

Calais Development Review Board
Approved Minutes September 20, 2012

Board Members Present: Margaret Bowen, Chair; Barbara Weedon, Nedene Martin, Ruth Porter, Steve Duke and Tim Scandale, Secretary

Others Present: Rolf Mueller, Zoning Administrator; Bill Blachly, David Klein, Alma Mueller, David K. Rogers, Ann O'Brien, John O'Brien, Ellie Blachly, Bruce Westcott and Caleb Pitkin.

Application 2012-14 Unadilla Theater

The appellant, Bill Blachly, was at the hearing to appeal a Notice of Violation for a new theater called second stage theater.

The DRB has collected a lot of information regarding this hearing. It was noted that while representing the applicant at the March 31 hearing regarding permit application 2012-14, Caleb Pitkin did not mention a second theater. Also, there was no mention of a second theater at the June 3 site visit. It was noted that the permit granted was not for a second theater, but for a barn and rehearsal space.

It was noted that the DRB saw advertisements in the newspaper for a second theater on the Unadilla property. The newspaper article was shown to the appellant.

The ZA stated that the appellant would need to apply for a change of use and address parking, traffic, electrical, and state permit issues in order to have a second theater.

The appellant stated that he put multi-purpose use on the application and included tractors, cattle, sheep, tools, rehearsal, costume and performance.

Mr. Pitkin stated that the appellant did not receive the conditions of the permit until he received the Notice of Violation. It was noted that the permit with all conditions was sent through certified mail with a signature of receipt from Ann O'Brien, the appellant's partner. The appellant stated that he never received the conditions of the permit. Ms. O'Brien verified that she had signed for the document when it came in the mail.

It was noted that this hearing is just for the Notice of Violation and that the permit is for a 40x70 foot barn. The DRB and ZA stated that the barn is 40x72 feet.

The DRB explained that the appellant has to deal with the Notice of Violation before applying for a second theater.

The ZA spoke about the email exchanges between him and Mr. Pitkin. Mr. Pitkin apologized for being rude.

The appellant stated that the state requirements would be challenging to meet and that he could probably not afford to meet them.

The chair invited comments from the public. Concerns were expressed about transparency and process.

It was noted that a permit would not be needed for an ADA ramp. The DRB stated that the 40x70 foot barn size could be amended on a new permit.

The chair stated that members of the DRB cannot discuss a Notice of Violation in private outside the public hearing with persons who are not on the board, not even with an attorney for an applicant. She explained that such discussion would be considered ex parte communication, which is forbidden by law. This is why emails sent to one board member were shared with all board members and telephone calls to some board members from members of the public who wanted to discuss the situation were not returned.

A written decision for the Notice of Violation hearing will be submitted soon.

There being no further business to discuss, the hearing was adjourned.

Respectfully submitted,

Tim Scandale
DRB Secretary