
Members Present:

David Everett, Chairman
Adrian Ooms (7:15PM)

Members Absent:

Don Hegeman

Public Present:

Suzanne Williams
Mike Hart
Robert Leary
Mitchell Khosrova
Tal Rappleyea, Atty.

Brandee Nelson
Alan Gelb
Joel Merker
Abby Behrens
Patricia Lasky
Scott Palladino

Frances Iaconetti
Karen Levine
Jack Schultz
Betty Sundstrom
Terry Lasky

The April 28, 2005 Zoning Board of Appeals meeting was called to order by Chairman David Everett at 7:00PM. Mike Hart moved and David Everett seconded that the meeting minutes from the previous meeting be accepted. This carried. Chairman Everett changed the order of the meeting agenda so that PS/21 could be covered first, as Atty. Rappleyea was not able to stay for the entire meeting.

**PS/21- CONTINUED BOARD DISCUSSION ON THE PROPOSED
PERFORMING ARTS CENTER ON RT. 66**

Chairman Everett read a letter from Morris Associates stating that due to the method utilized in measuring height, the need is for a 6' variance rather than the previously stated 9'. The Board reviewed the final copy of the Findings Statement. Some small changes were made on the document. Bob Leary moved, and Mike Hart seconded that the Findings Statement be accepted. This carried unanimously.

The Board reviewed the Special Use Permit and its Notice of Action. All that was requested by the Board at the last meeting has been included. There were no comments made on the Notice of Action, and a few minor adjustments were made on the Resolution, specifically when the 5 year permit for the tent would begin. Once the building permit is issued, the five year time for using the tent begins. There was also extensive discussion on when the deed restrictions start. Questaterra is bound to follow them, and when the property goes to PS/21 the restrictions are in effect. It is being done this way because of some tax issues. David Everett stated that he was of the opinion that the deed restrictions are to be imposed immediately, and would like an addition that Questaterra agrees to abide by the deed restrictions until the transfer, and the Town would enforce this. Atty. Rappleyea will include this in the Special Use Permit. There was a question as to what would happen if the tent doesn't make it, what would happen with the land. It would revert back to what it was prior to the request, and it would not be part of the Land Conservancy. Mike Hart stated that although there is a mention of the restrictions dealing with the building envelopes and the structures, there is no mention of what is being conserved, and wondered if this was covered. David Everett said that this

is addressed in the FEIS and that Judy Anderson from the Land Conservancy came to a meeting and spoke of conservation percentages. This is not an easement, per se, but there is language regarding conserving and protecting the land. This is more an issue of semantics as the deed restrictions cover the issue of leaving land undeveloped. Bob Leary suggested that if a more favorable tax situation was being sought, a conservation easement would be the most beneficial. Atty. Longstreet stated that this was not the case. Chairman Everett asked about the metes and bounds for the description of the building envelopes, as it is important to avoid potential problems down the road. Atty. Longstreet stated that the applicant had agreed that these would be provided before a certificate of occupancy is given. Atty. Rappleyea reviewed the changes to the Resolution. Robert Leary moved that the modified Special Use Permit be approved, inclusive of the Notice of Action and Resolution. Adrian Ooms seconded the motion and it carried unanimously.

The Notice of Action and Resolution for the Height Variance was reviewed. It was noted that everywhere that it addresses a 9' variance, this will be modified to say a 6' variance. Mitchell Khosrova moved and Mike Hart seconded that the amended Notice of Action and Resolution for the Height Variance be approved. This carried unanimously. The Developer's Agreement is complete, but this is a Town issue and no action by the Zoning Board is needed on this.

SYNAGOGUE AT MALDEN BRIDGE- SPECIAL USE PERMIT REQUEST FOR BUILDING ON CTY. RT. 28 IN CHATHAM CENTER- PUBLIC HEARING

The Public Hearing was opened at 8:25 PM. Postal receipts were turned in by the applicant indicating that the adjoining property holders were duly notified. Letters regarding this project that the Board received from the Town Planning Board, the County Planning Board and Morris Engineers were reviewed. Mr. Merker provided a sketch of the proposed parking area with the appropriate markings for the vehicles. He also reviewed the plan for lighting. The top light on the building will be removed, and lights would be added under the canopy. Specifics for lighting and parking will be reviewed by the Planning Board. The Public Hearing was closed at 8:36 PM. Mitchell Khosrova moved and Suzanne Williams seconded that the project be given a negative SEQRA declaration. This carried. Mike Hart moved and Mitchell Khosrova moved that the Special Use permit be approved. This carried unanimously.

SCOTT PALLADINO-REQUEST FOR TWO AREA VARIANCES AND A USE VARIANCE ON PROPERTY ON HARRIS RD.- INFORMATIONAL

Mr. Palladino explained his request. He owns two adjoining undersized pieces of property on Harris Rd. He would like to include the garage, which is on the smaller piece of property currently, with the property where he has just constructed his home. He is requesting a 40' area variance on the side of the garage adjacent to the smaller lot. This would create a smaller undersized lot and a larger one, hence the second area variance. He also is requesting a use variance to utilize the garage and area next to it to store vehicles from his lawn care business. He is currently storing some of his vehicles on that site, but he has said that all of the actual business takes place off site, and he has already planted some trees to shield the area where the parked vehicles are located. Mr. Palladino was asked how many vehicles are being parked at the site. He stated that he has two large mowers, 2 small mowers, two employees who park vehicles at the site, 2 trucks, and 4 trailers of various sizes. Other supplies are not stored at this location. Most of the vehicles would be stored outside—the garage would only be able to accommodate the smallest of the fleet. A question was posed as to what fuel was used, and Mr. Palladino stated that most are diesel. The tank next to the barn is a fuel oil tank. Mitchell Khosrova explained to the applicant how difficult obtaining a use variance is, and David Everett reviewed these standards. He suggested that Mr. Palladino might want to discuss this with his lawyer. The clerk was directed to check with Building Inspector Walt Simonsmeir to confirm the reason for both variances, and to clarify whether this would fall under the home occupation section of the Building Code. The Public Hearing on the Area Variances will be scheduled for the next meeting. The applicant was advised that the adjacent property holders needed to be contacted prior to the Public Hearing.

Suzanne Williams moved and David Everett seconded that the meeting be adjourned. The meeting ended at 9:17PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, ZBA Clerk