
Members Present:

David Everett, Chairman
Mike Hart
Kary Jablonka
Adrian Ooms
Tal Rappleyea, Atty.

Members Absent:

Robert Leary
Mitchell Khosrova
Suzanne Williams

Public Present:

Cynthia K. Elliot Stan Koloski
Jack King Alexandra Hamilton
Heather Briscetti, Esq.
Theresa Walker Garry D. Smith
Catharine C. Kennedy
Rusty Vazac A. Huntington
Roger Gile John E. Graham
Rick A. Goold Bill Powers
Judith Powers Jack Lanphear
Al Ross

The April 27, 2006 Zoning Board of Appeals meeting was called to order by Chairman David Everett at 7:11PM. The Pledge of Allegiance was recited. Mike Hart moved and Kary Jablonka seconded that the previous meeting's minutes be accepted. This carried unanimously.

**DOROTHY O'HARA- REQUEST FOR AN AREA VARIANCE ON PROPERTY
LOCATED ON RT. 9 IN NEW CONCORD PUBLIC HEARING**

Chairman David Everett opened the Public Hearing at 7:12PM. Postal receipts were turned in indicating that the adjoining property holders had been notified of the Public Hearing. Maps were distributed and Cynthia Elliot, who is representing the applicant, reviewed the project. Comments from the public were requested; there were none. The Public Hearing was closed at 7:16PM. Adrian Ooms remarked that the Town has previously assigned one tax map number to two lots that do not touch; Mike Hart commented that he doesn't believe this project should be before the Board as there are two parcels of land described, and they are separated by more than just the road. He is in favor of granting a variance, despite the fact that he isn't in favor of its having come to the ZBA---this should not have been sent from the Planning Board. The Short Form SEQRA application, which shows no adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or

wildlife species, significant habitats or threatened or long or short-term effects identified. Since this is the case, Mike Hart moved that there is no significant adverse environmental impact with this project, and should be accepted. This was seconded by Kary Jablonka and carried unanimously. Kary Jablonka moved that the variance request, to accept a sub-standard lot size, be approved. Adrian Ooms seconded the motion and it carried unanimously.

TRI-VILLAGE FIRE DEPARTMENT- REQUEST FOR AN AREA VARIANCE ON LAND BEING PURCHASED ON COUNTY RT. 13 TO BE USED FOR A FIREHOUSE

Chairman Everett stated that the fire department would make a presentation, a discussion on zoning would take place, environmental issues would be addressed and concerns of anyone in the audience would be heard.

Stan Koloski, who is representing the applicant, stated that they hold a sale contract on this land from the Old Chatham Tennis Club. However, they need an area variance of 38' in order to meet the 200' Town code for road frontage in a business zone. Mr. Koloski showed where the driveway for the Old Chatham Tennis Club is, and where the proposed driveway for the fire company would be. The fire company has tentative approval from the county for this cut. The intention is to place the house as far back from the road as possible (315'), and the parking would be in the rear of the building. Mike Hart asked if the fire company had been looking for land for awhile, to which Mr. Koloski said they had started a search about May, 2000 and have looked at about 18 properties. This one is a little further than centrally located, but not something that is causing great concern. There was some discussion as to why this consolidation is taking place. David Everett asked about the other buildings; Old Chatham and Chatham Center facilities would be sold, and Malden Bridge would remain open, at least initially. David Everett asked if there would be a drop in response time, and Mr. Koloski said that most of the trucks come from the Chatham Center building at this time. Kary Jablonka asked what made this site under consideration a good choice. Mr. Koloski responded that it isn't far from the center of the Town and that there are good roads and good access to all places in the Town. David Everett asked what the status of the site plan is, and was told that no other variances would be needed. The actual building plan is very close to the one that was submitted. Permits that will be needed include: Columbia County Highway Dept., the Town of Chatham Building inspector, SPEDES (disturbing more than one acre), septic. Mr. Koloski stated that currently the Tri-Village Fire Dept. is in year 2 of a 3 year contract with the Town to provide fire protection. The Fire Department has had a contract with the Town ever since its inception 60 years ago, and all 45 square miles of the Town of Chatham are covered.

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Atty. Rappleyea spoke about immunity from land use laws for fire companies. Some history of this was provided. He spoke of a balancing test, and that one Board needs to provide the public a chance to comment on the proposal. Atty. Rappleyea stated that in his opinion the Fire Dept. is immune from land use rules because of its use; however the Town Board should make this decision by utilizing the balancing test. It is the Town Board that has the actual contract with the Fire Company, so it should be done at that level. Chairman Everett added that the Town Board is the legislative body who adopts the code. The Fire Department does want to go through the process with both the Zoning Board of Appeals and the Planning Board. This would still be done. Chairman Everett stated that the issue of exemptions from land use is in discussion throughout the state. Having the balancing test done is totally different than just doing the project. David Everett moved, and Kary Jablonka seconded that this project be sent to the Town Board for balancing. It carried unanimously, and the Fire Department is willing to present this to the Town Board. David Everett stated that the SEQRA process needs to be gone through, and because the variance is such a small one the Planning Board should take lead agency status in this project. A variance can't be issued until the SEQRA determination is reached. Mike Hart moved to request that the Planning Board take lead agency. Kary Jablonka seconded the motion, and it carried unanimously. The Public Hearing on the variance will be scheduled for the May meeting.

Jack King asked for verification that no yea or nay could be given by the Zoning Board until the SEQRA process is done. This is so.

Heather Briccetti, who identified herself as representing some concerned community members as to whether this use is appropriate for this location, asked if this project falls within the confines of a business use. It does.

Robert Peckowitz asked who was being represented. Chairman Everett stated that this does not have to be divulged, however, a member of the audience (Bill Powers) stated that he is being represented.

Jack Lanphear expressed concerns of the landowners and of the rumors that seem to be going around as being unfair. The fire department has been helping the community for 60 years. Training increases yearly and this is a volunteer organization. Members live in the community too. They plan on being good neighbors, and it's upsetting to think that because they are trying to improve their facility controversies are arising.

Roger Gile stated that many times time is spent in traveling from one building to another to get equipment that is needed for a particular call.

Al Ross said that this project has been studied and reviewed by the Fire Company itself. It has been a long time in finding a proper location, and now they have a chance to build something that will be an asset. This facility will be less than a quarter-mile from the Chatham Center firehouse, which sits on a curve and is very dangerous. The proposed location will be a much better situation. Heather Briccetti stated that many of the issues that are being discussed tonight were not made public. Mr. Ross stated that a public presentation was made to the Town Board about 3 years ago that is on record. Chairman Everett stated that he would like to read this if it is available.

Mike Hart moved and Kary Jablonka seconded that the meeting be adjourned. This carried and the meeting ended at 8:20PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk