

**TOWN OF CHATHAM  
FEBRUARY 26, 2009**

**FINAL COPY  
ZONING BOARD OF APPEALS**

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**Members Present:**

Adrian Ooms 7:08  
Robert Leary  
Kary Jablonka  
Mitchell Khosrova  
JP Henkel  
David Everett, Chairman

**Members Absent:**

Suzanne Williams

**Public Present:**

Tom Clark	Nancy Clark
Dawn Fratangelo	Kate Johns
Nancy Kern	Girabetti Arace
Herbert Ranney	Elaine Ranney
Paul Nowak	Beth Macy
Christine Brown	Patrick McConnell
Barbara Polemis	Mary Albert
Kevin Albert	Amy White
Jane Hebbe (?)	ER Curtis
Bob Elmendorf	Diane Leung
Ann Davidson	Deborah S. Gordon
Margaret Carlough	Spee Brown

The February 26, 2009 Zoning Board of Appeals meeting was called to order at 7:00 PM by Chairman David Everett. The Pledge of Allegiance was recited.

**TRANSCEND/ATT MODIFICATION REQUEST TO THE SPECIAL USE PERMIT LOCATED ON CADY RD. PUBLIC HEARING (cont.)**

Richard Buckley reviewed the main scope of this project—to change out the 3 existing antennae on this tower to 6 antennae. The Board confirmed that the Tower Inspection, the Structural Analysis and the updated drawings showing that setbacks are 1875 feet from the NYS Thruway and 1585 feet from the Taconic Parkway were received. The visual EAF and the full EAF were also submitted. Chairman Everett read a note from Engineer Paul McCreary who stated that the reports were complete and the access road had been approved. There were some questions regarding the storm water drainage. Mr. Buckley stated that there have been no complaints about the runoff, but periodic reports as per town code requirements will be submitted. Bob Leary wondered if there were any co-locaters considering coming into this area. Mr. Buckley stated that GTP is currently working with area towers, and there are others coming in who have contracts pending. A member from the community wondered about the height, which remains at 100' with the very top at 104'. The Public Hearing was closed at 7:08 PM. David Everett specified that all escrows must be paid off before permits are issued. The Long Form SEQRA application, which shows no significant 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 was seconded by Robert Leary and carried unanimously. Mitchell Khosrova moved that this project be accepted with the aforementioned condition that all escrow payments be made and that all antennae and supplemental parts are painted in a gray, non-reflective paint, and in the event of highway washout repairs are to be made immediately. Also, co-locaters are to be actively sought in order to improve existing poor reception. This was seconded by JP Henkel and it passed unanimously. The Town Attorney will be directed to draft the Notice of Action on this project, and a copy will be provided to the applicant.

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JP Henkel moved and Bob Leary seconded that the amended minutes from the previous meeting be accepted. This carried.

**FLORENTINO- REQUEST FOR AN AREA VARIANCE TO ALLOW FOR AN ADDITION AND RECONSTRUCTION OF A GARAGE ON ELECTRIC PARK RD. PUBLIC HEARING**

Patrick McConnell, the architect for this project, is the representative for the applicant. Chairman Dave Everett read a letter from the Stevers, who are adjoining property holders, who have no objection. He also read a letter from the Planning Board which expressed concern about egress to the rear of the house. A comment was also made regarding the change to the property which will infill the view sheds, and whether the septic system will accommodate the additional space in the house. Chairman Schultz of the Planning Board also wondered if any of the DEC recommendations are being considered, such as getting a right of way from the neighbor for access into the property. A letter from another adjoining property holder—French—also had no objections to this project. The requested survey was submitted as were the postal receipts. The DEC letter was reviewed. Although there is a draft for the freshwater wetland permit, this will be required as will the easement from the neighbor to cross the property prior to the issuance of a building permit. Mr. McConnell stated that the DEC requires all the paperwork from the Town before the actual permit will be issued. In response to the query regarding the septic, there is no concern at this time. It is felt that the existing septic is adequate, as the number of bedrooms and bathrooms will not be increasing. The ZBA had requested information as to ownership of the road. On paper it is listed as NIMO's land---this used to be railroad land. Mr. McConnell also stated that the garage will be moved back enough to fit within the property boundaries so as not to encroach upon the road at all. The ZBA stated that the garage does not need a variance at all because it is an existing non-conforming structure. This will be noted in the final Notice of Action. The Public Hearing was opened at 7:35 PM. There were no public comments. The Public Hearing was closed at 7:36 PM. This project is exempt from SEQRA. JP Henkel moved that a 24.14 foot variance be approved conditioned on the submitted plans, and

