

VILLAGE OF CHATHAM
PLANNING BOARD MEETING
Tracy Memorial Hall
77 Main Street, Chatham, NY 12037
Monday, August 22, 2022
7:00pm

MINUTES

Call To Order: 7pm by B. Gaylord

Present: Members B. Gaylord, D. Herrick, F. Iaconetti, L. Korda, J. Sesma; Village Attorney K. Dow; Village Clerk D. Kelleher; Applicant C. Bacon; Applicant N. Hart

Open Public Hearing: 7pm

Close Public Hearing: Hearing no comments from the public, motion to close the Public Hearing made by D. Herrick, seconded by J. Sesma. Approved by all at 7:06pm.

Old Business:

1. Application #2022-111; Tax Map #66.17-1-2.111 and 66.17-1-2.112, 15 Dardess Drive, Chatham, NY 12037; (Section 110, Attachment 1, Table of Use, Special Use Permit required for club, health, fitness) Martial Arts business – special use and changing entrance. *F. Iaconetti noted that the Planning Board had received the documents it had requested be submitted by the Applicant at the previous meeting of the Board. Motion by F. Iaconetti to approve Application #2022-111; Tax Map #66.17-1-2.111 and 66.17-1-2.112, 15 Dardess Drive, Chatham, NY 12037; (Section 110, Attachment 1, Table of Use, Special Use Permit required for club, health, fitness) Martial Arts business and for changing/creating a new entrance 9storefront). This approval is based on the application for building/use permit dated 7-25-2022, the special use permit application dated 7-25-2022 with its attached sheets with particular attention to drawing number A-4 elevations and the Short Environmental Assessment Form. Motion seconded by D. Herrick. Approved by all*

New Business:

2. Application #2022-111A; Tax Map #66.17-1-2.111 and 66.17-1-2.112, 15 Dardess Drive, Chatham, NY 12037; Application for SIGN - Part of Special Use Permit (Section 110, Attachment 1, Table of Use, Special Use Permit required for club, health, fitness) Martial Arts business. *F. Iaconetti asked that the Applicant initial and date the images provided to the Board to clarify the precise design upon which the Board would be making a ruling. The Applicant did so. The Board discussed the exact dimensions and the lettering of the sign. F. Iaconetti noted that the exact square footage of the sign on the Application was incorrect. F. Iaconetti asked that the Applicant initial and date the corrected dimensions of 12.5 square feet. The Applicant did so. B. Gaylord asked the Applicant to sign and date the corrected dimensions. Motion by F. Iaconetti to approve Application #2022-111A; Tax Map #66.17-1-2.111 and 66.17-1-2.112, 15 Dardess Drive, Chatham, NY 12037 for the installation of an attached sign. This approval is based on the Application for a building/use permit dated 7-26-2022 and the revised Matthew Signs estimate sheet dated 8-22-2022 and initialed by the applicant along with the photo of the building showing the Chatham Chinese Restaurant sign which has been revised to reflect the Applicant's sign. The sheet is dated 8-22-2022 and initialed by the Applicant. Motion seconded by L. Korda. Approved by all*

3. Application #2022- 165; Tax Map #66.17-1-2.111 and 66.17-1-2.112, 15 Dardess Drive, Chatham, NY 12037; (Section 110, Attachment 1, Table of Use, Special Use Permit required for restaurant (pizzeria). Corey Bacon's Pizza. *D. Herrick asked if the space was previously a restaurant and if it will be a restaurant again, is a special permit required. K. Dow responded that it was and that a special use permit expires if permitted use ceases for*

