

## MINUTES

### VILLAGE OF CHESTER ZONING BOARD OF APPEALS

DECEMBER 8, 2011

### PUBLIC HEARINGS AND REGULAR MEETING

**PRESENT:** Vincent RAPPA, Chairman  
David STEVENSON, Member  
Gordon SHEHAB, Member  
Daniel GORMAN, Member  
John ORR, Code Enforcement Officer  
Harold PRESSBERG, Attorney

**PUBLIC HEARING:**

**Bruedan Public Hearing**

**ZBA-11-03**

Location: One Sanford Avenue, Chester

RMH Zone

SBL: 106-1-11, 12, 13, 14, 57

Owner: Bruedan Corporation

Re: Lot Line Modifications and Property Development

Representatives present: John Queenan, Lanc & Tully; Jake Kriney.

Zoning Board of Appeals Secretary Sandra VanRiper read the Public Hearing Notice which appeared in the Times Herald Record. A copy of the Hearing Notice is attached.

Chairman Rappa opened the Public Hearing.

Proof of mailings was presented by the applicant's representative, John Queenan of Lanc & Tully. John Queenan also provided an overview of the project:

- They are proposing lot line modifications to 5 lots for construction of 5 single family residential homes.
- No new lots are being created; they are optimizing the existing lots.
- Discussion was held about Oxford Road: why they don't close the road and use the property for the proposed residential lots; who owns the road; where it ends; the access it provides to the railroad; and who plows the road.
- The rear yard of lots 4 and 5 face the railroad. Lot 3 is different because of Code § 98-11 Corner Lots which provides that front setbacks and requirements are required for all yards which abut streets and that the narrowest yard of a lot which fronts on two or more streets shall be deemed to be the front yard. The yard opposite the front yard shall be the rear yard and all others shall be side yards.
- The Board asked the applicant why he didn't modify the lot lines to create 4 lots, which would have required fewer or no variances. Applicant indicated it was more financially beneficial to retain the 5 lots; that the additional lot is required to offset the cost of removing the existing structure.

Chairman Rappa opened the meeting to the public for questions and/or comments:

- Karen Lopusnak of 60 Greycourt Avenue questioned why she didn't receive a certified letter providing notice of the hearing; requested the site plan note where Greycourt Avenue is located and confirmed that the driveways would be coming out onto Greycourt Avenue and Sanford Avenue.
  - John Queenan confirmed the driveways would be coming out onto Greycourt & Sanford Avenues.

- Cindy Becker of 11 Sanford Avenue questioned whether the new residences would be larger than the 30' X 50' footprint shown on the plans and what the construction time frame would be.
  - John Queenan advised they wanted to show the largest possible footprint and that the houses would not be larger than the 30' X 50' footprint shown on the plans. He also advised they needed to go back before the Planning Board for site plan approval and then to the Building Department for a permit. They would have some sort of rendering of the house for the Planning Board.
- Mary Russo of 2 Marion Street requested confirmation that the house setback was 30'.
  - John Queenan confirmed they could have set the house back 30', but they wanted to allow for a front yard and room for driveways.
- Gary Smith of 65 Greycourt questioned whether the easement was on his property or Bruedan's property.
  - Both Jake Kriney and John Queenan confirmed the easement was on both properties.

With no other public comments, **\*MOTION** was made by Chairman Rappa and second by Member Gorman to close the public hearing. Motion passed 4-0.

Chairman Rappa asked if any Board members have any issues with this matter.

**\*MOTION** was made by Chairman Rappa and second by Member Gorman to type this application as an Unlisted Action under SEQRA. Motion passed 4-0.

**\*MOTION** was made by Member Gorman and second by Chairman Rappa to issue a Negative Declaration under SEQRA declaring that there are no potentially significant environmental impacts. Motion passed 4-0.

**\*MOTION** was made by Chairman Rappa and second by Member Gorman, that since the requested area variances would benefit the applicant by permitting the construction of five residences (without creating any additional) lots and that there would be no detriment to the community since the construction of the residences was consistent with the existing neighborhood and would result in the removal of a dilapidated structure, which had been a non-conforming use, and would permit the construction of more affordable residences, to approve the area variances which are required to alleviate the non-conforming lot areas, minimum lot widths, minimum rear and side yards (both) as set forth in the site plan dated November 9, 2011, and as noted below. Motion passed 4-0.

