
MEMBERS PRESENT:
David Everett, Chairman
Mitchell Khosrova, V. Chairman
JP Henkel
Robert Leary
Jeffrey Lick
Kary Jablonka
Adrianus Ooms
Town Attorney: Tal Rapplevea
Planning Board Chair: Marilyn Cohen

PUBLIC PRESENT: Douglas Waldmann, Tim Laurange
William Wallace on behalf of Kevin Weldon and Peter
Newman, Adam Slone w/Nicholas Vamvas of Crawford
& Associates and Andrew Howard of Freeman Howard,
Karen Murphy, Peter Lyden, David Lyden, Bill
Eimick, Wil Vega, Linda Ziskind, Simone & Mahlon
Richards, Dori Hanswirth, Loretta Stillman, Karin
Mason, Terri Anne Dougherty

Chairman Everett called the meeting to order at 7 PM. The Pledge of Allegiance was recited. Robert Leary made a motion to accept the minutes from May 22, 2014. Mitchell Khosrova seconded the motion, motion carried.

Informational only

Item 1 on the agenda: A Special Use Permit application was presented by Douglas Waldmann, 4254 Rt. 203, North Chatham, NY 12132, to build a 12' x 30' storage shed that would require a 25 ft. setback. He is requesting a 12' walkway on either side of the shed. The house lies within Hamlet Two of the North Chatham Historic District. There are no structures near the area proposed. The church parking lot is next to the property. Mr. Henkel asked if the space between there was a right of way. Mr. Waldmann replied "no." Mr. Henkel asked if the shed would require plumbing. Mr. Waldmann replied that there is no plumbing needed, but that there would be windows and that the shed would be for storage. He also stated that the siding would be the same as his house and that there will be no lighting at this time, but it could be a possibility in the future. Mr. Khosrova stated that the actual shed needs to be placed on the map/drawing of the survey for exact variance measurements. Mr. Khosrova stated that the ZBA would be issuing a variance and that exact measurements are necessary. He also explained the exact spot has to be consistent with the drawing & survey. Chairman Everett requested that Mr. Waldmann go back to the surveyor and have him draw the shed with boundary lines and measurements and have the plans stamped. Mr. Waldmann asked how long the approval process would take and the board explained that the public hearing is required and could take place in a month and it can probably be approved providing all the paperwork is done properly and within the time frame scheduled. A public notice has to be done in advance of the hearing and notification to the neighbors who live within 500' of the storage shed must be done at least 10 days prior to the meeting. Mr. Khosrova suggested to Mr. Waldmann that the mailing of the letters by certified return receipt be done ASAP and obtaining letters of support from neighbors should also take place. Chairman Everett stated that this application needn't go to the county for approval. Mr. Khosrova asked that the application for Type of Action be changed on #2, from Use variance to Area Variance to the Zoning Ordinance and the applicant agreed to this change.

Item 2 on the agenda: William Wallace, AIA representing Kevin Weldon and Peter Newman, 218 New Concord Rd., East Chatham, NY, presented an application requesting an Area Variance for demolition and addition to the existing house requiring an 18' setback to the left side of the building and a 40' setback to the rear. The applicants are renovating a sunroom and eating area. JP Henkel wanted to state for the record that he is associated with the applicants and asked if he should recuse himself as the applicants are friends, however, Attorney Rappleyea explained that recusal is not necessary at this time as this was informational in nature. Mr. Wallace explained that the current structure is 20' off the lot line and they are asking to change it to 18'. The rear of the structure is currently 45 feet off the line asking for 40 ft. A pond lies on one side of the house. Ninety five percent of the proposed building area is currently the pond area. It is not a federal or state wetland. Mr. Khosrova asked for the survey to show the pond that exists there to see if there other options rather than going toward the pond. Chairman Everett asked how far off the pond is it now. Mr. Wallace said he would give an outline of the pond. He also said he spoke to the neighbors about the project and stated that there are letters of support attached to the application from them. Mr. Wallace was told he would still have to notify neighbors legally, return receipt requested. Chairman Everett asked the well and septic to be shown on the plan and that the updated plan is made clearer. He also said "we have to be concerned about setbacks for wells and septic and make sure everything is in compliance with that." Mr. Lick asked for clarification of the garage location and also if there are any other structures on the property. Mr. Wallace stated that there is a shed and he will show it on the revised survey. Mr. Wallace will need all property owner's names and addresses. Mr. Henkel asked what the setback from New Concord road is. Mr. Wallace replied that it is 30' to garage and 85' to the house. Mr. Henkel said he would like to see on record how far the addition is from the street. Chairman Everett asked if the garage is located on two separate lots. Mr. Wallace replied that he "thinks it is close and may be on the lot." He added that there is a letter of support from the neighbor for the next door lot in question. Mr. Wallace indicated that there is a building on that lot. Chairman Everett stated that this application should be set for public hearing and that all materials need to be filed 10 days before the meeting.

