

VILLAGE OF CHATHAM

PLANNING BOARD MEETING

Tracy Memorial Village Hall
77 Main Street, Chatham, NY 12037
January 31, 2022; 7:00pm

Minutes

Call to Order: 7:00 pm by Temporary Chairman B. Gaylord

Present: Temporary Chairman B. Gaylord; Planning Board Members F. Iaconetti, D. Herrick, L. Korda, J. Sesma, Mayor J. Howe, Village Clerk D. Kelleher, Deputy Clerk S. Davis, Village Attorney K. Dow, Applicant J. Sauca, Applicant M. Patel, Engineer Heather Wyld for Applicant Prudence Properties, Engineer Morgan Moldoff for Applicant Prudence Properties, Attorney M. Khosrova

B. Gaylord introduced Mayor J. Howe who introduced B. Gaylord as Temporary Chairman of the Planning Board. Mayor J. Howe then gave a brief overview of the Board of Trustees' decision to opt out of retail sale of cannabis and its interest in opting back in. Mayor J. Howe then asked the board to formulate suggestions regarding a letter from M. Khosrova regarding the request to Amend Zoning District Map for Route 203. Mayor J. Howe noted that the Shaker Museum construction has been delayed by the pandemic.

Old Business:

- 1.) Application #2019-092: 5 Austerlitz Street, Chatham, NY; Shaker Museum and Library. (Previously approved February 22, 2021).** Applicant is requesting an extension of the site plan approval which was decided by the Village of Chatham Planning Board on February 22, 2021. D. Herrick asked Attorney K. Dow if an across the board extension could be granted due to all delays caused by the pandemic. Attorney K. Dow said no. D. Herrick made a motion to grant Application #2019-092 for 1 year extension of the site plan approval which was decided by the Village of Chatham Planning Board on February 22, 2021. Motion seconded by L. Korda. Approved by all. Motion passes.

New Business:

- 2.) Application # 2021-158; Tax Map #66.10-3-17; 19 Railroad Avenue, Chatham, NY 12037; Local Law 2 of 2019, Article VII, Section 110-15C, Site Plan Review required for change of Use and Retail in C1. (Retail store, Crow Cottage, relocating).** F. Iaconetti asked for a description of the retail use. Applicant described the business as a country store. F. Iaconetti asked what other uses are within the structure that Applicant is moving into. Applicant replied that there are none. F. Iaconetti inquired about employee parking. Applicant responded that there is adequate parking for 2 employees. F. Iaconetti asked if any changes are being made to the exterior. Applicant replied that there are no changes being made. F. Iaconetti asked if Applicant planned on having an exterior sign. Applicant replied that she does plan to have an exterior sign but has not gotten that far yet. She has a sign on her existing business and asked if she could take

that sign and move it to the new property and if so, would she need to come back before the Planning Board. F. Iaconetti responded that she would and that a drawing showing colors, dimensions, and location on the building. L. Korda asked if a public hearing was required. Attorney K. Dow answered that it was not required. Attorney K. Dow noted that the site plan for change of use does not seem to be an exemption to the requirement for Columbia County Planning Board review. D. Herrick made a motion to table, pending result from the County Planning Board. Motion seconded by L. Korda. Approved by all. Motion passes.

3.) Application # 2021-159; Tax Map #66.13-3-6; 2A Church Street, Chatham, NY 12037; Local Law 2 of 2019, Section 110-15 (G) (1) (b) sign. (Install a 10ftx3ft BMP Wine and Liquor Store signage). Applicant submitted new signage information to replace a hand drawn sign. F. Iaconetti made a motion to approve Application # 2021-159; Tax Map #66.13-3-6; 2A Church Street, Chatham, NY 12037 based on the application of building/use permit, application of site plan review, new attachment, drawings of the sign and submitted photographs, and discussion with the Board regarding their questions. Motion seconded by J. Sesma. Approved by all. Motion passes.

