

TOWN OF CHATHAM
AUGUST 25, 2011

ZONING BOARD OF APPEALS
FINAL COPY

Members Present:

Robert Leary
Mitchell Khosrova

Adrian Ooms

David Everett, Chairman

Jeff Lick

JP Henkel

Members Absent:

Kary Jablonka

Public Present:

Jack Schultz

Debra Wolfe

Laurel Kerman

Elliot Schneider

Bill Mulrein

Nancy Schultz

John C. Arnold

Cynthia Tochman

Thomas Light

Stephen Hermance

The August 25, 2011 meeting of the Zoning Board of Appeals was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited. Mitchell Khosrova moved and Jeff Lick seconded that the minutes from the previous meeting be adopted. This carried.

**FAIRPOINT COMMUNICATIONS- REQUEST FOR A PUBLIC UTILITY
SPECIAL USE PERMIT FOR THE PLACEMENT OF A COMMUNICATIONS
CABINET TO BE PLACED AT 4066 ROUTE 203 IN NORTH CHATHAM
PUBLIC HEARING**

Steve Hermance and Bill Mulrein are representing Fairpoint Communications. Postal receipts were submitted. Pictures that the Board asked for were distributed and reviewed. Chairman Everett reported that the Columbia County Planning Board stated that no county-wide impact would be felt by this and acceptance, by a simple majority is suggested. The Town Planning Board felt that better service in this area is a need, and it should be accepted. The Visual EAF that was requested was submitted. The Lights, on whose land this cabinet

will be placed, are in the process of securing an easement. The site plan, showing the proposed landscaping, was also submitted. Mr. Light indicated that Douglas firs and flowering spirea will be planted, as shown on the site plan. The Board noted that evergreens are being used, and these are to be maintained and placed to hide the box. Chairman Everett reviewed the criteria for the Special Use permit. The Public Hearing was opened at 7:13PM.

John Arnold asked for the exact location of this box. It is behind the guard rail on Rt. 203 by the tree line. He wanted to know if there could be anything else other than this cabinet placed here. This is a one-time approval. For anything additional, the applicant would have to come before this Board again. Elliot Schneider wanted more specifics as to what the function of this would be. It was explained that it will improve communications services to this area. Cynthia Tochman asked to be shown the exact location. The Public Hearing was closed at 7:15PM. The Board stated that if a variance is needed to meet setbacks to keep this box where it is shown in the picture, which is next to the tree-line, this should be granted, too. 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, JP Henkel moved that there is no significant adverse environmental impact with this project, and should be accepted. This was seconded by Jeff Lick and carried. Jeff Lick moved that a Public Utility Special Use permit be granted with up to a 25' variance so that the plan, as sited against the tree line, can be carried out. (attached) Screening must be maintained throughout the duration of the project. Bob Leary seconded the motion and it

carried unanimously. The approval fee will need to be submitted before any building permits are issued.

**DEBBIE WOLFE- REQUEST FOR A SPECIAL USE PERMIT THAT WILL
ALLOW HER TO OPERATE A GROUP/FAMILY HOME DAY CARE FACILITY
ON ALBANY TPK. IN OLD CHATHAM PUBLIC HEARING**

Chairman Everett noted that the County Planning Board has stated that there would be no county-wide impact with this project and could be approved by the ZBA by a majority vote. The Town Planning Board recognized that most issues are under the jurisdiction of the State. They are in favor of the project and urges acceptance of the request. The applicant has provided all of the information requested. Chairman Everett suggested that 3' evergreen trees be planted by the road at the edge of the driveway to shield the parking area. He also expressed some concern as to whether there is sufficient parking and access for emergency vehicles. There is additional space on the property so more parking could be created if needed. Mr. Everett also requested that the applicant contact the Highway Dept. so that a Children at Play sign could be placed on the highway in both directions. Ms. Wolfe stated that there already is such a sign in one direction, but that she would be amenable to requesting one in the other direction. The Public Hearing was opened at 7:37PM.

Jack Schultz, the owner of the property feels that screening will take away from the ability of the Highway Dept. for snow removal. Further, it is below grade, so the area won't be protecting anything. It is currently across the street from a business that has 10 parking spaces that are not screened. There is currently plenty of parking. This will impact only the NYS Thruway, the Electric Company and the business across the street. Everything else is hidden. The Public Hearing was closed at 7:38PM. 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, JP Henkel moved that there is no significant adverse environmental impact with this project, and should be accepted. Jeff Lick seconded the motion and it carried unanimously. JP Henkel moved that the requested Special Use permit be approved with the proposed sign, the extra 2 parking spaces to be considered if needed and the screening as placed on the attached site plan. This carried unanimously. Mitchell Khosrova added that placing screening is not for just those adjoining the property, but for everyone who may be walking or driving by. There was some discussion on the snow removal concern, hence the way the evergreens are depicted on the plan. The approval fee was paid.

The Board reviewed several of the projects that have been approved with conditions in the past. The ZEO will be asked to check on the following projects to be sure they are in compliance and report to the ZBA at its next meeting:

2009- Chatham IV Development (Route 203) - were the current steps removed?

2008- Verizon Wireless (Harmon Heights) - the shelter color is to match the existing shelter, the antennae are to be painted green to match the canopy, and everything needs to be in compliance with the original permit.

Berkshire Telephone (Rt. 203 near Sutherland Rd.)- Are the boxes screened with 10-15 junipers with possibly some lattice work?

2007- Fairpoint Communications (Rt. 32 Malden Bridge Corsi property) - was the landscaping plan completed?

2006- Jarred and Mary Gilbert (Old Chatham) - Does the overhang of the new addition match that of the existing structure?

The clerk was asked to continue researching the projects from 2005 back to the start of her tenure for restrictions placed on approved projects.

The meeting was adjourned at 8:07PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk