

**VILLAGE OF CHATHAM  
PLANNING BOARD MEETING  
AUGUST 19, 2019  
7:30 P.M.  
MINUTES**

**Call to Order at 7:33 p.m.**

**Present:** Chairman D. Herrick; Members L. Korda, and R. O’Mara-Garcia; Village Deputy Clerk P. DeLong; Building Inspector E. Reis; Village Attorney Ken Dow; HLF GDP Chatham NY LLC Representative Adrian Goddard with his attorney Charles Gottlieb of Whiteman Osterman & Hanna and Ron Rieman Traffic Engineering Maser Consultant; Depot Square LLC Representative A. Gaylord; Shaker Museum and Library Representative Paul Cassidy with his Attorney Paul Freeman of Freeman Howard; Residents Francis Iaconetti, Lael Locke, Rob Lagonia, Viki Saud, and Andrew Didio.

- 1) Application # 2019-060: 4 Depot Square, Chatham, NY; Depot Square LLC, Applicant; Application/Site Plan/Historic District/Commercial - *Tabled to next meeting on September 16, 2019. Approved by all.***
- 2) 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 September 16, 2019. Approved by all.***
- 3) Application # 2019-092: 5 Austerlitz Street, Chatham, NY; Shaker Museum and Library, Applicant; Application/Major Site Plan/ Historic District - *Tabled to next meeting on September 16, 2019 for Public Hearing. Approved by all.***

1) A. Gaylord approaches the board. D. Herrick refers to the letters received by the Fire Department and the County Planning Board. He notes the mentioning of a higher than normal occupancy and ensuring proper access in the front for Fire Equipment. He also notes the need for the installation of a sprinkler system as well as the need for a Knox box. He goes on to explain the use of a Knox box and how it works. D. Herrick references the letter from the Columbia County Planning Board regarding Traffic/Circulation/Parking. A. Gaylord asks about the parking area beyond the bank. He also notes that he will have 4 employees who will be parking. D. Herrick references the letter from the Columbia County Planning Board again in regard to Food Service. A. Gaylord states he will follow up with the Columbia County Department of Health. D. Herrick references the letter from the Columbia County Planning Board with regard to the Historic Overzone. A. Gaylord questions their response. D. Herrick states it looks like it belongs in the Historic Overzone. They discuss that question 12 was checked “no” on the short form. In the Historic Overzone an answer of “yes” would be required. They discuss and explain question 12. D. Herrick asks about the materials for signage and the use of a led screen. He also asks what kind of information will be on the sign. A. Gaylord

states that there will be no led flashing lights; just images. R. O'Mara-Garcia asks if the lights could be turned off late at night. D. Herrick mentions a timer on the signage. L. Korda questions the size of the screen. A. Gaylord notes that the area is not residential. He goes on to say that the sign would be under overhang and under a cover. He states that the sign could turn off at 10:00 pm but that might be a little early. D. Herrick states that the Fire Department sign turns off at 10:00 pm. R. O'Mara-Garcia compromises that the sign could turn off at 11:00 pm or after hours of operation. D. Herrick confirms that there would not be a problem with 11:00 or 12:00. A. Gaylord states he is willing to have a timer that would work from 8:00 am to closing. D. Herrick confirms that signage would be a digitized movie poster. A. Gaylord affirms this and states or a small advertisement. K. Dow references the letter from the Columbia County Planning board and asks to revisit the Assessment Form. He states that a Type 1 Long Form will be required for the other agencies involved. D. Herrick voices there are no other agencies involved. K. Dow explains the nature of the code and contiguous properties listed on the New York State list of historic places. The Columbia County Planning Board has noted that his part of the square is part of the National Registry. He goes on to explain that these forms are for all projects in New York State and encompass the range for contiguous properties in a historic district. R. O'Mara-Garcia asks if there needs to be a variance for parking. K. Dow points out that mostly all of the parking will be on public streets which are not proprietary. L. Korda questions the hours of operation. A. Gaylord declares they have not been determined yet. They discuss hours of operation for nearby businesses. K. Dow points out that there is nothing pertaining to a numerical count in the code. R. O'Mara-Garcia rebuts that he thought there was. K. Dow confirms that if there is a code standard, they are outside of then they will need a variance. If there is no numeric or if Erin determines they are within the limits, then no variance is needed. D. Herrick refers to the drawing and the space between the buildings. A. Gaylord states it is a shared egress. L. Korda asks if it is wide enough for a car. A. Gaylord confirms it is. E. Reis revisits the parking code. She states that for restaurants and theaters the numeric is 1 parking space per 3 to 5 seats. R. O'Mara-Garcia asks if the area could be exempt and if the Planning Board could do the variance. K. Dow states no. D. Herrick states that the buildings on main street only have a time allowance for the public spaces. K. Dow affirms there is no dedicated parking and they would need to prove they can have the right number. E. Reis states that the Planning Board can determine the number within the Village, the exception of Main Street per code 1128.2E. D. Herrick questions the parking area next to the bank. E. Reis states she will look at the maps to see if that could accommodate. D. Herrick opens to the Public. L. Locke propounds that in June the Crandell Theater was never filled to capacity. She also states that the Crandell hours are 7 to 9, except for the Columbia Film Festival. For 20 years they have used the Morris as overflow, and they will no longer be using the Morris. She also notes films could be during the day and will have a flexible schedule. She points out that there are no morning movies to interfere with business making for plenty of parking. F. Iaconetti address the parking. He differs that the applicant should have it on his application to address the parking with his site plan. He feels this should be required by zoning. He also voices concerns that there is no to little information in the application with regards to hours and parking. He also questions why there is no survey and references overhangs and overhangs on public land. A. Gaylord replies that all drawings were done by a surveyor. It is determined that the application is complete. F. Iaconetti also voices his concerns over the LED sign and keeping within the

