

Members Present:

David Everett, Chairman
Robert Leary
Kary Jablonka
Jeff Lick
JP Henkel
Adrian Ooms
Mitchell Khosrova
Tal Rapplevea, Atty.
Walt Simonsmeier, ZEO

Members Absent:

None

Public Present:

Nicholas Vamuas, Crawford Assoc. representing PS21
Judy Grunberg, PS21
Len Shayer
Jeff Weiner

The May 23, 2013, Zoning Board of Appeals meeting was called to order at 7:00 PM by Chairman David Everett. The Pledge of Allegiance was recited. Robert Leary moved and Kary Jablonka seconded that the April 25, 2013 meeting minutes be adopted, motion carried.

Applicants Mitchell Chaitman and Calliope Nicholas contacted the Board to postpone their Public Hearing. Applicant Destination Moon also cancelled their appearance before the Board until a later date.

LEONARD SHAYER AND JACQUELINE WINDISCH SHAYER- REQUESTING AN AREA VARIANCE FOR A SIDE YARD SETBACK FOR A SINGLE FAMILY DWELLING LOCATED ON SEVEN BRIDGES ROAD SO THAT A CERTIFICATE OF OCCUPANCY MAY BE ISSUED.

INFORMATIONAL

Mr. Jeff Weiner, the construction manager for this project, and Mr. Leonard Shayer, owner, presented a map of the parcel stating that the house was nearing completion when it was discovered that it was only set back 45 feet from the side yard instead of 50 feet. Mr. Shayer stated that the house had been moved by the engineer due to a very deep slope that was of concern of the fire department. When the surveyor came to place the final pin in order to obtain the Certificate of Occupancy, it was determined that this could not be issued because the building was now located only 45 feet from the side yard. Mr. Shayer stated that this is a vacation/retirement home and a certificate of occupancy is needed in order for him to obtain a mortgage. A Public Hearing has been set for June 27th.

QUESTATERRA, LLC-REQUEST FOR SPECIAL USE PERMIT MODIFICATION FOR THE PS21 PERFORMANCE ARTS FACILITY LOCATED AT 2980 STATE ROUTE 66.

INFORMATIONAL

Ms. Grunberg and Mr. Vamuas explained to the Board that they were looking for a modification of a Special Use Permit that had been issued previously to PS21 Performance Arts facility. Ms. Grunberg

stated that the current tent that is in place will not last one more season. It has been in place for 7 years and would cost \$50,000 if they were to replace it. This is mainly a summer performing arts center but they would like to include heating equipment in the proposed open air pavilion as well as more permanent bathroom facilities and dressing rooms for the artists. The seating area will not be fixed although a riser area may possibly be fixed, they were unsure at this time. Mr. Vamuas showed a new rendering of the proposed project to the Board. He stated that the new facility would accommodate a maximum of 300 guests and the enclosed portion of the building would be approximately 5600 square feet. Mr. Vamuas showed an illustration of the existing site as well as the proposed site to the Board. The parking lot which is already constructed would not be expanded and no new lamp posts would be placed. Existing lamps would be moved and landscaping would be done. Mitch Khosrova was concerned with any impacts this new facility would have over the existing one. Mr. Vamuas showed a chart of the difference in impacts over the two facilities stating that there would be fewer people attending thus less water usage than what is being used in the current facility and they were not adding any additional vehicles. The noise is the only concern since the original plan was to enclose the building although they don't expect the noise to be more than 45 decibels, no more than the current tent. Jeff Lick commented that if they are changing the orientation of the building, it would now affect the people who live on either side of the property. Mr. Vamuas stated that this would be facing into the ridge to help dampen the noise and is approximately 700 feet closer to the neighbors. The audience would also be able to have a seat on the lawn area in front of the new pavilion. Chairman Everett stated that there needs to be an understanding of what the maximum capacity would be in relation to the maximum parking. He stated that each Board member will need to know what the last approval stated and the findings of that meeting in accordance to the SEQR Review. The engineer would also need to calculate the space for cars. Bob Leary commented that the last time this was before the Board it was going to be a closed building and the season would be extended. Ms. Grunberg stated that it was an issue of money as to why they were no longer enclosing the building and she encouraged the Board to visit the site with the members of the Planning Board. Chairman Everett commented that parameters were set before and the Board will need to know the number of performances that will be held. Jeff Lick stated that it might be helpful to do some monitoring of sound at this new site. Previously, neighbors were not satisfied with the decibel findings. Mitch Khosrova also commented that it might be useful to see what the decibel levels will be all around the site since some places may now have more noise but others may not.

Chairman Everett asked Mr. Vamuas to provide the Board with an analysis of noise showing why it is the same or less headed toward the northern part of the property. Tal Rapplyea stated that the neighbors to the north had pointed out that the building was originally supposed to be enclosed but it is now going to be open and closer to them.

Chairman Everett stated that the Zoning Board of Appeals would be the lead agency for this application and that some information would need to be provided before a Public Hearing is held. The Board determined that the following information needed to be presented;

1. The septic area
2. Are the soils appropriate for the septic

3. Will DOT have adequate access for the facility
4. Need to contact the Fire Chief regarding safe access to the grounds
5. Need to refer this to the Town Engineer
6. An Escrow account of \$6,000 needs to be established with the Town Attorney
7. Decibel levels need to be determined all around the site and to see if a berm may need to be placed to mitigate sound
8. Colors that will be used around facility to determine if it will be visible from Route 66

Mr. Vamuas stated that the building won't be higher than the original variance from Phase II and there will be lighting around the entrances but no lamp posts. The lights will be turned off after a performance. A landscaping plan will also be presented to the Board which will follow the DEC manual for requirements for green infrastructure. Ms. Grunberg commented that they are looking to start this project in 2015 and the seasons will go from late May to early September.

The Board was also concerned with fire suppression which Mr. Vamuas said he was still gathering information on. He was also concerned with the driveway either being gravel or paved to allow trucks in a loading area. Chairman Everett commented that this project will need a SEQR review and the Board asked that the questions presented at this meeting be addressed at least two weeks before the next meeting on June 27th. The Board will need to begin the SEQR review and start the process of contacting the Department of Health, Department of Environmental Conservation, Department of Transportation, Fire Departments, Chatham Rescue and the Planning Board for a walk through of the property after the decibel level is recorded and to determine if this will change any agreements with the Town. The Board will be provided with the Developer Agreement and the PILOT Agreement before the next meeting held on June 27th which will be a continuation of this meeting. Attorney Tal Rappleyea will write a letter of evidence of intent for the ZBA to be the lead agency as well as coordinate with the aforementioned agencies.

Chairman Everett made a motion to establish the Zoning Board of Appeals as the lead agency for this project. Mitch Khosrova seconded the motion, carried.

With no further business before the Board, Jeff Lick made a motion to adjourn the meeting at 8:12 PM, Dave Everett seconded the motion, carried.

David Everett, Chairman

Respectfully submitted,

Barbara A. Fischer, Clerk

