

TOWN OF CHATHAM

JANUARY 27, 2011

ZONING BOARD OF APPEALS

FINAL COPY

Members Present:

Robert Leary

Kary Jablonka

Adrian Ooms

Mitchell Khosrova

David Everett, Chairman

JP Henkel

Members Absent:

Jeff Lick

Public Present:

Kevin Weldon Peter Newman

Susan Wendleboe Susan R. Anderson

Theresa Walker Eric C. Williams

Paul Veillette Frances Veillette

Victor Borghi Louis Gerrain

Donna Staron Michael Polemis

Sally Veillette David Pearce

Ginny Nightengale Steve Anderson

Rick Karpinski

The January 27, 2011 Zoning Board of Appeals meeting was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited.

**NEW CONCORD COMMUNITY CENTER-REQUEST BY THE SOCIETY OF
NEW CONCORD FOR A SPECIAL USE PERMIT AND PARKING VARIANCE
WHICH WILL ALLOW THE PREVIOUS DUTCH REFORMED CHURCH ON CR
9 IN NEW CONCORD TO BE USED AS A COMMUNITY CENTER**

Steve Anderson, Rick Karpinski and Paul Veillette are representing the Society. Chairman Everett reported that the Board has received several letters and e-mails from community members supporting this endeavor. The County Planning Board responded that they commend the efforts of this group, but realize that

parking can not be accommodated on-site and suggested that the applicant show how this need will be met. The Town Planning Board stated that the limited parking was discussed at the site plan review, and language will be included on the site plan as to how this will be mitigated. They are in favor of this project. The applicant stated that the Planning Board objected to the parking spots placed on the site plan by their surveyor. They requested a note on the site plan map that was approved by the Town attorney describing the plan they would use. Hence, note #6 has been placed on the map. Chairman Everett felt that there wasn't enough information in the note, and asked for an explanation of their plan.

Dr. Karpinski stated that this would be a three-tiered approach. For small events, the 5 spots on site and those adjacent to the site off the road would be sufficient, as they have been in the past. For the need for overflow parking for a medium sized event, legal parking would be determined and used (such as spaces in front of the old inn). For a very large event, off-site parking, using private properties, Gravel Bank Rd., uncultivated land and safe transport to the venue would be arranged.

Mitchell Khosrova expressed the need for some kind of document indicating that this parking plan is legal so it can be made part of the Special Use Permit. The concern is not having a large number of vehicles on the street. The plan has to be enforceable. Bob Leary added that we have to be sure that the Town is not liable should something happen because of the parking. The applicant stated that for their own functions there is a typical attendance of no more than 40, and many of those walk. At the most, there would be 10 cars, and that has never been a problem. Chairman Everett stated that we had to look at the maximum occupancy to determine how many spots are needed. Based on an occupancy of 85, about 28 spots would be needed, and these would have to be shown on some kind of document. The Public Hearing was opened at 7:25PM.

Virginia Nightengale, the president of the Red Rock Historical Society, stated that there is no other place to meet, and being able to use this is needed and it benefits both the Society and the Historical group. They have many functions together. Because so many community members are weekenders, this joint effort builds this community.

Susan Wendleboe stated that this community center has been in existence at least since the '80s when they moved in, and there have been functions and the need for parking since then, and there has not been an issue with it.

Michael Polemis said that he owns the house next to the church and wonders what the issues are. As far as parking, the driveways in town require people to back out on Rt. 9. This has been a church for over 100 years and the overflow issue has been in existence since then. Mitchell Khosrova stated that the Zoning Board is simply following the laws, and that the Board needs to be consistent in the decisions it makes. The Board does try to come up with creative ways that are within the law, which is why it is important to listen to all suggestions. Mr. Polemis reiterated that this was a church, and that the Board is trying to push the group into doing something that never was done before. Providing a formal document may be a real problem. Once you try to make something legally binding, it does not happen. Mr. Khosrova stated that this area is zoned 5-acre residential, and the Board is trying to balance the need with the law. Public safety is very important. What if in the future there was a problem with people providing parking no longer wishing to do so? Then there truly is a problem. Mr. Polemis wondered if the Society provided a definition of possible future uses whether that would be helpful. Mr. Everett said that at the last meeting there was discussion about limiting uses, but why should there be restrictions if we can figure out a way to do this and allow maximum flexibility to the Society.

David Pearce wondered what the regulations are on parking on the main road. Chairman Everett stated that this would have to be researched.

Fran Veillette stated that what is being requested is not really a change of use for the community hall. This is not part of the church, and it never has been. The change of use being requested is for the church itself, and that use will be very limited. Paul Veillette added that the community hall is a community resource, not a church resource, and it is a good use for the community. Should this be turned down, there is a chance the next request for use may not be as desirable. According to the Society's by-laws, 4 events must be held a year, but most of them are not even held in the building itself. Mr. Karpinski stated that if a formalized parking plan is needed, they would work on this.

Victor Borghi reiterated that this has always been a community hall. It was brought from Albany board by board 70 years ago. Although it was used by the church, it also was used by many other community organizations. The purchase is for the church only---not the community hall as that has always belonged to the community. The church closed the hall because it was on their property.

Mitchell Khosrova wondered if the use of the community hall had indeed changed. The Society reiterated that it had not. When questioned about the last events held, there were events held in the fall of 2010. Mr. Khosrova questioned whether it had been used the previous year, to which the Society responded that it had. The Society was asked to provide a list of dates that this facility has been used since the church's closure. Kary Jablonka remarked that if the facts are as they seem, this could be considered a pre-existing non-conforming use.

Peter Newman stated that this community sticks together. They've raised a lot of money to be able to buy this property, everyone wants it and they will do whatever needs to be done to make it possible. All of the supplies (tables,

chairs, refrigerator, etc.) are in the community hall and have been all along, and these have been used continuously.

Mr. Everett stated that this looks like a continuation of a non-conforming use. This property had a dual use, and one has not ceased, and documentation is going to be provided that proves that the community hall has not been abandoned for over a year. If this is the case, Mr. Everett suggested that the Society return to the Code Enforcement Officer and explain this. Once a decision has been rendered by Mr. Simonsmeier, we will continue the Public Hearing.

The Public Hearing was adjourned at 8:12PM.

Kary Jablonka moved and Bob Leary seconded that the minutes from the previous meeting be accepted. This carried. The meeting was adjourned at 8:13PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk