

**TOWN OF CHATHAM
MEETING MINUTES October 23, 2014**

**ZONING BOARD OF APPEALS
FINAL COPY**

MEMBERS PRESENT: **Absent:** Kary Jablonka-Notified

Chairman David Everett
Vice Chairman Mitchel Khosrova
JP Henkel
Robert Leary
Jeff Lick
Adrian Ooms
Tal Rappleyea, Town Attorney
Paul McCreary, PE, Morris Associates
Donna Staron, PB Deputy Chair

PUBLIC PRESENT: Adam Slone, Nicholas Vamvas of Crawford & Associates, Simone & Mahlon Richards, John Wapner, Linda Ziskind, Karen Murphy, Robert Pulver, Amy & Jody Boll, Cynthia Bobsiene, Jim Johnson, Arthur Shaw, Robert Pietkiewicz, Chief of Tri-Village Fire Department

The Pledge of Allegiance was recited at 7:00 PM. Vice Chairman Mitchell Khosrova opened the meeting at 7:01 PM (in lieu of Chairman Everett would be late to the meeting) and announced two minor adjustments to the minutes from the September meeting. A motion was made to accept the minutes as amended by Jeffrey Lick, seconded by Bob Leary, all board members were in favor and the motion was carried.

***Life Serve Youth Foundation Tennis Camp Application 206 Thomas Rd., Old Chatham, NY-
Informational Only***

Deputy Chairman Khosrova then explained that the evening's meeting was not a public hearing, only for the applicant to present information to the board and that the audience would have to keep comments to themselves at this point. Correspondence was received from Region 4 NYS DEC dated Oct 2, 2014 stating that they have approved the Zoning Board's request to act as lead agency for SEQR purposes in the Life Serve Youth Foundation Tennis Camp project. Mr. Khosrova stated that the board has received two emails from the Thomas Road Conservation Alliance, unsigned and dated Oct 23, 2014, copies on file. He also stated that a letter was received from Morris Associates dated Oct. 23, 2014 and explained that he was not reading it aloud for two reasons: a copy was distributed to the members of the audience and Paul McCreary, PE, Senior Engineer at Morris and Associates, who was present would speak to the letter.

Mr. Khosrova confirmed that the board received all submitted documentation from the applicant which contains surveys, topo's, text, letters, and a CD of the project. All of this is part of the record and certainly accessible to the public at the Chatham Town Hall.

Nick Vamvas of Crawford and Associates entered into record that he was able to meet with the Tri-Village Fire Company Chief on October 18, 2014 to discuss the driveway access. Mr. Khosrova stated we should note that the applicant invited both Planning and Zoning boards, as well as the Fire Department to do an inspection of the property the same day. Mr. Khosrova stated that no decisions, opinions or discussions were made about the project and he went on to say that it was personally better to see the property in person to get a better idea of the layout and see the neighboring properties. The tour began at 8:30 AM with the group walking the premises and visiting every building on the survey. They also saw where the sewer and water treatment will be located. Attorney Rappleyea stated that this is a typical process for the board to do and was not a board meeting it was strictly a site visit.

Mr. Khosrova then read the letter received from the Robert Pietkiewicz, Chief of the Tri-Village Fire Company stating that he had met with Mr. Vamvas and he gave his approval for the expansion of the driveway from 13 feet to 20 feet for widening of the driveway. The letter is on file.

Mr. Vamvas of Crawford and Associates then spoke. He said that the goal for this meeting is to provide whatever it is the board thinks is needed to set a public hearing and to see if there is anything else the board will require. Mr. Khosrova asked in Mr. Vamvas' opinion is there anything else that the board doesn't have. In Mr. Vamvas' opinion the answer was no, he believes they have submitted everything that was required. Mr. Vamvas said he had spoken with the Columbia County Department of Health (CCDOH) regarding the lighting plan that the board asked for on the property and he was told that there are no guidelines for lighting, other than they only require lighting over egress points. Mr. Vamvas indicated that this already exists. Therefore, because they are not adding any lighting, there is no lighting plan at this time. Mr. Khosrova asked about the SWPPP and Mr. Vamvas replied one was generated and is included on the disc that was submitted to the board. According to Mr. Vamvas the SWPPP is preliminary and there is feasibility and plenty of space to put in ponds and gardens to treat runoff as needed. That will be finalized a bit later with the planning board. Mr. Vamvas stated that Mr. McCreary's eyes will be needed on everything before it's finalized with DEC. Mr. Khosrova asked Mr. McCreary if a public hearing could be held without the SWPPP being finalized. He responded that it could, but there are other things that need to be developed in between.