12 consecutive months. Send to the County Planning Board. Schedule Public Hearing. F. Iaconetti noted that the Planning Board had not received an Application for a sign and that if the Applicant was planning on having a sign, a separate Application would be required. The Board asked the Applicant to fill in portions of the Application which had been left incomplete. The Applicant did so. F. Iaconetti asked that the Applicant correct a portion of the Application which referenced the inclusion of an attachment which was not in fact included. The Applicant did so. D. Kelleher announced to the Board that she was currently in contact with the Building Inspector E. Reis who informed her that she believed that she had received and passed along to the Board something regarding a sign. D. Kelleher stated that is the Building Inspector forwarded the document that she could print it out for the Board. The Board discussed the need to refer the Application to the County Planning Board. D. Kelleher asked the Applicant if the sign would be in the window or attached to the building. The Applicant responded that channel lettering would be on the building and that vinyl graphics would be placed in the windows. F. Iaconetti stated that there are zoning requirements regarding the size of the lettering in windows. The Applicant responded that the lettering would not exceed 25 percent of the size of the window. The Board discussed with the Applicant the location of deliveries and location of the dumpster. D. Kelleher presented to the Board members copies of the document she received from the Building Inspector. F. Iaconetti noted that it was a single photo and only for the window signage. Applicant stated that he had submitted plans to Matthew Signs regarding the channel lettering sign which would read "PIZZA". Applicant placed a call to the Matthew Signs and spoke to a representative named Sarah over speakerphone. Sarah stated that she had submitted, via email, the Application for the sign on July 27. J. Sesma asked if Sarah could email the completed Application as well as a picture of the sign to D. Kelleher so that the Board could review it at this meeting. Sarah did so. The Board discussed the dimension and design of the sign. F. Iaconetti stated that he assumed that the sign Application was being added to Application #2022- 165 and numbered A as the second part. B. Gaylord affirmed. K. Dow noted that all special use permits must be reviewed by the County Planning Board and require a Public Hearing. Motion made by D. Herrick to schedule a Public Hearing to be held at the next regular meeting of the Planning Board. Motion seconded by J. Sesma. Approved by all. The Board noted that Applicant could place a sandwich board in front of the business, pending approval of the Application as well as an "opening soon" banner.

Other Business/Recommendations for ZBA/BOT - none

Other Public Comments:

F. Iaconetti advised that currently at Stewarts there is screening around the dumpster, the air hose has been moved, the ice machine is now inside, and there is no longer a propane cage on the exterior of the building. However there are still signs up along the fence bordering NAPA, indicating "customer parking". These signs were never approved on their site plan. The signs were not approved on recent application or on the original site plan.

F. Iaconetti inquired about a building permit which was issued for an accessory building at the Art Park property, which recently received a non-conforming use permit.

F. Iaconetti reviewed some Building Department procedure and method of calculation for building permit fees, suggesting that the actual calculation be included in the application file, in case someone decides to file a lawsuit.

K. Dow -there is a fee schedule for planning and zoning, which can be found on the Village website. While some of these issues, whether or not something is noted on a site plan, could be planning and zoning board issues, other points would be considered Building Department administrative details which would not be planning or zoning board concerns. Possibly a citizen concern, but not a planning/zoning board concern. K. Dow agreed that providing a detailed receipt might be a prudent way to do record keeping, and if someone were to come in and complain about it the figures would certainly need to be justified.

B. Gaylord – Is there recourse for people who do not abide by planning board decisions? K. Dow – If they don't abide by then they are supposed to get _____ remedy. F. Iaconetti – if they do the work before they get a building permit they are supposed to be charged so many times more than the regular fee and that had never been done as far as I know. B. Gaylord – There is a building near here that has had many things done including white washing and it frustrates me that they came before us once and then they did 2 or 3 subsequent things that were not pre-approved. What are we all doing here if they can just go and do what they want.

K. Dow – If someone is repeatedly not doing stuff, I mean there are degrees of enforcement. If someone makes a mistake, it's a mistake. There is good faith and no penalty and we move on. If someone repeatedly does it again and again we can start applying more serious fines, cease and desist, an order to stop operating. If someone is not in compliance with the permits they've got you can order them to stop operating. If someone is on notice and they continue to flout it, then you can take stronger measures.

Approve Minutes: July 25, 2022 *Motion made by D. Herrick, seconded by F. Iaconetti. Approved by all.*

Adjournment: 8:19pm by B. Gaylord

Next Planning Board meeting: September 26, 2022; 7:00pm

Respectfully submitted,
Desiree Kelleher
Village Clerk