

**TOWN OF CHATHAM  
JULY 9, 2013**

**PLANNING BOARD  
FINAL COPY**

**Members Present:**

Donna Staron, Vice Chairperson  
Aven Kerr  
Antonie Ooms  
Bonnie Schoonmaker  
Dorothy Mackerer  
Wendy Carroll  
Attorney Ralph Ambrosio for Atty. Tal Rappleyea  
Paul McCreary, Town Engineer

**Members Absent:**

Marilyn Cohen, Chairperson

**Public Present:**

Robert G. Leary Cynthia K. Elliot  
James A. Carter Brandee Nelson  
Peter VanAlstyne  
Joseph Lapiana  
James Tomaso

The July 9, 2013 Planning Board meeting was called to order at 7:00PM by Vice Chairperson Donna Staron. The Pledge of Allegiance was recited. Donna Staron asked the Board members if they would like to continue receiving the Town & Topic magazine through Town Clerk Beth Ripple. All replied that they would. Antonie Ooms made a motion to accept the minutes of the June meeting with a correction on the 3<sup>rd</sup> page, 4<sup>th</sup> sentence. Bonnie Schoonmaker seconded the motion, carried.

Board member Wendy Carroll informed the Board that we received a query from Andrew Meyer regarding the habitat and water summary that was performed by DEC for the Town of Chatham. Mr. Meyer asked if we had any suggestions regarding future work like this.

**Ellen Menegio- Revocable Living Trust- Route 66 Subdivision (Lot line adjustment)  
Public Hearing**

James Tomaso, surveyor, represented the applicant. Mr. Tomaso presented a map with revised boundary lines and a title change. The 34.37 acre parcel is owned by Ellen Menegio and her 3 children. Mr. Tomaso explained that the Menegio's want to square up the lots and extend the lines all the way to the rear of the property. This would add additional acreage to the children's property from the mother's parcel. Part 2 of the deed has been sent to attorney Tal Rappleyea and certified mail receipts were turned in to the Board. Deputy Chairperson Donna Staron opened the Public Hearing at 7:13PM. There were no public comments. The public hearing was closed at 7:14PM. Aven Kerr read the SEQR Review to the Board and audience. Aven Kerr made a motion to declare this as having a negative impact, Wendy Carroll seconded the motion, carried. Antonie Ooms made a motion to approve the subdivision, Dorothy Mackerer seconded the motion, carried. A \$50 check was submitted for approval fees.

## **Joseph Lapiana-Request to subdivide two different parcels on Pitts Road Public Hearing**

Surveyor Peter VanAlstyne presented correspondence from the Columbia County Health Department and Highway Superintendent Joe Rickert. This parcel is 500 feet north of Howes Road and Pitts Road. Mr. LaPiana stated that he received a permit last year to put a barn on lot number one. Lot number one already has a barn located on it but he stated that he would like to add another barn. The existing 15.23 acre parcel was approved for a septic system in 1997. He would like to make this parcel into an 8.17 acre parcel and a 7.06 acre parcel. Test pits have been dug for a proposed house site that has been pre-approved for the original parcel. Deputy Chairperson Staron opened the Public Hearing at 7:27PM. Mr. James Carter, a neighbor, stated that the survey map shows the name of Mr. Yaghaubi as owning property near this parcel when in fact it should have his name listed instead. Mr. Lapiana stated that he purchased this property only 10 months ago. Attorney Ralph Ambrosio commented that the map does not convey any rights therefore there is no impact on the present property. He advised Mr. Carter to contact his own attorney regarding the name listed on the map. Ms. Staron also reiterated to Mr. Carter that he needed to contact his own attorney regarding this matter. Cynthia Elliot commented to Mr. Lapiana that maybe he could continue the property line down the stone wall at least another 40 feet for aesthetic purposes. The Public Hearing was closed at 7:40 PM. Aven Kerr read the SEQR report to the Board. Wendy Carroll made a motion to declare a negative impact, Antonie Ooms seconded the motion, carried. Antonie Ooms made a motion to accept the subdivision, Dorothy Mackerer seconded the motion carried. Mr. Lapiana submitted a check for \$25 for approval fees as well as the letter sent to abutters and the certified mail receipts.

Mr. Lapiana submitted a 21.9 acre parcel map to the Board. Certified mail receipts, the letter to abutters as well as correspondence from the Department of Health, the Department of Environmental Conservation and Highway Superintendent Joe Rickert were also submitted to the Board. This parcel is located east of Pitts Road and Mr. Lapiana would like to divide this property into an 11.49 acre parcel and a 10.41 acre parcel. Mr. VanAlstyne stated that he met with DEC on site to devise a proposed driveway crossing over a stream. A wetland runs parallel to Pitts Road. Deputy Chairperson Staron inquired about some holes showing the fill system and if this is where the proposed house site would be. Mr. VanAlstyne stated yes but that there were no thoughts at this time at putting any restrictions on the location of the house. Mr. VanAlstyne also pointed out the setbacks from the wetlands. Engineer Paul McCreary asked that a letter from DEC regarding the wetlands be submitted to the Board. Attorney Ambrosio also suggested that a map be sent to DEC prior to approval by the Board to show that the wetlands are located correctly. Wendy Carroll asked that a letter for both parcels be requested from DEC. Mr. McCreary stated that DEC needs to look at the site plan and state the limits of this wetland. The crossing has not yet been approved and he suggested that since this is a joint application it needs to be drawn on the map that the crossing is tied in to the boundary. He also stated that the septic

disposal needs to be an engineered system and submitted to the Health Department. Mr. Lapiana needs to show that there is perkable material and he needs to get Department of Health approval before a building permit can be issued. He asked that the perk rates be placed on the maps for these lots and to show how the test pits tie into the boundaries as well as showing an engineered system so that the Town Building Department is satisfied. He also asked that it be noted on the map that an engineered system in the future requires an initial perkulation test. It was also stated that the proposed crossing bridge will be a bridge type instead of a culvert, and a building permit from the town will be required.

Deputy Chairperson Staron opened the Public Hearing at 8:12 PM. She asked if there were any comments for this part of the property and there were none. Mr. VanAlstyne showed the survey map to the audience and explained all the markings. Deputy Chairperson Staron asked that the Public Hearing be continued into August once all the paperwork has been approved from DEC. The applicant will not need to re-notice his abutting neighbors.

### **PS21-Brandee Nelson-review of site plan updates Informational**

Ms. Nelson, representing Crawford Associates, presented the Board with a new map showing the proposed new open air pavilion and improvements of the driveway for PS21. The new map shows a second driveway downhill further to the west for a loading dock and where performer changing rooms and storage will be located. The map also shows the pathways to the existing parking, a well on site that was tested, drainage and grading and the need for 2 additional pole lights. A lighting plan showing levels and intensity was also presented. Ms. Nelson stated that they are waiting for the Town Zoning Board of Appeals to declare themselves as the lead agency before they can reach out to DEC and the Department of Health. A refined footprint of the building from the architect working the building into the topography of the land was also displayed. The east side height of the roof will be 20 feet down to 32 feet from the original height of 44 feet for the pavilion. The elevations of the building were noted and Ms. Nelson stated that they are proposing 273 seats down on the floor with single orchestra seating that will be removable for dance events. The second tier will be stadium style fixed seating for 120 seats. The pavilion will be a steel framed, wood clad structure dark green in color. The building will be open on the sides but the performance area will be enclosed. Wendy Carroll asked what the width of the driveway will be for the loading dock area? Ms. Nelson replied that this will be a 14 foot high area with fire department access. This will be a sprinklered building and plans will be submitted to the fire department(s). Wendy Carroll asked that a color coded map be presented before the next meeting showing the changes from the first proposal to what is being presented now. Ms. Nelson stated that they are recalculating the sound levels at the new location as well as monitoring the first 10 events for noise levels. There have not been any noise complaints in the last 5 years. Paul McCreary commented that while this is more like SPAC on a smaller scale

having less of an impact, this seems to fit the venues PS21 wants to have at this new location. Ms. Nelson suggested that the Zoning Board of Appeals and the Planning Board may want to have a joint Public Hearing on this project.

### **Harvey Sperry- Re-subdivision Informational**

Surveyor Cynthia Elliot representing Harvey Sperry presented the Board with a letter of authorization and a check for a re-subdivision. Ms. Elliot stated that in 2009 this parcel was subdivided into 3 parcels which were approved by the Planning Board. Of the 106 acre site, lot number 3 will be reduced down to 22.17 acres. Mr. Sperry will be keeping the smaller parcel. A perk test needs to be performed and a highway cut needs to be placed on the map. Ms. Elliot also said she would include on the map a statement showing the lot lines and where the house would be. Paul McCreary stated that given the lot size of just over 22 acres, there is nothing currently known how this site will be developed. Ms. Elliot stated that a NYS Storm, Water, Pollution Prevention Plan (SWIP) report will be referenced as well as a Notice of Intent (NOI). She will provide a perk test, driveway cut location on the map, a SWIP and NOI as well as the certified letters to abutters at the next meeting. A Public Hearing will be set for the August.

### **Public Comments**

A neighbor concerned about a concert under the name of Destination Moon inquired whether the Board could give her more information. Ms. Staron stated that the concert has been postponed until next year but she could check with the Town Clerk, Building Department or Town website for any information as it becomes available. Paul McCreary commented that Destination Moon has lowered the number of people who could attend the concert to under 300 to comply with the Mass Gathering Law.

With no further business to discuss, Aven Kerr made a motion to adjourn the meeting at 9:10 PM, seconded by Dorothy Mackerer, carried.

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Donna Staron, Deputy Chairperson

Respectfully submitted,

Barbara A. Fischer, interim clerk