
Members Present:

Kary Jablonka
Adrian Ooms
David Everett, Chairman
Mitchell Khosrova
Robert Leary
Suzanne Williams
JP Henkel
Mike Hart, Town Justice

Members Absent:

None

Public Present:

Stephen Hermance Elle Dietemann
George Vollmuth Sharyn Richards Marks
Simone Richards

The April 24, 2007 Zoning Board of Appeals meeting was called to order at 7:00 PM by Deputy Chairman Mitchell Khosrova. The Pledge of Allegiance was recited. Town Justice Mike Hart administered the Oath of Office to JP Henkel, the Board's new member.

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

The Public Hearing was opened at 7:03PM. The gavel was passed to Chairman David Everett. Postal receipts were turned in by Stephen Hermance. As far as the documentation that was requested by the Board, Mr. Hermance explained that he spoke with Joe Visconti, who stated that the permit would be issued once Fairpoint Communication put up a \$2000. bond against damages to the property. Since the bond is necessary, as it covers the damages in State-owned land, it is clear that the land in question is state land. Mr. Hermance also stated that Mr. Visconti will not provide a survey of this land. Mr. Khosrova explained the need of this Board to be able to document this project legally, particularly since there is a member of the community who has questioned the ownership of the land. We do need a survey done by a licensed surveyor. Chairman Everett asked for maps. Mr. Hermance stated that a letter was sent and he was verbally told that they would be forthcoming. It was suggested that a FOIL request be made to the DOT requesting the right-of-way maps with a copy of the letter sent to the ZBA. Mr. Jablonka reiterated that the ownership of the land is in dispute and it must be resolved prior to any resolution. Mr. Hermance provided pictures of some of the screening done on different sites, as was requested. He also stated that most actually do not have any screening. George Vollmuth presented a map that was provided by the DOT in Poughkeepsie. Dave Everett suggested that since a survey is in order, if Mr. Hermance is agreeable, we could hire the Town Engineer, Morris Associates, to take care of this. Mr. Hermance agreed, and as soon as Fairpoint Communication puts \$2500 in escrow for this, Morris

Associates will be contacted. The Public Hearing will be continued at the next meeting.

SHARYN RICHARDS-VARIANCE REQUEST FOR HER PROPERTY SO THAT A POOL CAN BE PUT IN INFORMATIONAL

Ms. Richards wishes to put a pool and a pool house in her back yard, but she can't meet the back property line. Her property backs up to her parents' land, and at her line there are power lines and the Old Rutland Railroad beds. When her parents divided her present land, she was offered that area, but chose not to take it. The Board needs to know exactly where the pool and shed will be. This needs to be placed on the survey map by a licensed surveyor along with the appropriate distances from the lines. With this survey available for the next meeting, this project will go to a Public Hearing. The applicant was given the information regarding notification of the adjoining property holders.

FAIRPOINT COMMUNICATIONS- REQUEST FOR A PUBLIC UTILITY SPECIAL PERMIT FOR A STATION LOCATED ON RT. 32 IN MALDEN BRIDGE INFORMATIONAL

Chairman David Everett asked Mr. Hermance if there are any other locations in town that need to be addressed. Mr. Hermance stated that there are only the two—this one and the one in North Chatham on Rt. 203. The property where this station is located is on land owned by James Corsey. The easement from Mr. Corsey was provided. Pictures of this site were also shown. Once this project is completed, part of the agreement provides for screening to be planted, as requested by the land owner. There was some discussion as to the traffic on the ingress/ egress road. Usage is on an "as needed" basis. The intention is to leave this road grassy. The Public Hearing is set for next month. The applicant was given the information regarding notification of the adjoining property holders.

There was some discussion on the proposed application form and checklist. Some suggestions were made. The clerk will incorporate these suggestions into the document and distribute it to the Board members. David Everett moved and Kary Jablonka seconded that the meeting be adjourned. The meeting ended at 8:03 PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

