

**VILLAGE OF CHATHAM  
PLANNING BOARD MEETING  
NOVEMBER 25, 2019  
7:30 P.M.  
MINUTES**

**Call to Order at 7:34 p.m.**

**Present:** Chairman D. Herrick; Members L. Korda, L. Ponter and R. O'Mara-Garcia; Village Attorney Ken Dow; Building Inspector E. Reis; Village Deputy Clerk P. DeLong; Kimberly Coon; Milap Seema Realty Corporation Representative Bavesh Patel; Multiple Members of the Public and attorney Alita Giuda of Couch White.

- 1) Application # 2019-166: 54 Main Street, Chatham, NY; Kimberly Coon, Applicant; Application/Site Plan for Sign – *Approved by all.***
- 2) Application # 2019-152: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan for Fence - *Tabled to next meeting on December 23, 2019 for Board review.***
- 3) Application # 2019-170: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan for Fence - *Tabled to next meeting on December 23, 2019 for public hearing and pending CCPB review.***
- 4) Application # 2019-171: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Amendment to Conditions - *Tabled to next meeting on December 23, 2019 for public hearing and pending CCPB review.***

**Other Business: None**

**1)** Kimberly Coon sits with the Board. D. Herrick reviews the application for the proposed sign to replace the current sign. He confirms the business is changing from a Café to a Garden venue which is a like use. L. Korda asks if she will be using the same door. K. Coon states she will most likely use the same door but that it is not decided yet as the current door is not working properly. D. Herrick advises that the door work properly for safety. R. O'Mara-Garcia asks if she has plans to paint the building. K. Coon confirms she has not decided but, if she does it will be a baker salt compound which is rubbed into the brick causing a white tint distressed look. D. Herrick advises she will need another application for the paint to come before the board again with a sample or photo. They discuss time frames. L. Korda asks about plants. K. Coon states they will be greenhouse plants that are kept inside. She discusses the possibility of plants and planters outside as well as care of the grounds around the building. They discuss code for plants possibly sold outside and their affect on the sidewalk.

*Motion made by L. Ponter to close the Public Hearing, seconded by L. Korda.*

*R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, D. Herrick-yes: Approved by all.*

K. Dow explains Type 2 SEQR action review with a project being less than 4,000 square feet.

**2)** B. Patel and H. Patel sit with the board. D. Herrick reads the response from the Fire Department and the letter sent by the Columbia County Planning Board with regards to the application for a fence at 2 Church Street. The letter says there is no significant county-wide or intercommunity impact. Recommendations of the CCPB include review for possible interference with the preestablished fire lane and emergency access. K. Dow refers to the code and points out that most of the fence is in the side yard, and that at the roof line it becomes front yard. The board reviews the site plan and confirms that a portion of the fence is subject to front yard regulations. B. Patel affirms that portion will be 4' and no need for an area variance. D. Herrick confirms the section treated as front yard will be 4'.

*Motion made by L. Ponter to open the Public Hearing, seconded by L. Korda.*

*R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, D. Herrick-yes: Approved by all.*

A. Giuda of Couch White approaches the board. Her associate gives a hand out to the members of the board. She gives an overview of the hand out as it relates to easement issues, difficulty of access, parking concerns, inadequate signage, loading and unloading, a letter from the building inspector and concerns about current compliance when 2015 conditions were not all met. She states a fence would make it difficult for emergency vehicles and encroach on the easement in the deed for Nancy Scans. K. Dow refers to easements as it relates to Planning Boards with the fundamental point: private easements are private matters and the Planning Board can not determine if there is encroachment upon a private matter. He presents similar cases. A. Giuda states that the access of the easement does directly affect the right of transverse and the safety of traffic. K. Dow determines the Planning Board would have to review the actual impact as it relates to the code. D. Herrick asks about plowing. B. Patel states he spoke to his plow service and confirmed they had plenty of room. D. Herrick refers to the site plan asking if traffic is a one-way lane. B. Patel confirms it will be making it nice and easy. D. Herrick confirms big trucks can not go in back. B. Patel affirms trucks must stay out front. K. Kneller and S. Kneller voice concerns over enforcing the conditions and a truck recently in the fire lane. K. Kneller states he has a camera out front that has captured 100 violations, refers to no signage and makes a request that the board table the application. B. Patel rebuts that there is signage on the building. K. Dow refers the conversation to the Building Inspector. E. Reis determines the parking violations were addressed. R. O'Mara-Garcia refers to the site plan asking about dimensions and distance. B. Patel points to the dimensions. K. Dow explains that the conditions exist as such to empower to prevent an adverse impact. He clarifies the condition was put in place to stop delivery trucks from parking on neighboring property. He looks to resolve, does the fence mitigate or solve the condition. K. Kneller states he notices vehicles going around the cones, mentions a school bus that had to back-up on the other property because he could not get around the cones. voices that the fence would force traffic onto his land and concern of a problem with storm drainage. He makes a reference to the original pharmacy plans. D. Herrick comments originally half of Nancy Scans was residential. J.

Olsen comments about parking. B. Patel questions why he must use his property to provide parking for Kneller Insurance and Nancy Scans. J. Olsen states there is an assumption about the property lines. K. Dow explains the presumption; that if there is a claim against the fee owner of the property it is not his burden to establish if it is not there, the burden is that of the claimant and it is legally incorrect to tell a property owner that he can not use his land. D. Herrick asks at this time to recuse himself. L. Korda asks if there is a survey of the property. B. Patel states he has had a survey for 12 years.

D. Herrick calls a 5-minute recess.

Meeting resumes: 8:34

L. Ponter states he is the Vice Chair and will carry the meeting to the end.

A. Giuda asks if the public comment can remain open for time to provide a survey and follow up. K. Dow verifies there is a history of site plans on the property, approvals could go back to the 80's. L. Ponter states; in fairness, the board will need to review the body of information just received, that they will need to consider the fence the property owner wants to build in pursuant to Zoning codes and what is possible to do in the board's purview.

*Motion made by L. Korda to carry the Public Hearing to next month, seconded by R. O'Mara-Garcia. L. Korda-yes, R. O'Mara-Garcia-yes, L. Ponter-yes: Approved by all.*

**3)** L. Ponter opens the application for a second fence at 2 Church Street for board review. R. O'Mara-Garcia confirms this was not yet sent to CCPB or the Fire Department. He refers to the drawing and voices concern over the ingress, egress, exiting out of both pieces of property, creating a bottle neck, possibilities of causing a major accident, and the one-way entrance on route 66 with the exit on 203. B. Patel states he had a fence there before that came down in 2008. R. O'Mara-Garcia asks if this will also be a chain link. B. Patel confirms and states it will be 5' until the front yard. All review the site plan. They agree the plans will need to be sent to CCPB and NYS DOT. B. Patel states he talked to DOT 6 months ago. K. Dow verifies that they will need documentation and let DOT weigh in. K. Kneller comments (though this portion is not Public Hearing and only workshop) on the fence that was there and the proposed 60' entrance. He states he offered 15' of his property to rectify with the condition he take the fence down. This was a verbal agreement. L. Korda asks why the 60' wide entrance was rejected. K. Kneller and B. Patel exchange opinions on this matter.

*Motion made by R. O'Mara-Garcia, Public Hearing next month for the fence on the west side, seconded by L. Korda.*

*R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, D. Herrick-yes: Approved by all.*

**4)** L. Ponter opens the application for 2 Church Street, amendment to conditions, for board review. K. Dow asks if this is a request to the Board to remove the Fire Lane. B. Patel replies the Fire Lane was not supposed to be there. K. Dow clarifies the property owners request for the conditions, explains the law for conditions, and the provisions in place to allow people to amend conditions. R. O'Mara-Garcia confirms this change would allow parking, loading, and unloading behind the building and the property owner would use the property as they see fit.

K. Dow asks to clarify if this application is subject as its own thing or if this is in conjunction with the fence. L. Ponter asks if there is no fence would the property owner still want to remove the Fire Lane? B. Patel states, yes. R. O'Mara-Garcia states this application will need to be reviewed by CCPB and the Fire Department. K. Dow explains that this application is treated like a site plan, how they review possible alternate ways to achieve the same result or if there is sound reason for it being in place and there are no changes then they need to establish the rational for getting rid of it. L. Ponter and R. O'Mara-Garcia affirm the Fire Department will need to review the pulling of the Fire Lane, they will need to see the fence as well, and CCPB will also need to review. K. Dow again explains how this application is like any other site plan review.

*Motion made by L. Korda to set this application for Public Hearing next month, seconded by R. O'Mara-Garcia. L. Korda-yes, R. O'Mara-Garcia-yes, L. Ponter-yes: Approved by all.*

*Motion made by L. Ponter to adjourn the meeting, seconded by L. Korda.  
R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, D. Herrick-yes: Approved by all.*

**ADJOURNMENT: 9:14 p.m.**