historic district, if it will impact the character. He states the required signage should be in the application. He goes on to ask if this will be a not for profit or a taxable site. It is determined that is not a question for the Planning Board. V. Saud states she truly implores everyone to think about a second theater. She points out that the Crandell is held to a film schedule with no alternative space for additional programming. The additional theater would allow an advantage to the Crandell with the ability to move and schedule films. With another theater they could accommodate people like school groups. This would also provide an opportunity to move to another part of the Village with parking. Renovations at the Crandell also opens this up. D. Herrick observes this should be in the application. V. Saud states this is the proposal from Jack, not from the Crandell. A. Gaylord asks if that is everything he needs. K. Dow confirms that the Columbia County Planning Board will need the long form. D. Herrick echoes parking and hours of operation. L. Korda states she no other questions than the LED sign. A. Gaylord states it is part of the design from the architect and he is sure there is some way to tone it down. R. O'Mara-Garcia maintains he would like more information on the signage and some idea on what they want to use. R. O'Mara-Garcia presents that they will table 30 days until they receive a response from County. D. Herrick confirms the adjournment to September 16th.

2) Charlie Gottlieb approaches the board. He starts by saying he knows this proposal has been here before the board a couple times. He goes on to say that Mavis took a look at the code for the special permit and site plan. He states a repair garage is allowed on the site. He states the long form has been submitted as well as a Type 2 action along with a narrative and a Mavis statement of operation. He points out the revised site plan has a newly completed application to submit to County. It includes spaces for 6 cars and 4 in the bay areas. They feel the garage would improve the current empty space which is commercial in nature. They are 800' from the nearest residential area. He then refers to the list of special permit criteria:

1. They will comply with zoning codes and permitted use in code for the 3rd district. They meet all the criteria. He states the Village should target empty, underused buildings.
2. They will revitalize the area and be compatible with the corporate and adjoining land uses.
3. There will be no nuisances or noise. He goes on to explain the removal of waste from the building and that the store would close at 6:30 pm.
4. Will not over load existing roads. There will be no new curb cuts. No long-term storage of vehicles. He also points out the added pedestrian safety measures.
5. Emergency access on site. There will be no changes for access for emergency vehicles.
6. No changes to the drainage and sewer system.
7. This is an existing shopping center with minor alteration to the façade.
8. The area is well screened from residential.
9. Design considerations have been made to protect the surrounding area. He points out this is a typical Mavis that is not in the Village core. It is surrounded by like uses.
10. It is consistent with the village goal to fill these used buildings.
11. It is on the outskirts.
12. He states there are no setbacks or changes and reiterates the added pedestrian safety measures.

R. O'Mara-Garcia asks about the green space. He also questions the additional map eliminating 4 spaces. C. Gottlieb replies that these were reasonable design measures. Bumping out the side walk and eliminating 4 spaces. Making 245 spaces when 215 are required. L. Korda refers to the design and points out the Mavis façade. She states there is no consistent design in this area. C. Gottlieb states that the Mavis logo goes by the architect standards and does not need to go by a village standard. He points out the Advanced Auto Parts store. K. Dow replies that may have

been done in error and that that may not have been the approved design. C. Gottlieb states there is nothing in the code. He states they are happy to entertain changes to the façade. He also points out this is a commercial area. D. Herrick states he has no problem with Mavis. He goes on to say that when the façade was originally approved it was different and included trees. Those trees were removed. C. Gottlieb states that they are willing to include landscaping. He also references the adjoining area which is owned by DOT. He states those would be minimal changes to enhance their plan. R. Rieman refers to the traffic numbers and explains the operation. He points out that this is a vacant 8,000 square foot building. He goes on to say it is a general retail space that will have 40 trips per day. This would be 20 in and 20 out per day at peak. D. Herrick asks what the number of cars at a time would be. R. Rieman states the store is set to generate 6 at a time. They are projecting 30 to 40 trips. The best places only generate 40 per day. They will realign the drive so cars will be able to pull out with clear site lines for pedestrians and vehicles. This will reduce speeds by nature of the alignment. Only Mavis employees will drive cars in and out. The pedestrian walk can be moved. He refers to the map and pedestrian safety. She shows how pedestrians are directed by the hand railing on either end. He feels this is a significant improvement to the operation. D. Herrick questions people who would drive directly into the bays. C. Gottlieb states there would be signage to stop people from pulling into the bays. R. Rieman states there are similar facilities where this signage works. R. O'Mara-Garcia asks if they have updated the elevation. C. Gottlieb states there are no changes to the elevation. D. Herrick refers to the plans stating that the continuance of the overhang was originally there, and that the door was covered. C. Gottlieb states this application is only for the vacant area. They are willing to rectify and redesign this portion. D. Herrick points out that is the first thing people see when they come into the Village. A. Goddard questions about what happened to the façade of the building. D. Herrick confirms the previous owner changed the front with no approval. K. Dow explains the code. C. Gottlieb affirms that this is the existing building and that the previous conditions did not include changes to the façade. He goes on to say that this mistake is not applicable and that this is the existing building. Regarding the suggestions to the façade changes, they are happy to hear and consider them. A. Goddard states that Mavis wants the building to be presentable. D. Herrick refers back to the original plan. A. Goddard states he is happy to make the aesthetic adjustment. D. Herrick points out that original suggestion was to have the doors in the back instead of the front. He also states he has no problem with the sign. He does want to see someone there as the more business they have in the plaza, the more business they will have. He would like the look of the plaza to improve. A. Goddard agrees that the landscaping is ragged looking and the piece DOT owns is not maintained. C. Gottlieb is sure they can work something out. R. O'Mara-Garcia asks how far does the wedge go? C. Gottlieb refers to the map. A. Goddard agrees that landscaping is important. D. Herrick affirms that if the trees die, new ones need to be put in. C. Gottlieb asks, does the board feel the pedestrian safety is mitigated? D. Herrick states it is an improvement, but it is not gone. The minimum number is the number he is worried about. K. Dow confirms that pedestrians do walk from the Village to the Price Chopper. D. Herrick says there are a number of people who walk. C. Gottlieb states they will look at it and can add more signage where there are no walkways currently. R. O'Mara-Garcia states he is more comfortable with the new proposal. He feels it would slow cars down and he recognizes that they can not enter through the back. A. Goddard feels this would be a liability for Mavis. L. Korda asks if they have