4.) Application # 2022-006; Tax Map #66.13-1-19; 20 Church Street, Chatham, NY 12037; Section 110, Attachment 1, Site Plan Approval required. (Removal of existing 4,901 sf +/- building and replacement with new 4,000sf structure). D. Herrick asked if he needed to recuse himself as his property is adjacent to that of the Applicant. Attorney K. Dow answered that he did not need to recuse himself. Applicant noted prior to questions or comments from the Board that the plans were only a sketch plan review and that they have not submitted a full drawing set. L. Korda asked Applicant why they are planning to build a new structure to replace the existing structure. Applicant responded that the existing structure is actually 1 old building with 3 additions which is not in good condition and not worth saving. F. Iaconetti noted areas of the application which were not filled out. Applicant responded that those would be filled out on their final set of plans. F. Iaconetti asked for the number of stories, the height, and number of parking spaces for the new structure. Applicant responded that it would be 2 stories, 16 ft. in height, and that there would be 11 parking spaces. F. Iaconetti asked that the parking spaces be numbered and identified on the plans. F. Iaconetti asked that Applicant indicate the height, limits, and construction material of the proposed fence. D. Herrick asked about the existing gate located at the back of the property. Applicant responded that they do not have any plans to modify the gate. F. Iaconetti asked that the area and limits of what will be paved be identified as well as what material is being used. F. Iaconetti asked the roof will be flat or pitched and how will it drain. Applicant answered that it will be pitched and will have gutters. D. Herrick asked that the plans show where the gutters will drain. L. Korda stated that the lot width requires 100 ft. minimum while the existing and proposed are 68.3 ft. Applicant responded that they do not meet the minimum required lot width based on the C2 code so they assume that they would need to seek a variance. F. Iaconetti asked that any landscaping be identified and labeled by type on the plan. D. Korda noted a chain link fence identified on the plan but did not

see the fence while visiting the site. D. Herrick identified it as the fence along the Fairground property line and stated that it was in a state of disrepair. Applicant pointed out the location of proposed fencing. F. Iaconetti asked that the limits of the proposed fencing be clearly identified on the plan. F. Iaconetti asked where the existing drainage goes. Applicant replied that it goes into a catch basins on the West side of the building and that the gutters on the proposed structure will be routed to those exiting catch basins. F. Iaconetti asked if new sidewalk will be flush or curbed. Applicant replied that it would be flush and that they were doing bollards, similar to Stewarts. F. Iaconetti noted the parking spaces on the plan are 9 ft. by 19 ft. but zoning requires that they be 9ft. by 19 ft. With the planned bollards, the parking spaces would need to be larger. Applicant responded that it could be adjusted. F. Iaconetti inquired about two dark rectangular spots on the top left-hand corner of the plan. Applicant responded that Stewarts entrance conflicts with their entrance and exit and they are hoping to cut it off a little bit to reduce vehicular incidents that could occur. F. Iaconetti asked what cut off meant. Applicant responded that they were thinking perhaps a stone wall, Jersey barrier or some sort of fencing but were looking into feedback from the Board. F. Iaconetti responded that Board members, generally speaking, should not make recommendations but noted that if they intend to build a wall, that there are State building codes which outline height restrictions. F. Iaconetti asked if Applicant had an agreement with Stewarts. Applicant responded that there is an easement. F. Iaconetti asked where water drainage goes once it leaves a 10 inch pipe marked on the plan. Applicant responded that they do not know but one condition of the easement was that they could run their pipe into the catch basins. F. Iaconetti asked applicant to find out. F. Iaconetti asked about the number of employees. Applicant replied that there would be 2 employees. F. Iaconetti and asked that any lighting be identified on the plan. F. Iaconetti asked if a sign will be attached to the building. Applicant said that a new sign will be identified on the final application. F. Iaconetti asked if existing sign that is attached to a utility pole would remain. Applicant answered that unless the Board ruled otherwise, they intended for the sign to remain. F. Iaconetti noted that the east side set back is 5 ft. from the building but that zoning requires 15 ft. which will require variance, and possibly the front and back lot line. F. Iaconetti noted that zoning indicates that 3-5 spaces are need for every 1000 ft. of gross floor area. D. Herrick asked about the hours of delivery to side door versus the back door. Applicant responded that there will be a side door on the next set of plans but major deliveries will be at the back. D. Herrick noted that deliveries to the back may disrupt the neighbors and Applicant may want to note hours of delivery on the next plan. F. Iaconetti suggested plantings to block noise. L. Korda asked if there was any Fire Department issue. D. Herrick replied that it must be submitted to the Chief. Applicant inquired if the Planning Board need to send the application to CCPB. Attorney K. Dow replied that a recommendation was not required to be added to the agenda. F. Iaconetti made a motion to table pending updated plans from Applicant. Seconded by D. Herrick. Approved by all. Motion passed.