Mr. Khosrova turned the floor over to Mr. McCreary. According to Mr. McCreary, Crawford & Associates delivered the applicant's informational packet to them. He stated that in looking through all of the information, his firm has made decisions of what to review now versus what to review later. Copies of Morris Associates letter to the ZBA was distributed to the audience. The project itself needs more information to deal with the SWPPP and there are potentially some revisions that the CCDOH may ask for. Mr. McCreary feels the applicant needs to have a consultation with the health department so they can nail down things with regarding the soil and septic system. Sizing and deep tests with percolation rates and soil structure is as needed for whatever system they install.

At 7:15 PM, Chairman Everett arrived at the meeting and Mr. Khosrova turned over the chairing duties to him.

For the first item, Mr. McCreary talked about the proposed **swimming pool** for the site. He stated that pools have a need for a filtration system and they need to be back washed. Traditionally for an area such as Chatham it would be placed in an in ground system. According to Mr. McCreary, this can't be added to the proposed wastewater system that is on site because the elements that compose the back wash of a pool will have a poor impact on the performance of the onsite septic system. It will have to be disposed of sub surface and be separate from the waste water system. This is one item that will have to change for the site in the plan and will have impact to the SWPPP. He stated that he did not know at this time what type of system the CCDOH will recommend with regard to the on-site septic system so it might be larger than they are anticipating and this too, will have an effect on the development of the SWPPP. Providing all the measures onsite to deal with storm water pollution prevention, it was Mr. McCreary's recommendation that they have a discussion with CCDOH to move that design along a little bit further (doesn't have to be 100% design change) so that #1, they are on the same page and #2, they know what systems have to go in and they can move on from there. Work with the CCDOH would give him and the zoning board more information of what systems can be put in place before the SWPPP is done. Mr. McCreary said he doesn't want to spend more of the applicant's money without knowing some more info.

Mr. McCreary went on to say they need to know what **zone** the project is in. He asked if the ZBA feels that it meets the summer camp intent in the Town Code. The applicant does feel it meets that intent as noted in the Town of Chatham's code. Chairman Everett stated the building inspector has made that determination. Attorney Rappleyea stated that unless there is an appeal of that determination this is already done.

Mr. McCreary spoke to item #3 from his list, the **driveway** to the property. This item has to do with the applicant's desire to create a fire apparatus access road with this driveway, per Chapter 5 section 503 of 2010 Fire Code of NYS. Mr. McCreary said that will need some discussion in his mind. He stated that when you deal with a new project, the fire code no doubt gets applied. When you have a modification to an existing site as the applicant is proposing, as a use item, they are dealing with one building and converting it from a riding arena to dorms and an indoor tennis court and obviously a use change for that building, but not a new structure. So the code is vague with the need to have a fire apparatus access road. He stated in his opinion that based on the use for those eight weeks out of the year given that there are younger kids involved in a dormitory, it is prudent that there be something approaching a fire apparatus access road. There are various things in the fire code that allow the fire department to make decisions that would be different from the code. One example is that it's a 10 % maximum vertical rise or drop in the roadway itself and there are times that you exceed that 10% grade. According to Mr. McCreary, the code gives the ability of the local fire department to quote "rule on that" and come up with an approval they are acceptable of and approve that as such. It is Morris Associates recommendation that the fire company be consulted given the discretion to change that or not. He mentioned the letter received from the fire department that approves the modified driveway. The letter doesn't specifically mention the grade. For the record Mr. Khosrova asked the Chief (Robert Pietkiewicz who was in the audience) if the driveway includes the grade and it is approved by the fire dept. His reply was yes. Bob Leary asked for clarification on the width of the driveway. It has to be 20 feet wide per the engineer. Chairman Everett asked if Mr. McCreary had a section of the code that he is relying on for the 20 feet and Mr. McCreary referred again to the code, chapter 5, section 503 of 2010 NYS Fire Code. Chairman Everett asked that the Town Attorney look over this fire code and give some citations to be sure that he agrees with this determination. Mr. McCreary noted that is standard practice that the board can consult with NYS Department of State Division of Building Standards and Codes in dealing with code issues. Mr. Henkel asked the Chairman if it would be appropriate to have the grade change written in the letter from the Tri-Village fire chief because it is not mentioned in the original letter. They deferred to Mr. Robert Pietkiewicz who was in the audience and he again confirmed the grade approval. He will submit a revised letter to the ZBA.

