

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
OCTOBER 15, 2015

**MEMBERS PRESENT:**

Vincent Finizia, Acting Chairman  
Walter Popailo  
Bob Garstak

**ALSO PRESENT:**

David Gove, Attorney  
Tanya McPhee, Secretary

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

Next ZBA meeting is scheduled for November 19, 2015.

Walter Popailo is now a permanent member of the Zoning Board. Dimitrios Lannbros has resigned as Chairman, Vincent Finizia has been appointed as acting Chairman until December. Alexa Burchianti has been appointed as the new secretary to the Zoning Board and Planning Board. Julie Bell has been appointed for another 4 year term on the Zoning Board.

Motion to open Public Hearing:

Motion made by Bob Garstak. Seconded by Walter Popailo. Motion carried 3-0

**KIPS BAY HOLDINGS – PUBLIC HEARING**

First item on the agenda is an area variance for relief from parking requirements. Appearing before the Board for the applicant was David Griggs of ERS Consultants. The property location of the application is 173 Black Meadow Road.

Let the record reflect that the proper notice was placed in the Times Herald Record and that proper mailings were mailed out.

Acting Chairman Finizia and Bob went out to the site. Showed on plans were the new extension is going to be. Showing the parking on the plans. Bob pointed out where the wetland area is located. They will still have to go thru the planning board. Our only concern is the matter of the parking. Mr. Griggs showed where the parking spaces will be moved to.

The discussion tonight is for parking. Acting Chairman Finizia and Bob arrived at applicants location around 3-3:30pm. According to Acting Chairman Finizia there was plenty of parking. The building is used for international distribution of paper goods. David Griggs, stated the last time he was in front of the board he said there were 18 employees. 1 is out on disability and not coming back and 2 are retiring this year. With

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
OCTOBER 15, 2015

the addition he is going to bring back 3 people. This brings the count back to 18. The other question the last meeting was about truck traffic, and told board it was about 6-7 trucks per day. David was given a spreadsheet it's actually 15 trucks per week. Which is about 3 trucks per day.

Bob got to location early and was counting cars. He didn't see 15 cars in 10 minutes, so the trucks aren't going to impact traffic. David just wanted to clarify.

The building isn't being made for more trucks it's being made to hold more inventory. The issue is the square footage of the building now under the code they need 122 parking spaces. Currently they have 24 spaces. The first variance was issued in 2009. The difference is on that variance they needed 103 parking spaces for the square footage. Since the square footage will be increased the requirements for parking spaces increased to 122. The previous variance was conditioned on limiting employees wasn't to expand the operation to consist of no more than 20 employee, officers, directors and or managers.

Bob: We should maintain that same condition. IF they sell the building does the new person coming in that's now going to change that building to whatever business, now they need or want 100 people to work there, now they don't have enough spots. They would have to appear in front on the Zoning Board again. Any purchaser would be encumbered with the same variance during the sale so if they want to employ more than 20 people they would have to come and request a change. Acting Chairman Finizia: They can't have more employees that need vehicles to come to work. If they hired more people and they can take a bus or get their own transportation he doesn't want to limit labor. Just labor where they need parking.

Motion to close the Public Hearing made by Walter Popailo. Seconded by Bob Garstak. Motion carried 3-0.

Counsel for Zoning Board Dave Gove, Application before the board by Kips Bay Holdings of Warwick LLC, seeking a variance of section 98-22c(1)B of the Zoning ordinance of the Town of Chester as it pertains to the applicants property located at 173 Black Meadow Road, Chester NY also known as section 6 Block 1 Lot 106 on the tax map of the Town of Chester NY for permission to maintain a total of 24 parking spaces at the premises, where 122 spaces are required. 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:

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
OCTOBER 15, 2015

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

Acting Chairman Finizia: No.  
Walter Popailo: No.  
Bob Garstak: No.

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

Acting Chairman Finizia: No.  
Walter Popailo: No.  
Bob Garstak: No.

3. Whether the requested area variance is substantial.

Acting Chairman Finizia: Yes.  
Walter Popailo: No.  
Bob Garstak: Yes.

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

Acting Chairman Finizia: No.  
Walter Popailo: No.  
Bob Garstak: No.

5. Was the alleged difficulty self-created.

Acting Chairman Finizia: Yes.  
Walter Popailo: Yes.  
Bob Garstak: Yes.

Motion to grant Variance with conditions upon expanding the operation of the applicants business at the premises consists of no more than 24 employees, officers, directors and managers at any one time made by Acting Chairman Finizia, seconded by Walter Popailo. Motion carried 3-0.

ZONING BOARD OF APPEALS  
TOWN OF CHESTER  
1786 Kings Hwy  
Chester, New York 10918  
OCTOBER 15, 2015

Meeting adjourned 7:51pm.

Respectfully Submitted,

Alexa Burchianti  
ZBA Secretary

DRAFT