

PLANNING BOARD MEETING with PUBLIC HEARING

MINUTES: Monday, August 28, 2023; 7:00pm

Meeting Place:

Chatham Fire Department
2 Hoffman Street, Chatham, NY 12037

Call To Order Regular Meeting: 7:00 pm by Chairperson D. Herrick

Present: *Chairperson D. Herrick, Member F. Iaconetti; Member L. Korda; Member J. Sesma; Board of Trustees Liaison K. Schassler; Village Attorney K. Dow; Village Clerk D. Kelleher; Village Deputy Clerk S. Davis; Town of Chatham Liaison V. Pitkin; Town of Chatham Supervisor D. Collins; P. McKeon; S. Piazza, P. Vorel, P. Luccardi, L. Anito, R. Trevellyan, L. Sullivann, J. Bailey; N. Miles, R. Bartolo, L. Locke, G. Preuss. Not present: Member W. Harris-Braun*

OPEN Public Hearing for Application #2023-077 Jones Avenue Courts. 7:01 pm by Chairperson D. Herrick.

Chairperson D. Herrick asked of anyone who would like to speak that they first identify themselves and that if the statement or view that they wished to express had already been voiced by a previous speaker, that they simply state that they concur with that speaker. Village Attorney K. Dow addressed the attendees, stating that while he understood that there were many strong feelings surrounding the issue, the Planning Board must look at the facts of the matter, the evidence, and the information to determine if something is appropriate under the code. He stated that it does not matter, under the law, if everyone loves or hates an idea: these have no legal meaning. He added that the public is welcome to say these things but it is not a vote or a political decision. Rather, it is a question of compliance with the code. The most useful things are how they conform to a code or violate a code. It is very well established law, repeatedly stated by the courts in New York, that a Board like this is not permitted to make a decision based on community pressure. He said that he wanted people to understand that the legal basis for going forward has nothing to do with the public opinion. There is a code, there are standards, and they (the Board) have to make judgements about that.

F. Iaconetti stated that, for the benefit of the people who were attending, the zone is suburban residential. It is a recreational area that has been in existence prior to zoning, it meets the definition of a recreational area. The definition of a recreational area does not indicate specific uses and types of recreation. It even allows structures within a recreation area. He stated that he thinks that the Village has shown good faith in seeking Planning Board review in a Public Hearing for what is, basically, painting stripes. The footprint of what is being used as recreational is not expanding as part of this application.

Town of Chatham Supervisor D. Collins stated that the Town of Chatham had received a grant to build pickle ball courts at Crellin Park. He said that the timeline for completion was not known but that they probably would not begin construction this fall.

Multiple speakers from the community voiced concerns regarding the noise associated with pickle ball, citing numerous news articles and reporting regarding the impact to people in other communities living next to pickle ball courts.

S. Piazza raised concerns regarding increased traffic and traffic safety along Jones Ave. as well as Austerlitz St. Multiple members of the public concurred.

Some members of the public were confused as to whether the lines on the court were permanent or temporary.

Multiple members of the public were of the opinion that they would like to wait for the Crellin Park project to be completed.

Village Attorney K. Dow recommended that the Board should carry the Public Hearing over for another month in order to gather evidentiary data.

D. Herrick requested that the public submit any evidence that they thought pertinent to be considered by the Planning Board before the next board meeting on September 25, 2023.

J. Sesma made a motion that the applicant provide information regarding traffic and the noise impact of pickle ball. Motion seconded by L. Korda and approved by all.

Public Hearing for Application #2023-077 Jones Avenue Courts *remains open and will be continued September 25, 2023*

Old Business:

1. Application #2023-077: Tax Map #66.10-2-44; Village of Chatham, Jones Avenue Courts, Chatham, NY 12037; (Local Law 2-2019; Section 110-16M Special Use Permit amendment) Consideration of proposed pickle ball court lines to be added to one tennis court at Jones Avenue. (Tabled July 24th for Public Hearing). *Motion to table by J. Sesma, seconded by L. Korda, approved by all.*

2. Application #2023-046: Tax Map #66.9-2-15; 34 Hudson Ave., Chatham, NY 12037; (Section 110-49 Historic Review for Artwork on Building). Murals on Front of building. (Tabled July 24). *F. Iaconetti made a motion that the Village of Chatham Planning Board deny Application #2023-046: Tax Map #66.9-2-15; 34 Hudson Ave., Chatham, NY 12037; (Section 110-49 Historic Review for Artwork on Building) for the murals currently existing on the exterior of the structure based on the following: the colors of the murals are a stark contrast to the surrounding properties of the Historic District and based on the information that the Applicant himself provided in relation to questions asked of him by the Planning Board about the murals. Motion seconded by J. Sesma, approved by all.*

New Business:

3. Lot line adjustment request by Robert and Wanda Francis (22 Elm Street) and Stephen and Elizabeth Acciani, affecting parcels 66.17-2-32 and 66.17-2-37. Lot Line adjustment will add 0.379 acres to a currently 0.448 acre parcel for a resultant parcel of 0.827 acres. Donor parcel will be 6.435 acres after adjustment. *F. Iaconetti made a motion that the Village of Chatham Planning Board approve the lot line adjustment between Robert and Wanda Francis (22 Elm Street) and Stephen and Elizabeth Acciani, affecting parcels 66.17-2-32 and 66.17-2-37 as indicated. Motion seconded by J. Sesma, approved by all.*

Other Business/Recommendations for ZBA: (No new ZBA applications this month)

Referral letter from PB to ZBA: (None)

Other Public Comments: None

Approve Minutes: July 24, 2023 PB meeting. *Motion to approve made by J. Sesma, seconded by L. Korda, approved by all.*

Adjournment: 8:59 pm by D. Herrick

Next Planning Board meeting: September 25, 2023; 7:00pm.

(08/21/23)

Respectfully submitted,
Sam Davis Jr.
09/21/2023