

PLANNING BOARD MEETING MINUTES

Monday, February 26, 2024; 7:00pm

Regular Meeting: *Called to order 7:00pm by Chairman Herrick*

Present: *Chairman Herrick; Members F. Iaconetti, J. Sesma, W. Harris-Braun; Attorney K. Dow; Clerk D. Kelleher; Deputy Clerk S. Davis; Trustee K. Schassler; Applicants Zvi Cohen, A. Gaylord, M. Clarke. Not present: Member L. Korda.*

Old Business:

Provide Planning Board opinion to the Board of Trustees for –

- “Local Law to Amend the Table of Use Regulations In Relation to Accessory Structures” – see draft revised by BOT February 12, 2024. *The Board decided to hold this discussion until the end of the meeting, after the applications from residents were reviewed.*

New Business:

1. Application # 2024-013: Tax Map #66.17-1-2.112; Marsha Clarke (Property owner: Peter Pavlini), 15 Dardess Drive, Suite 3B, Chatham, NY 12037; Zoning Code Ch. 110, Table 1, Table of Use – To allow a clothing/retail store in vacant space in between Karate and Bacon’s Pizza. Special Use required, and signage is included.

*The existing space was previously a restaurant and applicant desires to use it for a clothing/retail. F. Iaconetti reviewed the application with the Board and the applicant to have the applicant complete any blank spaces. The Board reviewed the recommendations from the CFD which included the suggestion that a Knox Box be installed on the exterior of the shop. Motion by J. Sesma to identify this as **Type II SEQR under paragraph 19**, seconded by F. Iaconetti. All approved as Type II.*

*Application must go to **CCPB**. Agricultural Data form needs to be completed and Agricultural property owner will need to be notified of pending application and public hearing. Motion to table for **public hearing** at the next meeting by F. Iaconetti, seconded by W. Harris-Braun.*

2. Application # 2024-015: Tax Map #66.13-2-43; Zvi Cohen; 116 Hudson Ave, Chatham, NY 12037; Zoning Code Ch. 110-15C(5): Accessory uses or structures used in connection with principal structure or use (which is) subject to site plan review shall be subject to the same approval

requirements as the principal structure or use, unless otherwise specified in this chapter. Adding an outdoor freezer for existing restaurant/bakery.

Member F. Iaconetti reviewed the application with applicant, helped him add some missing information, and asked questions about the purpose of the application. Applicant spoke of the impact of covid on their restaurant. Sales at Our Daily Bread down 30%, costs are up 35%. They employ locally and take pride in the building and in their staff. Outlook of the business was looking bleak when Whole Grains, a national distributor out of Boston, approached them about a monthly standing order to bake a full tractor trailer of frozen artisanal bread. They welcomed the opportunity to help save the business and, moving quickly, retooled and shifted production to meet the monthly order. They considered it a lifeline. The placement of the freezer is crucial. Applicant considered other locations for the business, but considered their work force, which resides in Chatham. The freezer is located in such a way to allow the maneuvering of the truck which comes to pick up the frozen baked goods. Truck can't get closer to the building on the side. This freezer will also help them in a loss of power situation so they do not lose so much product. The applicant has consulted with J. Merker to possibly improve the visual appearance.

F. Iaconetti suggested that the applicant modify the application to include 3 other existing units to the application, and include a written description of the background for the need for the freezer, as Mr. Cohen just explained to the Board. F. Iaconetti suggested "maybe drawing a little plot plan, or if he has a survey he could identify on a survey."

