

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
September 16, 2013
Approved Minutes**

Board Present:

Chairman Dan Herrick
Leo Ponter
Stephen Piazza
Aaron Gaylord
Benjamin Neidle – Village Attorney

Public Present:

Louisa Greco
Larry Machiz

Call to order: The Village of Chatham Planning Board Public Hearing of September 16, 2013 was called to order at 7:37 PM by Chairman Dan Herrick in the Tracy Memorial Village Hall. The meeting was delayed 7 minutes due to a police matter held in the conference room.

1.) Application #13-022, 116 Hudson Ave., Zvi Cohen, Applicant; site plan to modify existing deck. Larry Machiz, the Applicants Attorney, presents the Board with an updated site plan that shows the gate that was requested incase of emergency. Mr. Machiz states the site plan shows the fence going continuously across the backyard on the property line as per the meeting between the applicant and the neighbor, Louisa Greco. Ms. Greco states there wasn't a meeting or agreement made between them. Mr. Gaylord states he met with the Applicant and the Building Inspector and they determined the fence needed to go along the property line and the trees would have to be removed or it would need to go further in on the property line. Ms. Greco states she would like to keep the trees and put the fence in on the Applicants property and she would maintain the trees. Mr. Gaylord ads he would like indicated on the site plan where the fence line would be and where the trees are. Mr. Machiz states he would like to get this concluded tonight with the agreement the fence would be put 3-5 feet in on the Applicants property. Ms. Greco ads she would like the fence to be as close to the tree line as possible, otherwise it would be too much space between her fence and his and it would become a dump. Mr. Machiz asks if the application could be approved based on a meeting with the neighbor to put the fence where she would like it to go. Mr. Herrick states they cannot approve the application without everything being in writing.

Mr. Machiz asks if there are any other issues besides the fence. Mr. Gaylord states it is not clear on what the use is or the defined hours of operation for the deck are. The Board asked if they should take the new hours listed from 8am to 12am as an amendment to the original application, since the original stated 8am to 8pm. Benjamin Deidl, the Village attorney, states we can accept the new hours listed as an amendment to the original application. Mr. Herrick asks if parking will be an issue since originally Our Daily Bread and Destino's weren't going to be open at the same time. Mr. Neidl, asks how much would the deck seating increase for Our Daily Bread and Destino's. Mr. Machiz states currently Destino's and Our Daily Bread have 113 interior seats which requires 23 spaces, plus the residential requires 27 spaces according to 5 to 1 ratio NYS requires and there are 41 spaces available. Mr. Herrick states, the Board normally requires 1 space to every 3 seats, plus each single family dwelling requires 2 spaces. Mr. Herrick then states taking 1 space to every 4 seats, 40 spaces would be needed and there are 41 available, therefore

the hours would be fine.

Mr. Gaylord asks if abutters were notified of the hours of the deck. Mr. Machiz states the abutters were notified of last months meeting, but not specifically of hours unless they came to the meetings. Mr. Machiz adds, he would like to get Mr. Cohen back on the right side of the law and that instead drawings you can actually go and see the deck. Mr. Herrick adds, that he has not seen the deck, therefore if the Applicant is looking for approval tonight, he would not be able to do that.

Mr. Gaylord states the fence is the only thing he sees that needs to be documented. Mr. Herrick adds he would like to see where the gate is on the fence documented and the direction it will swing, along with no unattended parking/standing in front of the gate. Mr. Herrick states the fire department also needs to be able to have access through the gate as well as a fire lane labeled to preclude the unattended parking, but deliveries are fine.

Mr. Gaylord states that noise shouldn't be an issue with the deck if it is just for dining purposes. He also states, there should be a condition that if there is music it should stop by 11pm to give them time to clear out by 12am. Mr. Herrick adds that Sunday through Thursday the music should stop by 10:30pm and weekends by 11:30pm. Mr. Machiz states he would like to include Sunday as a weekend if Monday is a holiday, the Board agrees. Mr. Machiz states he would like to have approval prior to the hearing scheduled for 10/6/13. Mr. Neidl states before the application is approved there are a lot of specifics that need to be addressed, and he will be at the hearing as well. Mr. Herrick suggests the Applicant ask for a postponement of the court date till after next months meeting. Mr. Neidl and Mr. Machiz agree.

Mr. Herrick states for next month the Applicant needs for approval is the maximum occupancy to be 50 for the C of O for the deck, the fire lane, fence and hours defined as well as the lighting. The Application is tabled till next month.

2.) Application #13-026, 1 Church St., Zvi Cohen, Applicant; site plan review to cover restaurant deck. Mr. Gaylord states the Applicant already put the roof on before coming to the Planning Board with drawings, etc... Mr. Piazza states that Walt, the Building Inspector, stated the roof was structurally OK. Mr. Gaylord adds that the Applicant was issued a stop work order on a Thursday and the following Saturday the workers came back to finish the roof. Mr. Machiz states this is being dealt with by the enforcement.

Mr. Gaylord states the roof is completely out of character for the rest of the building. Mr. Machiz states he will ask the architect what they can do to soften the look of the roof. Mr. Gaylord agrees, he should ask the architect what they would suggest as far as color, greenery, etc...

Mr. Herrick adds he feels that the plastic roof makes the deck look cheap and more like a shed. Mr. Gaylord and Mr. Piazza reiterate that the work must stop and if there is anyone seen working

the Building Inspector will be notified. Mr. Machiz states the work will stop and the Applicant will come back with a proposal to soften the look of the roof. Mr. Herrick asks if there are any other comments-no response.

The Application is tabled till next month.

A motion to approve the minutes of the August meeting was made by Mr. Piazza, seconded by Mr. Gaylord. All voted in favor.

Meeting adjourned at 9:13pm.

Respectfully submitted,

Erin Costa, Secretary