

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
JUNE 17, 2019
7:30 P.M.
MINUTES**

Call to Order at 7:31 p.m.

Present: Chairman D. Herrick; Members L. Korda, L. Ponter, and R. O'Mara-Garcia; Village Deputy Clerk P. DeLong; Building Inspector E. Reis; Village Attorney Ken Dow; Milap Seema Realty Corporation Representative B. Patel, M. Patel and their attorney A. Galeano; Daniel Montoccio and Anthony Cove of Wagoner Law Firm; HLF GDP Chatham NY LLC Representative Adrian Goddard with Andrew Fetherston of Maser; AG Carpentry Representative A. Gaylord with N. Greene; T. Meissner of Saxton Sign; Residents F. Iaconetti, S. Kneller, K. Kneller, L. Locke, V. Saud, and R. Lagonia

- 1) Application # 2019-040: 2 Main Street, Chatham, NY, David Birch Applicant; Application/Historic District - *Approved***
- 2) Application # 2018-108: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan - *Tabled to next meeting on July 15, 2019. Approved by all***
- 3) Application # 2018-103: 15 Dardess Drive, Chatham, NY; HLF GDP Chatham NY LLC Applicant; Special Use Permit for Auto Repair Shop - *Tabled to next meeting on July 15, 2019 for Public Hearing. Approved by all***
- 4) Application # 2019-060: 4 Depot Square, Chatham, NY; AG Carpentry, Inc., Applicant; Application/Site Plan/Historic District/Commercial - *Tabled to next meeting on July 15, 2019 for Public Hearing. Approved by all***
- 5) Application # 2019-059: 5 Depot Street, Chatham, NY; Community Bank, N.A., Applicant; Application/Historic District - *Approved***

1. No Show. Appeared later in the meeting.

2. A. Galeano of the Wagoner Firm approaches the board to present for 2 Church Street. She starts by referencing that the application had last been tabled for changes to the front door. She goes on to state that there has been a private dispute between the landowners of Charron's and the Kneller Agency (formally the Lofgren Agency). She proposes a contract between the two landowners who currently share the private drive. Currently 15' is owned by Kneller and 15' is owned by Charron's. She remarks that a contract was drawn up in 2008

addressing the right of way on the private drive. A. Galeano indicates she has drawn up an easement which can be recorded. If Mr. Kneller was not willing to sign the easement; that she had spoken to DOT. She states that DOT was willing to widen the drive/entrance to 30'. She remarks that she proposed an easement to Mr. Kneller and she did not hear back from him. She feels like they are holding her client hostage. She goes on to say that the 2008 contract was not drafted as an easement with appropriate ingress and egress. L. Ponter remarks this was supposed to be resolved before this was bought back before the board. K. Dow asks A. Galeano to continue. A. Galeano asks if she can have permission to present the letter she sent to Mr. Kneller after speaking with Mike Deval at DOT regarding the requirements. K. Dow states the meeting is not the appropriate place to present that material. That part of the transaction is between the parties. This is not the time for negotiation. R. O'Mara-Garcia comments that the plans are still not black and white. There is too much gray area. He asks A. Galeano if she has the paperwork from DOT. A. Galeano states, not with her. D. Herrick asks A. Galeano if this plan takes parking into consideration as there are already limited parking spots at Charron's. A. Galeano states she is aware of the limited parking and there can be 3-5 spaces per 1,000'. A. Galeano confirms the DOT plans will need to show parking availability. R. O'Mara-Garcia reiterates the need for enough parking as well as a need for the site plan application to determine the safety of the site. A. Galeano references the map to determine the ingress and egress with the amount of feet. R. O'Mara-Garcia acknowledges this will be up to DOT. A. Galeano wants to make it clear she presented an alternative and she hopes to be on the agenda next month.

3. A. Fetherston of Maser addresses the board regarding his revised plan with a safer entry for cars. He points out that the entryway will look like a driveway and they will eliminate the sidewalk with a crosswalk. He makes reference to the plan that the cars cannot go in through the rear of the building. D. Herrick comments that the front of the building still looks like a garage. A. Fetherston confirms this is true and references his plan again citing that there is not a significant amount of traffic. L. Korda asks if there is not a significant amount of traffic, why would they put a Mavis there? A. Goddard states he feels it would be a very successful store with 20 cars per day. K. Dow points out that there is a significant concern that the mall would need to be walkable with no disruption in the sidewalk. The fundamental idea is to keep the area walkable. D. Herrick shares that a garage in the middle of a mall is not well planned out. A. Fetherston references his site plan again stating safety was taken into account and it benefits the mall to have that space used. L. Korda asks if there is written support from the neighbors. There is one letter in the file. R. O'Mara-Garcia voices concerns of the cross traffic referencing the plan. D. Herrick also voices concerns of people going across a crosswalk which looks like a driveway located in a mall. R. O'Mara-Garcia voices a significant concern for the safety of pedestrians. A. Fetherston asks what would need to change referencing the plan. R. O'Mara-Garcia references the plans and points out the possibility of putting pedestrians in harm's way. He asks if there would be something audible or flashing lights. A. Fetherston confirms yes and that a properly marked walkway is common. D. Herrick voices concern over people who walk to Price Chopper and those people would be in harm's way. L. Ponter asks about the doors in the back again. K. Dow asks if Mavis could have the doors in the front but check cars in the rear of the building. L. Korda states, they are still garage doors. L. Ponter asks

about an audible alarm that would sound every time. A. Fetherston confirms there could be an audible alarm as well as a strobe light. R. O'Mara-Garcia references the plan and questions if the curb would affect pedestrian safety. F. Iaconetti makes a comment on behalf of the public that the Mavis in Hudson is part of a mall and has the entrance on the side. The pedestrians do not have to walk in front of the garage doors. The mall has a continuous sidewalk, so the pedestrians do not have to think to look because they are still on a mall sidewalk. There are other options that include going in the back. R. Lagonia makes a comment on behalf of the public that one cannot compare Hudson to Chatham. He, as a business owner, needs more business in that spot. Other businesses have been tried in this spot and it is not an easy sell. He feels the Village should work with Mavis to get a tenant in there. He points out there is currently not a lot of foot traffic at that end of the mall and they need to have businesses to prosper. F. Iaconetti comments that he understands but the main responsibility is not to the businesses but to public safety in the Village. He asks that the owners consider all the options. D. Herrick affirms that it is the suggestion of this Planning Board to move the doors to the back. A. Goddard refuses to move to the back of the building because of Mavis corporate rules. In the back does not work because the building would leave 4,000 square feet of unused space. R. O'Mara-Garcia reiterates that Mavis would then be stuck with the extra 4,000 square feet. A. Fetherston states there will be a dividing wall. D. Herrick states to move to a public hearing in 30 days.

Motion made by L. Korda to table the public hearing for 30 days, seconded by L. Ponter.
Approved by all.

4. A. Gaylord presents a new packet of information to the board with regard to his application. He opens with notes that Jack Shear is an asset to the community and makes note of his present accomplishments. He also presents a letter to the board from the Crandell. R. O'Mara-Garcia asks if this is a movie theater or a live theater. A. Gaylord states it would be a single movie screen and capable of something small like a talk by an author. D. Herrick asks how many seats. N. Greene states 100 approximately. R. O'Mara-Garcia asks the hours of operation and brings attention to parking concerns. D. Herrick asks if there is parking available in a shared area. A. Gaylord states he does not have hours yet and there is more parking available on his end of the Village. R. O'Mara-Garcia asks if there is an estimate on the amount of spaces needed. All state no. F. Iaconetti states that Herrington's has an 85' right of way and the rest is owned by CSX, the driveway is owned by CSX. There is a green space, behind the green space is all CSX. N. Greene states he feels it would be a benefit to energize the downtown by bringing development that would connect downtown and beyond the tracks. K. Dow states that biggest parking concern would be Monday through Friday. L. Korda asks if Herrington's is aware. A. Gaylord says yes. K. Dow explains consistency with regard to requirements and describes how a Public Hearing is required by law so an informed decision can be made by the public. R. O'Mara-Garcia asks if there is more information on parking and asks if Herrington's has concerns on parking. A. Gaylord states that is hard to clarify because it is not known how many people would be there at the time of operation of hours. E. Reis explains that this will also need to go to the County Planning Board because the main road (Rt. 66) is a State road. K. Dow explains municipal law and how it refers to projects and what is required for major and minor projects, site plan v. site use project, and explains the municipal law and it's requirements. L. Korda asks

