the amount of the distance lacking in the setbacks for the Front Yard, is 13.4ft. for your reference. It's 19.6ft. at the closest corner, where Stephanie referred to it as 70.4ft., it actually moves away slightly from the Side Yard boundary. Are there any questions about this application? Actually, I have a question. So this addition is going to be part of this existing Warehouse?

Stephanie TUNIC: Correct, this is going to be used for part of the Superio business model that is currently there, yes.

Chairman FEIGELSON: So there's no controversy as to if you actually need a Front Yard Variance for this, but with this board it's historically taken a more traditional approach. If you're connecting this to the building it's considered a change to the entire building and therefore we would consider the all of the variances needed.

Stephanie TUNIC: Larry can you confirm that it's going to be connected through a doorway or does it have a separate entrance.

Larry: Well it's going to be interconnected inside with the existing and proposed facility.

Chairman FEIGELSON: OK. I did an overlay of the Site Plan onto the Google View, to give the Board a little better visual of how the addition fits in with the surrounding environment.

Showing the overlay plan

One of the questions I have is, where is the asphalt going to be pushed out once you build the addition. The Grey area is the new paved area?

Larry: Yes

Chairman FEIGELSON: Questions from the Board, any concerns?

Larry: Right now there is an existing Drive that goes through there, and those parking spaces there's a small wall of large blocks along their property line and then those cars would back up to that wall. It's about 5 – 6ft off the property line.

Member BELL: OK and that's allowed apparently.

Larry: I believe the only requirement is no parking in the front yard

Member DOELLINGER: I didn't get a chance to drive by there and see which building it was. This is the building, but is this the former Stainless Building, is that correct?

Larry: Yes.

Member DOELLINGER: OK, this is preexisting nonconforming based on the yellow line (*site plan*) that the Chairman had up on his map?

Larry: Yes

Member ATKIN: It's in the back; I originally thought it was going to be in the front, so I really have no decision on it. I drove by today, and it is commercial. That building isn't going to be any bigger or smaller than any along that road right now. I'm undecided right now.

Member DOELLINGER: I have another question on the south east side is that Wetlands?

Larry: Yes, it's the Wetlands in the rear property. We've had some preliminary conversations with the DEC, that have at least confirmed that line signed off on. They realize that what we're proposing would be encroaching into the adjacent area of the Wetland. They had some comments, questions on it. They weren't against it but they wanted us to proceed further with the Boards to see where we stood with regards to feasibility of an approval before they gave it any real review.

Member DOELLINGER: OK. Thank you.

Chairman FEIGELSON: So I had mentioned earlier we have some SEQRA considerations for all applications where we're going to be rendering a decision. We have in this case that's unusual, two SEQRA determinations for this application. One, having to do with the Setback Variances. Which would be Type 2 Actions. The parking would actually be an Unlisted Action. We're not going to reconcile that in this meeting, but the next meeting before the Public Hearing we will have to contemplate whether or not this application will have any significant environmental impact. This is something to think about, if you happen to visit the site. The parking is the one that is an Unlisted Action so we have to decide if actually reducing the number of parking spots would have a negative detrimental impact. The next step is a Public Hearing if the applicant wishes to do so.

Stephanie TUNIC: Yes, we would be in favor of that.

Chairman FEIGELSON: The next meeting we could schedule for would be February 10, 2022. Does that work for you?

Larry: Yes

Stephanie TUNIC: Yes

Chairman FEIGELSON: There are a couple of things that you have to do before we have the Public Hearing. Melissa will walk you through with mailings, and publications of an announcement for the Public Hearing. There is very strict timing associated with those. I'll make a motion that we will hear this application 193 BMD LLC on February 10, 2022 at 7pm. Can I get a Second?

Member Bell: Yes, I'll Second.

Roll Call Vote

Member DOELLINGER: Yes

Member BELL: Yes

Member ATKINS: Yes

Member CASSARA: Yes

Chairman FEIGELSON: Yes

Chairman FEIGELSON: As I said your Public Hearing is for the 10th. Melissa will help you get that set up. We'll see you then.

Counsel DICKOVER: Before you leave this, I would suggest the board declare itself Lead Agency for SEQRA purposes. Type B Action with respect to the Parking Variances as a Type Unlisted and resolved a conducted uncoordinated review. As the board knows it did come to us from the Planning Board. I have been advised from Dave Donovan that the Planning Board did not declare themselves Lead Agency with respect to the Site Plan, so we're free to do that and review it under an Uncoordinated Review and that would allow the Planning Board to then to undertake a Full Environmental Review with respect to the Site Plan if and when the

project returns to that Board. So a motion this evening to declare yourselves Lead Agency Type B Action is Unlisted and review it as Uncoordinated Review would be in order.

Chairman FEIGELSON: Sorry Counsel, I thought for uncoordinated review we don't need to declare ourselves Lead Agency because it is in fact Uncoordinated.

Counsel DICKOVER: Yes it is, we would declare Lead Agency Type B Action.

Chairman FEIGELSON: I'll make a motion to declare that the Zoning Board of Appeals is the Lead Agency for this application. Can I get a Second?

Member ATKIN: I'll Second it.

ROLL CALL VOTE

Member DOELLINGER: Yes

Member BELL: Yes

Member ATKIN: Yes

Member CASSARA: Yes

Chairman FEIGELSON: Yes

Chairman FEIGELSON: So we have declared ourselves the Lead Agency and we have determined it's an Unlisted Action pretty much by definition and we will carry out an Uncoordinated with you which we will do at the next meeting prior to making any decision. Is Counsel satisfied with that?

Counsel DICKOVER: Yes, Thank you.

Chairman FEIGELSON: I'll make the motion to adjourn the meeting. Can I get a Second?

Member BELL: I'll Second.

ROLL CALL VOTE

Member DOELLINGER: Yes

Member BELL: Yes

Member ATKIN: Yes

Member CASSARA: Yes

Chairman FEIGELSON: Yes

Meeting adjourned at 7:23 pm

Respectfully submitted,

Melissa FOOTE
Zoning Board of Appeals Secretary