At this time Mr. Khosrova stated that he will not be around for next meeting as it is a Jewish holiday. Chairman Everett stated that the regular meeting date will remain in place if it was agreeable to the rest of the board.

Agenda item #3: The Life Serve Youth Foundation presented a proposal for a change of use request for a Youth Tennis Camp at 206 Thomas Rd., Old Chatham, NY. The Foundation was represented by Adam Slone, buyer of the property, Nick Vamvas of Crawford and Associates Engineering, PC, and, Andy Howard, Esq. of Freeman and Howard.

Chairman Everett explained to the audience that this is not a public hearing that the meeting was informational in nature and that the board would not be taking public comment at this meeting. He did state that he was in receipt of an email from concerned neighbors with many questions about this project. He asked that any information given will be made available to the public as soon as possible. Mr. Slone handed out an overview of the project to the board.

Background: Adam Slone, who is in the process of purchasing the property at 206 Thomas in Old Chatham, NY, would like to construct a sleep-away tennis camp for under-privileged youth. Mr. Slone explained that he was born with a rare genetic disease which prevented him from playing contact sports. Tennis helped him overcome many things in his life. His family couldn't support his tennis however and he was subsequently awarded a scholarship to college to play tennis. He feels that this would be a great fit for the Chatham community. He also plans to include community at large. He stated that the property is in excellent condition, 26 acres with few obstructions.

Mr. Slone explained that the camp would only operate for eight weeks in the summer, from the end of June to the beginning of August. There will be 25 to 30 kids per two week session, boys separate from girls, and kids would not leave the property without adult supervision. Tennis instruction would be from 8 am to 12noon daily. There is no outdoor lighting for the courts. Youth attendees would likely be asleep by ten. Much of the dining will be indoors. The outdoor tennis courts will be constructed in a way that they visually can't be seen by the neighbors. Tennis would be played no more than four hours per day on the outside courts. Four hard surface courts will be constructed outside and he plans to convert the existing riding arena to an indoor clay court.

There were questions from various ZBA members as to who the kids are that would be attending this camp and where would they be coming from. Mr. Slone replied that the attendees would not be "troubled" kids, that the kids would come strongly recommended from tennis instructors and counselors, kids who do well in school and love tennis and would not get an opportunity like this to attend a camp of this caliber. He went on to say, "These would be good kids who love tennis." Mr. Slone stated that "first and foremost, the goal is to create a positive and safe environment for all involved." Mr. Khosrova asked how the kids are going to get to the property in terms of transportation. Mr. Slone replied that they would likely take trains/buses to get to New York and then vans/staff employed from the camp would pick them up. The camp will largely be a volunteer staffed organization. Most of the 5 to 7 staff members will be on site at all times during the camp sessions.

