
Members Present:

David Everett, Chairman
Adrian Ooms (7:10PM)
Don Hegeman
Suzanne Williams
Mike Hart
Robert Leary
Tal Rappleyea, Atty.

Members Absent:

Mitchell Khosrova

Public Present:

Joel Merker
Kate Dunham
Judy Grunberg
Larry Machiz
Bob Balcom
Elizabeth Arace

The March 24, 2005 Zoning Board of Appeals meeting was called to order by Chairman David Everett at 7:00 PM. Mike Hart moved and Don Hegeman seconded that the modified minutes from the previous meeting be accepted. This carried.

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

Joel Merker is representing the Synagogue at Malden Bridge. The congregation has purchased the old Town Hall, and is requesting a special use permit for same. Under the Town of Chatham Code, churches are allowed in this H-2 zone with a Special Use permit. Mr. Merker reported that the intention is to refurbish the building, but to basically leave it as is. On the outside, adding treatment to the ramp and enclosing it and placing an additional staircase in the center of the entrance is planned. On the inside, making the bathroom handicapped accessible, putting in a kitchen, and enlarging the meeting room will be done. The basement, which will be used for storage, will remain intact. There was a question by the Board as to the ratio of parking spots to seats. According to the code, one spot for three seats is mandated. Mr. Merker stated that on a weekly basis for services, attendance is very small. There are only a few times during the year that more attend, basically during the fall for the High Holy Days. However, the congregation has already approached the Methodist Church to try to arrange to use their parking lot for overflow, and they are also speaking with the owner of the field adjacent to the building to use it during these times. Suzanne Williams asked what the capacity of the meeting room would be, and 85 would be the most present at any one time. Generally, no more than 25-30 would be in attendance, and the present parking lot would accommodate that. Chairman Everett expressed concern about on-street parking, and Mr. Merker responded that they would discourage that. Mr. Everett asked about the possibility of parking where the present basketball court is, and Mr. Merker stated that that is possible, although it is a very steep grade, and would be rather costly to do. Chairman Everett stated that he would want the Town Engineer to look at the proposal, specifically the parking and the sewer and water as to whether it would be adequate. The application will also be sent to the County Planning Board for comment, and the Public Hearing will be set for the next meeting.

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

Chairman Everett reviewed the correspondences that were received including a letter from Town resident Abby Behrens and e-mail correspondence from Scott Longstreet regarding dialogue with Bob Balcom chairman of the Recreation, Arts and History subcommittee of the Comprehensive Plan Steering committee. This was in response to the conclusion that Marc Gertsman made that the Comprehensive Plan made a distinction between recreational and cultural, where there has not been a discussion about this other than the recognition that there is clear overlap between the two. Scott Longstreet stated that the applicant is in agreement with the Developer's Agreement, but is concerned that if the Special Use permit is approved subject to the Town signing the agreement, what recourse the applicant would have if the Town doesn't sign it, as there could be a problem with the Statue of Limitations. Atty. Longstreet suggested that perhaps the Town Board needn't get involved as this isn't a PILOT agreement, and that the bond would cover any damages. Chairman Everett stated that this would be discussed when the Town Attorney arrives, but perhaps Atty. Rappleyea would be able to bring the Developer's Agreement to the Town Board at their next meeting, which is before the Zoning Board's April meeting, and have the Board approve it contingent upon the Zoning Board approval of the permit. Brandee Nelson questioned whether a Developer's Agreement is common to the Town, and Chairman Everett stated that it is not, but with the large scope of this project the Board deems it necessary. Suzanne Williams stated that the huge change of use of this area must be considered.

Chairman Everett asked if the deed restrictions had been modified since the last meeting's discussion on structures to include roads. Mr. Everett also reminded Mr. Longstreet that the metes and bounds had to be approved prior to receiving the Certificate of Occupancy. The resolution will append the deed restrictions. Mike Hart stated that in the original proposal, the applicant had stated that 18 or 19 acres would be impacted, and the remainder of the land would be undeveloped. Now the applicant is stating that 75% would be undeveloped and 25% could be developed. 25% of the acreage being discussed is about 30 acres, which is far more than the 18 or 19 originally stated. The applicant stated that 4.4 acres would be developed and there would be a disturbance of about 18 acres. There was some discussion on this, and Brandee Nelson reviewed the site plan with the Board in regard to where the development would take place.

Another question was posed by the applicant regarding the noise monitoring of the tent. If the tent doesn't follow the restrictions made, can the entire facility be closed down, as it wouldn't impact the permanent facility. Brandee Nelson explained the procedure used in determining the height definitions. These indicate that a Variance may not be necessary. Chairman Everett asked that this be included in the approval, because if this is the procedure used for this facility, the same one would have to be used in the future.

The following paperwork was reviewed page by page: 1. SEQRA findings; 2. The Special Use Permit Resolution, which includes the Noise monitoring protocol, Deed Restrictions and the Notice of Action. Atty. Rappleyea will get the Developer's Agreement to the Town Board so that it can be acted upon at their next meeting. There was some discussion regarding duplicating approvals given by government agencies by the Town as this can create undue engineering costs, time and effort. In discussing the Developer's Agreement, Scott Longstreet stated that his opinion is that anyone in the future who might take over this land would be required to sign the same Developer's Agreement. Atty. Rappleyea stated that this could be a condition in the Special Use Permit, but he would like to think about this.

At the next meeting, review of the final version of the SEQRA findings, the Special Use Notice of Action and Resolution and the Developer's Agreement will be reviewed leading up to a vote to accept or reject the project. Suzanne Williams moved that the meeting be adjourned. This was seconded by Adrian Ooms and the meeting concluded at 9:20PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, ZBA Clerk