With regard to the next item, the **visual assessment**, Mr. McCreary stated that the applicant has provided view shed drawings of local importance. With regard to the view shed from the Taconic State Parkway, Mr. McCreary said that it is doubtful that the property will be completely hidden from the selected areas depending on the type of foliage in the area. The features are relatively flat that are proposed on the site. He mentioned tennis courts, pool, grading for various items in terms of impact and stated that the view won't be more than what one would see at a residential home. One will see the tennis courts and pool on this site and potentially, one would see those same features in a residential home. The board might consider that one may have a higher level of view from adjacent neighbors, so there may have opportunity to plant trees that could break up the view. It would enhance the appearance of the site and lend some character to the property. Chairman Everett asked if Mr. McCreary actually thought he would actually see the courts and the pool from the Taconic State Parkway and his reply was that yes, you could probably see some of it at different times of the year.

Attorney Rappleyea spoke that there was an argument from the Thomas Road Alliance's second letter requesting a reclamation bond. He stated that the property could potentially be "blight" if the project fails. He said that the board could require that there be some sort of reclamation clause for the courts or some other cause for approval. He did state, however, that he did not know what "a blight" would be.

In reference to the **Storm Water Pollution Prevention Plan**, Mr. McCreary stated that this was not reviewed yet by his firm. He said that more information is required to review this process once the project has moved further along.

In his review of the **online mapping information**, there seems to be no streams or wetlands on the site.

The next item Mr. McCreary addressed was the **traffic and noise** concern. According to him, for what the applicant is proposing with regard to staff arrival and camp trips over the eight weeks that camp is in session, the total trip generation seems minimal; there will not be a large number of vehicles. He explained that he is "sort of ignoring" the analysis of the previous use of the site because he wants to understand what the actual traffic will be and not what had happened historically. It would be different if the property went from a shopping mall to a shopping mall. This number does not seem to be a dramatic impact. This of course is contingent upon no truck or trailer traffic and no parental drop off, just limited excursions with campers and tennis professional arrival and departure. The board has to entertain this. Based on the applicant's letter stating that parents wouldn't be coming to the camp, Chairman Everett asked the applicant if it would be "realistic" to expect that no parents drive their kids to the camp, citing that there could be kids who live locally whose parents could potentially drive them to check out the camp itself. Mr. Slone replied that if there are people in this region that want to come, they would drive there. Chairman Everett explained that maybe additional analysis would be needed and he asked Mr. McCreary what he thought about additional analysis. He replied that it's a board decision. Mr. Vamvas responded that this would be hard to quantify, they don't know this answer right now. There could be parents who may drop their children off but when they first started this was ideally for kids who were coming from cities and transported by train or bus. Mr. Henkel then asked if a child didn't want to spend the night would that be possible, and the applicant replied no, that this is an overnight camp. Mr. Henkel asked how many trips there could be because the kids could be coming on a variety of trains. Mr. Slone replied that they plan to keep this organized and that they pretty much feel that they could have the kids on the same travel schedule. Mr. Henkel asked if their organization would be coordinating the transporting and the reply was yes. Mr. Lick asked if a counselor will be there to get the children from the train or plane and the reply was yes. Mr. Vamvas explained that the foundation would be providing for the transportation and therefore can dictate how the arrival times work and the foundation will use the vans to pick up the kids from various places. Mr. Henkel said he would like to see that in the travel plan.

