

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
DECEMBER 23, 2019
7:30 P.M.
MINUTES**

Call to Order at 7:30 p.m.

Present: Chairman D. Herrick; Members L. Ponter, L. Korda, and R. O'Mara-Garcia; Village Attorney Ken Dow; Building Inspector E. Reis; Village Deputy Clerk P. DeLong; Louis F. Payn Foundation Representative Steven Legere; Milap Seema Realty Corporation Representatives Bavesh Patel and Milap Patel; Residents S. Kneller, K. Kneller.

- 1) Application # 2019-173: 12 Coleman Street, Chatham, NY; Louis F. Payn Foundation, Applicant; Application/Site Plan for Sign - *Tabled to next meeting on February 3, 2020 for Public Hearing.***
- 2) Application # 2019-152: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan for Fence - *Tabled to next meeting on February 3, 2020.***
- 3) Application # 2019-170: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan for Fence - *Tabled to next meeting on February 3, 2020.***
- 4) Application # 2019-171: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Amendment to Conditions - *Tabled to next meeting on February 3, 2020.***

Other Business:

1. Review submitted Planning Board Applications

- 1)** S. Legere sits with the Board and presents his site plan for a proposed sign located 12 Coleman Street. Both sides of the sign would have writing. D. Herrick confirms the size and there is no illumination. L. Korda asks if the sign will run perpendicular to the street. S. Legere explains the location of the sign. *Tabled to next meeting for Public Hearing.*
- 2)** B. Patel and M. Patel sit with the board. D. Herrick reads all the application numbers in relation to 2 Church Street. K. Dow makes a recommendation to the Board that application 152 be reviewed within the scope of the new Village laws, application 170 possibly cannot be acted on because the CCPB did not meet, application 171 would be relevant to the determination of

applications 152 and 170. L. Ponter asks to determine the effect. M. Patel asks for clarification on the conditions stating they are not clear on what they are enforcing and proof determining their necessity. K. Dow observes this may be relevant to the property boundaries. D. Herrick recuses himself. M. Patel and B. Patel explain the foundation for moving forward with the fence applications. They voice general complaints about struggles with the neighbors, applications being delayed because of neighbor complaints, proving against allegations of easements and disputes, private matters taken to court wasting time and money to prove his innocence and how a fence would alleviate all of that. They state it is hard to control traffic and even after complying with conditions the problems continue to exist which they have tried to rectify to the best of their ability. They state how a fence would improve the easement related matters, the only easement is for Nancy Scans, and confirm the fences will now be 4' in height all the way through, and asks that each application is treated separately. L. Ponter affirms that they are meeting regarding a fence and all other disputes are aside. K. Dow explains how claims of easements are outside the Planning Board realm with no power to decide on covenants and explains easements and provisions of the code. L. Ponter asks to keep this as simple as possible; noting the interwoven issues and asks to stay to the fence, confirming the fence will now be 4'. He notes the code does not state that he can not have a fence. K. Dow observes that the 1984 plans show a fence that was never followed through, in 2007 an application for a fence was submitted, the Building Inspector issued a permit, neighbors appealed to the Zoning Board. The Zoning Board reached the conclusion that there was a dispute, B. Patel then went to court, Judge threw it out on a technicality without getting to the merits of the question. Zoning Board was erroneous to put the burden on the land owner, but other boards would follow this unless there was a reason to depart from it.

L. Ponter opens the meeting to the public.

S. Kneller voices concerns over the description of the fence. E. Reis explains it is not in the Historic Over Zone. K. Kneller reads a letter from the Estate of Grunberg. L. Ponter explains this is the fence between Nancy Scans and Charron's. K. Kneller then voices concerns over parking at Nancy Scans, snow removal, and prior approval of site plans. M. Patel notes the original site plan and the object of the delivery trucks. L. Ponter asks if there was originally a fence. E. Reis replies that the fence was approved but never built, referring to the 1984 site plan. K. Dow observes there are 3 privately owned parcels, noting that the Board can not impose on another property, and can not burden an adjacent property because of the needs of another one. He explains the realm of the Board and Mr. Olsen has the right to go to court for his property. L. Ponter clarifies which property the fence is on. M. Patel states that the same scenario pops up for every application and court gets expensive. D. Herrick comments as a member of the public, asking if they have ever considered a traffic island instead of a fence. S. Kneller comments on fence maintenance. L. Ponter resolves the Board would be happy to see a compromise with the neighbors. M. Patel and B. Patel state the situation has come to this and a chain link fence would take up the least amount of space. K. Dow observes the distance of the fence from the road and reads the new pertaining Village laws. S. Kneller voices concerns over pedestrian traffic, the general character for the Village and drainage. M. Patel presents a letter regarding pot holes on his property. E. Reis points out this letter was sent to all property owners. K. Dow affirms it is important to have a basis for the conclusion. That a determination should include specific standards in the code. D. Herrick notes as a member of the public, that the only chain

link fence in the Village is at Stewart's behind the building. M. Patel impresses they would be happy to put up a wooden fence. L. Korda confirms they would need several examples and suggests they look at other fences in the area. M. Patel asks for confirmation that it is now tabled due to an alternate fence. L. Ponter clarifies. K. Dow explains the new code and it's bearing on the fence. B. Patel notes they now have cones up that have not been affected. L. Ponter notes that snow removal is what it is. L. Korda asks how they use the roadway now. M. Patel states the traffic will still be able to flow and there are one-way signs up. L. Ponter affirms the need for a diagram of the fence and what it will look like.

Motion made by L. Korda to table the application to next meeting, seconded by R. O'Mara-Garcia. L. Ponter-yes, L. Korda-yes, R. O'Mara-Garcia-yes: Approved by all.

Board discusses the date of the next meeting and confirm it will be February 3rd.

M. Patel and B. Patel ask more questions regarding fence height, Zoning Board, and FOIL.

Motion made by D. Herrick to move to Executive Session.

Motion made by L. Ponter to have both Planning Board candidates at the next meeting for an informal interview, seconded by L. Korda.

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

Motion made by L. Korda to approve the minutes from November 25th as amended, seconded by L. Ponter:

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

ADJOURNMENT: 9:22 p.m.

Respectfully submitted,

Patricia DeLong