
Members Present:

Kary Jablonka
Adrian Ooms
David Everett, Chairman
Mitchell Khosrova
Robert Leary
Suzanne Williams
Tal Rappleyea; Atty.

Members Absent:

JP Henkel

Public Present:

Stephen Hermance Bob Holmes
George Vollmuth
Elle Dietemann
Scott Longstreet
Peter Blandori James Kraft
Several other community members

Chairman David Everett called the February 28, 2008, Zoning Board of Appeals meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Mitchell Khosrova moved and Kary Jablonka seconded that the meeting minutes of the previous meeting be approved. This carried.

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

Bill Mulrein reported that Mr. Gilmour suggested a site on his property across the road from the present site. An easement would be required for this to be used, however, Mr. Gilmour was uncomfortable with that idea. Fairpoint has investigated other options, one being property owned by the North Chatham Fire Dept., on the opposite end of the village. Some real interest was shown in having this allowed. So, both avenues are currently being pursued. David Everett asked if moving the station would be an additional expense and work, as far as new lines and wires. Mr. Mulrein responded that fiber optic cables would have to go through the village and that there would be some new wires on the poles, but others could be removed. Having a pole at the present location would still probably be needed. Mr. Everett wondered if there might be resolution by next month. Mr. Mulrein stated that an agreement with Mr. Gilmour would be needed or Fairpoint will move ahead with the other option. Currently the equipment in North Chatham is not hooked up; old equipment is still being used. Bob Leary asked Fairpoint if the community people were happy with this possibility, and Mr. Hermance responded that they have not discussed it with them as yet. Mitchell Khosrova stated that the Board is happy that they have continued to work towards a

resolution of this issue. Fairpoint acknowledged that some mistakes were made on this project, and they don't wish to repeat those errors.

George Vollmuth thanked Fairpoint for considering moving the station. He was curious about the list of 10 alternatives that he had suggested, as the location that is being considered was not one of his "favorites" as it is at the entrance on the other end of the village. He also wondered how it would be shielded. Mr. Hermance responded that there is plenty of room at the fire company location, and it would be about 25 feet from the road and wouldn't be seen too well. Mr. Hermance reported that he has written a letter to the fire company. He also stated that all of the sites Mr. Vollmuth had suggested were checked out. Mr. Hermance also said that he would put something on the property to indicate the footprint of the switching station. This will be continued at the next meeting.

PS/21- REQUEST FOR RELIEF FROM RESTRICTIONS PLACED ON THE SPECIAL USE PERMIT, USE OF BUILDINGS FOR HOUSING, ABILITY TO RENT SPACE TO THIRD PARTY PUBLIC HEARING

Chairman Everett gave Atty. Longstreet a copy of the letter the ZBA received from the County Planning Board on this project. The Public Hearing was opened at 7:19 PM. Postal receipts were submitted. Atty. Longstreet reviewed the project, which has been modified somewhat since the last meeting. He reviewed that when the project was approved, there had been some concerns regarding adverse impact in the community, so several limitations were placed. The facility has been running for two seasons, and the potential problems never have materialized, so PS/21 is asking to remove these restrictions. There is also a desire to use some of the buildings on the property for housing. The requests are:

1. Change the hours of the tent performances to 10 AM-midnight to allow for more flexible planning. Sound testing has been done, and the effects are well within the approved decibel levels.
2. Eliminate the limiting of number of performances per week, which would allow more flexibility and broaden the programs.
3. Eliminate the length of the season, which is not a significant change since the season will probably not go beyond the present parameters.
4. Extend the 5 year period to use the tent and not stop the tent usage once the permanent facility is constructed. The request is for a 2 year extension or the completion of the permanent

facility. PS/21 has not actively started to pursue funds for the permanent facility. The economy is not the greatest right now for fund raising. The desire is to create a 5 year plan to raise the funds, but the tent would be needed for the entire period of time.

5. Use of two buildings and one out building for residences for artists and students. They could be using the facility for the day of the performance, or in some situations for a week at a time, if they are attending a weekly workshop. David Everett commented that site plan review of that would have to go to the Planning Board, and he would be interested to know of that discussion.
6. Ability to use the tent and the permanent facility for non-performing arts usage. One of the plans for this project was to give something to the community, whether or not it was performing arts or not, such as being able to rent it to civic groups as a meeting place, student groups, senior groups, etc. This would help PS/21's finances by subsidizing this space through rentals. This was always an intended use, but got lost along the way. The public use is an accessory use—venues such as this are customarily offered to the public. Chairman Everett said that if this is the feeling, PS/21 is asking for an interpretation on this and on the usage of the other buildings (see 5).

