

Town of Chatham
Meeting Minutes February 26, 2015

Zoning Board of Appeals
Draft Copy

ZBA Members Present

Mitch Khosrova, Deputy Chairman
JP Henkel
Kary Jablonka
Bob Leary
Adrian Ooms
Jeffrey Lick
Excused: David Everett, Chairman

Public Present:

Nick Vamvas, Crawford & Assoc.
MaryBeth Slevin, Atty for PS21, David
Kahn, PE, Jody Rael, Betsy Wyman,
Scott Longstreet, Scott Lukowski, Susan
Davies, Judy Grunberg, Fran Veillette

Tal Rappelyea, Town Attorney
Marilyn Cohen, Planning Board Chair
Dona Staron, Planning Board Deputy Chair
Paul McCreary, PE, Crawford & Associates

The Pledge of Allegiance was recited. Deputy Chairman Khosrova opened the meeting at 7:01 PM. A motion to approve the January meeting minutes was made by Mr. Ooms; it was seconded by Mr. Henkel. All board members were in favor and the motion carried.

Item #1 Columbia Falls, Rt. 295 Chatham, NY, Informational

It was announced for the record that Deputy Chair Khosrova would recuse himself with relation to this application as he is Mr. Rael, the applicant's attorney. The chair duty was turned over to ZBA member Mr. Leary. Mr. Rael was asked to explain his application. Mr. Rael stated that there is a building on the property that was the office for the trucking company owned by Columbia Box. He has converted it to a caretaker's living space for security and maintenance reasons. He went on to say that since they have someone living in this building, break-ins at the mill are down to zero, there is no new graffiti and they have been able to keep kids out of the property. The lawns are being taken care of by this person who is residing in the building. Mr. Rael thought they needed a variance, but he was told that the property zone changed to commercial/industrial from industrial. He believed that under a commercial use a single family dwelling is a permitted use. The town attorney was not aware of this. Attorney Rappelyea said the town expanded the industrial zone to the south but he didn't think they changed Mr. Rael's property to commercial. If it's a permitted use in the zone then Mr. Rael doesn't need a permit. Mr. Jablonka then stated it had been a shower room back when Columbia box was there and Mr. Rael confirmed this. Mr. Lick questioned the zone stating he didn't believe there is commercial/industrial designation, that we have commercial OR industrial. Mr. Rael responded that there is a commercial/industrial zone. Attorney Rappelyea stated that the zone is either business OR industrial and said he believes Mr. Rael's property is industrial. He then read the accepted uses of the property: Accessory use, manufacturing, automotive repair, dry cleaning, farm or residential pond, health club, office, public facility, research or testing lab, retail sales, warehouse and trucking sales. There is only one permitted use with a special use permit and that is a commercial use serving the industrial area. We are looking for a use variance. Mr. Rappelyea stated they are very difficult to prove and one will have to show there is no other use for the property to get a reasonable return out of it. Mr. Leary said that it once was a security office for the business and Mr. Lick wondered that if it is really part of the business that this is an accessory use instead of a residence. If Mr. Rael wanted to make this a residence, than that would be a different use. Mr. Henkel asked Mr. Rael if the person living in the building was his employee and the replied yes, he is a mechanic for the property and the security person. Mr. Rael stated there is really no other use for that building. Mr. Lick suggested to not change it to single family dwelling...call it an accessory use, housing for a security guard. It has to be Mr. Leary stated it has to stay that way or if he goes to rent it or sell it would change. Mr. Lick then asked Mr. Rappelyea if it is being used for that purpose...what questions do you need to satisfy in terms of proper septic, are there other questions

the ZBA should be asking? Mr. Henkel inquired if renovations had been done. Mr. Rael said they upgraded the electrical. It passed an electrical inspection. It has a separate septic and well. Mr. Leary read CEO Simonsmeier's comments. Mr. Simonsmeier had been advised by neighbors that there was an individual living there at the site and he stated it would require a use variance by the town being that the area is zoned industrial. Mr. Jablonka asked if it would actually require one being that this is an accessory use related to the business. Atty. Rappleyea stated they should convert Mr. Rael's special use application for one for interpretation for the board to make a determination as an accessory use. If Mr. Rael can prove this is an accessory use then they can overturn Mr. Simonsmeier's decision. Attorney Rappleyea then read the code: According to Chapter 180 of the Town Zoning Code §180-4, Accessory Use or Structure is a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. Accessory uses and structures shall not be located in any required front yard, but structures 15 feet or less in height and 200 square feet or less in ground area may be located within a required side yard or rear yard, provided that such structure is not situate closer than 10 feet to any side or rear lot line. [Amended 2-6-1997 by L.L. No. 2-1997]