The existing stables would be converted into sleeping quarters for the kids. The main house would be site of the showers and the kids will likely shower in the main house even though there are restrooms in the barn. Mr. Slone said that the camp will fully comply with NYS Health codes and laws. The staff will stay in the five bedroom main house. The barn has 1000 sq ft. that can be converted if needed into additional quarters. The existing garage is mostly finished and can also be sleeping quarters for the volunteer staff. The indoor riding arena would be a clay surface court. The state of NY clearly outlines what they have to do to and the camp plans to comply with NYS health department regulations. A swimming pool will be constructed and will not be located near other neighbor's property. Two large vans are likely with two additional cars for field trips that will likely be once per day. In summary, Mr. Slone stated that the goal is to provide an amazing experience to these kids, and he envisions it to be a camp that the Chatham area would be proud of.

Mr. Leary asked when the camp would begin. Mr. Slone replied that they would like to open at the end of June of 2016. Mr. Leary asked if this is the first camp of this nature. Mr. Slone replied, "Yes" and he indicated that he is consulting other camps for information. Mr. Leary asked if there are other camps

like this and Mr. Slone replied that he has not yet found anything like it that he knows of that focuses on underprivileged kids in the country. Mr. Slone stated that there is strong interest from donors and well known tennis people who are very interested in this project. The foundation will be a 501c3 and the paperwork for this is in process. Mr. Slone explained that he will initially purchase the property himself, but would like to have the 501c3 purchase the property from him. Mr. Slone however, would most likely be the largest donor of this charity. He mentioned that Comerica who manages funds for not-for-profit foundations is a transparent way of donors providing money to the organizations who do not have their own 501c3 status. This would mean that Mr. Slone's organization can start collecting donations now that are tax-deductible while they are awaiting their own 501c3 status. Having the project approved, acquiring the site and then utilizing the resources

According to the proposal, Mr. Khosrova stated that the camp runs for eight weeks and then asked Mr. Slone what happens to the property the other 44 weeks of the year when camp is not in session. Mr. Slone explained that he doesn't live here in Chatham fulltime would like to utilize the property when he can personally. No other activity would take place other than the camp. Mr. Khosrova asked if there would be hiking on the property, and Mr. Slone replied "No." Mr. Khosrova asked where the children would eat meals and who would prepare the food. Mr. Slone replied that there is space in the house for dining and that they are still figuring that out. Food will be prepared by a certified person who will prepare in a commercial kitchen within the state guidelines. Mr. Slone stated that there would be a separate food kitchen and he is looking into a healthy nutrition program similar to one that the Boys and Girls Club of America has. Mr. Khosrova asked that when the application is submitted to the county for the permits that the ZBA get a copy as well. He would like to see how the camp will deal with lighting, trash, etc. Chairman Everett then asked the applicant when submitting the application to the health department if he could give a chart showing how all of these regulations are in compliance. The Camp safety plan must be relevant to NYS and the ZBA will require a copy of it.

Mr. Henkel asked what the children would be doing between noon and 10 pm once they are finished with tennis instruction. Adam explained that there will be meals, field trips, educational programs, gardening programs. The educational component is a big piece of the program and that a lot of programs would be field trip oriented at least once per day. Chairman Everett wanted to know if the Camp is seeking any variances from the state sanitary code and if so, what would they be. Mr. Vamvas replied that there wouldn't be a need to seek any variances from the state at this time and Mr. Everett asked for a letter stating this. Mr. Vamvas stated that they will be disturbing more than an acre of soil (about 2.5 acres) and will require a SWPPP and Chairman Everett stated the ZBA would need a copy of that. He also said that the Camp would need to meet with the fire department and rescue squad and have them take a look at the site plan and safety plan and to make sure that there is adequate access to water and that the fire trucks and emergency vehicles will be able to turn around. The ZBA also wanted to know if there would be a fire suppression system.