Mr. McCreary then spoke to the **Noise** impact. Thirty campers ages 10 to 17 will generate noise at the pool, tennis courts and non-tennis/pool times. As the board knows, noise in rural areas is always a concern. Rural areas during the day can be as quiet as 40 decibels and as noisy as 90 depending on the activities going on in the area. He referred to the Taconic State Parkway and local roadways which is a noise generator, as is farming, and it depends on the proximity to the source. The noise that will be generated from the tennis courts will be the noise of playing tennis, ball strikes, sneaker squeaks, exclamations of victory or defeat, plus vocal sounds from instructors. While tennis is not normally a noisy sport Mr. McCreary would expect noise levels greater than ambient. Being given that normal conversation noise is around 60 decibels, the sounds from tennis courts could reach 70 decibels. This

does not come close to exceeding the established law of 90 decibels that is in the Chatham Town code. Noise will be heard but in Morris Associate's opinion it will not exceed limits by code, according to Mr. McCreary. He then asked if there would be loud speakers. Chairman Everett said this was indicated at the last meeting and the answer was no. He then asked Mr. McCreary if he had seen the noise evaluation that Crawford conducted, he replied yes. Having played tennis himself, Mr. McCreary thinks the noise levels are low with regard to what they measured at the ICC school courts. Chairman Everett asked why he thought they are low. According to Mr. McCreary, the 48 decibels measured at the school is low in comparison to the 45 that generally exists for a quiet rural community. He thinks it will be higher. Chairman Everett asked if he is projecting a 10 decibel level increase over ambient. Mr. McCreary replied that it was certainly possible. Chairman Everett asked the town engineer to clarify ambient because according to the noise mitigation policy anything over six is considered potentially significant and if that is the case a lot more evaluation will have to be done. Mr. McCreary then said that the town code has the limit of 90 and he doesn't feel the camp will reach that. Chairman Everett stated that they have relied on the noise mitigation policy in the past to guide the board in conducting the SEQR evaluation. Given what Mr. McCreary just stated he asked the ZBA members their opinion. Mr. Khosrova asked Mr. McCreary what his basis was for his information and asked him how the measurements were taken for the testing. Mr. McCreary replied he knew nothing of the circumstance of how the testing was done at the school other than they went to the site and took measurements. Chairman Everett stated that this information was provided. Mr. Vamvas was not involved in the testing but it was done by another associate at Crawford. It was conducted at the Ichabod Central School tennis courts with nine players. Mr. Henkel stated that he's a school teacher and knows how loud 30 children can be. He is not as concerned about kids on a tennis court, but is more concerned about 30 kids in a pool. He would like to see that addressed in the plan. Mr. Khosrova asked if the kids would all be in the pool all at once. Mr. Vamvas stated that the pool wouldn't be big enough for all the kids at once. Mr. Khosrova asked Mr. Vamvas how many kids will be on the courts, would it be 12 or 30 playing tennis and cheering on players. Mr. McCreary, thinking of what the possibility could be, replied that he believes that there will be 30 kids altogether. Chairman Everett stated that the engineers need to get together to compile more data in accordance with DEC mitigation policy. He told Mr. McCreary that he didn't think Mr. McCreary would find a 10 decibel increase over ambient and believed that it's a pretty significant increase. It's almost twice over what the DEC requires over the evaluation of mitigation. He stated that whatever the worst case scenario for noise is, the board has to evaluate it at that. Chairman Everett concurred with Mr. McCreary that if there are 30 kids and counselors altogether that more testing should be done. The chairman stated that this is done the same way on all the other projects where noise is a potential issue and the ZBA needs to develop that testing protocol that is appropriate and go out and implement it. It may require additional testing at ICC or other places where multiple courts exist. The board is in agreement.

