

**TOWN OF CHATHAM  
JANUARY 22, 2009**

**FINAL COPY  
ZONING BOARD OF APPEALS**

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**Members Present:**

Adrian Ooms 7:06 PM  
Robert Leary  
Kary Jablonka  
Mitchell Khosrova  
Suzanne Williams  
JP Henkel  
David Everett, Chairman  
Paul McCreary, Town Engineer  
Walt Simonsmeier, ZEO

**Members Absent:**

None

**Public Present:**

Jonathon Mishkin Alice Mishkin  
Patrick McConnell Eric Harris-Braun  
Debbie Gordon Margaret Carlough  
Jack Schultz Tony Ooms  
Richard Buckley

The January 22, 2009, Zoning Board of Appeals meeting was called to order by Chairman Dave Everett at 7:00 PM. The Pledge of Allegiance was recited. Kary Jablonka moved, and Mitchell Khosrova seconded that the minutes from the October meeting be approved. This carried.

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

Richard Buckley stated that the information requested about the structure will be coming. He reiterated that the project involves replacing the three present antennas on the cellular tower on Cady Rd. with 6 antennas. Doing so will improve service and coverage to the area. The paperwork currently states that the mounting height is 107'. It is 100' and this will be corrected. Paul McCreary had a copy of the photo simulation that Atty. Rappleyea had provided. There are no strobe lights. Mr. Buckley said that there would not be any lights with this license. Engineer McCreary noted that the access driveway is not in good condition due to erosion and storm water damage. Mr. Buckley submitted a proposal for the driveway repair. Mr. McCreary also stated that the Zoning Board should receive a copy of the annual monitoring report, and Mr. Buckley said this will be provided. Mr. McCreary said that the tower would not change the area visibly. Since the site is not accessible, the Board requested pictures of the relationship to the setbacks. Dave Everett wondered if the tower is 1000' from the Taconic Pkwy. It probably isn't. Mr. Everett asked if any other changes besides the antennae are being made. No. Mitchell Khosrova asked what the length of the land lease is. It is 25-30 years with 5 year renewable terms.

Chairman Everett wondered whether the Cellular Tower law covers this, and that there is a special permit in place for essential services which was put into place in 1993. He also stated that this area covers more than one zone, but must follow the rules for RL-2, and that this is a special permit continuation of a non-conforming use. ZEO Walt Simonsmeier also stated that this is a continuation of a non-conforming use. In 1993 the ZBA passed the law which requires a special permit for utilities, and this request is not under the Cell law, but under the special permit for utilities, and any changes from the original permit is required to come before the ZBA. The Public Hearing was opened.

Jonathan and Alice Mishkin- stated that the picture is misleading and they wondered if there is anything that can be done to mitigate the visual look. They have learned to live with it, and they bought their house knowing that a tower could be there.

Dave Everett wondered about the color of the proposed antennas. They will be gray, similar to the tower itself. JP Henkel asked if they would be non-reflective. They will be. Mr. Everett stipulated that the carriage, the mounting hardware and the wiring all be the same light gray color. Mr. Buckley said that the coax would be black, to which Mr. Everett said that wasn't the concern. Mr. Buckley said that the fading to gray would take about 2 years. Mr. Everett said that the Board would want it painted light gray from the start. JP Henkel wondered how often the condition to the access driveway was checked. Mr. Buckley explained that Hudson Cellular had the original tower and that it had been sold 4-5 times since then. ATT has owned it only a short time. There would be a 2-year maintenance schedule. Mr. Everett stated that the concern over the present condition of the road should be a condition of the Special Use permit. The Public Hearing was closed at 7:32PM.

Before a vote will be taken, the ZBA would like the following information provided: a Visual EAF in addition to the Visual simulation, a long-form EAF, whether co-locators are presently being sought, an updated condition report—tower is designed to be extended to 200', distances from the Taconic State Parkway on the NYS Thruway. This information should be provided before the next meeting, at which time the approval/disapproval process will continue.

**FLORENTINO- REQUEST FOR AN AREA VARIANCE TO ALLOW FOR AN ADDITION AND RECONSTRUCTION OF A GARAGE**  
**INFORMATIONAL**

Architect Patrick McConnell is representing the applicant. The house in question is the last house on Electric Park Rd. on Kinderhook Lake, and the proposed addition does not meet present setbacks. The Board stated that a draft permit from DEC will be needed, a survey of the property, information as to who owns the road, distances from existing structure and lot lines. With this information, this will go to Public Hearing at the next meeting. Adjoining property holders will need to be notified prior to the public hearing by the applicant.

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

Eric Harris-Braun is representing the applicant, and they are seeking a special use permit for a church. Chairman Everett stated that we will need something from the county that the site distance is appropriate, and that the neighbors would have to be notified. Both Mr. Everett and JP Henkel wondered if there has been any discussion as to the placement of a parking area behind the trees. Mr. Harris-Braun said that a short driveway would impact the property and they would consider plantings or an s-curve to hide the driveway from the road. The plan is for a gravel parking lot. Mr. Everett suggested that dense plantings would be needed to screen the parking lot, and he wondered what kind of plants they had in mind, and to what height they would grow. He stated that placing the building behind the knoll was a very good idea, but wondered if the building would be visible from the road, or whether more plantings would be considered to screen the building. Mitchell Khosrova wondered if this would be a "green" building. Mr. Harris-Braun stated that it would be to the degree that they could afford, and that they were looking into as much energy-saving as they could. Mr. Khosrova suggested that they contact NYSERDA for some advice. JP Henkel wondered about the power supply. It will be underground to the building. Dave Everett asked about the total acreage disturbed. Mr. Harris-Braun said it is less than an acre. Bob Leary wondered if the local fire department should check the access. Mitchell Khosrova requested that a letter from the fire department regarding this be provided by the applicant. Mr. Leary asked what the total acreage was. It is 9.1 acres. Mr. Everett asked if there were any farm dumps. There are. The chairman requested an assessment to and from the farm dump, including water at that site. This will be provided. Mr. Everett asked if they had any concerns about the dump and Mr. Harris-Braun said they didn't because Crawford Associates have done extensive testing. It is currently being hayed and the plan is to continue having it farmed. This land may also be in an agricultural district. Walt Simonsmeir suggested that the applicant ask the assessor for agricultural district information. This project will be referred to the

County Planning Board, and will be set for Public Hearing for next month. The adjoining property holders will need to be notified.

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The McKays, who were on the agenda, did not show up. Mr. Simonsmeier reported that he has issued a fence permit for a 6'x3' fence on the property border, with the stipulations that the judge made on the civil case by the neighbor.

The rest of the meeting was devoted to a discussion of the proposed Comprehensive Plan. Nan Stoltzenburg, who was supposed to be at the meeting to answer concerns, did not appear. A separate document regarding this discussion is being compiled.

The meeting adjourned at 9:24.

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David Everett, chairman

Respectfully submitted

Suzanne Williams  
Marilyn Cohen