

**TOWN OF CHATHAM
MARCH 26, 2009**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Adrian Ooms
Kary Jablonka
Robert Leary
David Everett, chairman
Suzanne Williams
Tal Rappleyea, Attorney
Paul McCrery, Engineer

Members Absent:

Mitchell Khosrova
JP Henkel

Public Present:

| | |
|---------------------|------------------|
| Scott Longstreet | Lynn Cross |
| Ted Miner | Dawn Frantangelo |
| Elizabeth M. Hurley | Kevin Albert |
| Tom Clark | Nancy Clark |
| Nancy Kern | Dianne Leung |
| Buffy Curtin | Liseli Haines |
| Stephen H. Hermance | Lucinda Buckley |
| Jack Schultz | Jane Hasma |
| Bill Yasinski, Jr. | Mike Clark |
| Larin McLaughlin | Sandra Baer |
| Amy White | Elizabeth Trace |
| Herbert Ronney | Elaine Ronney |
| Bob Elmendorf | |

The March 26, 2009, Zoning Board of Appeals meeting was called to order at 7:02PM by Chairman David Everett. The Pledge of Allegiance was recited. Kary Jablonka moved and Bob Leary seconded that the amended minutes from the previous meeting be accepted. This carried.

OLD CHATHAM QUAKER MEETING- REQUEST FOR A SPECIAL USE PERMIT FOR A MEETINGHOUSE ON THEIR PROPERTY PUBLIC HEARING (cont.)

Revised parking plans were submitted, which places parking behind a line of trees with a circle in the middle. It will be screened because of the curve in the road. The building would also be moved closer to the road, and has been flipped around. The applicant does not want the building on the top of the hill. A letter from the applicant's engineer was submitted which computes the area of disturbance to be under an acre. Bob Leary asked if the cars could be seen at all. Most of the sight would be blocked, although there would be a slight view of them from one area of the road. Chairman Everett suggested a row of cedars or evergreens could be planted to further block the view, and the hedgerow currently there would remain. Suzanne Williams asked for a schedule of usage. On Sunday the service would be held from 11-noon with a coffee reception afterwards. Generally 40-50 people (including children) would be in attendance. Once a month a business meeting would be conducted, and once a month another activity such as a movie would be held. Committee meetings are also held before the service on Sunday. Chairman

Everett wondered about the number of parking spaces. It is designed for an 80-seat capacity. Mr. Everett asked if the fire department had been contacted for comments about this new plan. This has not happened as of yet, but the applicant will do this. He also wondered what would be placed in the center of the parking circle. It will probably be vegetation. As far as the exterior of the building, the applicant has met with Kate Johns who did some drawings for them pro bono. Plans were shown that are more of a colonial style. The group is comfortable with this type of feel, but they do not think they can afford the plans as shown, so cannot say that this is the building that will be constructed, as this would be considered the maximum that they could do. They continue to try to address the concerns stated, and they will do whatever they can to meet the aesthetic concerns voiced by the community. Suzanne Williams commented that the Board would be unable to make a determination on something that they can't see. Attorney Scott Longstreet wondered why this issue needs to be addressed now, as aesthetics are a Planning Board concern, and the request before this Board is for a special use permit. Mr. Everett reminded Mr. Longstreet that the ZBA will be doing the SCQA determination, one part of which addresses whether the proposal would be a detriment to the community. In order to make that decision, the ZBA would need to know what is being proposed. Eric Harris-Braun stated that the rendering shown is what the Meeting House would like. Any changes would be its height and/or size. Atty. Rappleyea was asked to review the criteria for a Special Use Permit. One of the criteria addresses that the project would not adversely affect the neighborhood. The actual site plan process can be run parallel to that of the ZBA. Chairman Everett stated that the Public Hearing will need to be held open until the next meeting to allow the public a chance to view the most recent proposal and comment on it. He recommended that the applicant continue with the Site Plan review with the Planning Board. Atty. Longstreet stated that there has been dialogue between the applicant and the neighbors, and that the applicant is attempting to come closer to what the neighbors are requesting. Next month a closer approximation of the design within their budget will be presented. Suzanne Williams suggested that they contact Larry Cavagnaro for an estimate as to what cost they need to consider. Atty. Longstreet stated that the ZBA can't deny a permit on the basis of fitting into the character of the neighborhood. Churches are permitted in neighborhoods. This is not a historic district; it is an agricultural rural area. The ZBA can try to blend the request into the area, but it can't restrict using this property for a church. The applicant can try to mitigate the concerns as long as cost doesn't exclude it. When the group returns they will do the best they can within their efforts and resources. The applicant added that they agree that this style is more appropriate than that which was shown earlier. The question of the eserow account to be set up so that the town's engineer could review the project was broached. The applicant feels that the investigation made by Crawford and Associates contained sufficient data to support the lack of danger from the old farm dump. Engineer McCrery said that much of his concern is the SWPPP that will need to be done to contain storm water. He said he does not see enough contours on the maps. He believes a full SWPPP will be required, but at the very

least a basic SWPPP will need to be prepared. The applicant is concerned with the amount of money (\$4000) they are being asked to provide into an escrow account. Mr. McCreary is willing to work directly with the applicant's engineer to try to minimize costs. Chairman Everett stated that he wishes this review to be done by the next ZBA meeting. He also requested that the project be moved forward with the Planning Board. David Everett moved, and Suzanne Williams seconded that the ZBA become lead agency for this project for the SEQRA co-ordinate review. This carried unanimously. A letter will be sent to the Planning Board making the request for lead agency status. The letter from Carl Matuszek, the applicant's engineer, stating that the land disturbance would be less than an acre, was read into the record as were two other letters received prior to the meeting. Both letters indicated continued concern for the project unless certain conditions were met. The Public Hearing was reopened at 8:06 PM.