Mr. Slone asked if there were any outdoor public pools in the area. He found that Crellin Park could be utilized for swimming and he is okay with not having a pool. Chairman Everett explained that the pool is not the issue it is the issue of having 30 or 40 people congregating in an area. Mr. Slone stated that tennis is not that loud. Mr. Henkel reiterated that the Chairman's point is to create the worst possible scenario. Chairman Everett asked the town attorney what he recommended. Mr. Rappleyea hasn't found anything objectionable, that the protocol needs to be developed. Mr. Khosrova asked Mr. McCreary to speak with Crawford Associates and come up with some sort of agreement on re-testing. Mr. Vamvas then referenced to Code 180-44 Zoning law and read it aloud. He referred to the fact that Mr. McCreary had said that farming is noisy and that farming is allowed currently on this property. Mr. Vamvas said we could agree that this camp isn't going to be louder than farming. Chairman Everett replied that it's a tough issue and Mr. Henkel stated not everyone can agree with Mr. Vamvas'

assessment. Chairman Everett stated that during the summertime farming is done at different times, for a short period of time and the board has had the same arguments with other projects. Mr. Henkel stated the ZBA needs to have the data to make the decision. Attorney Rappleyea stated that the record must be complete and whatever decision the ZBA makes has a rational basis for and what they have in the record is developed by Crawford and Morris Associates as far as the supporting documentation. Mr. Everett said then that there are two engineers coming from two different directions on this that need to get on the same page, the data needs to be thorough. Chairman Everett stated that they may come to the conclusion that the ambient testing is fine as it is, but the applicant will need to go out and find similar situations to compare to. Mr. Vamvas asked Mr. McCreary if he had an issue with the ambient being the average 46.6 at which Mr. McCreary said is reasonable for that area.

For the final item on his list, Mr. McCreary addressed the **gate entry** to the premises and Knox box. There is a gate per Mr. Vamvas but the gate is not locked. Mr. Henkel asked the width of the gate. The width only needs to be 12 ft. according to meet fire code per Mr. Vamvas. He then showed a map of it, and they can add more details on the next map. Dave asked for details on a replacement gate, but Mr. Vamvas said the gate is already there and they are not replacing it, so there is no need to change it. Mr. Henkel stated the logic of the fire code is that a fire truck can get passed a parked car.

Chairman Everett asked if well number one on the map was in the middle of the driveway. Mr. Vamvas stated that it is and buried with a water tight cap over it. Chairman Everett asked if that is permissible for a community water supply. According to Mr. Vamvas per CCDOH, because the camp is only operating for 56 days it will not be public water supply. Because it's not a public water supply it is permissible. Chairman Everett asked if they have to worry about wellhead protection zones due to the buildings on site and asked if the CCDOH will let them leave the well there. Mr. Vamvas replied that it can stay and that the CCDOH was fine with the location of the wells. He indicated that he had met with the health department that day of the meeting. He showed them the survey and the proposed plan. Mr. Vamvas said that his firm doesn't have enough information yet to get the permits from DOH but he indicated that DOH is fine with what Crawford has supplied so far. Chairman Everett asked if DOH had no issue at all with all the buildings in the wellhead protection zone. According to Mr. Vamvas said there are no sources of contamination in the wellhead areas. He then displayed the map showing the wells and that they meet the offsets, 50 to 100 feet to fields and sewer. This existing field is going to be banded in place and that the CCDOH would want someone to witness the disconnection of the plumbing from that field. The garbage dumpster needs to be moved as it looks to be 30 or 40 feet from the well. Mr. Slone said it is now gone, maybe the former owner had it removed, but he wasn't totally sure who removed it. There will be a new spot for the dumpster. Dave asked for an indication on the map for it once its decided and also asked if there would be a screen for it so it's out of view. Mr. Slone said there is a fenced in area where the dumpster could go and it would be well hidden from view.

Chairman Everett requested that Mr. McCreary give his opinion in writing about the wells, septic, well head protection issues, etc., in writing to the board, as the board will need to evaluate the potential of environmental impacts, so that CCDOH can make their decision.

Chairman Everett then asked another question about the onsite wells. He wanted to know if the applicant is proposing to use both wells at the same time. Mr. Vamvas' answer was "Yes." Chairman Everett asked him that when they did the 24 hour pump test did they monitor for reduction in the other well. Mr. Vamvas replied they did and there was an insignificant drop. The chairman then asked Mr. Vamvas to include this in the plan and include that the draw on one well will not have an adverse impact on the other. Mr. Everett also requested information for the record of how close the closest existing

offsite well is to the neighbors so it is documented that the neighbors wells are far enough away. The town attorney confirmed that the nearest well is over 300 feet away and outside any zone where there is any impact.