Other Business:

5.) Recommendation by the Planning Board regarding an amendment to zoning as it pertains to the retail sale of cannabis and Retail Cannabis dispensaries, within the Village of Chatham. Possible options:

Add retail sale of cannabis to the Table of Use.

Or

Add regulations and parameters specific to the retail sale of cannabis, and Retail Cannabis Dispensaries.

F. Iaconetti made a motion that the following recommendation be made from the Planning Board to the Village of Chatham Board of Trustees:

The Planning Board recommends that a definition be developed as to what is a retail cannabis dispensary and add it to the zoning list of definitions.

and

Cannabis dispensary be added to the Table of Use, only permitted in zone C3 by a special use permit.

Motion seconded by D. Herrick. Approved by all. Motion passed.

6.) Recommendation by the Planning Board regarding a request to Amend Zoning District Map for Route 203. Letter attached. Attorney M. Khosrova made a presentation on behalf of his client who is seeking an amendment to Zoning District Map for Route 203. The Board asked M. Khosrova a number of questions which he answered. D. Herrick made a motion to table the discussion. Motion seconded by F. Iaconetti. Approved by all. Motion passed.

Approve Minutes: November 22, 2021 (December Meeting cancelled, therefore no minutes to approve.)

ADJOURNMENT:

Rev. 01/24/22

Next Meeting February 28, 2022

Respectfully submitted,
Sam Davis
Village Deputy Clerk



LAW OFFICE OF MITCHELL KHOSROVA

December 9, 2021

DELIVERED VIA EMAIL

John Howe, Village of Chatham Mayor
Village of Chatham Board of Trustees
Tracy Memorial Village Hall
77 Main Street
Chatham, NY 12037

Re: Request to Amend Zoning District Map for Route 203, Village of Chatham, NY

Dear Mayor Howe and Trustees of the Village of Chatham:

I have been retained to represent the owner of land located in the Village of Chatham and, pursuant to Section 110-77 of the Village Code, I am petitioning to you and requesting an amendment to the Village zoning law and map.

My client, Chatham 203 Holdings LLC, currently owns a 15.14-acre vacant parcel on State Route 203 in the Village of Chatham (Tax Map ID: 66.13-2-58). Attached you will find a survey map of the premises. The property is currently zoned as a Suburban Residential (SR) district. A small portion of the property (6.21-acre) is outside the Village boundary (adjacent to Borden's Pond) and not germane to this request. It is anticipated that this portion shall not be used for future operations of the lodging facility and remain as is.

The owner, the sole member lives locally, wishes to construct a lodging facility on the property, and we request that the zoning map be amended so that this parcel may be zoned as a Commercial 2 (C2) district to permit this operation. Property immediately adjoining this property is already zoned C2 and there are C2 parcels on both sides of Route 203 including the Walgreens and Key Bank parcels so it will fit the character and harmony of that area.

Under the Village Code, the use of the property as a hotel would be permitted under C2 zoning and, upon the granting of a permit for special use by the Planning Board, may operate as a lodging facility.

The lodging facility in question would be a three-story, traditional-style building with approximately 30 units to lodge guests. Potentially the facility could also operate a restaurant (permitted in C-2 and/or tavern which is allowed with a special permit). This operation would be a great addition to the Village of Chatham. Not only would it provide residents with a fine

establishment for visitors to stay, but it will also generate significant tax revenue for the Village in addition to water & sewer fees.

I am happy to meet with the Village Trustees if so desired.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mitchell Khosrova". The signature is written in a cursive style with some loops and flourishes.

Mitchell Khosrova

Enclosure

cc: Client
Village Attorney