considered moving the auto parts store and putting the Mavis in that spot. A. Goddard replies that the auto parts store has an 11-year lease. They are not interested in moving them and they can not move them. R. O'Mara-Garcia agrees that is not the best design and describes how this would create more conflicting movements. C. Gottlieb reiterates that the vacant space is the best way to utilize the spot. He goes on to say that this is a great opportunity to increase the tax base and use the space. L. Locke speaks up from the public stating that she feels this would not be a problem for traffic flow as she has never been in a Mavis for less than 3 hours. F. Iaconetti asks if the service per day were to exceed 40 as the application states they would be open for 12 hours. He goes on to say that HLF has been the owner of the property for 1 year and the landscaping has not improved and the trees that were planted need to be put back. He also voices a concern over the vehicles and safety, stating how can the cross walk be adjacent to the through lane. People do not walk along the edge of the curb. There is no parking in the lane that runs the stretch of the building. C. Gottlieb states that the 26' fire lane will still exist. F. Iaconetti asks about deliveries. A. Goddard states that they do not have plans for large deliveries. D. Herrick points out that there is no access to the back. F. Iaconetti voices concerns over tractor trailers delivering and parking in the front with no other option. He also voices about the dumpster, putting all of that in the front including a daily trash pick up. He also asks if the Fire Department reviewed the application and if a concrete wall will be built. Pointing out that if the space has 2 uses that there will be no fire wall. K. Dow affirms that the Fire Department did submit their review. They gave a general overview and recommended the installation of sprinklers. F. Iaconetti asks if the new owner will follow the recommendation on the Fire Department. D. Herrick states that we can resubmit the new plans to the Fire Department. F. Iaconetti would like to know the landscaping impact. L. Korda asks about the placement of the dumpster. C. Gottlieb states they will follow up with the applicant on deliveries and dumpsters and provide the board with that information. F. Iaconetti refers to the application with regards to the wording for signage and construction. He feels that statement is not correct. C. Gottlieb states there is no new building and no new ground breaking. F. Iaconetti states to legally protect the applicant the application has to be complete. D. Herrick points out that for the current occupants. Most deliver to the back. A. Goddard states that their deliveries are small. L. Korda states it would be an issue to have a semi in the front. F. Iaconetti makes reference to the doors being open all the time, stating that is not attractive, to have all 4 doors open all the time. It is not nice to look at. F. Iaconetti asks if it is possible to have the doors closed. D. Herrick agrees that it is looking into a garage. L. Korda points out that the trees will block that. C. Gottlieb confirms to mitigate with landscaping and reiterates that a garage is permitted in the area. K. Dow asks a question on the garage door. C. Gottlieb states that is from the old plan. L. Korda asks why the doors have to be open all the time. D. Herrick states it is because of no a/c. C. Gottlieb states that if the Fire Department is ok with having the doors closed and confirms if that is everything. D. Herrick reviews; landscaping, deliveries, dumpster, some access to the back of the building. C. Gottlieb asks if the new plan can be submitted to County. D. Herrick feels not all of the Planning Board questions have been answered. R. O'Mara-Garcia comments on the signage. C. Gottlieb states that was in the original initial plans and on that form. D. Herrick states he is not comfortable with everything due to the changes in the plans. D. Herrick states that they will table 30 days to next month.

3. Paul Cassidy approaches the board with his attorney and Taconic Engineering representative. They present their application for site plan approval. Stating they are currently under contract to purchase the property. He states that the design is built around keeping with the village as well as considering potential cost. D. Herrick notes that there are Shaker Museums in 2 places. P. Cassidy confirms there is a location in New Lebanon and refers to the Old Chatham campus. This is not to replace the historic site, also not Hancock. P. Freeman references the plans and states the layout in the narrative. He states he just wants to touch on the planning issues. The space is a C1 for a civic building which includes museums. The complete plan deals with the planned ideas and overall use encompassing cultural arts use and development cultural arts center. Parking regulations are not specified but definitely relates to spaces, instead will be appropriate to the circumstances. They will preserve the green space. He refers to the map. There will be 15 spaces in the back. Metzwood (Matt Wood) owns the building. He has proposed that they can use the Metzwood lot as there will be minimal crossover of hours. The hours being Thursday – Monday 9-5. The use is permitted subject to a satisfactory site plan. He points out the exterior stairs and the ADA compliance. P. Cassidy states he had to get all of his numbers to his funders. P. Freeman refers to the plans again siting the proposed site, landscaping, and lighting plan. He points out that they are keeping with the historical district, preserving the green space, and overall appearance. He also points out they have submitted the short form. R. O'Mara-Garcia asks if they will be keeping the small building. P. Cassidy states they were looking at the spot for additional parking and/or offices. R. O'Mara-Garcia notes the facelift to the building. P. Cassidy states there is the possibility of more to the proposal due to the gamble on the existing building. R. O'Mara-Garcia references the drawing and asks about the smaller offices. P. Cassidy states that there will be smaller offices on the main level, main lower level. He goes on to explain how the building will also have storage and exhibits, as well as how they have to budget for the 10,000 square feet which is needed. R. O'Mara-Garcia asks about staffing. P. Cassidy confirms with his feasibility study they showed 8 employees maximum, and that being on the weekends. Currently they are looking at 6 employees; 3 full time and 3 part time with the possibility of a utility person. R. O'Mara-Garcia comments on the fabric of the building with regard to the front entrance. P. Cassidy describes that the building will have the same footprint with a more modern front. He goes on to point out how the elevation will go down for the gift shop. He also describes how structural testing was done on the building, illustrating how it would basically be a new building on the inside with the ability to carry 100 pounds per square foot. R. O'Mara-Garcia questions the green space and court yard. P. Cassidy states how there is plenty of talk about garden and agriculture being a part of shaker culture. D. Herrick expresses how he thinks it is a great idea. He does voice a concern over the ultra-modern design, that is does not look shaker. P. Cassidy explains how they did not want it to be too shaker to help drive people to the site. D. Herrick voices his concern about the ultra-modern design does not fit. He points out how it could be stone or brick to match the building. Making it clean cut, nice and plain and functional. L. Korda states that she likes the design, that it offers a nice contrast. P. Freeman explains how the entrance to the building is designed in mind with the direction architecture is moving. P. Cassidy states how he has 2 grant applications out for the proposed historic renovation. F. Iaconetti makes a comment from the public (though this was not open to Public Hearing) asking about NYS DOT being available in the district for historic preservation review. P. Cassidy states they like the rural spot and the