Chairman Everett then spoke about fire suppression and asked if there was a dry hydrant on site. Mr. Vamvas stated there isn't one. Mr. Khosrova asked the Fire Chief Pietkiewicz to go on record with his opinion of fire suppression for this project. The chief stated that there's a sizable pond on site in the middle of a field. He explained that ponds are typically only accessible 5 or 6 months out of the year. He stated that a dry hydrant isn't going to cure any problems in that scenario which is no different than 99% of the homes the fire departments deal with now. Water would need to be trucked in hence the need for the 20ft. wide driveway where two trucks can pass easily. The trucks carry 5000 gals with foam suppressant. Chairman Everett confirmed that they don't need any additional water suppression. According to the fire chief without a change in the buildings the way they are now this is not any different than what they have dealt with on this property in the past. The chief spoke that EMS is equipped to deal with any emergencies especially during the summertime.

The ZBA next discussed whether a financial business plan should be requested to determine the financial viability of the project, but decided after some discussion that such a plan would not be requested because the board does not have authority to require the submission of such a plan and the plan may be subject to foil. Mr. Khosrova personally did not want to pursue requesting the financial information. He went on to say that if this project fails, then we leave structures that were built for the purpose of the business. "We are talking about only building tennis courts. All the other structures are already there. We have someone who has told us he is putting up his own resources...This isn't a huge mall that we are worried about urban blight." Mr. Leary stated he would like to see a reclamation policy that could give some comfort to the project. Mr. Khosrova stated again that he is not personally worried about urban blight with reference to where the tennis courts will actually be located on the property. A final determination by the board was not reached as whether or not to require a reclamation bond.

Mr. Slone spoke that he is very prepared to put the program together if the fundraising didn't come through and run it on his own for a significant period of time.

Mr. Henkel wanted to know why day camp hydraulic low grades were referred to within the sewage treatment section of the plan, referring to the fact that this camp is an overnight camp. Mr. Vamvas replied that this was all the state had available for reference. He had spoken with someone at DEC and he was told to use those day camp numbers for his report. Mr. Henkel then asked about audience seating indoors and outdoors and the answer from the applicant was "No." He then stated that the van plan seems optimistic. The applicant replied that there will be two passenger vans and a large SUV to transport staff and children.

Mr. Henkel then referred to the hill where the tennis courts are being cut into and asked if there will be retaining walls. Mr. Vamvas doesn't believe they will need retaining walls, they will cut and fill and grade it. Mr. Henkel felt that the ten foot drop between two of the courts seemed pretty steep. Mr. Vamvas stated he doesn't believe they will need a retaining wall there, just grass to reclaim that area or some hay matting. This will be covered in the SWPPP. Mr. Henkel inquired about fencing if it is 10 foot chain link and the answer was "Yes." The board asked if a variance for the fencing would be needed. The board asked Attorney Rappleyea to look into this. Mr. Henkel asked about the color of the fencing

and Mr. Slone said he would use whatever the board thinks is appropriate. It was recommended that black is the appropriate color choice as it can visually blend in to the landscape.

Chairman Everett asked if there would be enough fill for the property. Mr. Vamvas replied there should be enough on the property and that they will cut out fill for the pool if he goes ahead with the pool plan and then for the rain gardens. Any fill needed will be pulled from the property and there are no plans for offsite fill at this time. Mr. McCreary stated that crushed gravel will need to be brought for the base of the tennis courts. To be sure there won't be other delivery trucks, the chairman asked Mr. Vamvas to quantify how many trucks would be coming in and how often with fill, propane delivery and garbage removal. The propane delivery truck has been delivering all along to the property.

