

VILLAGE OF CHATHAM  
ZONING BOARD OF APPEALS MEETING  
AND PUBLIC HEARING  
Tracy Memorial Hall  
77 Main Street, Chatham, NY 12037  
September 16, 2021  
7:00pm

MINUTES

**Call to Order:** Chairman S. Piazza opened the meeting at 7:03 PM

**Present:** Chairman S. Piazza, ZBA Board members M. Washburn, R. O'Mara-Garcia, E. Wagner; Village Building Inspector/Codes Enforcement E. Reis; Village Attorney K. Dow; Village Clerk D. Kelleher; ZBA Secretary A. Formel; Applicant C. Lindberg with Taconic Engineering, Architect J. Merker; Applicant A. Gaylord; Residents R. VanAlstyne, F. Iaconetti.

**Public Hearing**

The Public Hearing was opened for **45-48 Main Street (Crandell Theatre)**. The application (#2021-116) is to replace and increase the size of the present marquee. Mr. Lindberg, Taconic Engineering presented for the applicant. The theatre is being extensively renovated including new sound, concession area, seating and more. The marquee will be updated and incorporate modern technology using LED lights in newer type equipment. The marquee will replicate the original as closely as possible. The original marquee was constructed in the 1930's, the present marquee in the 1960's. The existing marquee is non-conforming and modification of it requires a variance.

They are seeking a variance from the existing size restriction to larger. Abutter notifications were sent by certified mail. The cards with return receipts were handed to the Chairman. Main Street is a NYS road. As per a letter to Taconic Engineering from NYS Dept. of Transportation, the state's right-of-way goes from curb to curb. (This is different from ZBA experience where NYSDOT claimed part of the sidewalk). Lighting concerns were discussed and the SUP narrative for the Planning Board was shared with the ZBA. Although the image on the marquee screen can be anything seen on a computer screen, the intention is to be black letters on a white background, replicating the original movie marquee. Chairman Piazza asked how the lighting will be regulated. Counsel Dow responded it will be limited to what is approved. Conditions can be set and restrictions can be put to limit hours used, flashing lights or moving images, etc., and to make it part of the approval. The chairman inquired if the lighting will 24 hours a day? No.

The chairman opened the floor to the public. Resident R. VanAlstyne inquired as to the intensity of the illumination, use of color, and stated control of the lighting is a PB issue. She would like it in the decision as a condition, not a recommendation. She suggests no approval for increased lighting, meaning no use of uncontrolled technology. Ms. R. VanAlstyne finished by asking if the lights will impact the apartments in the immediate vicinity and if the lights will be shut off at night.

Mr. Iaconetti asked what is the difference between a marquee and a sign? Is this really an increase in signage and not a variance for an existing marquis? Presently 30 sq. ft. of signage is allowed for a business.

There being no other comments from the public, *Chairman Piazza made a motion to close the Public Hearing. The motion was seconded by R. O'Mara-Garcia, and carried unanimously.*

The ZB the reviewed the Short Environmental Assessment Form (SEQR), which was completed by applicant, and each point discussed by the Board with input from Village Attorney K. Dow. *Member O'Mara-Garcia made a motion that the Marquis replacement would not have a negative impact on the environment. The motion was seconded by Member Washburn and carried unanimously.*

Mr. Lindberg stated the expansion as represented on the plans submitted 8/30/21, which include the facades, has restricted lumens to existing. The increase in the size of the marquee facades is not relevant when gauging lumens. He will bring in an independent engineer to test the existing lumens for a frame of reference for future enforceable limitations. He continued that the Theatre Board intends to monitor presentation on the marquee, to keep it as is, stay as close to current as possible. They want to protect the Historic Zone.

***Attorney K. Dow suggested the phrasing, and Chairman Piazza made a motion to approve the area variances to allow increased size of the Crandell marquee and corresponding increase in area of signage on such marquee, as indicated on submitted plans dated 08/30/21. Such approval to be granted upon condition that the frequency of the changing imagery or text on LED signage shall not be more than once per five minutes. Seconded by M. Wagner, carried unanimously.***

F. Iaconetti requests the ZBA write to the PB to share Chairman Piazza's comments on this project.

#### **New Business**

--Application #2021-122; Tax Map #66.9-2-33/34; **16 Maiden Lane**, Chatham, NY 12037; Section 110-26B, Variance for 8' fence, was **tabled to next month**. Applicant not present.

--Application # 2021-047: Tax Map#66.10-1-35; **35 Main Street**, Chatham, NY 12037, North side; Section 110-49, for an area variance to add historically significant artwork/sign to the north façade of the building.

The sign will be 8'x12', and be a replica of the logo used by the original business adding historical significance and be esthetically more pleasing than a brick wall. It will be positioned or located 4' from the top, and 4' from the right.

Counsel Dow stated it is not undesirable, not detrimental and not adverse. R. O'Mara-Garcia suggested adding the historic date of Brown's. The application will need a Public Hearing at next ZBA meeting, and will need to go to Village Planning Board and CCPB for historical review. Application **tabled** for Public Hearing.

#### **Approval of Minutes**

Chairman Piazza asked if the minutes of the August 19, 2021 meeting had been read and if there were any changes. There being none, *a motion to approve the minutes as is, was made by Member M. Washburn, seconded by Member R. O'Mara-Garcia, and passed unanimously.*

Respectfully submitted,

Ann F. Formel  
October 6, 2021