J. Sesma: Regarding the location of the freezer, an Accessory Structure in the front of the building isn't a problem? F. Iaconetti: That isn't something I thought about. J. Sesma: It's a long building but it is definitely in the front, the street facing side of the building. K. Dow: That should have been referred to the ZBA then. That question. Should ask for a variance on that. Applicant: what is the question? J. Sesma: The accessory structure in front of the building is a problem. K. Dow: That's not allowed. F. Iaconetti: That the zoning does not permit accessory structures in front of the building except for fences and walls, and porches, I think, (a few inaudible words). K. Dow: That will have to go to the ZBA to try to get a variance. The planning board cannot do that. Applicant: What about the preceding issues that you wanted me to address? Does it pay to do that before, even,... K. Dow: They can go on concurrently so you've got things started here. Things can be sent to the County. But the ZBA meets on the 3rd Thursday of every month, so you'll have to talk to Erin, the Building Inspector, to refer it to the ZBA. D. Herrick: Do we refer it to the ZBA? K. Dow: She (Erin) does. That must have slipped by, but either way, you can get on the agenda for the next meeting. That is the 3rd Thursday of next month. Request a variance to allow that. Like everything else, they have to set a public hearing on it, they can't just decide on it during their April meeting. And then this board will meet a week or so after that. Applicant: They can be done concurrently? Okay. K. Dow: Yes. So we need a motion to identify SEQRA Type.

*Motion by F. Iaconetti, seconded by J. Sesma, approved by all, to identify as **Type II SEQR under paragraph 9, Sec 1617.5**. No further review needed.*

*Application must go to **CCPB**. Motion to table for **public hearing** at the next meeting by F. Iaconetti, seconded by J. Sesma.*

3. Application # 2024-011: Tax Map #66.10-1-8.100; AG Carpentry, Inc. (owner - Rogowski, LLC), 30-34A Main Street, Chatham, NY 12037; Zoning Code Ch.110-50 Historic Review – moving the existing door and the small glass pane to the left a few feet, if you are facing the building from the street, and add a second small glass pane on the other side of the door to match the existing one. The large existing 6-foot glass pane window is to be moved to the right, if you are facing the building from the road only, per plans attached. (Applicant will return with a new application for any other changes such as construction, color, alteration, repair, demolition, and signage to the exterior of the building).

*The Board reviewed the application with the applicant. Owner of the property is listed on the application as Rogowski, LLC. Applicant explains that the building was built by the **Rogowski family in 1883**, and there is a stone at the top that reads “Rogowski”. F. Iaconetti was not clear about the owners of Rogowski, LLC, and requested documentation showing that he is one of the owners. In lieu of letter of authorization from the owner, K. Dow affirmed that organizational papers for the LLC would be acceptable.*

Applicant stated that the nature of the work is to relocate windows and doors. Door would still be recessed like the current door is recessed. The Board would like more detailed description of the proposed work. The Board requested that the address be clarified and A. Gaylord let the Board know that he is currently trying to straighten out the address, especially for the purpose of 911 calls. F. Iaconetti requested colored, close-up photo/rendering of current area, with attention to existing windows and door to show historic aspect.

Applicant stated that any mldgs that cannot be reused will be reproduced “in kind” profile. Applicant was asked to provide a dimensioned plan view of the work area. F. Iaconetti requested that the applicant provide, in writing, why the door needs to be relocated as opposed to the interior of the building be altered to work with the location of the door.

***CCPB review is not required**, this is an exception because it’s a Historical review only.*

*Motion by F. Iaconetti, seconded by J. Sesma, approved by all, to **table the application** so the applicant can provide further information.*

4. Application # 2024-012: Tax Map #66.10-1-8.100; AG Carpentry, Inc., (owner-Rogowski, LLC), 30 Main Street, Chatham, NY 12037; Zoning Code Ch.110, Table 1, Table of Use - Service Business requires Site Plan Review for a non-retail Art Studio and move a wall (interior renovations only to comply to all NYS Building, Uniform, and Energy Codes). The previous use for the basement location, in the rear of the building, was storage.

Chairman Herrick went over the recommendation/suggestion from the CFD that a Knox Box be installed on the building. F. Iaconetti and the applicant reviewed the submitted application and they completed any missing information. Applicant was requested to provide description of “studio” and what will be done there. Will deliveries or pick-ups be made there? Will the space be open to the public? What kind of art? Will an oven be used? Will anyone reside in the space? How many parking spaces go with the building? How is the location of this space going to be identified for fire/emergency reasons? Label entrance on

the plan. F. Iaconetti requested that the applicant indicate on the dimensioned site plan, the parking spaces

This application will need to be submitted to the **CCPB** for review.