The previous owner, Terri Anne Dougherty, spoke at this time, and explained that the property is currently self-sustainable. There are two wells on site in addition to two septic systems and that they have been inspected by the local Fire Department. She also indicated that the Fire department has drawn water from the pond on the property which is spring fed. The driveway is asphalt binder same as

the roads. Chairman Everett said that the ZBA would still need a letter from the fire department with their review of what exists on site. Ms. Dougherty stated that the driveway is 16' to 24' wide and 3200' in length and has plenty of turnarounds. Chairman Everett will still require a letter from the fire department stating that this is adequate space for fire trucks. He also asked if they will be required to supply sprinklers in the buildings. Mr. Vamvas said they are unsure if sprinklers are required at this time. There will be a fire suppression system of some sort in the kitchen and they are still investigating the requirements that the state will need. They are willing to comply with whatever the state requires of them.

Chairman Everett asked if there would be a lot of soil movement to flatten the pastures for the tennis courts. Mr. Vamvas provided a TOPO map from their surveyor and stated they would be providing a more detailed map in the future of the parcel and where they are grading. The board reviewed the map. The driveway is paved and the horse paddocks are where the tennis courts will go because they are already flat and will require less grading. The outdoor riding arena, which is already flat, will be court #1. Mr. Khosrova asked with concern of excavation trucks and traffic on the road, if they would anticipate significant cuts and fills. Mr. Vamvas replied that they likely would not need a lot of fill or expect much to be sent out and there may be six foot of cut if at all. Ms. Dougherty stated that the riding arena was constructed a few years ago by Freeman excavating. It has a heavy sub base of gravel, stone dust and fabric with sand so it is solid. Mr. Khosrova asked if there were horses on site now and the owner replied no and stated that the property has been vacant on and off for four years. Attorney Howard stated on the map that Phase one will have four courts and the pool and Phase two will have two additional courts which will be located next to the house. In connection with the expanded dormitory, work will need to be done on the septic system.

According to Mr. Howard, the primary structure is phase one and that "the beauty of this particular property is that there are no large structures that need to be constructed other than the courts and the swimming pool and handling waste water." Mr. Howard stated that no other large structures need to be built other than the courts and the pool. Chairman Everett stated that it would be helpful to have conceptual floor plans to show what the buildings will look like. "The interior floor plan to some extent of the building often drives what happens on the exterior," and where the doors, the septic, etc. are located. Mr. Khosrova inquired about fire exits and will the house need double ingress and egress exits. Any construction taking place in the buildings and to the extent it becomes dorm space especially if it is whatever the NYS building code requires is what will take place according to Mr. Howard. Mr. Henkel asked that if the state had rules regarding pools and pool safety and Mr. Howard stated that this is outlined in the NYS Health Camp plan and they plan to comply with what the state requires. Mr. Leary asked about handicap accessibility. The applicants will check to see if this is required. Chairman Everett then asked for copies of the Engineer's report, and the septic and water reports once they are ready. Mr. Vamvas said all changes here are preliminary and they are planning on expanding the septic. The septic is located now right outside the residence and the second one is near the stable. The soil test hasn't been done yet. The current owner, Ms. Dougherty, explained that the testing has all been done within the last two years because a subdivision was done recently. The property use to be 90 acres. Chairman Everett says the ZBA will need updated septic plans and any other upgrades that have been

done to make sure the septic can support the number of people that will be there. If there is over 1000 gallons of discharge, a permit will be needed. Mr. Khosrova asked if there are wetland issues and Mr. Vamvas stated that there aren't wetlands, both of the ponds are man-made.

Chairman Everett asked if there would be any public events held and if bleachers or stands would be on site if parents/families were to come for a "parent's day". The applicant replied that there are no plans for this. Mr. Henkel asked about fundraisers being held at the property. Mr. Slone replied that almost none would take place. He said most of the fundraisers will be held out of town due to where his donors are located.