Chairman Everett stated that there would be environmental impacts coming from these changes, which must be reviewed by the ZBA as the lead agency. Mitchell Khosrova suggested that this be looked at as more than one application: 1-4 would be modifications, while 5 and 6 would be interpretations. Atty. Longstreet suggested that number 5 is an accessory use and is a stand-alone issue. Mr. Everett stated that the environmental impacts for the whole project would need to review. He requested a short form EAF with a narrative for each of the above proposals to be prepared by the applicant. Mitchell Khosrova added that a site plan review would have to take place on the proposed residences, and that the SEQRA would have to be based on this site plan review. Mr. Longstreet stated that an interpretation would have to be made first as to whether this is an accessory use. David Everett requested that Atty. Rappleyea review the original decision for the next meeting. Atty. Longstreet will split out the application so that requests 1-4 are treated as modifications, and 5 and 6 will be interpretations to the Zoning Code.

Suzanne Williams stated that there were reasons for the time limitations which include the need to monitor door slamming and traffic problems after a performance. Atty. Longstreet stated that there have been no complaints about that. Judy Grunberg stated that they agreed to all of the modifications so everyone could see that the area would not be disturbed, which they have done, and there have been no complaints.

Robert Travetti stated that he is enjoying PS/21, and that it is a great asset and enhances the local environment.

Jim Kraft agreed with the latter statement and said that PS/21 gives the community money earned by having people attending performances. He implored that the ZBA do whatever it can to enhance this.

Fran Viелlette stated that she is a board member of PS/21. She stated that many are amazed at the quality of the performances and that she sees the need for a wider breadth in order to start fund raising.

Jody Rael stated that he supports the venture, and that PS/21 is a great asset to the community. It is often difficult to bring a vision to the world, and he asked that the ZBA and the Planning Board support this.

Sally Block said that jobs have been given to some local teenagers, and will continue to do so. This benefits the entire community.

The Zoning Board has asked for some additional information, and will keep the Public Hearing open. The Planning Board will be referred to on all aspects of this. Applications, as described above, are needed. Bob Leary commented that no one came to the meeting to voice anything negative. There was further discussion on the County Planning Board recommendations. The Board requests input on any potential environmental impacts in writing. Judy Grunberg stated that PS/21 needs to know what kinds of programs to plan for. Atty. Longstreet said that PS/21 would plan the program based on receiving approval on the modifications of the agreement. Chairman Everett stated that would be a calculated risk, and that this Board has been sued once on this project already. Atty. Rappleyea said that we really can't segment the different parts of this proposal. The plan is to look at everything once again, continue the discussion next month and make a decision on it. The Board was polled and they are in agreement that 1-4 and 5 and 6 should not be treated separately. An amended findings statement will be prepared.

The Board will take a hard look at these issues. Atty. Longstreet and Chairman Everett may converse further. Kary Jablonka stated that it is important that this not be held up beyond the next meeting. Everyone agreed.

**BERKSHIRE TELEPHONE- REQUEST FOR PUBLIC UTILITY SPECIAL USE PERMIT FOR SWITCHING STATION ON RT. 203 NEAR SUTHERLAND ROAD
INFORMATIONAL**

Bob Holmes is representing Berkshire Telephone Company. They have upgraded the switching unit on Rt. 203, but did not realize a permit was needed. They are not hooked up at this time. Mitchell Khosrova and David Everett stated that both a survey showing the right of way line, the easement and something in writing from the underlying owner of this property is needed. A site plan for screening needs to be submitted as well. Mr. Holmes reported that he has been in contact with the property owner, NIMO, and will get a letter from them. The Public Hearing will be set for next month. There are no property owners impacted, so notices need not be sent out. Both the County Planning Board and our local Planning Board will be requested to supply their thoughts on this project.

FAIRPOINT COMMUNICATIONS- REQUEST FOR PUBLIC UTILITY SPECIAL USE PERMIT FOR SWITCHING STATION ON POND HILL RD. INFORMATIONAL

Steve Hermance is representing Fairpoint Communications. He stated that this switching station will look the same as the others, with two boxes. He said that he has placed red tape on the area where it will be located. This will be on Main Care's property, and a letter from them will be supplied. A site plan for screening will be provided as well, that will be similar to that of the Malden Bridge station. Suzanne Williams suggested that they check that the area where this is going to be placed is not in the area where the rain puddles badly. A Public Hearing will be scheduled for next month.

The meeting was adjourned at 9:10 PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk