

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
December 15th, 2014
Approved Minutes**

Board Present:

Chairman Dan Herrick
Harry Pisila
Stephen Piazza
Ernest Reis
Ken Dow – Village Attorney
Walt Simonsmeier – Building Inspector
Pat Prentergast – Village Engineer

Public Present:

Vince Pecoraro
Frances Iaconetti
Vincent Mackowski
Bhavesh Patel
Eric Schillinger
Daniel Christien
John Olson
Kirk Kneller

Call to order: The Village of Chatham Planning Board Public Hearing of December 15th, 2014 was called to order at 7:30 PM by Chairman Dan Herrick in the Tracy Memorial Village Hall.

1.) **Application, 2 Church St., Bhavesh Patel**, Application; site plan review for addition to building. Eric Schillinger, the Applicant's Attorney, presents the Board with an outline of the remaining concerns such as the fire lanes. Mr. Schillinger states the delivery truck issue has been resolved. He then asks the Board to turn to page 2 of the outline which refers to the 3 total easements. Pat Prentergast asks how the easements were drawn on the map. Bhavesh Patel, the Applicant states his lawyer drew them up in 2008. Mr. Prentergast asks who actually drew this specific map. Mr. Schillinger states the easement with Nancy Scans is 15'ft. X 45'ft. Mr. Piazza asks what is the law when it comes to encroaching on and easement. Ken Dow, the Village Attorney states that you cannot interfere with an easement, however there is flexibility depending on the purpose of the easement. Mr. Prentergast states they should have the map redrawn since part of the easement is miss-drawn. Chairman Herrick states if part of the map is incorrect then how can the Board be sure the back corner where the addition is going is drawn correctly. Mr. Schillinger states they will amend the drawing to match the 15'ft. X 45'ft. easement and resubmit the drawing.

Mr. Schillinger asks the Board to refer to page 1C of the outline which address' the fire lane access. The Village adopts the state fire codes which states if the addition is less than 1/3 of the building the fire code does not need to be adjusted, therefore his client is exempt. Mr. Schillinger adds that Mr. Patel does not need to provide fire access to the other buildings. Mr. Prentergast states that two cars parked along the back side of the building actually take up more room than the addition will. Chairman Herrick suggests adding fire lane lines in addition to the no parking signs. Mr. Schillinger explains that the addition would limit access to the other buildings because the law requires at least one side be accessible for a ladder truck. If Mr. Patel was to put in a fire lane Mr. Kneller would have to eliminate his parking spots because a fire lane must be 20'ft. wide. Mr. Schillinger states that based on the easements there is plenty of room for a fire truck to pull in and if Mr. Kneller wanted a fire lane, Mr. Patel would be willing to provide part of his

parking lot. Mr. Piazza states he is in favor of the fire lane in addition to the no parking signs. Mr. Reis and Chairman Herrick agree that should satisfy the fire issue. Mr. Schillinger states the addition is still in compliance with the fire code without the fire lane.

Chairman Herrick asks if there are any other questions or comments from the Board – no response.

Chairman Herrick asks if there are any other questions or comments from the Public. Public member John Olson states the addition would hinder his delivery trucks. Mr. Olson states he gets deliveries everyday and at least two times a week they are 28'ft tractor trailer with lift gates that pull in and turn where the addition would be. Mr. Olson adds that counsel has determined the easement on his side different than what he has from the title company. Mr. Olsen presents the Board with the map showing the easement agreement from before Mr. Patel owned the property, and adds that Mr. Patel never signed the agreement. Vincent Mackowski, Mr. Kneller's Attorney states that no building permit should be issued until the easement agreement has been settled. Mr. Prentergast states he would like to see the survey map of the property. Mr. Mackowski states the ZBA stated nothing should be determined until the easement is resolved.

Chairman Herrick states with all the information presented tonight this should be postponed till next month so that the lawyers and everyone else can review the documentation. Mr. Prentergast suggests the Applicant also do a title search for an accurate map from a surveyor for the next meeting. Mr. Mackowski adds that Mr. Patel previously stated his deliveries were all before 7am, and Mr. Kneller has a log of all deliveries for the past month and not one truck came before 8am. He adds that they also have photos of the snow removal done by Mr. Patel for the Board to review as well. Mr. Reis states the issue of the easement needs to be resolved between the property owners and put in writing before any decision should be made. Chairman Herrick states the main issue keeps getting diverted from with all this documentation to just prolong the decision as long as possible, the Application is postponed until next month and all documentation must be submitted in writing at least one week prior to the meeting or it will not be taken into consideration.

Motion to table Application, 2 Church St., Bhavesh Patel, Application; site plan review for addition to building till January 26th, 2015 and all documentation must be submitted one week prior to the meeting or it will not be allowed, made by Chairman Herrick, seconded by Mr. Piazza.

Mr. Reis – Aye

Mr. Ponter - Aye

Chairman Herrick calls the Board members and Ken Dow, the Village Attorney into Private Session for legal counsel at 8:55pm.

2.) **Application, #14-065, 123 Hudson Ave., Girdhari Lal**, Applicant; site plan review for removal of trees. Applicant did not appear, Mr. Piazza states it is an old application therefore a motion should still be made without the Applicant. Public Member, Frances Iaconetti states he was a member of the Planning Board when they included the trees as part of the approval of the Application so that it wasn't a corner of just concrete. Mr. Iaconetti suggests the removal of the debris from the construction and the trees be brought back to their original state. Chairman

Herrick adds that if the trees are killed from the construction they need to be replaced. Mr. Piazza states he believes the Applicant does have the intention to remove the debris once the construction is complete and if they do prune the trees they cannot prune them to kill them. Chairman Herrick adds the dead limbs should be pruned once construction is completed. Mr. Piazza states there is no existing hardship to remove the trees.

Motion to deny Application, #14-065, 123 Hudson Ave., Girdhari Lal, Applicant; site plan review for removal of trees made by Mr. Piazza, seconded by Mr. Pisila.

Mr. Ponter – Aye

Mr. Reis – Abstain – Absentia from the meeting of November 17th, 2014

Chairman Herrick - Aye

3.) **Application, 22 Main St., Craig Campbell**, Applicant; site plan review for new awning. Daniel Christien, the Applicant presents the Board with a cloth sample of the awning. Chairman Herrick asks if this will replace the old awning and which way will the stripes go, up and down or side to side. Mr. Christien states the stripes will go up and down. Mr. Piazza asks if they will be using the wooden frame that is currently there. Mr. Christien states they will be removing that and using a welded frame, the same as all the others on Main Street. Mr. Piazza asks if the front of the store and window are going to be repaired as well. Mr. Christien states it will be repaired back to the original state. Mr. Piazza states they need to provide pictures of the façade and the degree of repairs going to be done as well as the elevation of the awning and which original state referring to. Chairman Herrick states the older the original state is probably going to be the easiest to approve.

Chairman Herrick tables Application, 22 Main St., Craig Campbell, Applicant; site plan review for new awning.

A motion to approve the minutes of the November 17th meeting is made by Mr. Piazza, seconded by Mr. Pisila.

Mr. Ponter – Aye

Chairman Herrick – Aye

The meeting of December 15th, 2014 is adjourned at 9:36pm.

Respectfully submitted,

Erin Reis-Costa, Secretary