Chairman Everett inquired about truck deliveries for food and other supplies. Mr. Vamvas said they anticipate that the staff will go shopping themselves utilizing local stores and farms. There will be no Sysco or Ginsburg trucks delivering food and products to the camp. According to Mr. Howard, Mr. Slone plans to have a healthy nutrition program so he will utilize local sources: the CSA's, farmers markets, etc, part of the teaching component will be to utilize the local resources. Mr. Henkel asked about planning for gardens on the property. Mr. Slone replied nothing is formalized yet, that possibly in the future. Chairman Everett asked about additional lighting. There should be some concern with having 40 people living in the dorms and what the plan is for lighting and pedestrian safety issues will be addressed. Mr. Howard stated that the tennis courts will not be lit. They envision having lower level lighting similar to what one would see on a college campus between the riding arena and other buildings. The outdoor lighting will be on the buildings. According to Ms. Dougherty, there are existing security lights that go on and off with motion sensors. Chairman Everett asked for a lighting plan and also wants a map of where the trash/dumpsters will go and if it will be enclosed or not. Mr. Henkel asked if the board can visit the site rather than just a drive-by to view the site. Chairman Everett suggested setting up a meeting with the entire board for a site visit before the next meeting.

Mr. Vamvas went on to say that the other improvement that needs to be mentioned is the fact that the driveway may need to be widened at the base. It is currently 13' wide and according to code, it will need to be 20' wide for fire access. Crawford and Associates are proposing four foot strips of gravel on either side. They will also consult with the fire chief for approval. There is one spot of the driveway that is too close to the neighbor so Mr. Vamvas stated they will just move that to 8' on that one side. The driveway is paved. Chairman Everett asked if the gate will need to be replaced to accommodate the size change and Mr. Vamvas was unsure at this time if they would replace it or just remove it. Chairman Everett stated that this is something to look at and that if there will be a gate it will also need to be indicated in the plan. Mr. Khosrova stated "Obviously noise and lighting will be a concern with neighbors." He asked that the applicant to consult with the Town Highway Superintendent about whether the project would have any impacts to the dirt road. Chairman Everett asked for assurances that the transport vans are not getting parked and left and that there won't be 50 cars traveling up and down that road. It becomes much more of a traffic impact on that road. Chairman Everett asked that if the board imposed conditions to van use only and that the camp numbers don't increase from 30 to 40 people to more than that, that the applicants will not have an issue with this. Mr. Henkel stated that we need to think about when the board approves this project that the camp is going to be there for a long time and thought needs to be given about when the camp is no longer there, does it become someone else's camp or

vacant property again. Mr. Khosrova stated that a construction time frame is needed, how many hours per day, what days of the week and times of the year and hours that are reasonable in consideration with neighbors. He stated that we are in a rural area and that there are good professionals here that can help create the time frame.

Chairman Everett stated that there is a list of concerns from the neighbors and suggested that the planners respond to them in writing and that they be available for the next meeting. He said that the proposal will be reviewed by our town engineer and attorney. He stated that Mr. Slone will be required to post Escrow. The applicant will have to pay for the town to review the application so that the taxpayers do not pay for this. Mr. Vamvas said that copies have already been sent to the Town Engineer, Paul McCreery. Chairman Everett asked the Town Attorney what he recommended for escrow. Attorney Rappleyea recommended \$5k to \$7500 for escrow for both the attorney and the engineer fees that may be incurred. Chairman Everett then explained the escrow process to the applicant and that bills are generated and paid out of the escrow. Any money left in escrow will be returned to the applicant. If the money runs out, more will have to be put in by the applicant. Attorney Rappleyea will send the escrow agreement to the applicant's attorney, Mr. Howard.

Attorney Rappleyea asked that Mr. Slone also consider serving kids not just from NYC/Boston areas but from our local area, too. Mr. Slone replied that they would like kids to be from this area as well that attend the camp. It is not a specific city program. Mr. Henkel asked if there would be daily attendees rather than just overnight attendees. Mr. Slone replied that there is a limited amount of space and that this will be an overnight camp. They have no problem limiting the numbers. Mr. Leary asked how the kids would be recruited. Mr. Slone explained that there are tennis programs all over the country and this camp is for kids that already play tennis. He went on to explain that there are sponsored free tennis clinics for kids and his group would approach those tennis teachers to recruit kids as well as look to guidance counselors from their schools for recommendations. The goal is not to make the kids professionals but to take good kids that are financially challenged who have a passion for tennis and give them this opportunity to help them realize their talent. The community service piece is a big part of this camp and he would like the kids to come back as staffers/volunteers in the future.