The following table outlines the variances required on the site plan provided:

TABLE OF ZONING REQUIREMENTS: Village of Chester - RMH District (Residential – Mobile Home)

	REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5
1. LOT AREA - MINIMUM SQ. FT.	12,500	12,603	12,909	8,179	8,383	6,992
2. LOT COVERAGE - % OF TOTAL LOT AREA	30	12	12	18	18	21
3. LOT WIDTH - MIN. AT BUILDING LINE	100	84	85	84	100	83
4. HEIGHT - MAXIMUM - FT	35	<35	<35	<35	<35	<35
5. YARDS - MINIMUM – FT						
FRONT	30	42	62	31	31	31
SIDE - ANY ONE	15	22	19	21	25	16
SIDE -TOTAL FOR BOTH	35	49	53	53	50	32
REAR	30	59	38	14	22	23

**VARIANCES REQUIRED**

- Tax Map Lot 57 - PROPOSED LOT 1: LOT WIDTH
- Tax Map Lot 11 - PROPOSED LOT 2: LOT WIDTH
- Tax Map Lot 12 - PROPOSED LOT 3: LOT AREA; LOT WIDTH; REAR YARD
- Tax Map Lot 13 - PROPOSED LOT 4: LOT AREA; REAR YARD
- Tax Map Lot 14 - PROPOSED LOT 5: LOT AREA; LOT WIDTH; REAR YARD; SIDE YARD

**LOT AREA CHANGE**

Lot Number	Pre Area (sq ft)	Post Area (sq ft)	Change
Lot 57/Prop Lot 1	12,329	12,604	INCREASE
Lot 11/Prop Lot 2	13,184	12,909	DECREASE
Lot 12/Prop Lot 3	8,712	8,179	DECREASE
Lot 13/Prop Lot 4	8,276	8,383	INCREASE
Lot 14/Prop Lot 5	6,098	6,992	INCREASE

**LOT WIDTH CHANGE**

Lot Number	Pre Lot Width (ft)	Post Lot Width (ft)	Change
Lot 57/Prop Lot 1	60	77	INCREASE
Lot 11/Prop Lot 2	83	85	INCREASE
Lot 12/Prop Lot 3	84	84	NO CHANGE
Lot 13/Prop Lot 4	100	100	NO CHANGE
Lot 14/Prop Lot 5	75	82	INCREASE

**\*MOTION** was made by Chairman Rappa and second by Member Shehab to close the public hearing. Motion passed 4-0.

**PUBLIC HEARING:**

**Rushing Duck Brewery Public Hearing**

**ZBA-11-02**

Location: 6 Howland Street, Chester

B1 Zone

SBL: 104-6-12

Owner: Barry Adelman

Re: Interpretation and/or Use Variance from B1 to M1

Zoning Board of Appeals Secretary Sandra VanRiper read the Public Hearing Notice which appeared in the Times Herald Record. A copy of the Hearing Notice is attached.

Chairman Rappa opened the Public Hearing.

Proof of mailings was presented by applicant. Project overview provided by Dan Hitchcock and Neal Frishberg, Esq, the applicant's attorney/representative.

Overview presented by Les Hitchcock:

- Applicant would be occupying the lower ground level for a micro brewery.
  - The existing clothing store would still be open, and owner Barry Adelman advised the existing parking is exclusive for each use – the brewery would not use the clothing store's parking and the clothing store would not use the brewery's parking.
  - The remaining floors would be used for storage.
- A discussion was held on parking and the right of way.
- A 20' X 20' (400 Sq Ft) tasting room/visitors center would be open for free samples (maximum allowed is 2 3-ounce servings), education and souvenirs (t-shirts, pint glasses, etc).
  - Tastings would have a rapid turnover – approximately 10 people per hour.
  - Tastings would be conducted on Saturdays between 12 pm and 5 pm.
- Production would be minimum 1000 barrels per year, and a maximum of 3000 barrels per year.
- They would have retail sales of their products on site.
  - On-Site retail sales would consist of 6-packs, bottles, kegs and jugs/growlers.
  - 85% of the product would be shipped out and 15% used for tastings.
- Employees: 1 full time and 2-3 part time for tasting; 4 employees maximum.

- No food served on premises.
- Deliveries would be 1-2 tractor trailers per month and distribution would be by owner using a box truck.
- Micro-brewing system purchased is designed to eliminate almost all odors.
- The Brew house purchased is self contained, made of stainless steel and utilizes a water system which utilizes a carbon filter.
- Access would be behind the building.
- The Board questioned how water and other waste materials would be disposed of.
  - Dan Hitchcock advised the spent grains would be going to local farmers to be spread on fields.