Tom Clark stated that he was very disappointed as to how this was proceeding. He stated that he is very glad that the Old Chatham Quaker Meeting House met with Kate Johns, but he feels that the Old Chatham community has been little informed about any progress being made. Any trust that may have come out of the last meeting is gone. Designs that can be seen by all need to be provided. The Old Chatham Country Store has agreed to post said designs. As far as being able to estimate the cost of the project, Kate Johns indicated who the group could go to for this information. Mr. Clark expressed disappointment that the Old Chatham Quaker Meeting House has chosen not to engage the community. Good construction is needed for any design.

Elizabeth Arace read a prepared letter stating that one reason she chose to live in this area is because of the presence of the Quaker, whose aim is to live in harmony with their neighbors and the community. As a group, decisions are made collectively.

Dawn Frantangelo, whose property abuts the site, seconded Tom Clark's disappointment. She felt that she left the last meeting thinking they'd all be working together on this, and they hadn't been contacted at all. She would like to work in the spirit of community. The proposed driveway will run right by her property, and she will see the parking lot. She moved here for the serenity of the area and never dreamed that a parking lot would be able to go in that close to her. There are so many empty buildings that could be used for a church----she cited the example of what the Chatham Synagogue did with their facility. Ms. Frantangelo stated that she understands the financial concern, but she wondered that if posting escrow is a problem, what else will have to be cut. She reiterated that the spirit of the last meeting was great, and hopes that can continue.

Lynn Cross stated that she is a neighbor of Powell House. When the property was purchased by the Quakers, they contacted her and asked what could be done to mitigate any concerns they had. They have been working together to solve any

problems. They have a right to have a church there, and they are trying to compromise. She would like to see the continuation of working together to address these concerns.

Ted Miner said that he applauds the efforts being made to keep the building's impact as low as possible. He wondered if parking could be placed further back on the property with another exit. He also asked if lighting would be less than that of the present Powell House, to which the applicant assured him that it would be. Mr. Miner stated that there is a level of trust between them and the Powell House. Meeting with neighbors is a good idea---the Old Chatham Quaker Meeting House are a very respectful people.

Bob Elmendorf stated that the Quakers will work together with the community to make this happen with some compromises. The Quakers are a very peaceful people, and neighbors were met with initially. They have come a distance and will keep communicating. This project was adjourned until the April meeting.

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

Kevin Albert turned in postal receipts indicating that the adjoining property holders had been notified of the Public Hearing. Previously, the letter of intent of use with restrictions had been received. The County Planning Board stated that there are no county-wide impacts for this proposed project. They suggested that parking be delineated on the site plan, along with the handicapped entrance. Also, screening along the rear of the building might be considered. Mr. Albert stated that the neighbor at the rear of the property will be asked if he wishes anything different regarding the screening. He also stated that the Post Office has not made a commitment, and if they don't come in, it will not be a deal breaker. The main intention is to maintain this building and use it for the community. The letter that was sent was reviewed which detailed how fund raising would take place. There would not be a profit motive; just enough to get the operating costs. The Special Use permit that is being sought would name this a public building with the possibility of a portion of it to be used as neighborhood commercial use. The Public Hearing was opened at 8:55PM.

Steve Hermance stated that he is very glad to see this happening. He said that he wished something like this had happened with the church in New Concord that has been closed.

Nancy Clark said that this is a good use of the church. She feels that this is the ZBA's opportunity to encourage others to do something with the rest of the area churches that are closing.

Bob Elmendorf said that he is 100% behind this idea. It anchors the community aesthetically.

Cindy Buckley said that this building has been supported by the community forever---the members of the community always have pitched in to help. It would be tragic to lose this. The Public Hearing was closed at 9:00 PM. Chairman Everett wondered about the parking requirement for this use. Mr. Albert stated that would be on the site plan and would meet the code requirements.

The Short 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, Kary Jablonka moved that there is no significant adverse environmental impact with this project, and should be accepted. David Everett seconded the motion and it carried unanimously. Suzanne Williams moved that a Special Use permit which could include a post office, as long as all county health approvals are met and a parking plan and handicapped access is approved by the Planning Board, be issued. This was seconded by David Everett and approved unanimously.

FAIRPOINT COMMUNICATIONS-REQUEST FOR A PUBLIC UTILITY SPECIAL USE PERMIT FOR A SWITCHING STATION LOCATED ON ROCK CITY RD. INFORMATIONAL

Steve Hermance is the representative from Fairpoint. A question was posed regarding the North Chatham station. Mr. Hermance reported that it is still being worked on, that there were several more potential locations, none of which have worked out thus far. The Rock City Rd. station has been at this location since 2001. Upon looking at the information submitted, the only thing that is needed is a long form SEQRA. A Public Hearing will be set for next month's meeting.

CHATHAM IV DEVELOPMENT- REQUEST FOR AN AREA VARIANCE ON RT. 203 TO ALLOW FOR A DECK INFORMATIONAL

Bill Yazinski is representing Chatham IV Development. Mr. Everett asked why the deck had been built if a variance was needed. He stated that it already had been a partial deck, and he fixed it and extended it. Now it doesn't meet the side yard setback. The Board stated that a survey of the property with the new deck included will be needed. If all the information is submitted, this will be placed on the agenda for the April meeting.

Suzanne Williams moved and Bob Leary seconded that the meeting be closed. The meeting was adjourned at 9:19 PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk

.