
Members Present:

Kary Jablonka
Adrian Ooms
Mike Hart
David Everett, Chairman
Mitchell Khosrova
Robert Leary
Suzanne Williams
Tal Rappleyea, Atty.
Walt Simonsmeier, ZEO

Members Absent:

None

Public Present:

John Henkel Elle Dietemann
George Vollmuth Stephen Hermance
Karl Lampson

The March 22, 2007, Zoning Board of Appeals meeting was called to order at 7:00 PM by Chairman David Everett. The Pledge of Allegiance was recited. Mitchell Khosrova moved and Bob Leary seconded that the amended minutes from the previous meeting be accepted. This carried.

JOHN HENKEL-REQUEST FOR A VARIANCE TO CONSTRUCT A BARN AT 116 HARRIS RD. PUBLIC HEARING

Mr. Henkel passed out the survey maps that the Board had requested. The Public Hearing was opened at 7:04 PM. The applicant reviewed his proposal: the desire to construct a post and beam barn for storage and a tool shed behind the present house. The postal receipts had been turned in. The Public Hearing was closed at 7:08 PM. This project is exempt from SEQRA. Mitchell Khosrova moved that a 33' variance on the west side of the property and a 43' variance on the south side of the property be granted. This was seconded by Kary Jablonka and was unanimously approved. Approval fees were collected.

**FAIRPOINT COMMUNICATIONS (TACONIC TELEPHONE)-
REQUEST FOR A PUBLIC UTILITY SPECIAL PERMIT FOR A
STATION LOCATED ON RT. 203 IN NORTH CHATHAM
INFORMATIONAL (CONT.)**

Stephen Hermance of Fairpoint Communications turned in the long form SEQRA. He stated that he does not have a permit for this land, nor does the DOT. Mr. Hermance stated that Mike Visconti from the DOT feels this land is part of the state right-of-way, so Fairport Communications does not feel a survey of the land is needed. A DOT permit has been applied for, and should

be available by the next meeting. Corrections need to be done on the SEQRA form—a new page one and the signatures are necessary. Mr. Hermance asked if the state right-of-way map would be sufficient. Mr. Khosrova said that he doesn't know, particularly if someone is claiming the land is theirs. Mr. Everett wondered if it's in the state right-of-way, does this Board have jurisdiction over the State. Atty. Rappleyea responded that in this case, yes. Also, if it is not clear on the state maps, the Board has the right to ask for a survey. The right- of -way sketch that Mr. Hermance provided was reviewed by the Board. The Board would like to see a letter from the DOT survey department, and it would be good if supporting maps were also included with this letter.

George Vollmuth wondered about the future of this property. Mr. Hermance responded that the one of the three pieces of equipment will be removed as soon as everyone is transferred over, and that screening will be provided. No additional equipment will be added. David Everett asked that for the next meeting a site plan with everything on the property be provided. Suzanne Williams suggested that a picture of an end result of another area property would also be helpful.

Elle Dietemann wondered if the applicant can establish that they are in the right of way, is it a done deal. Mr. Everett responded that is in discussion now---what can be done to mitigate the concerns in the neighborhood. Also, the members of the community will have another opportunity to express their concerns at the Public Hearing. Ms. Dietemann stated that as a botanist, she would prefer evergreens, and she also wondered about lawn mowing, as she has been doing that for the past several years. Mr. Hermance stated that all the sites they have are mown by them. Mr. Everett asked that the Board give Mr. Hermance some direction, so he would be able to know what to have to present at the next meeting. Suzanne Williams suggested that cedar screening be used and that this be done after the extra box is removed. Kary Jablonka suggested that to be consistent with the wishes of those in the hamlet, perhaps Ms. Dietemann could discuss with him some suggestions. Mr. Hermance stated that they would be glad to have her involved with the plans for the plants. A Public Hearing will be scheduled for the April meeting.

Page 3

Karl Lampson showed a letter stating that the Henkel Public Hearing letter stated that it was supposed to occur at 7:30 PM, and he wondered what it was about. The Board reviewed the project with Mr. Lampson.

Suzanne Williams moved and David Everett seconded that the meeting be adjourned. This carried and the meeting ended at 7:45 PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk