

ZONING BOARD OF APPEALS
TOWN OF CHESTER
1786 Kings Hwy
Chester, New York 10918
December 29, 2016

MEMBERS PRESENT:

Vincent Finizia, Chairman
Walter Popailo
Konrad Mayer
Gregg Feigelson
Dan Doellinger

ALSO PRESENT:

David Gove, Attorney
Tanya McPhee, (standing in for
Alexa Burchianti)

Motion to open the meeting at 7:00 pm. Motion made by Konrad. Second by Gregg. Motion carried 5-0. Chairman Finizia led those present in the Pledge of Allegiance.

Motion to go into executive session. Motion made by Konrad. Second by Gregg. Motion carried 5-0. Board Members went into executive session at 7:02pm.

Roll call. Motion made to come out of executive session at 7:10pm. Motion made by Walter. Second by Gregg. Motion carried 5-0

The Castle - Area Variance

Jim Dillin and Brian Leenjtes – The Castle has an application in front of the Town of Chester Planning Board, as well as the Village of Chester for the zip line that is being proposed. Take off and landing is in the Village of Chester. The poll would be in the Town of Chester. The only thing they found in the ordinance is on building height. They were sent to the ZBA for interpretation or variance to something that is in the code.

Presenting site plan drawings. The zip line is more of a chair lift. You sit in it. Zip across to the top of the pole and back down to the landing platform, which will be located across the way by the go carts. All age experience. Goes about 30 MPH. Pole is approximately 20” in diameter. 3 cables to keep it stable. And 4th cable to zip on. With the flag at the top approximately 150’ high.

Brian showed video of an the actual zip line from a location in Kansas City.

Konrad: “definition of building” in our code. Dave: Our code reads that a building is occupied by people.

Showed photos of the platform and view from platform to pole. The platform will be coming off of the deck in the back of The Castle.

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Dan: So the apparatus is on the pole to pull the chair up? Brian: Very minor it's more of a pulley which you won't really see much up there.

Brian: With the impending Legoland we would like to have some kind of attraction.

Gregg: Did you say your intent was to put a flag on this pole? Brian: Yes,

Did you go thru the process with the Village? Brian: only 1 meeting there so far. Someone has to become lead agency. Either the Town of Chester Planning Board or the Village. Are going to try and do a joint public hearing. Some of the parking for the ride is in the Town of Chester. So Planning Board thought it would be easier to have a joint Public Hearing when it's time.

Would need state DOT permit. Would deal with State Labor department. Everything will be sent to orange county planning, however need and interpretation or variance before they do that.

Brian: So are we interpreting this as a building? Dave: Just to be safe I believe there is an argument to be made when you look thru the schedules which you guys did. It only gives to Height in the LB district it talks about a 50' height for maximum building height. Now, I think it could be interpreted 2 ways. Does "building" meaning a dwelling occupied by people or do they mean "building" construction? Any that would consume any structure. In that situation you would need a variance. So, the board hasn't necessarily decided but I think probably to er on the side of caution it would be soundest to go to public hearing to determine both issues, interpretation whether the Town doesn't regulate the height or in the alternative that it does a variance the height that you need.

Motion to schedule public hearing for January 19, 2017 at 7pm. Motion made by Gregg. Second by Konrad. All in favor. Motion carried 5-0

Dave will draw up legal notice to be published and send to Alexa.

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

Meeting adjourned at 7:33pm.

Respectfully Submitted,

Alexa Burchianti
Zoning Board of Appeals Secretary

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