For an area that large due to the amount of vandalism, you need an on-site supervision. Mr. Leary stated the key is it's an integral part of the business. Mr. Henkel asked if Mr. Rael's application can be converted in the minutes or does he need to fill out another application. Attorney Rappleyea stated that the original application can be converted. Mr. Leary asked if Mr. Rael understood what he needed to do. His reply was yes, he needs to ask for ask not for the variance but an interpretation. The applicant requested that his application be modified to seek an interpretation and overturn the determination of the CEO regarding this use. The applicant has stated that the residential component of his ongoing and previously approved use of this site is an accessory use and not a primary single family dwelling. Mr. Lick would like to see the application state that the property is being used as an accessory use for security purposes and would like it to say that it's occupied by an employee for security reasons only. The board accepted such modification based upon the applicants assertions that the space has been and only will be occupied by onsite security personnel.

Mr. Henkel made a motion for the application to go to public hearing for next month's meeting. Mr. Jablonka seconded the motion. All board members were in favor and the motion passed. The ZBA clerk will provide and instruction sheet to the applicant about notifying the neighbors.

Item #2 Questaterra/PS21 Phase 2, Chatham, NY, Informational

Nick Vamvas of Crawford and Associates, Mary Beth Slevin, PS 21 Counsel, and Architect David Kahn were in attendance on behalf of PS 21. Mr. Khosrova introduced himself to Ms. Slevin. He stated that the board has received a lot of documents including the town engineer's comments that were just received that evening. He asked if the group had time to review them. Mr. Vamvas summarized that they are hoping to show the ZBA they have a complete application and are ready for public hearing for next month. He referred to revisions to the EAF in February that were sent to the board to address the ZBA's comments: building changes, entrance patio referred to as the plaza on drawing C2 has been expanded by a few hundred square feet. He showed the map by Evan Stoller, the architect on the project. The balcony level is raised and to continue to meet ADA access this sidewalk had to be made longer. Mr. McCreary had pointed out a discrepancy in the first letter regarding the proposed water use. Mr. Vamvas replied that they have revised the EAF to the correct water use to 1260 gals per day based on number of seats available. There was a misprint on the hours of operation, so they have corrected that in the application and the hours will be 9 AM to 11 PM Sunday thru Thursday and 9 AM to 11:30 PM on Friday and Saturday. Mr. Leary asked where the hours came from referring that he thought the hourly start was at 11 AM. Mr. Vamvas replied that these are the operating hours they are going to be using for phase two. Mr. Khosrova explained at this point this is a change in request and Mr. Leary asked if this could be discussed further. Mr. Khosrova replied yes. Mr. Henkel asked if this would be open twelve months of the year and Mr. Vamvas replied

yes. Mr. Khosrova asked the town attorney if he was okay with this being an amendment to the original application and Mr. Rappleyea responded yes.

The ZBA had previously requested a section drawing and Mr. Vamvas provided that to show how the building is situated. He showed the change in elevation on the map, the tree line, and the zoomed in view of the detail for the building. Mr. Khosrova asked what people may see from Route 66. Mr. Vamvas stated it's hard to say but with the trees you may only see some of the building. The building will be 13 feet lower. Mr. Khosrova asked if a color has been picked. Mr. Stoller replied that the exterior would be vertical barn siding with a weathered wood look. Mr. Khosrova asked if they would provide a sample of this siding at the next meeting. Mr. Vamvas stated the difference from the last drawing of the elevation of the top is 15 & ¾ ft. lower. The building itself would be eleven feet shorter. Attorney Rappleyea asked if this is going back to the original application from ten years ago for comparison. Mr. Vamvas replied that yes it is and stated the building is now smaller not just in square area but shorter overall. Another new item issued was a full scale aerial view to correspond to the original letter Mr. Khan prepared back in December. Mr. Leary actually called them on this so Crawford has revised the scale and Mr. Vamvas provided extra copies for the board. This is a replacement of the material they sent on the 12th. Mr. Leary inquired as to where people are they sitting when it's an outdoor performance. Mr. Vamvas indicated where this was on the map. They will be seated under the footprint of the roof. Mr. Khosrova asked if during the performances there will be open area. The reply was yes in the summer only. Mr. Henkel stated it will be closed on three sides. Mr. Henkel confirmed with Mr. Vamvas that it will be opened and closed twice per year. Mr. Vamvas stated that covers everything they have submitted to the ZBA.

Mr. Vamvas then reviewed Mr. McCreary's letter received that day. According to Mr. Vamvas, Item #1 Amended items, seems to be an "FYI" to the board. He said to the ZBA that if there is anything in particular to make this a complete application to please let them know and they are happy to provide it. There is nothing further. Ms. Slevin said the materials they have submitted thus far are what the board has asked for, the visual assessment the comparisons between the both phase two's, the well and the differences between the two.

Mr. Vamvas went on to Item #2, Hours of Operation: He stated that he would come back to that item.

Item #3, Parking area: From Mr. Crawford's perspective, Mr. Vamvas stated that it is what it is. It was already there in 2005 prior to the first season of the tent. There are no plans to dig it up and reconfigure it. He referred to Mr. McCreary's assessment that the distance between the parking stalls doesn't quite meet a typical aisle width. Everyone has seen the parking and there is no striping. They meet the ZBA requirements in terms of spacing. Cars are going to park how they are going to park. Space may be narrower than what you see in a shopping mall but Mr. Vamvas doesn't see this as an issue. Mr. Khosrova asked Marilyn Cohen of the Planning Board for input. She stated that this parking had already been approved. Generally, they go by the state requirements. They don't necessarily require striping. It will go by the square feet of the building and occupancy. They would look to Mr. McCreary for advice on the spacing once we get the actual plan. She and Ms. Staron have been to the facility and there isn't an issue with the parking now. Mr. Henkel stated that this is an optimistic estimate of the spaces available due to the fact that there is no striping. It's been operating and the question becomes are they parking safely. Mr. Khosrova stated he's never had a problem in the past there. Mr. Leary asked how many spaces there are. Mr. Vamvas thinks there up to 120 spaces there. Person capacity is 300 which is one parking space for four seats. Mr. Lick asked if the concern that the spaces are too narrow if there were lines or is it the aisle space between the rows. Mr. Vamvas confirmed it is the space between the rows. Mr. McCreary stated he can clear up the comment. He stated that it's not the number of spots or the striping. It's a gravel area. What they looked at was the original phases and what you see in this map is slightly different than what was proposed at that time. The issue occurs in the aisles between the cars and at the ends of the aisles. The aisles vary quite a bit and the same for the ends. They look at that as vehicular movement which makes it difficult for two cars to pass. Mr. Henkel asked if there is any indication of the aisles. The answer was no. Mr. Henkel commented that this is completely theoretical. Mr. Jablonka asked if there would be parking attendants. Mr. Vamvas replied they haven't considered that and that they are used currently. Mr. Khosrova asked if there is any designated handicap spaces and the answer was there are five spots. Mr. Henkel inquired as to what the current capacity of the tent is or what is the largest number of tickets that can be sold is. The answer was 170 from Susan Davis, the program coordinator at PS 21. Attorney

Rappleyea stated that works out to be approximately 35 cars. Mr. Khosrova stated that in the past people have ended up parking on the roadside. Ms. Grunberg, president of PS 21 responded that no one is supposed to park on the side of the road leading up to the facility. Mr. Khosrova is stating that they are increasing the number of persons but they are not increasing the parking lot. Ms. Grunberg stated that in the past people didn't use the other space which is an overflow lot, so there is enough space. Planning Chair Marilyn Cohen spoke and agreed that PS21 hasn't utilized that extra lot because they haven't needed to. There is ample parking. Mr. Vamvas responded that the parking seems to be more site plan issue and can be addressed further.

Item #4, Crosswalk Detail: Mr. Vamvas stated that this is a site plan issue, and they are not going to put striping on oil and stone. Deciding what type of surface will be addressed with the site plan. Mr. Henkel asked if there would be an indication of a sign for parking and crosswalks and the reply was yes, there will be signs for the crossings for pedestrians.

