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**Members Present:**

Kary Jablonka  
David Everett, Chairman  
Mitchell Khosrova  
Robert Leary  
JP Henkel  
Tal Rappleyea, Atty.  
Paul McCreary, Engineer  
Walt Simonsmeier, ZEO

**Members Absent:**

Adrian Ooms  
Suzanne Williams

**Public Present:**

Stephen Hermance	Michael Martelli
Harold Cummings	George H. Vollmuth
Elle Dietemann	Pat Boni
Stephen Budd	Howard Roman
Jodi Rael	

The September 27, 2007, Zoning Board of Appeals meeting was called to order at 7:03 PM by Chairman David Everett. The Pledge of Allegiance was recited. Mitchell Khosrova moved and Kary Jablonka seconded that the July minutes be accepted. This carried unanimously. Mitchell Khosrova moved and Kary Jablonka seconded that the August minutes be accepted. This carried. Dave Everett abstained from the vote as he was not present at the meeting.

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

This project has been delayed two months. Mr. Hermance turned in the SEQRA and visual EAF. Marjorie Gilmour is the owner of the property that the applicant is encroaching upon. She has stated that all communications need to go through her son who lives in New Paltz. Although Mr. Hermance has spoken to him about the situation, no decisions have been made. Mr. Hermance also reported that the units will be painted whatever colors the Board wishes as long as it meets the specifications Fairpoint requires. He also provided a sketch done by Gary Wemple as far as a landscaping plan goes. They are also considering an ornamental railing to prevent parking. The narrative of alternate spots considered was not provided.

Chairman Everett stated that this project has been carrying on for awhile, and the Board does have the option to ask the Code Enforcement Officer to issue a Notice of Violation. Mr. Everett suggested that Fairpoint may be dragging its feet on these two projects. His thoughts are to wait until the next meeting and if all is not completed to possibly go the violation route. Perhaps a new locale for this project needs to be considered. The SEQRA and the visual EAF needs to be done in pen, rather than in pencil, and it needs the proper signatures. Mitchell Khosrova added that settling this situation is important to the Town, and perhaps Mr. Hermance is not getting the necessary support from Fairpoint. Either an easement or evidence of good faith negotiations need to be forthcoming or an alternate plan.

George Vollmuth asked that if this has to be moved, will the public have a chance to comment on the location. Mr. Everett assured him that that would be the case. Mr. Vollmuth said that he would be happy to work with Fairpoint as to other potential locations. Mr. Hermance reported that he is scheduled to contact Mrs. Gilmour's son on Monday. Chairman Everett stated that there were supposed to be discussions with the neighbors regarding landscaping, which didn't happen. Mr. Hermance said that Gary Wemple will be doing this job.

Elle Dietmann stated that even though it is not her property where the equipment is located, it appears as though it is her property, and she is concerned as to how this will impact the value of the property. Mr. Hermance stated that the proposed plan does not have any screening on Ms. Dietmann's side of the property. Chairman Everett stated that this information has been reviewed before and the Board has implored Mr. Hermance to get together with the neighbors. Mr. Hermance stated that he would do that. Robert Leary wondered if the equipment is functioning, to which Mr. Hermance stated that it is powered up, but that there are no lines going to it, and that the original equipment is still in service. Mr. Leary also questioned the situation with the noise. That has been mitigated. The Public Hearing will be continued next month.

**FAIRPOINT COMMUNICATIONS- REQUEST FOR A PUBLIC UTILITY  
SPECIAL USE FOR A STATION LOCATED ON RT. 32 IN MALDEN BRIDGE  
PUBLIC HEARING (cont.)**

The survey map has been completed. Engineer Paul McCreary reviewed this. Fairpoint has an easement on this property. The setback to the pad is about 15'. Mr. Hermance showed the landscaping plan. A question was posed about using deer resistant evergreens. Mr. McCreary will send a list of these to the Board clerk. Robert Leary reported that he has spoken with adjacent property holder Mr. Lang, who continues to be concerned about the noise. Mr. Hermance stated that this has been taken care of. Mr. Leary stated that Mr. Lang is affected by this station.

Elle Dietmann commented that this noise issue has been going on for a long time. Mr. Hermance stated that a new motor had to be ordered---the first ones that came through were of poor quality. Ms. Dietmann wondered what would happen if the unit fails and becomes noisy again. Chairman Everett stated that this can be kept track of. Mr. Leary requested that Mr. Hermance speak with Mr. Lang regarding landscaping/noise. He agreed. The SEQRA and visual impact statement has to be done in ink with the proper signatures and an analysis of alternative locations must be provided for the next meeting. The clerk reminded Mr. Hermance that everything will have to be in to the ZBA office by October 11.