Chairman Everett recommended that the ZBA be the lead agency to this project. Mr. Khosrova asked if that would be agreeable to the planning board. Marilyn Cohen, Planning Chairperson was in attendance and was agreeable to this suggestion.

A Motion for the ZBA indicating its intent to be made lead agency and circulate for coordinated review was made by Chairman Everett, Mr. Jablonka seconded, the motion carried. He asked that Attorney Rappleyea to send out notice to all the agencies affected by this motion.

Ms. Dougherty stated that this is a very positive plan for the property as it is currently vacant and a lot of upkeep and she doesn't live nearby the property. According to her, previously, there was a pony club, horse boarding and a lot of horse trailers going in and out of the property. This project would be a lot less disruptive in comparison as to what occurred there in the past. She stated that most of the traffic

that exists now is cars cutting over from Rock City road. Chairman Everett asked the applicants to quantify what the traffic was previously along with the owner who owned a horse farm.

Mr. Henkel asked if the applicant will need setback variances for the driveway expansion.

Chairman Everett asked the applicants about the visibility of the property and where they think it is visible from. Mr. Vamvas replied that the Powell Preserve is 1.7 miles away and that it should not pose any impact on the view from there. The tennis courts which will have fencing have been sited so to not impact the view from private properties. Chairman Everett said the ZBA is only concerned about views from public viewing properties such as the roads and the Powell Preserve.

Chairman Everett asked the applicants what is the expectation level in terms of noise. Mr. Howard explained that there won't be heavy equipment operating or engaged in any sound that would produce 90 DB. He went on to say that based on where the site is located, there is not going to be a noise issue. Looking at the town code and analyzing the code, Mr. Howard asked "is this special use request more obtrusive than what is already permitted?" He went on to state that in review of the permitted uses, that tennis courts among many other things are a permitted use within the Town. "There are a litany of things permitted, and the idea of 8 weeks over the year on a large piece of property and centrally located on the property...the east has dense woods and remote areas and a use that yes, kids hitting a tennis ball and some matches going on."

Concerning the DEC Noise Mitigation policy and the increase of 6 DBA over Ambient Noise Conditions, Chairman Everett and the board are looking to the engineers to look at where the noise levels fit within this DEC guidance. He asked that they look at this and give their input on it. And our engineer will take a look at it wanting to know where the noise levels would fit in with the DEC Guidelines. Attorney Howard stated, "At the end of the day, these are tennis ball being hit with tennis racquets."

Regarding the circulating lead agency, Howard asked if the board typically send the notices to the fire and rescue squad. Chairman Everett said that this is not typically required.

In closing, Mr. Slone stressed that they are not looking to be all alone on this property. This camp can be something that can be part of the community. Mr. Slone does not want to do anything to disturb the community. His goal is to be respectful of the community and the neighbors. Chairman Everett suggested that in the next month Mr. Slone visit with the neighbors and talk to them about their concerns. Mr. Khosrova stated that based on experience a lot of issues with applications are because of things not known. He stated that it's imperative to get as much info out there as soon as possible. The ZBA is here to make sure all bases are covered for Mr. Slone's protection as well as the Town's, which is why the board is requiring so much information about the project. All information can be submitted up to 10 days before the next meeting. A public hearing may be schedule then or in two months.

All documents are available to the public as it is available under Freedom of Information Law. Ms. Dougherty then asked if there would be any reason that the application would be denied. Chairman Everett replied that he could not answer this question at this time because all the information isn't in yet. There could be questions that the ZBA hasn't asked yet and questions the neighbors may have.

Chairman Everett asked for a motion to adjourn the meeting at 9:40 PM, Kary Jablonka made the motion to adjourn, Jeffrey Lick seconded and the motion carried.

David Everett, Chairman

Respectfully Submitted by Shari Franks, ZBA Clerk
September 15, 2014