Item #5: Sound: Mr. Vamvas turned it over to Mr. Kahn, the sound engineer. He stated that one of the concerns that wasn't fully resolved in December had to do with crowd noise and how a limiter would work to assure that there would not be a noise impact at the property line and any violations within the code. They provided an addendum a few weeks ago to address this. The use of a limiter for outdoor performance venues is quite common. Most have amplified performances, some of these at PS21 will not and some will. He explained that setting the limiter. A limiter relates to the sound system and they would be monitoring sound levels ten feet outside the roof perimeter, 12 to 20 feet above the ground, toward the various property lines. The idea is to crank up the sound system and to use the sound level meter and make sure they can find a point where they are not going over the 90 DBA. So the limiter gets adjusted to go that high but not higher than the limit. Mr. Khosrova asked if it's a manual adjustment. Mr. Kahn replied that it is but it's locked. Those adjustments of the sound are done manually but not available for anyone to use once the sound levels are commissioned. Mr. Leary asked if there is a wedding outside would the limiter detect louder sounds. Mr. Kahn replied that the renters will be required to use the PS 21 sound system and this is common with other venues. Mr. Khosrova asked if this is a mobile unit. Ms. Slevin stated there will be nothing held outside. Any weddings would have to be in the building and they would be required to use the PS 21 sound system. According to Mr. Kahn, the band and loudspeakers creating the sound are not mobile they are fixed devices. Mr. Henkel asked at the 90 decibel at ten feet has been calculated based on distance at all the property lines. Mr. Kahn referred to the December report that was given. Mr. Kahn said they are trying to eliminate as many variables as they can.

Before the issue of sound was to continue, Mr. Khosrova asked the town attorney about the emails sent around that day regarding lead agency. Attorney Rappleyea responded that a coordinating letter was sent on Dec 30th. They have 30 days. Mr. Khosrova then asked for a motion on behalf of the ZBA indicating its intent to be made lead agency and circulate for coordinated review. Mr. Jablonka moved the motion, and Mr. Lick seconded it. All ZBA members in attendance were in favor and the motion was moved.

Mr. Khosrova then asked about the other administrative issue regarding escrows. Attorney Rappleyea said that everything is on target.

Mr. Khosrova asked Mr. McCreary if he had anything to add. Mr. McCreary referred to his comment #1 and asked the board if they want a complete application for the files rather than all the amended items that have been submitted at different times. Vice Chairman Khosrova replied that he agreed with Mr. McCreary that this file should have all of the documents in it to confirm what they, the ZBA, will be voting on at the public hearing. Tal asked if this is the appropriate vehicle to present for the public hearing. Mr. Khosrova asked Mr. Vamvas if it is possible that all of this can be consolidated into one document as to what it is they are doing. It would be much easier for the public to know exactly what is going on, otherwise there are too many files from a variety of places. Mr. Vamvas replied that the relevant items have been recently re-submitted and feels that this is completely different than what was done in the original application. He believes that trying to bring more in would be difficult. Mr. Khosrova asked Mr. McCreary if he could oversee what has to be updated. While he doesn't want to make more work, he wants to be sure the documentation is complete. Mr. McCreary replied he would oversee this.

Mr. Khosrova stated the need to make this application and documentation is complete so it can go to public hearing. He asked if the board had anything else to discuss. With regard to the 90 DBA level, Mr. Henkel asked if it would make sense if one were doing the limiter tuning to do some verification that the testing will be done at the property line as well. Mr. Khosrova replied that testing will need to be done after construction and during a performance to make sure that indeed the 90 DBA at ten feet is producing not more than ambient at the closest property line. If that is a condition, in his mind and it's not being met, the applicant would have to come back and adjust it. Mr. Khosrova asked if the applicant is okay with this and their reply was yes. This would be a condition the ZBA would put on them as subject to approval. Mr. Khosrova went on to say with everything in reality they need to be sure that it's meeting with the ambient level at the property line and that we have the applicant's word that it will be adjusted if necessary.

Mr. Leary was still not convinced about the times of operation and was asked by Mr. Khosrova that if the noise wasn't an issue would he still be concerned with the hours. Mr. Leary replied "no." Mr. Henkel remembered that they previously had difficulty calculating ambient on the western property line because of the creek and the train tracks and asked if that sounded familiar to anyone else. Ms. Slevin replied that there always will be variables regarding ambient with regard to the surroundings. This is one reason why Mr. Kahn was looking to measuring from ten feet from the building to really establish a basis. She explained they can't predict what every day ambient will be when we get there. They can however predict what the attenuation from a point they can control. She referred to cars, trains, planes, etc. that are variables in any neighborhood. Mr. Khosrova stated that he would feel confident stating that no one is making a representation that neighbors won't hear anything. But it won't be a situation where when sitting at a dining room table you can't hear the other person talk. The opening of the building is on the east side. Mr. Kahn said the good news of the siting of the pavilion in the new plan is that historically one challenging event happens in the west and the properties in the west will receive the greatest benefit in the pavilion compared to the east. He went on to say that even with the properties to the east regardless of where you are on the property line the noise impact will be lower emanating from the pavilion than from the tent.