that the DEC Wetland Permit and any and all applicable permits regarding septic be obtained before a building permit is issued. This was seconded by Mitchell Khosrova and approved unanimously.

### **OLD CHATHAM QUAKER MEETING- REQUEST FOR A SPECIAL USE PERMIT FOR A MEETINGHOUSE ON THEIR PROPERTY PUBLIC HEARING**

Spee Brown is representing the group. Chairman Everett read a letter from the County Planning Board which stated that there is no significant county impact from this project and could be passed with a simple majority. However, suggestions included conferring with the local fire chief regarding emergency access, and looking at the parking which should be located to minimize visual impact. A letter from the Alan DeVoe Bird Club was also read which supported this project. Clay Hutchinson, a primary abutter, supports the project. The Planning Board stated that they are currently concerned with the possible need for a SWPPP, Health Dept. approval for septic and water, spillover parking, the surface of the parking lot, as well as other site plan issues. Ms. Brown stated that Scott Longstreet is the lawyer for this project. The ZBA noted that additional submissions were received: the Agricultural Data statement, letters from Crawford and Assoc. regarding the old dump on the property, the planting plan which will be a mix of plants and trees to provide a visual shield, yet be attractive. Pictures showing a visualization of the building using balloons were shown. Mr. Everett expressed disappointment that he wasn't notified of this occurrence as he had hoped to be there when this happened. Ms. Brown stated that the DOT will require that the plantings are far enough back from the curb cut so that sight view isn't compromised. The engineer is currently working on that. A letter from Stan Koloski from the fire department was reviewed. He mistakenly thought that this new structure is part of Powell House which it isn't. Mr. Everett stated that all state Fire Codes will have to be met. Notifications to the adjoining property holders were submitted. Ms. Brown also stated that neighbors were polled for their concerns. Chairman Everett stated that the report from Crawford stated that there were elevated levels of metal from the dump, and even though there has been some fill on top of the dump, he would like the Town Engineer to check the area out. Ms. Brown stated that Crawford went all the way to the stream to check on levels which fall in the acceptable range, and that there has been fill placed over the dump. Mr. Everett stated that escrow will need to be set up so that the Town Engineer can check it out. He also stated that personally he would like to see the parking lot off the road behind the trees, to mitigate the visual impact, which also was mentioned in the county letter. Also this is one of the most scenic roads in the county and a parking lot is not part of the rural characteristics of this property. JP Henkel agreed. Ms. Brown stated that the

reason it was placed in front was because it would mean less development and disturbance of land, and they would prefer not to have the worshippers facing the parking lot. Mr. Everett suggested that the building could be reoriented. Mitchell Khosrova suggested that alternatives need to be checked and then reported back to the Board. He also suggested that the parking lot could be something other than rectangular and be aesthetically engineered. The Public Hearing was opened at 8:10 PM.

Dawn Fratangelo, who is an adjoining property holder, read a letter signed by several residents in Old Chatham. The letter requested a full environmental impact study, as there is an adverse rural residential impact. She cited the proposed parking lot location with 25 cars is proposed to be in a most visible location. Traffic, noise and lighting would create a dramatic impact. The design does not blend with the community. The sign and lighting thereof is a concern, as rural life in this area needs to be preserved, and there shouldn't be development without sensitivity.

Tom Clark, who is a landowner in the area, is interested in preserving the neighborhood. His concern is in the design of the building. To his understanding, these plans were developed prior to the purchase of this land. He also objects to where the parking lot would be located. This will have a negative impact on property values. Members of the community have expressed concerns about this. The Quakers purchased land that was very expensive and they should have thought about that and what it would take to build.