Chairman Everett stated that at the last meeting the board asked for a chart with all that the NYS DOH requires for a camp but it was not provided by Crawford. He went on to say that he wants to see how the applicant will comply with the laundry list of what the DOH requires. Mr. Vamvas said that he misunderstood the request and provided a template, but not a list of how they will comply with each item. Discussion continued about the ZBA being the lead agency for the SEQR and that it is important that the human health and safety issues are addressed. The SEQR can be approved providing that the DOH permit is complied with. The town attorney replied that the most efficient way is for the applicant to handle the DOH permit application is to answer all the questions and provide the ZBA with a copy of how they intend to comply with DOH code. Chairman Everett suggested that Mr. McCreary review the DOH Sanitary Code with the applicant and pull out the SEQR issues. Mr. McCreary stated that it is more appropriate for the applicant to do the list, and then he would attend the DOH meeting with them and formulate the list that will pertain to the SEQR. Chairman Everett explained that this is a critical permit in the whole project. Mr. Slone inquired if he could ask someone on the board to review this document prior to the next ZBA meeting and Chairman Everett replied that Mr. McCreary can do that for him. Mr. Khosrova commented that the applicant is paying for him to do this.

Chairman Everett asked for some conceptual floor plans to see how the buildings are laid out. Mr. Vamvas provided a copy. Mr. Khosrova then asked if they had made a final floor plan since there were things they were unsure of. Mr. Vamvas replied that they do not have final floor plans yet, there are things that need to be confirmed with DOH first and there are still changes that need to be made. The Chairman explained that the ZBA needs just the conceptual items. Mr. Khosrova asked about the where the staff would stay, etc. When that is decided, the ZBA needs to know that. Mr. Henkel stated that some staff would need to stay with the kids. Chairman Everett asked Mr. Vamvas if he needed to provide the size of the rooms to the DOH. Mr. Vamvas stated that because they haven't received the permit yet from the ZBA they have not moved forward with the design of the buildings. Chairman Everett explained that in order to move forward the ZBA needs to see conceptual plans and stressed that Crawford will have to do the extra work. He went on to say that the basic things should be figured out now and that he understands why the applicant wouldn't want to put in a lot of money now without knowing if they will receive the permit, but the ZBA needs more detail. Mr. Henkel wants something from an architect, not just something drawn on paper by the applicant. Mr. Khosrova stated that while they (the ZBA) have seen the property in person, it is important to have the design on record, "what the chairman is doing is making sure that we build up the record," and that whatever decision the ZBA makes is based on the information the ZBA has. At this time Mr. Slone confirmed that the "conceptual" plan is okay with the board. Mr. Khosrova also stated that he realizes that this is not going to be the final plan.

Chairman Everett inquired as to lighting plan. Mr. Vamvas replied that there is no change in the lighting plan as they are using the existing lighting with the same wattage.

Chairman Everett asked if the ZBA wanted a draft of the safety plan and they agreed that it be left up to Mr. McCreary and Mr. Vamvas to handle in their meeting with the DOH.

Chairman Everett asked if anyone on the board had any other questions. The reply was no. He asked that Mr. Vamvas respond in writing to Mr. McCreary's comments by next meeting and he also asked if he would respond in writing to the written submission from the Thomas Road Alliance. Mr. Vamvas stated he could and would appreciate the submissions be given to them sooner than the day of the meeting. Chairman Everett asked Mr. McCreary when he could start on the SWPPP and he responded that it would be after they meet with the DOH and learn more.

Next Meeting: Mr. Khosrova asked if the applicant would be able to get the additional information to the November meeting if there is one. The information would need to be submitted ten days prior to the meeting which would happen in the middle of the month should they decide to hold one (due to the Thanksgiving holiday.) Mr. Vamvas decided the December meeting would be best. Mr. Slone will be out of town, but that is okay with him. It was decided that the **next ZBA meeting** will be held on **Monday, December 29 at 7 PM.**

There was a question from Donna Staron of the Planning Board inquiring about who will be doing the lighting on the project and asked if the original lighting was on the map. The answer was no. Chairman Everett asked if the Planning Board had any additional comments. Ms. Staron replied that the Planning Board would send a letter for the next meeting with any SEQR issues they may have.

Chairman Everett confirmed that Tal is addressing the fire issue codes. He then asked if there were any other questions or comments at this point. There were none. A motion to adjourn the meeting was made by JP Henkel. The motion was seconded by Jeff Lick, all members were in favor, and the motion was carried. Meeting adjourned at 8:40 PM.

David Everett, ZBA Chairman
November 7, 2014

Respectfully Submitted by
Shari Franks, ZBA Clerk