if there is any concern over boundaries. D. Herrick states the building is completely in the lines of the Village. N. Greene asks about county review and parking clarification. D. Herrick clarifies. R. O'Mara-Garcia and D. Herrick request a letter from Herrington's. R. O'Mara-Garcia questions if there will be LED screen in the windows. D. Herrick confirms it cannot flash. L. Korda asks about bathrooms. A. Gaylord states all specs are in the plan. R. O'Mara-Garcia returns to his question on signage. D. Herrick states with no plan yet, that can be determined later. R. O'Mara-Garcia questions the lighting. N. Greene states the marquis would match the building next to it. D. Herrick opens to public. F. Iaconetti states LED lights are not allowed in the Historic District. N. Greene states that other than parking it would be no different. The Crandell uses the Morris as a secondary overflow and this would no longer be the case. Motion made by D. Herrick to table to public hearing for 30 days seconded by L. Korda. Approved by all.

2. A. Galeano of the Wagoner Firm approaches the board again to determine if the application can be cancelled. F. Iaconetti states he is confused about the driveway because it is currently there. R. O'Mara-Garcia explains why Kneller would need to approve the easement. F. Iaconetti states they are holding them hostage. D. Herrick states that time is granted but, a denial is not granted.

5. T. Meissner of Saxton Signs presents to the Board and refers to the plans as he describes the sign. L. Korda asks if they are just replacing the signs they have there now. T. Meissner confirms. D. Herrick Notes that the sign is not to exceed 30 square feet. New sign adds up to 37.5. R. O'Mara-Garcia asks what is allowed. D. Herrick explains without "Happy Banking" the square footage would be ok. T. Meissner decides to continue without "Happy Banking" and states how the sign will have nicer muted colors than the current. D. Herrick agrees the sign is much nicer. D. Herrick opens for public comment. None.

Motion made by R. O'Mara-Garcia to close public hearing seconded by L. Ponter. Approved by all.

Motion made by L. Ponter to approve the sign without the words "Happy Banking" seconded by L. Korda. Approved by all.

1. David Birch application for roof. D. Herrick inquires to the missing SEQR. K. Dow asks for confirmation if SEQR is required or if the Historic District has different requirements. F. Iaconetti states it has to be visible by the public. R. O'Mara-Garcia reviews if the roof does not change. K. Dow confirms if the roof is not visible, the Board can move forward. L. Korda asks if the roof will remain the same color. D. Birch states he will change it to brown. It was green. R. O'Mara-Garcia states this may fall under 110.52, maintenance. K. Dow wants to confirm visual consistency. D. Herrick asks for confirmation that the applicant is not changing the appearance. L. Ponter looks to confirm it is not an eyesore. K. Dow prompts the Board that they need to agree if the application is not required on this project. D. Birch confirms it is a three-story building. R. O'Mara-Garcia looks again to confirm it is not visible.

Motion made by D. Herrick the Board agrees that the roof is not visible in a public way.
Application is granted as it does not need to come before the Board seconded by L. Ponter.
Approved by all.

Motion to approve Minutes of the May 20, 2019 - Motion made by L. Ponter and seconded by
L. Korda. Approved by all.

ADJOURNMENT: So moved by Chairman D. Herrick and not seconded at 9:24 p.m.

Respectfully submitted,

Patricia DeLong