

Town of Hoosick Zoning Board
February 2, 2015 Minutes
Hathaway's Drive Inn Public Hearing

Present: Joe MacDonald, Jerry McCauliff, Andy Beaty

The meeting was called to order at 7 P.M. by Joe MacDonald with the Pledge of Allegiance.

Public hearing opened for Hathaway's Drive Inn application.

Duane Greenwalt provided description of the project relating to his proposal to construct a second movie screen at the Drive Inn. He described how the project has been modified since the prior presentations to the Zoning and Planning Boards. Mr. Greenwalt provided copies of certified mail receipts and proof of hand-delivery notices mailed or delivered to adjacent property owners and a copy of the published public notice.

Denny Brownell handed up written comments and made an oral presentation based on the comments, discussing the lack of maintenance on the fence between his father's property and the Drive Inn. He expressed concern about the ambient or reflected light that might emanate from the screen when illuminated. He expressed concern about vehicle head lights shining onto his father's property, since they would be facing the new screen, in constructed. He expressed concern regarding the impact of the screen on the property values of neighbors and safety concerns raised by the potential that the screen could be blown over, as had occurred in the past in relation to the wooden screen previously present at the Drive Inn. He proposed that the new screen could be located away from the proposed site if the applicant were willing to construct an additional projection booth, which he had been told would cost \$40,000, as sum that was fair in comparison to the impact of the proposed screen on the property values and safety of his father's residence. He suggested that the Board visit his father's property to better understand the impact of the screen. Mr. Brownell subsequently showed the Board pictures on his laptop computer of the fence and proximity to the proposed screen site; he was given the opportunity to submit the pictures to the Board. He subsequently stated that the old screen had blown 3/4 of the way across the Drive Inn 15 years ago and had blown apart two other times. He stated that he like the Drive Inn; its just that the proposed screen is just too close. He stated that he was thinking of putting in solar panels and that the company he talked to told him it would have to be 25% larger if the proposed movie screen was constructed where proposed. Later, Mr. Brownell raised concerns regarding the light from the screen, particularly on foggy nights when light could be picked up by the fog and reflect into the surrounding area. He stated that car light do in fact shine through and above the fence

now and that it is likely to be worse with the new screen, since more cars will be facing his property.

Bill Johnston handed up written comments and photos showing the existing screen. He made an oral presentation as a representative of Brownells and as a citizen of the Town. He handed up a copy of the record of the proceedings before the Planning Board with pertinent parts highlighted. He cited various sections of the Land Use and Site Plan law, emphasizing the provisions regarding compatibility of a proposed project with the surrounding community. He asserted that the project now under consideration was essentially the same as the project rejected by the Planning Board. The site of the proposed screen was now closer to the Brownell residence and still had a shadow effect on the Brownell property. Mr. Johnston subsequently handed up a drawing prepared by Wiley Land Surveyor showing the extent of shadowing that would occur on June 21, the longest day.

Michelle Gorman, who resides on and owns property at 4796 and 4798 Route 67, next door to the Brownell residence. She describes the experience of herself and her husband, Steve Gorman, of noise, trespassers and trash caused by kids sneaking into and out of the Drive Inn. She handed up pictures from the sliding glass doors of her residence toward the Drive Inn, showing the current screen. She also handed up a photo from about 75 feet from the current screen, to provide an idea of the impact of the proposed screen, which will be about 150 feet from their home. She expressed concern regarding impact of the proposal on her property value and of the effect of the shadows from the screen on the Brownell's backyard garden.

Debbie Brownell requested that the Board move into the Armory Hall to observe the relative size of the proposed screen in relation to the Brownell property.

Rick Tinkham stated that he resides at 4781 Route 67, across the street from the entrance to the Drive Inn. He has experienced the Drive Inn during all its various owners over the years. He supports the proposed new screen project. He stated that the Drive Inn enhanced the property values of neighboring properties, while potential land uses that might replace the Drive Inn if it closed (low income housing, industrial, mobile home park) would negatively impact property values. He stated that he would like to see work on the fence and the marquee. He stated that the Drive Inn was weather related, so it was important that the operator be able to optimize proceeds during times when the Drive Inn could serve customers. His parent bought their place in 1963 and they have been ok with the drive inn over the years. He confirmed his opinion, as a local realtor, that the Drive Inn enhanced property values for adjacent land owners and that vegetative plantings could offset the negative impact on more distant neighbors like the Gormans.

Randy Hoffine expressed his support for the Drive Inn, stating that people love it. He stated that it was the old wooden screen that blew over and that the current screen has never blown over.

Duane Greenwalt responded, stating that his current application was a new plan and that he had moved the proposed site for the new screen closer to the Brownell residence at the request of Denny Brownell to move it away from their back yard. He stated that, without the digital conversion he is implementing, he might not have been able to stay in business. Due to the cost of this and the new screen, there wasn't money to upgrade the fence and restore the marquee. He indicated that he had contracted for the work on the marquee which should be done by May. He intended to upgrade the fence to a chain link fence with slats, but was unsure how soon he would be able to afford to do this. Regarding the shadowing effect, he referred to the shadowing analysis previously submitted that revealed that there would be no shadowing most of the time and that, in the summer when the days are longest, shadowing would only occur after 5:00 pm. He stated that there was little potential for car lights to shine past the fence, as there was very little ramping facing toward the new screen site. Regarding light from the screen, he stated that the projection would be 100% on the screen with no overshooting. Regarding the hazard of the screen blowing over, he indicated that the current screen, which is metal construction, has never blown over and that the new screen was engineered and would be certified as safe by the engineer.

The Board moved to the Armory Hall to observe the measurements by Debbie and Denny Brownell, showing the approximate size of the screen in relation to the distance from the Brownell residence.

A motion was made by Jerry McCaulliff, seconded by Andy Beaty to close public hearing, leaving the public record open for written or documentary submissions until the March meeting of the Board, all in favor, motion granted.

A motion was made by Jerry McCaulliff, seconded by Andy Beaty to adjourn the Zoning Board meeting, all in favor, motion granted.