Public hearing was not discussed at all due to application review being interrupted.

(Review of Application # 2024-012: Tax Map #66.10-1-8.100; AG Carpentry, Inc., (owner-Rogowski, LLC), 30 Main Street, Chatham, NY 12037 was not completed by the Planning Board due to a fire alarm activation which required Chairman D. Herrick and Member W. Harris-Braun, both volunteer firemen, to leave the meeting immediately. No further decisions were voted on as only 2 members were remaining and the meeting attendance no longer satisfied quorum requirements).

Other Business/Opinion from PB for ZBA/BOT:

No applications were submitted to the ZBA in February.

Other Public Comments:

----A. Gaylord requested they discuss the application for **4 Depot Square**. F. Iaconetti: Need details and drawing showing height and size of posts, and details for plan for new fence in historic district. Gaylord asking for continued approval of temporary fence. Approval for temporary fence has expired so a new application needs to be submitted, and it is not just extending the original approval. Gaylord asked "where does this leave us?" Iaconetti stated that he needs to provide new plans for a new fence in a historic district, or, if new plans are not provided for new approval, then the fence will need to be removed because it is there without permissions. The Board noted that time has gone beyond the approved length of time for which the temporary fence was approved. Gaylord stated that they were trying only to provide a safer more appealing temporary solution until a more permanent plan is crafted for the space. The temporary fence does conceal the unsightly lot, it conceals where forklift equipment is parked behind a sliding portion of the fence, and it is a barrier from the public to the lumber yard for Herrington's. The fence provides some protection from kids driving up the sidewalk and into the lot. Herrington's would not be protected anymore. Iaconetti stated that he thinks the applicant may be missing the point. The Board is not telling the applicant that he needs to remove the fence. The Board is saying that you have to create a fence which is in keeping with being in the historic over zone. Gaylord believes trying to "design" a fence with posts like what they are suggesting will not work in the space, nor with the sliding section of the fence. He stated that although the temporary fence approval is expired, he still thinks of it as temporary because that is what it is...temporary. He states that he is happy to renew the approval every year until they make something permanent. J. Sesma reminded the applicant that could have already done so, but he did not. Gaylord stated that he did not know the time was up and he did not get a letter anywhere near the time that it was going to be up. Iaconetti reiterated that although the applicant himself acknowledged that the fence has no historic relevance, the fact that it was only going to be there for a year, is why the planning board approved it as is. The reasons given for having a fence make perfect sense, but, since

the fence is not short-term temporary, it needs to be more historically relevant. The Board is confident that the applicant can come up with some detailing to put on that fence to make it a permanent fence until such time as you need to remove it for something else.

Gaylord asked “what do I need to do to be here on the 25th for the fence?” Gaylord inquired about a mural and the Board said a mural would not be acceptable. Iaconetti told him to come up with whatever solution you feel that will make that 8-foot plywood wall look like something that belongs in the historic over zone. Fill out a building permit application, submit it to the building inspector, with details and information of what you are doing, colored photo of the fence of the area, and it should be on the agenda for next month.

*---The Board had general discussion about the **proposed new Local Law pertaining to Accessory Structures and amending the Table of Use**. They did not formally put together any opinion for the Board of Trustees due to lack of quorum.*

Approve Minutes: January 22, 2024 PB meeting.

---Motion to approve meeting minutes was not made due to lack of quorum.

Adjournment: *meeting ended 9:05pm*

Next Planning Board meeting: March 25, 2024; 7:00pm.

Meeting Place: Tracy Memorial Village Hall, 77 Main St, Chatham, NY 12037.

*Respectfully submitted,
Desiree Kelleher
Village Clerk*

March 27, 2024 revision