**DAVIS TRACTOR- REQUEST FOR AN INTERPRETATION AND A VARIANCE SO THAT A SIGN CAN BE ERECTED LARGER THAN PERMITTED PUBLIC HEARING**

Pat Boni is representing the applicant. The plan is to remove the 14' foot sign that exists and to go a 24' sign, which the company is requiring. It would be 98.2 square feet. There was a question about other signs in the area. There is a car dealership sign, which is higher than what is being requested, Callender's and Main Care. The Public Hearing was opened at 7:40 PM. There were no comments. The Public Hearing was closed. The interpretation that is being sought is that only one side of the sign be counted regarding square footage. If the Board agrees to this, no variance is required for the square footage. Atty. Rappleyea reviewed the criteria for a variance. 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, Mitchell Khosrova moved that there is no significant adverse environmental impact with this project, and should be accepted. This carried unanimously. Mitchell Khosrova moved that a 6' area variance for the height of the sign be granted and that the Board consider one side of the sign for square footage. This was seconded by Kary Jablonka and it carried unanimously. The approval fee was collected.

**COLUMBIA FALLS- REQUEST FOR A VARIANCE FOR PLACEMENT OF LARGER THAN PERMITTED SIGNS AT BUSINESS LOCATION ON RT. 295. PUBLIC HEARING**

The Board and the applicant agreed to discuss the three signs by the creek separately from the sign on the water tower. The Public Hearing was opened at 7:49 PM. There were no public comments, so the Hearing was closed. There was some discussion on the history of the water tower. Chairman Everett asked whether anything is before the Planning Board regarding these signs. At this time nothing is before that Board, as signs are only considered as part of a site plan. The sections of the code dealing with signs were reviewed. The applicant wishes to have the ability to change the content of the signs, but not the signs. Chairman Everett had a question on the violation. Atty. Rappleyea stated that this has been stayed because the applicant is currently seeking relief through a variance by this Board. CEO Simonsmeier wondered about considering this one sign as one in three sections. Mr. Khosrova reviewed that this is two businesses and two properties, which allows 4 signs---two for each business. The request is for 230 square feet on each of the three signs on the ground, and 327 square feet on the tower. Signs in the area were reviewed: the bowling alley, overhead doors, Splatt Factory. During the discussion Chairman Everett spoke to approving these signs until

SOLAQUA actually comes into being. A suggestion about using these signs as a new business on the site emerges and putting the older businesses on the tenant sign was made. Mr. Everett stated concern over setting precedent. Some advantages to approving this request for the on-ground signs includes the setback for these signs, the number of lineal feet of road frontage possessed, the fact that they won't be illuminated, there is no neighbor across the way to intrude upon, it's an industrial neighborhood. SOLAQUA is a positive change, it's on a state highway rather than a county road, there are multiple businesses on the property, and it will promote economic development within the town. The full development of this property will be going to the Planning Board in the future. Mitchell Khosrova moved to reverse the violation based on the above factors for these three signs, and grant a 130' variance for one property and 310' for the other property. Dave seconded the motion. Robert Leary stated that he is concerned about others applying for larger signs. Atty. Rappleyea reviewed the criteria for a variance. The motion was passed with 4 affirmative votes and 1 negative vote (Leary). The variance was granted.

As far as the water tower sign is concerned, the criteria are not able to be met. There would be a considerable visual change, and an environmental review would have to take place on this proposal. Because eventually this will come to the Planning Board as a full site plan review, the applicant took this section of the request off the table, with the knowledge that they also have the option of returning to this Board with a different idea. A \$100. approval fee is due.

**WILLIAM DONGES-REQUEST FOR AN AREA VARIANCE SO A SINGLE FAMILY HOME CAN BE BUILT ON RT. 9 IN EAST CHATHAM INFORMATIONAL**

Justin Donges, the applicant's son is seeking a 10' variance to a side corner in order to build a house. The septic has to be where it is planned because of the grade of land. The property that is being affected currently belongs to his parents. A Public Hearing will be set for the next meeting.

Mitchell Khosrova moved and Kary Jablonka seconded that the meeting be adjourned. The meeting ended at 9:17 PM.

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David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk