

**TOWN OF CHATHAM PLANNING BOARD FINAL COPY
AUGUST 10, 2010 MEETING MINUTES**

Members Present:

Marilyn Cohen, Chairman
Dorothy Mackerer
Bill Bulick
Tony Ooms
Donna Staron
Aven Kerr
John Hanna
Tal Rappleyea, Atty.
Paul McCreary, Engineer

Public Present

Rick and Dot Stever
Ron Ooms
Tim Ooms
Adrianus Ooms
Frederick Haley
Jane Baum
Robert Baum

The August 10, 2010 Planning Board meeting was called to order at 7:00PM by Chairman Marilyn Cohen. The Pledge of Allegiance was recited. Donna Staron moved and Tony Ooms seconded that last month's minutes be approved. This carried.

Rick Stever

Subdivision request – Albany Turnpike
PUBLIC HEARING

Chairman Cohen distributed the revised maps that Mr. Stever had submitted earlier this month. The postal receipts and deed were also submitted as well as the pinning letter stating that the pins had been set. Chairman Cohen read the letter from Joe Rickert, Highway Superintendent for the Town of Chatham, approving the driveway cut.

A letter received from a neighboring homeowner, Counselor Dorsey was read by Chairman Cohen. In the letter Counselor Dorsey expressed concern about the 25ft setback. Counselor Dorsey requested the setback be changed to coincide with the existing homes in that area. This opened up a matter for discussion amongst the Town Board members as our Town Code specifically states that a 25ft setback be the minimum requirement in an H1 zone.

Councilman Hanna expressed concern regarding the character of the neighborhood and suggested changing the setback along the Albany Turnpike to 50ft in order to maintain the uniformity of this area. In response to Councilman Hanna's suggestion Town Attorney, Tal Rappleyea referenced the Town's Comprehensive Plan that supports change in depth and character so that all homes do not just "line up" one after the other in a cookie-cutter setting.

PUBLIC HEARING OPENED AT 7:17PM

There were no comments.

PUBLIC HEARING CLOSED AT 7:18PM

Chairman Cohen suggested, that by not being consistent with our existing plan calling for a 25ft setback in the hamlet, this would open up a can of worms for future builders. She also added that the Town does not want to become too restrictive.

Councilman Bulick stated that he would like to see some staggering, but with similar setbacks to the existing homes on the lots in this area.

Mr. Stever pointed out that the maps were drawn up in accordance with the Town of Chatham's building codes in mind. He added that the owner may very well want to build further back from the mandated 25ft, and that this drawing is a representation of what our Town requires. Mr. Stever also added that in some cases, as with many retirees, building closer to the road is more desirable to their needs. He said that it is difficult to restrict owners any more than what the Town dictates, adding that the triangular shape of the land changes the look of the proposed lot. Mr. Stever pointed out that other homes are in a more rectangular shape.

Councilman Bulick suggested increasing the size of the building envelope as there is no Town specification for size of building envelopes. He added that this would give the owner more options.

Chairman Cohen pointed out that the Town's past subdivision rules as far as setback envelopes are concerned help when the topography of the land becomes an issue.

Councilman Staron responded by saying that the envelope is there to show the Town the area on the lot where the owner is allowed to build. The envelope is drawn in accordance with the setbacks required by the Town.

Town Engineer, Paul McCreary, stated that there are very few municipal and sewer lines, and that anything near an acre in size makes building in a lot with already limiting factors very difficult. He added that the well has to be far removed from dry wells and 100ft from septic systems, thereby “stuffing” the home in a back corner. Mr. McCreary stated that by increasing the setback it would make it even more difficult for the owner to “stuff” the three elements, (septic, well, dry wells), onto the lot.

Chairman Cohen polled the board members if the setback parameters should be restricted more than 25ft. The consensus was to leave the code as it is and not further restrict builders in this section.

The short form SEQR application, which shows no significant adverse effects to the following: air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no esthetic, agricultural, archeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short term effects identified. Since this is the case, John Hanna moved that there is no significant adverse environmental impact with this project, and should be accepted. Bill Bulick seconded the motion and it carried.

Bill Bulick moved and Donna Staron seconded to grant the subdivision. John Hanna added, in reference to this project, that the Town’s Zoning ordinance strongly resists the idea of cookie cutter decisions.

Tim Ooms
Site Plan Review – Hartigan Road
PUBLIC HEARING

Tony Ooms and Dorothy Mackerer recused themselves from this project.

The project was reviewed by the Board.

PUBLIC HEARING OPENED AT 7:47PM

There were no comments.

PUBLIC HEARING CLOSED AT 7:48

The short form SEQR application, which shows no significant adverse effects to the following: air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no esthetic, agricultural, archeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short term effects identified. Since this is the case, John Hanna moved that there is no significant adverse environmental impact with this project, and should be accepted. Donna Staron seconded the motion and it carried.

John Hanna moved and Donna Staron seconded to approve the site plan. The motion carried.

Tony Ooms and Dorothy Mackerer rejoined the meeting.

Robert and Joyce Baum

Subdivision – Cty Rt 13/Town of Chatham and Town of New Lebanon

PUBLIC HEARING

Frederick J. Haley, surveyor and representative for the Baums, certified that the Town of New Lebanon accepted lead agency for this project.

Chairman Cohen stated she had received a call from a concerned neighbor who asked if this would mean the Baums were to go through his property. Mr. Haley stated that this would not be happening. He added that the Baums would just be making a lot line adjustment. Town attorney, Tal Rappleyea, stated that there is nothing in the deed that would prevent the Baums from doing this.

John Hanna asked if one could build on this property. Mr. Haley said that with New Lebanon's permission this could be done as all roads and houses are in New Lebanon.

Councilman Hanna stated that a site plan would not be needed for the building of a house as New Lebanon could give a driveway cut and they could build. Mr. Haley stated that only ONE house could be placed on the lot in New Lebanon.

PUBLIC HEARING OPENED AT 8:04PM

There were no comments.

PUBLIC HEARING CLOSED AT 8:05PM

Chairman Cohen requested the final copy of the SEQR. Mr. Haley assured the board he would get this to them with the approved paperwork.

Chairman Cohen said that the stamping of the maps would be postponed until the SEQR was received from New Lebanon.

Tony Ooms moved and Dorothy Mackerer seconded to approve the project.

At 8:30 P.M. John Hanna moved and Aven Kerr seconded to close the meeting. This carried.

Marilyn Cohen, Chairman

Respectfully submitted,

Gail Wessot, Clerk