

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
OCTOBER 21, 2019
7:30 P.M.
MINUTES**

Call to Order at 7:32 p.m.

Present: Chairman D. Herrick; Members L. Korda, and L. Ponter; Village Attorney Ken Dow; Village Deputy Clerk P. DeLong; Daniel Doyle and Rebecca Doyle, HLF GDP Chatham NY LLC Representative Adrian Goddard with his attorney Daniel Hubbell of Whiteman Osterman & Hanna and Andrew Fetherston of Maser; Milap Seema Realty Corporation Representative Bavesh Patel; Multiple Residents

- 1) Application # 2019-115: 136 Hudson Avenue, Chatham, NY; Daniel P. Doyle and Rebecca H. Doyle, Applicant; Application/Special Use Permit/ Residential - *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 - *Approved by all.***
- 3) Application # 2019-152: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan for Fence - *Tabled to next meeting on November 25, 2019 for public hearing and pending CCPB review.***

Other Business: None

1) Daniel Doyle and Rebecca Doyle sit with the Board. D. Herrick reviews the response from the Fire Department and the letter sent by the Columbia County Planning Board. The letter says there is no significant county-wide or intercommunity impact. The Board reviews the recommendations of the CCPB. L. Korda asks about parking at the site and asks to confirm the number of cars. D. Doyle refers to his survey map stating that 4-6 cars would fit comfortably. L. Korda references the plans and asks to confirm the layout of 2nd floor, 3rd floor, and common hall. D. Doyle explains the plans for the bedrooms and how there are 3 existing exits on the first floor. K. Dow asks if the driveway will have any asphalt added, the current conditions of it, and if there are any issues with extending it. R. Doyle and D. Doyle respond that the drive way is just dirt and stone with no intention to pave or extend it. L. Ponter asks about the lighting outside the building. D. Doyle explains there are currently 2 motion sensor lights on the back of the house, there is a light on the side of the barn, and existing lights next to the door. They are not adding any lights to the exterior. He states their intention to clean and paint the exterior to restore the building back to its original state with no additional outdoor space. D. Herrick opens the meeting to the public. C. Witthoft asks who should get notified of the permit. D. Herrick explains the adjoining properties. D. Doyle confirms that a list was given to them by the Building Inspector. An observation is made that the property ends at the Village. C. Witthoft asks if there

will be 4 apartments as they only see 3 on the plans. R. Doyle and D. Doyle confirm that there are 2 existing legal apartments. They reference the plans showing where the 2nd floor is combined; state they are only changing one existing wall to preserve the integrity of the center staircase. K. Dow makes an observation concerning the lot, its use and the change in the number of apartments; the Planning Board is really dealing with any impact on the exterior of the building. C. Witthoft asks if an application was made by the new owners and asks why the application was denied. D. Herrick and K. Dow confirm this will suffice as arrangements were made with the current previous owner. D. Herrick points out that the Building Inspector had denied pending Planning Board approval. C. Witthoft asks how this will affect the sewer. L. Korda states it is determined by the number of bedrooms. R. Doyle confirms that the number of bedrooms will not change. D. Herrick states it will not make much of a difference. C. Witthoft states that the 3rd floor is currently illegal. D. Herrick affirms that this is the reason for their application, to bring the building up to meet code. C. Witthoft asks how the area is zoned, who approves and determines the outcome, and asks if D. Herrick should recuse himself since he is a neighbor. D. Herrick confirms that the Planning Board does determine and approve and that he only needs to recuse himself if he stands to make personal gain. M. Zeissett introduces herself to the board. She states she is rest assured and comforted by the restoring of the building and understands the need for affordable housing. She goes on to say that a survey was done and that the property lines are now 50 feet from where she thought they should be. With this amount of distance, she would like the application held until she can get a 2nd survey done. D. Herrick states that would be a property dispute between neighbors. M. Zeissett states a direct link of lot size and square footage for each apartment. K. Dow states there is a map stamped by a licensed surveyor and we are bound to accept it. R. Doyle confirms the size of the lot allows for 4 physical structures. M. Zeissett asks if there is no limit to the number of units. D. Herrick confirms there is no set number, that there is a certain amount of space for each unit. K. Dow explains that the multi family dwelling is allowed by a special use permit; each examined on its own. He explains the code and what needs to be done for manifesting the structure with conformity. M. Zeissett states the borderline is in dispute and feels it should not be ignored. K. Dow states this is a private border dispute. M. Zeissett requests to see the map. L. Korda asks if the number of units are affected by the survey. R. Doyle affirms this would have to be a major change. L. Korda confirms this would not affect the application. M. Zeissett asks if the survey that was done is filed. R. Doyle confirms it was filed with their closing on Friday as the entire property was surveyed. K. Dow states that questions about the survey are outside of the realm of this board. M. Zeissett asks about the shared water, the size of the pipe, and who owns it. D. Doyle gives the size and states the pipe was fixed by the previous owner. D. Herrick confirms it matches fire code and the discussion continues. M. Zeissett asks another question about the water and sewer. It is confirmed that that water/sewer has nothing to do with this application. M. Zeissett asks about documentation on the water lines. It is stated that again, this is not within the realm of the Planning Board. D. Doyle states that their plan is to restore the main house, salvage the barn, and be able to use the pool. M. Zeissett asks about the right of way. K. Dow states that easements are outside of what the board can act on and that is not within the scope of what the Planning Board can do. He explains the standard of the code, the purpose of the Planning Board within this jurisdiction and that there is no policy making with a review board. M. Zeissett wants it on the record that she feels the borders need to be clarified. A

member of the public asks if they will keep the integrity of the outside. D. Doyle confirms and states they will do everything they can not to affect the tree roots.

*Motion made by L. Ponter to close the Public Comment, seconded by L. Korda. Approved by all
Motion made by L. Korda to approve the application as is, seconded by L. Ponter. Approved by all. L. Korda-yes, L. Ponter-yes, D. Herrick-yes.*

2) HLF GDP Chatham NY LLC representatives sit with the board. D. Hubbell states all they were waiting on was a response from the CCPB. D. Herrick reads the letter from the CCPB which says there is no significant county-wide of intercommunity impact. L. Korda asks if there are any changes to the sidewalks. A. Fetherston states there is no changes since 9/3. D. Herrick opens the meeting for public comment. No Comments.

Motion made by L. Ponter to close the Public Comment, seconded by L. Korda. Approved by all
K. Dow instructs on Planning Board procedure and if any conditions need to be stated before the application is approved. D. Herrick asks if they can service only 40 cars per day. K. Dow confirms that a limit can not be put on the number of customers. D. Herrick confirms that there is air-conditioning in the building and states that the service doors will need to be closed for aesthetics.

Motion made by L. Ponter to approve the application subject to the service doors being closed with the exception to let customers vehicles in and out, seconded by L. Korda. D. Herrick states he approves because it is a permitted use for the building. Approved by all. L. Korda-yes, L. Ponter-yes, D. Herrick-yes

3) B. Patel sits with the board regarding his application for a potential fence between Charron's and Nancy Scans. He states that his neighbor does not want him to use the property. He puts up cones, people move the cones and people still park. He states how he is there from 4am to late and can not be watching his back all the time to see where people are parking. He references the conditions and asks how his neighbors can use his property, but he cannot use theirs. He states if there is a fence, this is easier to control. He goes on to explain his position, dealing with lawyers, and the letters they were sending. L. Korda confirms the fence between Charron's and Nancy Scans. B. Patel states the 2014 conditions are different, shows the room to get in and out, and asks why these conditions are not for also for neighbors. K. Dow explains that properties are not reviewed until they submit a new application. D. Herrick confirms that no set backs are required, and the fence meets height requirement. L. Ponter asks if the quote includes the interlink pieces in the middle because that would make it a solid wall. B. Patel states they will not use the pieces and he has talked to the building inspector. L. Korda asks a question about the fire lane, if the fence is open on both ends, and how will it affect deliveries. D. Herrick states the fire lane is not on that side. They review the map. B. Patel points out the trucks in the front. D. Herrick asks if the fence would block access. B. Patel explains the lines and the fence. K. Dow refers to the SEQR explaining the thresholds in the regulations determining if it would qualify as a type 2.

*Motion made by L. Ponter to reclassify the application as a type 2, seconded by L. Korda.
Approved by all*

L. Ponter asks for the site plan for the fence, a picture of the fence, and the length of the fence. D. Herrick refers to the description of the fence in the application. All discuss the fence. L. Korda

asks if there will be room for a fire truck to maneuver. K. Dow states that the Fire Department will review the application per Village policy. He states that the application also has to go to CCPB because it is within 500 feet of a state highway. D. Herrick verifies that the application will be sent for review to County, Fire Department and set for Public Hearing next month. D. Herrick requests to move the meeting to November 25th. B. Patel confirms if he can put cones on the property line and asks about a form to appeal the conditions. K. Dow explains the process as well as what is in the realm of the Planning Board scope. All continue to discuss the conditions. B. Patel asks why his neighbors don't have the same conditions, for example, handicap parking. He states he has to do something and continues to explain. D. Herrick concludes that the application will be sent to CCPB and the meeting will be moved to November 25th so the CCPB has time to review the application.

Motion made by L. Korda to approve the minutes of September 16, 2019 and September 23, 2019, seconded by L. Ponter. Approved by all.

ADJOURNMENT: So moved by Chairman D. Herrick at 9:18 p.m.

Respectfully submitted,

Patricia DeLong