

MINUTES

VILLAGE of CHESTER ZONING BOARD OF APPEALS

OCTOBER 22, 2014

**PRESENT:** David STEVENSON, Chairman  
 Gordon SHEHAB, Member  
 Daniel GORMAN, Member  
 Colleen COLLINS, Member  
 Keith BRIDEWESER, Member  
 John ORR, Code Enforcement Officer  
 Harold PRESSBERG, Attorney

**PUBLIC HEARING 7:03 PM:**

(Tabled at 08/18/14 and 09/17/14 ZBA Meetings – Continuation of Public Hearing at 10/22/14 ZBA Meeting.)

<b><u>Project: # ZBA-14-02</u></b>	<b>Project Name: Meadow Hill Apts.</b>
<b>Applicant/Owner:</b>	John Sorrentino
<b>Location:</b>	NYS Route 94 – SBL 102-1-1.2 Zone - RM
<b>Re:</b>	<b>Variations for increasing percentage of 2 bedroom units and building height.</b>
<b>Presented By:</b>	Mark Siemers

Chairman Stevenson opened the meeting by advising that this is a continuation of the previous month's Public Hearing regarding Meadow Hill Apts. He advised that over the last month we have received numerous correspondence and documentation explaining the school impact and the case regarding height variance. Just to summarize, he advised that we are setting aside the variance for the size of the identification sign. Chairman Stevenson stated that, "it was the interpretation and determination of the Building Inspector that the requested signage adhered to the Village Code and therefore did not require a variance."

Chairman Stevenson asked Mark Siemers if he had anything he wanted to say and he advised that he did not.

Jay Myrow, attorney for the applicant, was the next to speak. He advised that on 10/21/14, he emailed a letter along with attachments, to John Sorrentino, Mark Siemers, Harold Pressberg and Missy Sosler, the ZBA Secretary. (Missy faxed the letter to Chairman Stevenson on 10/22/14.) In the letter he included the Planning Board recommendations to the Village Board regarding zoning changes that occurred in 2013. (A copy of the May, 2013 Village Board Meeting minutes as well as a copy of the variance for a 6 ft. height variance, previously granted by this board, in April of 2009 were attached to the letter.)

Jay Myrow advised that, in his letter, he outlined what he felt occurred in response to the zoning change and the impact it had on the schools. He also advised that the Village Board adopted the findings set forth by the Planning Board as their findings. They issued a negative declaration, considered the school impact changes and created a zoning change. He advised that after the last meeting he obtained a copy of the previous variance granting a 6ft. height variance. He asked, in his letter to the Board tonight, to reconsider whether, in fact, that variance preempts the need for us to seek a new variance in this matter.

Mr. Myrow continued and advised that there is really no significant change of circumstances that would impact the Board's decision of 2009 since the proposed building is 4 ½ ft. lower than the previously approved building. He advised that the Board could determine that there is no need for a variance. We are asking that the Board consider granting that interpretation; essentially whatever is in the letter.

Mark Siemers addressed the Board and advised that he also submitted a letter with attachments from the project architect, Ron Drago. He advised that there was discussion, last month, as to the reason for the 9'1" floor height. He advised that the 9' ceiling is required because they will have chases that will drop below the 9' ceilings and run in where needed for each unit. This is needed for the heating and air conditioning systems.

Mark Siemers advised that his letter centered on a generation of school children. He gave a more, in depth, breakdown of the calculation of the number of school children. He provided a chart from the Rutgers Study and based on that study a single family, detached home (4 bedrooms) on a 30 lot subdivision, (which hypothetically could be constructed as of right) would project 32 school children, 27 of which would be projected to be enrolled in the public school. He pointed out that the project which is currently proposed is projected to generate 20 school children, 15 of which would be projected to be enrolled in the public school before the projected number of additional students is reduced from the senior citizen aspect of the project.

Mark Siemers also advised that he contacted the Chester Union Free School District regarding enrollment and capacity numbers for each school and he was directed to the NY State Department of Education website. The most current enrollments on the website were for the 2012-2013 school year; Chester Elementary - 454 students and Chester Academy Middle-High School - 539 students. (The website did not offer any insight on the schools capacities. Upon further research on the CUFSD website, within the history section, he advised that only one of the elementary school listed a capacity of 750. At this time, the school is at 61% of its capacity. He also provided an article which advised that on 5/20/12 the school district actively pursued 400 high school students from the Greenwood Lake School District.

Chairman Stevenson noted that we requested from the Chester Superintendent, a long range planning study which gave us a study from 2010 which did include the projected impact of a housing development but this project was not on the table at that time.

Chairman Stevenson asked if the ZBA members had any questions or comments. Since they did not, he then asked the public if they had any questions and or comments. As there were no comments from the public, **\*MOTION\*** was made by Member Gorman, second by Member Shehab to close the Public Hearing. **\*MOTION\*** unanimously passed.

### **REGULAR MEETING – 7:14PM**

Chairman Stevenson opened the Regular Meeting at 7:14PM.

#### **1. MINUTES**

Review of the August 18, 2014 Zoning Board Minutes

**\*MOTION\*** by Member Shehab, second by Member Gorman to ACCEPT THE AUGUST 18, 2014 MEETING MINUTES AS DRAFTED. **\*MOTION\*** unanimously passed.

#### **2. CORRESPONDENCE**

All correspondence reviewed during the Public Hearing

#### **3. PROJECTS FOR REVIEW**

**Project #ZBA 14-02**

**Applicant/Owner:**

**Location:**

**Re:**

**Presented By:**

**Project Name: Meadow Hill Apts.**

**John Sorrentino**

**SBL 102-1-1.2 Zone - RM**

**Variances for increasing percentage of 2 bedroom units and building height**

**Mark Siemers**

Mark Siemers advised that he had received an email from Chairman Stevenson and he wanted to address the Chairman's 4 questions:

- 1) Regarding the space between the floors; 10" space for 9'1" floor.
- 2) Regarding whether there is any space above the 3<sup>rd</sup> story before the gable begins; there is 10" ceiling joist.
- 3) Is the entrance on the ground level; yes it is.
- 4) The full height of the gable is 10'.

**\*MOTION\*** by Member Shehab, second by Member Collins to type this as UNLISTED for SEQRA. **\*MOTION\*** unanimously passed.

**\*MOTION\*** by Member Shehab, second by Member Collins to declare this a negative declaration for SEQRA. **\*MOTION\*** unanimously passed.

**\*MOTION\*** by Member Brideweser, second by Member Shehab to grant an area variance from RM District Regulation column 7, Maximum Building Height, to allow a 1 ½ foot height adjustment from 35 feet to 36.5 feet for the apartment building. **\*MOTION\*** unanimously passed.

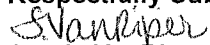
**\*MOTION\*** by Member Shehab, second by Member Brideweser to grant an area variance from Village Code § 98-18 (E) to permit the construction of 2 bedroom units to 1 bedroom units at a 2 to 1 ratio. **\*MOTION\*** passed 4-1.

**Chairman Stevenson – Yes**  
**Colleen Collins – Yes**  
**Daniel Gorman – Ney**

**Gordon Shehab – Yes**  
**Keith Brideweser – Yes**

**\*MOTION** by Member Gorman, second by Member Brideweser to **ADJOURN THE MEETING**. **\*MOTION** passed 5-0.

Respectfully Submitted,

  
 Sandy VanRiper

Planning and Zoning Board Secretary