

SPECIAL BOARD OF TRUSTEES MEETING

VILLAGE OF CHATHAM

Meeting Location: Chatham Firehouse
2 Hoffman Street
Chatham, NY 12037

MAY 23, 2022 7:00 PM EST

MINUTES

Call to Order: 7:03pm by Mayor J. Howe

Present: Mayor J. Howe; Trustees M. Spock, J. Boehme, P. Minahan; Village Attorney K. Dow; Village Clerk D. Kelleher; Village Deputy Clerk S. Davis; Attorney M. Khosrova; Residents P. and K. Wenk, D. Levow, L. Korda, Mrs. Longo, T. Hope, M. Fisch, B. Kern, Deidre Malfatto, Dan Tuscuzinski, M. and T. Carr, F. Iaconetti, L. and B. Packet, M. Wahl, S. Franks, R. Gleason, K. Costigan, D. Byrum, N. Castaldo, G. Warden, D. Fuller, J. Knights, B. Gaylord, L. Locke, Kouri Killmeier, E. Teasdale.

Not present: Trustee K. Schassler; Property owner parcel tax map# 66.13-2-58.

New Business:

Resolution 67 of 2022: To authorize the **Chatham Fire Department** to purchase **TFT Adapters** from Municipal Emergency Services (**MES**) in the amount of **\$2554.17**, per Quote # QT1582630, dated 05/13/2022.

So moved by P. Minahan, seconded by J. Boehme. All approved.

Old Business/Item for Discussion:

The purpose of this meeting is for the **gathering of information** having to do with the **concept** of a **possible lodging-type facility located on vacant parcel tax map# 66.13-2-58 on State Route 203**. See attached concept and possible solution examples/options.

Mayor J. Howe asks residents to be respectful, brief, and to the point. Notes that after this meeting anyone wishing to submit additional may do so by email to dkelleher@villageofchatham.com by close of business Thursday, June 9, 2022. Next Board of Trustee meeting is set for June 13, 2022 7:00pm.

Mayor Howe summarized the timeline of events/meetings including the submission of a letter written by Attorney M. Khosrova expressing his clients desire for the Board of Trustees to consider an amendment to the zoning to allow a lodging type facility, the Village Planning Board discussion of the concept, and the Board of Trustees discussion of the Planning Board recommendation to the Board of Trustees. He points out that based on such discussions the Village Attorney K. Dow drafted a few options/alternatives that could potentially be considered as solution, IF the Board of Trustees chose to make any change to zoning at all.

Mayor Howe introduced Attorney M. Khosrova for his opening, followed by resident questions/comments and answers.

*M. Khosrova: Concept only at this point. His client is local Austerlitz resident. Latest venture is the old Swiss Hutte, called **Little _____**, which is small lodging/restaurant, should be opening in July. Edibles on route 66 across from Bartlett house, should be opening soon. His client uses all local contractors. He owns the old Spencertown*

Store, which should have opened a while ago but they found much too much damage and since this owner does not like to do things half way they gutted it and are rebuilding it. Locally he bought the old Nonne Restaurant and across the alleyway there are offices and you can see the exterior renovations. He believed the new restaurant PIMA would be opening Monday. So, he's local, he likes investing local. He came up with this idea after the Village approved the Shaker Museum in the Village. He thought since there really is no lodging in this area, that it would be nice to have a Shaker museum inspired, autumn colored, traditional, very low key lodging with approximately 30 rooms, having a small tavern restaurant. He's in the hospitality business and he owns dozens of restaurants, bagel shoppes, etc in NYC. He doesn't do big commercial buildings or residential buildings. He has gotten a lot of feedback that there is no place to have a rehearsal dinner, or some kind of larger gathering for families, private parties and such, up to 75 people. **Theibond Engineering** is who he uses, and they are very environmentally conscious, and in this case they are dealing with wetlands. So looking at the property which borders on the commercial property of Walgreens, the cemetery, and wetlands he thought it would be a nice location for a small structure which would be hidden from the road. Other than that concept there really isn't much more out there. This client is extremely flexible and is willing to change things as he goes depending on feedback that he is getting from his professionals as well as from his neighbors. Attorney Khosrova is not on social media but he is hoping to minimize the amount of misunderstandings, exaggerations, hypotheticals, and what-if's, that go out there and go back and forth. He made a presentation early on to the Trustees and only asked that they not sit on it too long as his client would like to decide what he is going to do. It is zoned residential right now, and I showed the Trustees a surveyor map which showed the potential for 36 houses which is currently zoned for and permitted based on the space. Access to Village water which would generate additional revenue for the Village, and property tax revenue for the Village would be increased as opposed to the current taxes on vacant land, and there really is no place nearby for families lodging except for Air B-n-B's which is at a standstill right now. Businesses in the Village, the retail shops, the restaurants, would benefit from having this type of lodging in the Village.

That is pretty much all that's out there right now. The client has not spent money on any design or engineering simply because this is an "ask", we need a zoning amendment. The alternative plans that the Village attorney put forth are great. We have no opposition to them. I have no reason to demand, want, or believe that it would be correct to make this zoned commercial to make anything that we want commercial. I want to have it as limited as possible for the need that we are trying to purpose here and I think that the alternatives that were put forth would accomplish that, and I thank the attorney for doing that. Attorney Khosrova expressed that he is happy to answer any questions at this time.

Mayor Howe asked that the Village Attorney K. Dow first have an opportunity to comment as there are some questions out there as to where these alternatives came from.