Mr. Khosrova went on to question the hours of operation. He asked if the 9 to 11 and 9 to 11:30 hours would have performances during these hours. Susan Davies replied that the morning hours would be mostly workshops for elderly and children and that would include dance workshops. Mr. Khosrova asked if there will be amplified music and Ms. Davies replied that the music would come probably from an iPod or a recording. Mr. Khosrova then inquired about the later hours. Will there be actual music till 11 PM or 11:30 PM? Ms. Slevin replied that these are the current hours of operation at the tent at PS21. Mr. Khosrova wanted to clarify the application's intent, for performances for those hours. This could lead to cars with lights coming down the road and honking from cars after the later performances. Mr. Khosrova asked that there would be no amplified music starting at 9 am. After some discussion it was determined that they could start amplified music if necessary at 11 AM and not before. Ms. Davies had explained that children from the Crellin Park camp program go to PS 21 for programs and performances during the day. Mr. Khosrova then asked if they are asking for amplification to go to 11:00 PM on Sunday thru Thursday and 11:30 PM on Fridays and Saturdays. Ms. Davies responded yes. Mr. Khosrova asked if it included movies and stated that he himself was willing to agree with movies playing late, but not loud music. Mr. Leary responded that movies can be very loud. Mr. Khosrova replied that you don't have the same type of sound that amplifies out. Mr. Kahn stated that the wording could be "live music." He went on to say that everything is amplified, what is loud is the live music and if you want to put restrictions on this, than go with no live music could be the protection after a certain time instead of music that is amplified. Mr. Khosrova stated he is trying not to restrict them. Ms. Davies then spoke. The only problem they have is West African dance and drumming performances that are live. Mr. Henkel stated that he wouldn't be bothered by movies but he would be bothered by a DJ until 11:30 PM which isn't live but amplified. Mr. Kahn said the best way to control it is to specify it at the sound level at the property line and how we create it and how we control it is our responsibility. He went on to say that the question is if 90 DBA measured 10 feet is too loud at certain hours should we cut it down to a certain level that would give them freedom to have certain activities over those hours and give them ability to turn down the level? Mr. Henkel asked if the limiter could have that capacity to have two different settings and Mr. Kahn answered yes. Mr. Khosrova then asked what would be an appropriate DBA for people who sleep late. Mr. Kahn said that 80 DBA would be half as loud as 90 DBA. Mr. Vamvas questioned this. Mr. Khosrova stated that we agree

that people will hear something and the biggest complaint the board hears is from when people are sleeping. He is less concerned about hearing something during the day. Mr. Henkel explained that there are other things related to sound not just volume and we have heard complaints from the neighbors and we need to be clear that we are not just talking about decibels with sleep as the biggest issue.

Mr. Khosrova went on to propose the following: We have the 80 dba that Mr. Kahn says would be okay. There is 80 DBA from 9 am to 11am, then 80 DBA Sunday thru Thursday after 10 and on weekends after 10:30, and 90 the rest of the time per the Mr. Kahn's suggestion. Ms. Slevin stated this would make a difference when showing movies; you can't just turn the volume down during a performance or a movie. If the limiter is set to 80 DBA and you are ten feet outside and you are playing the movie loud enough the limiter may kick in. She is concerned that if the limiter kicks in that it could alter the experience of the person watching or listening to the performance. Mr. McCreary asked if it is 90 DBA ten feet outside the building than how loud is it inside the building, "Do you really need 90 DBA if 80 is the real limit because you are only playing stuff at 90 DBA inside, it's only going to be 80?" Ms. Slevin replied that was the number chosen so as to have a zero impact by the time you get to the boundary. Mr. McCreary then stated if its 90 DBA outside then it's close to 100 DBA inside and that's damaging. Mr. Kahn doesn't think the quality of the performances will be compromised by lowering the DBA. He believes it provides the protection of the neighbors and it doesn't hurt PS 21's ability to do what they do inside that building. Mr. Lick said asked if the limiter is active or dynamic and is continually measuring. Mr. Kahn confirmed this, "there will be monitoring and it is dynamic." Mr. Lick asked him "is 90 decibels average in terms of what people's objectives are with outdoor facilities? Is this extraordinarily high or are we being extraordinarily stringent?" Mr. Kahn replied that he thinks the challenge of the question is that the situation is different for each facility in terms of how far away the property line is and the area it exists in. This answer will vary considerably according to him.