continuance of a museum on a historic spot. D. Herrick states that this would be a good asset to the Village. P. Cassidy agrees that it is good for business and that he will look into the parking and resolve it. L. Korda asks how many visitors they project to have per day. P. Cassidy replies that they have about 1,000 per day at the new Lebanon site and 30,000 at the Hancock site. L. Korda states there is not enough parking yet. P. Cassidy states that weekends and summer would be the primary time. F. Iaconetti offers a compliment on the professional job done on the application as well as the presentation; how it shows planning. He also asks about parking at Metzwood and at a vacant lot across the street. He also asks if they have considered on street parking. He refers to the map and points to Austerlitz Street. She also comments on the modern look being in the historic over zone. He voices his concern that it will open every other business to say they can redo theirs. He goes on to say that he understands the use of windows but, that he feels the historic fabric is crucial to the Village and how brick would keep it in context with the Village. L. Korda expresses how the way it is drawn is you can see in making it open and welcome. F. Iaconetti suggests brick tied in with the front of the building. L. Korda points out how this is a continuation of Main Street. R. O'Mara-Garcia comments on the restoration and how the stairs to the side may not be quite ADA. P. Cassidy conjectures to ask if the application is approved. D. Herrick points out that the use does not need approval, but they do need site plan approval. P. Freeman asserts that the designers went to every extent to make sure the application is complete. K. Dow renders that the site plan is in the historic over zone and that the plan is more the nuts and bolts with regard to the impact of light and noise. That they need to nail down on the initial site plan the components of a workable site. P. Cassidy reiterates that this is a designated historic building. D. Herrick questions if the ultra-modern design will hinder or help. P. Cassidy affirms that the grant application is in and it is too late to change it. From a financial stand point the only problem is cleaning all of the glass. D. Herrick reminds that the railroad does run by and there is a lot of vibration. P. Freeman denotes that they are looking to see if it is possible for the application and site plan to move forward. P. Cassidy states they had to put everything together because he has to sell his plan to his potential investors and that the site plan may not have all of the elevations at this time. D. Herrick states complete, no. P. Freeman asks why. D. Herrick points out the lighting. P. Freeman refers to the application and points out the lighting on the sketch. R. O'Mara-Garcia asks about percentages and confirms that they will be at the next meeting with more information. P. Freeman asks if the plans can also be submitted to County so they come back early. D. Herrick states they will also submit the plans to the fire department for review. He also asks about the sprinkler system and if that would be detrimental to the artifacts. P. Cassidy suggests they can look at all alternatives.

Motion made by R. O'Mara-Garcia to approve the application, seconded by L. Korda. Approved by all.

Motion made by D. Herrick to confirm the minutes as received and approved from July 15, 2019, seconded by L. Korda. Approved by all.

**ADJOURNMENT: So moved by Chairman D. Herrick and not seconded at 9:58 p.m.**

Respectfully submitted,

Patricia DeLong