

Shabbos—Wednesday November 7, 2007

1. **Jeanne Champagne letter and copies of the petition**

The difficulty of this ZBA Hearing needs to be recognized.

There is a great feeling of respect for all religions by everyone I encountered—not just respect for the major religions (Buddhism, Christianity, Hinduism, Judaism, and Islam) and for all spiritual feelings whether allied to a specific religion or not.

Absolutely everyone I talked with also felt the necessity to register their support for the purpose of the Shabbos House but their opposition to its construction at 320 Fuller Road. They honor the purpose but are opposed to the site selected.

We have all learned to give respect and honor to all religions and spiritual feelings but yet most of those in the McKownville community find it necessary for the good of the community to oppose the construction of a huge religious building in a residential neighborhood where the homes are small and spaces between the houses are at a minimum.

They want to honor the purpose of the building and its users and its leaders—but not its location.

This terrible conflict was expressed by Jeanne Champagne to me. Jeanne lives at 318 Fuller Road, between the old Shabbos House and the proposed new Shabbos House.

Jeanne put it very well when she said that the proposed Shabbos House would be very much like a University building, with students and others coming in and out, with study sessions and other events attracting 200 persons or more several times a year with drop-in events daily and in addition to religious services held at least weekly there would be events on numerous other days.

She asked who has that had so many events going on next door to them with that many guests.

In looking at the schedule of events for other Chabad Houses, the schedule printed in the Albany Shabbos House brochure may be an understatement—for example the New Paltz University Chabad House—a place of about 1600 square feet for a university

about a third the enrollment of the State University at Albany--scheduled events occur nearly every day in November (give copies)

It should be of interest that the five Chabad Houses that I inquired about—the ones at the colleges at New Paltz, Binghamton, Stony Brook, Buffalo and Ann Arbor Michigan, the one proposed for Albany would be by far the largest. New Paltz was 1600 square feet and the others were in the range of 4,000 to 6,500 square feet. The one at Binghamton was just recently built and is 4660 square feet. That is, generally the Albany Shabbos House has the potential to hold larger events and more events.

There have been statements by those favoring the Shabbos House that it will have the same activities as in the present house which is less than 1700 square feet, but I never found anyone that is willing to believe that.

Ms. Champagne's point that living next to a 10,000 square foot Shabbos House would be like living next to a University building seems to be valid, with people coming throughout the day and nearly every day.

The Association, with the support of the Town, opposed a University building, about 6,000 square feet, to be located at 1257 Western Avenue several years ago. It was the former Garrison property or the infamous "Blue House". The then University President Karen Hitchcock agreed in a meeting with the Association that the house would be too much of a burden on the neighborhood, with classes and other events occurring on nearly a daily basis. I think that most people would still agree that she made the right decision.

How nearby is Ms. Champagne's property to the proposed Shabbos House—the two driveways would nearly touch, that is how nearby and the two buildings would be only somewhat more than two driveways apart. Just imagine that. Dozens of students walking past your home and up your neighbor's driveway a few feet from your home everyday and all day. As Ms. Champagne noted to me, neither the McKownville Improvement Association nor any neighbor objected to the present Shabbos House when it received permission to locate at 316 Fuller Road. The objections come not from its religious purposes but from the site.

The neighborhood objects not to the purpose of the Shabbos House but to the building site it has selected.

Now let's talk about the petition.

The petition contains 17 signatures—except for mine, all 16 of them are of residents living in 12 homes on the east side of Fuller Road and on Parkwood Street West and the end house on Parkwood Street East. Parkwood Street is the street immediately east of Fuller Road.

Those sites marked with an **X** on the map show where those who signed the petition live while the proposed site for the new Shabbos House is marked with repeated diagonal lines. I choose to take the petition only to the homes bordering or very near the proposed Shabbos House.

Every person contacted agreed to sign the petition—no one spoke in favor of the Shabbos House. There were four persons who said they were opposed to the construction of the Shabbos House but for the sake of their privacy did not sign the petition. One person looked at me through the peep hole in the door and refused to open it or answer my question about the Shabbos House. All of the neighbors who would talk to me to the north and to the south and to the east of the site are opposed to the proposed Shabbos House.

That there is overwhelming opposition from nearby neighbors to the construction of the proposed Shabbos House is without question.