Mr. Khosrova asked if everyone is in agreement about the decibel level and the hours of operation: 80 DBA limit until 11 am and after 10 PM, on Sunday thru Thursday and on Friday and Saturday after 10:30 PM and it will be 90 DBA the rest of the time stating that it gives us a lot to go back to the neighbors with. Mr. Kahn asked if the shows end at 10:30 PM on Friday and Saturday and the reply was yes. He stated that he thinks the goal to be consistent would be to play to 90 DBA but Mr. Khosrova said we want to go lower because of people going to sleep. Mr. Kahn asked if the performances go to 10:30 PM. He believes that if it is a live amplified music performance it probably will restrict it on Friday and Saturday at the 80 DBA level.

Ms. Grunberg then spoke and questioned the DBA level at 80 DBA and to change it in the middle of a dance performance. If something has to be changed during a dance performance how can u change the DBA level in the middle of the performance, why is there a limit? Mr. Khosrova stated again that the thought is that the neighbors complain about sleeping. He went on to say that we know they will definitely hear something and even minimal noise is annoying so we are trying to accommodate this. Ms. Grunberg believes the level should be at one level. Mr. Khosrova asked Mr. Kahn what level would be needed inside. He replied it would be 90 DBA. Mr. McCreary spoke that six hours at 90 DBA would affect ones hearing. Mr. Kahn replied that 90 is the maximum. Mr. Khosrova asked if he was sitting inside and the time is 10:30 PM do you think I will he know if that limiter has kicked on. Mr. Kahn replied that he might not and that it depends on the dynamics. Ms. Slevin stated it may compromise the performances and that 90 DBA won't be the norm. The levels were typically lower than the maximum set in the past. Mr. Khosrova said if the equipment is capable of doing what they are suggesting than we can rely on the limiter to set the difference. They reviewed the noise chart. Mr. Khosrova is willing to do the 80 because it is the threshold in terms of hearing loss/long term exposure. Mr. Kahn stated that OSHA is accepting of levels below 90 DBA. There is a significant difference between 80 and 90 DBA. Ms. Slevin again commented that they don't want to compromise the performances and that is what PS 21 is about. 90 DBA is the maximum and not expected to be the norm as they have stated in the past. Back in 2005/2006 they demonstrated the performances were significantly lower than the maximum of 90 DBA.

Mr. Khosrova commented that 11:30 PM is late. Ms. Grunberg stated they want to make sure they cover themselves if a performance goes over and not all performances would go that late. She suggested it making the limit at 85 DBA all the time. Mr. Khosrova asked Mr. Kahn what that does at the property lines. He replied that 85

will bring it lower below ambient. It won't be limiting at all. It was then determined that the hours will remain the same as in the PS21 application with an 85 DBA level.

Mr. Rappleyea asked for clarification on the schedule for the building being open and closed with the change of seasons. Do we need to have dates on the calendar as to when this happens? The reply from Mr. Khosrova was no.

Mr. Khosrova asked the board if they are ready to deem the application complete for public hearing. Mr. Leary asked about the tent. Mr. Vamvas stated that once construction begins the tent will be gone. Mr. Jablonka was satisfied that the application is complete and ready for public hearing. He then made a motion to go to public hearing with a second received from Mr. Lick. All board members were in favor.

Ms. Slevin requested that a special public hearing could be held because the sound engineer cannot be there on the regularly scheduled ZBA meeting. Mr. Henkel also stated he cannot make meetings before 7:30 weeknights. Mr. Khosrova feels that it is essential for Mr. Kahn to be in attendance and suggested that possible dates be emailed to everyone and that it is important that ZBA Chairman Everett be in attendance. Ms. Staron reminded the board that there is a capacity of 44 persons in the Town hall and we may need to move to a larger space. This will be discussed with Chairman Everett.

Mr. Vamvas distributed a copy of the map to replace the one from the 12th. The scale has been updated. The image is exactly the same.

It was discussed the Columbia Falls application be added to this public hearing and any other agenda items so we don't have to have two meetings this month. Mr. Henkel asked the town attorney what worked for him in terms of dates. Mr. Rappleyea referred to March 30th or 31st, but would have to see if he could change what he had booked in those dates. Mr. Khosrova then asked the town attorney to send his dates of availability for this public hearing and to be sure to include the clerk in the correspondence.

Motion to adjourn the meeting was made by Mr. Jablonka and seconded by Mr. Lick. All members were in favor and the meeting adjourned at 8:31 PM.

March 13, 2015
David Everett, ZBA Chairman

Respectfully Submitted

Shari Franks, ZBA Clerk