Chairman Rappa read into the record the letter received from Joseph Battiato (a copy is attached) and then opened the meeting to the public for questions and/or comments:

- Troy Schaefer of 4 Battiato Lane questioned parking, foot traffic, noise and odor.
  - Dan Hitchcock advised since there is only one employee, the hours are set – Weekdays 8 AM – 7 PM; Saturday 12 PM – 5 PM and closed Sunday.
  - The brewing process is an 8 hour process with no overnight processes.
  - The sediment/effluent will be stored in self contained 55 gallon plastic drums for the farmers to either pick up or have delivered.
  - All machinery will be inside the building and the only noise anticipated is that of the compressor.

**\*MOTION** was made by Chairman Rappa and second by Member Gorman to close the public portion of the public hearing. Motion passed 4-0.

It was noted that the applicant is before the Board for either an interpretation or a use variance.

Discussion was held to clarify whether this was a permitted use in the Zone.

**\*MOTION** was made by Chairman Rappa and second by Member Stevenson to confirm the interpretation that this proposed use conforms to the B1 use. Motion passed 4-0.

**\*MOTION** was made by Chairman Rappa and second by Member Gorman to close the public hearing. Motion passed 4-0.

**REGULAR MEETING:**

Chairman Rappa opened the Regular Meeting.

**1. MINUTES:**

Review of January 28, 2010 and September 21, 2011 Minutes

**\*MOTION** was made by Chairman Rappa and second by Member Gorman to approve the January 2010 and September 2011 minutes as drafted. Motion passed 4-0.

**\*MOTION** was made by Chairman Rappa and second by Member Gorman to adjourn the meeting. Motion passed 4-0.

Respectfully Submitted,



Sandra VanRiper  
Zoning Board Secretary

**ZONING BOARD OF APPEALS**  
**VILLAGE OF CHESTER, NEW YORK**  
**PUBLIC HEARING**  
**DECEMBER 8, 2011 – 7:30 P.M.**

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Village of Chester, New York will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York on Thursday, December 8, 2011 at 7:30 P.M., or as soon thereafter as the matter can be heard, concerning the application of Bruedan Corp. The applicants are requesting various area variances from the Village Code Section 98-6, District Regulations (RMH District) pertaining to Minimum Lot Size; Minimum Yard Setback Dimensions; Maximum Lot Coverage to accommodate the change of 3 lot lines to develop 5 existing lots into 5 single family lots.

The properties are located in the Village of Chester, New York, at One Sanford Avenue and are listed on the Village Tax Map as Section 106, Block 2, Lots 11, 12, 13, 14 and 57 in a RMH Zone.

The Zoning Board of Appeals of the Village of Chester, New York will hear all persons interested at the aforementioned time and place.

BY: ORDER OF THE ZONING BOARD OF APPEALS  
VILLAGE OF CHESTER, NEW YORK

VINCENT RAPPA, CHAIRMAN

**ZONING BOARD OF APPEALS**  
**VILLAGE OF CHESTER, NEW YORK**  
**PUBLIC HEARING**  
**DECEMBER 8, 2011 – 7:45 P.M.**

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals of the Village of Chester, New York will hold a Public Hearing at the Village Hall, 47 Main Street, Chester, New York on Thursday, December 8, 2011 at 7:45 P.M., or as soon thereafter as the matter can be heard, concerning the application of Rushing Duck Brewing. The applicants are requesting a use variance from the Village Code Section 98-6, Schedule of District Regulations (B-1, B-2, M-1, M-2 and HIO Districts) – “Principal Permitted Uses; Accessory Uses” to accommodate the set-up of a micro-brewery with a tasting room.

The property is located in the Village of Chester, New York, at 6 Howland Street and is listed on the Village Tax Map as Section 104, Block 6, Lot 12 in a B1 Zone.

The Zoning Board of Appeals of the Village of Chester, New York will hear all persons interested at the aforementioned time and place.

BY: ORDER OF THE ZONING BOARD OF APPEALS  
VILLAGE OF CHESTER, NEW YORK

VINCENT RAPPA, CHAIRMAN

P.O. Box 242  
Chester, N.Y. 10918  
December 1, 2011

Village Zoning Board of Appeals  
47 Main Street  
Chester, N.Y. 10918

ATT: Chairman Rappa  
Fax# 845-469-5999

Dear Chairman Rappa:

I am writing to you in response to the notice of public hearing on Dec. 8, 2011 regarding the micro-brewery. I am owner of black dirt fields to the west of the property requesting the variance. The road between the building requesting the variance and the buildings of Russ Battiato is a narrow strip on which I have a right-of-way to haul my crop from my fields to my packing facilities.

I feel the parking this variance would allow would prohibit me the proper access to haul my produce to my packinghouse. This issue has come up in the past and has been denied because of the parking. I ask you to please read this letter at the public hearing.

Thank you for your attention.

Sincerely,

  
Joseph F. Battiato