Village Attorney K. Dow reiterated that there is NOT an actual application at this time for this particular project that is being considered for approval by the Board. They have a concept which is the catalyst for the Board's consideration of amending the zoning law. Right now they have an idea of what they would like to do that's not allowed. You just can't do that there. So they are asking the Board if they would amend the zoning code to allow a small hotel and there are number of ways that could be done. I want to be VERY clear that the Board has the option to do nothing. They are under no obligation to do anything. The only step that is immediately in front of the Board is whether to modify the zoning code in a way that would be more receptive to small hotels, whether in this specific location or more broadly. If they were to do that, they would also be free to delineate that in whatever they felt was appropriate in terms of scale, size, what kinds of amenities, what kind of requirements would go along with that. It's really a blank slate. The Board can really lay out what the parameters are for any development that would be allowed. IF that were done, and the zoning code were amended, the applicant would have to come in with a specific project that conforms to the specific parameters and specifications in the modified zoning code presumably would require special use permit and site plan review in front of the planning

board and such, so if the code were amended to allow in principle something along these lines they would then have to come in with a specific project that would have to be reviewed and if that were ultimately reviewed things could proceed. But it's two different things. This Board is not here to give approval to a particular project. They are here to potentially allow some kind of lodging hotel kind of thing in some part of the village where it is not currently allowed.

Mayor Howe took a moment to remind everyone that the Board has already requested written comments prior to this meeting, and will continue to accept written comments through Close of business June 9, 2022.

The following residents including L. Locke, L. Ruben, J. Dodge, N. Castaldo, L. Packet, F. Iaconetti, Matt Fisch, R. Gleason, D. Castaldo, D. Levow, M. Lippera, S. Franks, B. Gaylord, T. Hope, L. Korda, D. Costellano, K. Costigan, and Maureen Fisch, expressed their opinions and concerns regarding the concept of a possible lodging-type facility located on vacant parcel tax map# 66.13-2-58 on State Route 203:

- Comprehensive Plan adopted in 2015, zoning updated in 2019 - committee is opposed to changing this parcel to commercial zone, allowing Special Use Permit for a portion would deter remaining land to be used for homes. -if it is rezoned for commercial and the lodging facility fails and he sells the property as commercial it could end up being a CVS or something. (K. Dow: C2 change is not favored by anyone for that reason).

-Courts rule against spot zoning when not compatible with comprehensive plan, how are we determining "need"? Absence does not dictate "need". 2 properties including the parcel across from the new price chopper could be purchased for a lodging facility and is currently zoned for such a project. Also a mixed zoned parcel available within 1 mile from the Village.

-What about "demand"? Many hotels open and close within the Village. Inn at Silver Maple (7 out of 11 rooms are currently open), Spencertown Inn, 20 minutes away there are many in Hudson accessible to train, Kinderhook where there is a National Park and an Art School, Shepherder Inn. Impact of a 30 room hotel? Impact would be a loss of green space, wildlife, strain sewer and water resources, add to traffic.

-Concerns about the amount of blacktop used for access for emergency vehicles, and an increase to the amount of already existing flooding on Payn Ave.

-Mayor Howe discussed points from a water/sewer report done by P. Genovese (DPW foreman). Currently total of 730K between two water storage tanks (33K+400K). Currently use 315L/day, so we are at roughly 55% capacity. Sewer runs at approximately 250K-350K flow per day, or 46-64% capacity. Sewer plant upgrade was done in 2012. Water Main on Coleman St is 102 years old today.

-Concern that the "applicant" request was to change SR to C2 and the Board of Trustees is creating alternatives to what the "applicant" requested. (Attorney K. Dow noted to be clear, the Board also has the right to say no and to do nothing – no change in zoning, therefore not allow).

-Concerns expressed by a successful business owner, that many businesses are starving for workers and employees. Who will work at the hotel?

-The property immediately adjoining this property are already zoned C2, and C2 parcels are on both sides, so the point is that it (this project) would fit the character of that area. But if you look at the map there is a delineation as you enter the Village in that area.

-Question was posed regarding the structure itself, square footage, when would it open? Attorney M. Khosrova again stated that there is not currently a design so he is not able to answer the question.

-Concern about residents of the Payn Home and other living on Payn Ave. These people don't want it to change.

-Concern about the Village Water system and if this moves forward we really need to look at feasibility.

-Concern about increased traffic on Payn Ave, which is already bad. Drivers blow through the stop sign. Contradicts comprehensive plan.

- Concern about the curb cut at the end of M. and T. Carr shared driveway. As soon as there is one accident there will be a blinking light installed.
- Concerns about the bus loads of people coming for the Shaker Museum, to shop, have lunch, etc. There was no talk about anything needed for hotels. Affordable housing is now an oxymoron. Leave as SR and do not make concessions for hotel.
- Concerns about the price point for the hotel. Not everyone can afford to stay in a Hudson-like hotel. (Attorney M. Khosrova was not able to answer the question about the price point for the hotel as it is not yet designed, and again listed the various other businesses owned by his client).
- Concern that the owner of the property up for discussion was not present.
- Concern that allowing by special use permit is dangerous. Currently this resident lives near 2 parcels that received special use permits and it is a nightmare.
- Mayor Howe noted that he spoke at a Senior Economic Government Class and he posed the question “what is affordable housing”. They did not really know the answer.
- M. Spock expressed appreciation to the residents for their participation in this discussion. The Board of Trustees has a big decision to make and it needs resident participation in order to make the best decision for the Village.

Adjournment: 8:35pm by Mayor Howe

Next meeting: June 13, 2022 7:00pm

**Respectfully submitted,
Desiree Kelleher
Village Clerk**

(rev.06/9/22)