Let me read to you what the petition says.

The McKownville Improvement Association, you note, was included in the petition statement. I conducted a vote of the Board members and officers. There are 13 officers and Board members—7 voted against the Shabbos House, 5 others said they were opposed but for reasons of privacy did not want to have their votes registered, and one voted in favor of the construction of the Shabbos House.

In addition, the Association has held many public meetings during the past three years and we have reported at those meetings about what is happening to the Shabbos House proposal. From time to time the Rabbi or his wife would ask to address the meeting and appeal for support for the new house—and a few people would indicate that they too would like to see the new Shabbos House constructed. But overwhelmingly, the people attending the Association meetings indicated that they were opposed to the construction of the Shabbos House—for the same reason they were opposed to the construction of the University building at 1257 Western. It was too much activity for a residential neighborhood where side yards almost do not exist. And—interestingly enough—both sites have problems with storm drainage that nearly everyone in the community is familiar with.

Too much activity for a residential neighborhood, problems with storm water drainage and, for the Shabbos site, problems with parking.

Let us talk now about the parking.

2. Parking

The Shabbos House proposes to have but 7 places for parking. And the University has again granted the Shabbos House use of the “commissary lot” for 30 spaces after 5:00 p.m. from Monday through Friday and on weekends. The Association has recently requested that the University abrogate the permission given to the Shabbos House for parking and I am told that our request is under consideration.

Each of the Chabad Houses that were contacted or the relevant assessor offices--at Ann Arbor, Binghamton, Buffalo, New Paltz and Stony Brook—uncovered that both on site and on street parking was available. The latter is not possible at the Shabbos House on Fuller Road where curbside parking is not permitted.

Using Google Earth to discover the size of the on site parking of the Chabad houses was fruitful for two sites, that in New Paltz and in Binghamton. The latter is more relevant since it is a new building and the University has nearly as much enrollment as Albany. At the Binghamton Chabad house you can see a car parked on the very wide parking apron leading to the garage. Using that car to gauge parking capacity results in an estimated capacity of 25 cars but this is for a Chabad building of 4660 square feet. And it has street parking available as well. It also has a large garage on site, according to the assessor. The assessor for Buffalo (really Amherst) site informed me that it too had a large garage included in that property, 4100 square feet, which translates into about 22 parking spaces and additional on site parking of an unknown size.

Obviously Chabad Houses at other universities provide on site parking. Therefore it must be needed. And obviously the Albany Shabbos House requested University parking at the commissary lot so it must be needed. But what happens in Albany when the “commissary lot” is used by others—after all the Shabbos House does not have exclusive use of that lot.

Given that the Albany Shabbos House is twice the size of the other sites investigated and that it does not have exclusive use of the commissary lot and that on street parking is not possible on Fuller Road and that the zoning ordinance recommends about 80-90 spaces, how many parking spaces should be required on the 320 Fuller Road site? With

the 7 proposed places on site, my suggestion is that that number should total about 42—allowing that nearly always there would be a few spaces available in the commissary lot though the permission to use that lot is again being examined by the University.

3. Drainage

The storm water drainage is problematic. Quite simply, none of the neighbors believe that the Shabbos House can or will maintain the pit. This is for good reason.

The Shabbos House at 316 Fuller Road was until very recently in a state of serious disrepair. When the Association castigated the users at a meeting here in Town Hall for failing to maintain the property, it did undertake repairs—painting, installing a new roof and so forth—but this was only after strenuous objections and then only while discussing whether the Shabbos would ever be given permission to build on the 320 Fuller Road site.

There is no reason to discuss something that will in a little while be non-functioning. The Town can await the vigorous complaints of the neighbors when their basements and property become flooded.

In Summary---the variance on the storm water system should not be granted and there should be a requirement that the Shabbos House be required to increase its on site parking by about 35 spaces.

Anything less shows undue favoritism---to return to where this began---no one wants to object to the religion or the religious feelings of others. But to grant the variances requested by the Shabbos House is wrong for the community because the site was poorly selected. The Massry family is the financial backers of this project and it has enough experience in property management to know that 320 Fuller Road is the wrong site. The family has done much good in the community but this project is one that is laden with community problems, especially for Ms. Jeanne Champagne and her neighbors.

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