Nancy Clark stated that a meetinghouse on this property could be a jewel. An area architect, Kate Johns, was asked to develop some plans which were presented to the Board and to the Quaker Meeting. These included what the homes in the area look like with no parking visible from the roads at all, a building plan with the same square footage, but two levels, the use of a heat pump, and what the proposed building looks like. Bob Leary remarked that it may be difficult with two stories, but it was stated that an elevator, or a lift similar to that of St. James, could be put in. Overall, the cost perspective would be about the same as that proposed.

Amy White, another neighbor, read a letter speaking to the beauty of the countryside which is too precious to not say anything about this proposal.

Beth Macy, a member of the church, stated that she appreciates the concerns. Two story access may be a problem because of their aging community. Mitchell Khosrova stated that both presentations were excellent, and it is clear that more discussion is needed. However, it is the application of the Quakers, and how they proceed is their decision.

Paul Nowak, a member of the church, stated that he is very impressed with the effort of the neighbors. Because they paid so much money for the land does not mean that they have a lot of money to proceed, because that isn't true. Yes, there

are dumpsters at Powell House because they are a facility with overnight guests. No dumpsters will be present at the meeting house. As far as traffic and light pollution, the most extensive use would be Sunday during the day for church services. This is a church, not a home with constant usage. The group is looking to fit into the neighborhood so it doesn't impact it negatively. Mr. Khosrova stated that it would be nice to have the meeting house---but we need to look at the impacts of the physical structure.

Amy White wondered if it was OK for everyone to see the parking lot other than the worshippers. She feels there must be a better solution.

Dawn Fratangelo asked if the balloon simulation might be redone and others could be notified to come and see the result. Ms. Brown stated that this could be done.

Nancy Clark stated that the essence of the project is a good one. Some changes may be needed. The community would like to work with the Quakers so that something could be established that is acceptable to everyone. Chairman Everett stated that he encourages this to happen. The Public Hearing will be continued.

**MALDEN BRIDGE COMMUNITY CENTER, INC.- REQUEST FOR SPECIAL USE PERMITS TO USE THE CHURCH AT THE JUNCTION OF ALBANY TPK. AND SHAKER MUSEUM RD. AS A COMMUNITY CENTER WITH SPACE FOR A POST OFFICE INFORMATIONAL**

Kevin Albert is the representative for this project, which would utilize the present church as a community center with space for the Post Office of Malden Bridge. Few structural changes would be made---perhaps better windows and some insulation and the addition of handicapped access. The look and feel of this building would be preserved. There is a lot of enthusiasm for this project. For example, the New Lebanon School District might use the space for small meetings. Dave Everett stated that the proposed use would fit into the area. He wondered when a decision might be made regarding the Post Office. Mr. Albert stated that it would be this year, but not until the budget was set. They are able to offer the Post Office a deal slightly better than what they have now. Fund raising would be significantly reduced if the Post Office were to come in because of the rent that would be paid. Without the Post Office rental activities would be needed. The Board wondered about what this would entail. Mr. Albert thought that weddings might be held---there would be a chapel space and a space for a small reception, although there wouldn't be kitchen facilities. Perhaps a Super Bowl party, a movie night, or birthday parties would be considered. The fact that this would be a community not-for-profit facility would help determine the kind of activities. They wouldn't be looking for rock bands or the like. There was a question as far as occupancy. Mr. Albert thought about 50 people would be the maximum. JP Henkel stated that he would like to see a list of what would and would not happen at the facility for fund-raisers. Mr. Albert said he will try to do that. A question was posed as to what part of the building would be used for the

Post Office. It would be in the back part of the building, furthest from the apex of the triangle. The Public Hearing will be set for next month.

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Mitchell Khosrova wondered about the letter that ZBA members all received from Mr. McKay. Chairman Everett stated that a letter was sent to Mr. McKay stating that since the permit was issued, this was a moot point, and that he needed to contact Mr. Simonsmeier, as this is no longer is under the jurisdiction of the ZBA.

The meeting was adjourned at 9:10 PM.

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David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk