

**TOWN OF CHATHAM PLANNING BOARD
MEETING MINUTES**

**October 14, 2014
Final Copy**



Members Present:

- Donna Staron
- Bonnie Schoonmaker
- Marilyn Cohen, Chairperson
- Tony Ooms
- Aven Kerr
- Mike Hart
- Wendy Carroll
- Tal Rappleyea, Town Attorney
- McCreary, Paul Engineer

Public Present

- Linda Murawski
- Bob Walker
- Mike Tucker
- Dan Frasca
- Peter VanAlstyne
- Diane Tucker
- Ted Gutermann
- Nicholas Vamvas
- Fred Haley
- Kathleen LaPlante
- Sarah Lipsky
- Neil Elghannani
- Sarah Elghannani
- Paul Agresta
- Elaine Agresta

The October 14, 2014 Planning Board meeting was called to order at 7:00PM by Chairperson Marilyn Cohen. Chairperson Marilyn Cohen reminded everyone that the Planning Board would not have its November meeting as it falls on Veteran’s Day. Chairperson Cohen added that the meetings would resume starting with the December 9, 2014 meeting. New correspondence consisted of a letter from town attorney Tal Rappleyea. The letter is in regard to the application from the Life Serve Youth Foundation request that is before the town and states that the Zoning Board of Appeals will be lead agency unless there are any objections. The Planning Board had no objections. Aven Kerr motioned to accept the Zoning Board of Appeals as lead agency for this project. This was seconded by Tony Ooms and carried. Tony Ooms moved to approve the meeting minutes from the September 9, 2014 meeting. Bonnie Schoonmaker seconded and this carried.

**KATHLEEN LAPLANTE – SUBDIVISION (LOT LINE ADJUSTMENT)
HARTIGAN ROAD
PUBLIC HEARING**

Mr. Haley submitted postal receipts from notifications that were sent to adjoining property owners within 500 feet of the property. Mr. Haley also submitted new maps with an added note stating that

lot 2 had not been percolated, as well as the location of the wells and septic on the adjoining property. Chairperson Marilyn Cohen asked that a copy of the percolation tests be sent so the Town has it on file. Mr. Haley submitted a copy of the Department of Environmental Conservation resource mapper. Mr. Haley stated that the applicant is only selling rural vacant land, nothing more. Wendy Carroll asked if there was any historic preservation information because the New York State Parkway, which runs adjacent to the property, is on the register. Mr. Haley stated that he did not have this information, adding that it is not part of the Department of Environmental Conservation process. The Public Hearing opened at 7:11 PM. There were no comments. The Public Hearing closed at 7:11 PM. Wendy Carroll reviewed the short form SEQR application, which shows no adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems. Also, there are no aesthetic, agricultural, archaeological, 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 endangered species. The community's goals for the land are not affected, and there are no long or short term effects identified. Since this is the case, Ms. Carroll moved that this is to be considered an unlisted action, and there is no significant adverse environmental effect in approving this subdivision/lot line adjustment. Deputy Chairperson, Donna Staron seconded and this carried. Tony Ooms moved to accept the subdivision. Deputy Chairperson Donna Staron seconded and this carried.

STEPHEN KIPP – SUBDIVISION (LOT LINE ADJUSTMENT)
CHAPEL DRIVE
PUBLIC HEARING (CONTINUATION)

Counselor Ted Guterman introduced himself as Mr. Antolek's attorney. Peter VanAlstyne submitted new maps with notes pertaining to the percolation tests, location of the well and septic, and the deed covenants. Mr. VanAlstyne also pointed out that he shaded lot 17 which is the section of land that is also covered by the Woodbridge covenant. Mike Hart asked if the covenants only impact the shaded area. The answer was yes, but this also is where the driveway is located, which is part of the issue. The chairperson asked if the only access to Mr. Kipp's property is through Crestview Drive to which Counselor Guterman answered yes. Peter VanAlstyne stated that Mr. Kipp refused to add the requested note on the map indicating that only one building could be added to the property. Chairperson Cohen asked what Mr. Kipp was doing about access to the property if in fact the covenants indicate that only one building can exist on the property. Town Attorney Tal Rapplelea reiterated that the private covenants have no impact on the Board's decision, adding that the Board cannot use the private covenants to sway their decision. Counselor Guterman added that Mr. Kipp would have to come before the Board IF he wants to do anything further with the property. Chairperson Cohen stated that anything involving the covenant would have to be argued as a civil suit between the landowners and Mr. Kipp, and that the Planning Board would not be involved because it is a private covenant. Dan Frasca asked if counselor Guterman represented Mr. Kipp. Town Attorney Tal

Rappleyea told Mr. Frasca that counselor Guterman was representing the Antaleks. Wendy Carroll asked if the Board could do anything legally with the covenants. The chairperson stated again that the Town cannot enforce private covenants. Town Attorney Tal Rappleyea referenced; based upon the case law arising from Friends of the Shawangunks v. Knowlton, 64NY2d 387 (1985), et seq., the Planning Board found that it had no jurisdiction over the restrictive covenants and whether the application might someday lead to a violation of the covenants. Mike Hart asked Town Attorney Tal Rappleyea if there was any possibility that the 1978 Town Planning Board reviewed this part of their approval as part of these restrictions. Counselor Rappleyea said there was no possibility that the Board had done this. Paul Agresta stated that there was no written text that went with the maps, and that the deed restrictions were on papers. He added that the Planning Board had all the covenants written down as part of the original subdivision. Counselor Rappleyea submitted the covenants that came with the deeds. He added that the matter in front of the Board is a subdivision, (lot line adjustment). Aven Kerr stated that, if there are any documents, the Board should try to find them. Counselor Rappleyea agreed but added that even if there are such documents the Planning Board has no authority to act on it if there are no restrictions. He also stated that if it IS the Board's restriction, the note is already on the map. Sarah Elghannani stated that the Board may put restrictions on the deed but does not enforce private covenants. Deputy Staron stated that the note on the map refers to just deed restrictions. Chairperson Cohen polled the Board as to whether or not to move forward. The Board unanimously agreed to do so. Mike Tucker's comment to this was, "the Board is not going to take the time to look at the missing documentation." Chairperson Cohen reiterated that the documentation is not relevant to what the applicant is doing right now. The Public Hearing closed at 8:10 PM. Mike Hart reviewed the short form SEQR application, which shows no adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems. Also, there are no aesthetic, agricultural, archaeological, 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 endangered species. The community's goals for the land are not affected, and there are no long or short term effects identified. Since this is the case, Mr. Hart moved that this is to be considered an unlisted action, and there is no significant adverse environmental effect in approving this subdivision/lot line adjustment. (Mr. Hart did point out that there was a "hit" for an archeological sensitive area). Deputy Chairperson, Donna Staron seconded and this carried. Tony Ooms moved to accept the subdivision. Bonnie Schoonmaker seconded and this carried.

CATHY AND MARK JAGER – SITE PLAN REVIEW
ALBANY TURNPIKE
INFORMATIONAL

Chairperson Cohen brought the Board up to speed as to the nature of this request stating that the Jagers would like to have a bed and breakfast facility at the property they plan on purchasing in Old Chatham. They are proposing to have 5 bedrooms with 4 ¼ baths as part of this. Chairperson Cohen added that the sale of the property is contingent upon the Planning Board approving the use. She

mentioned that the Building Inspector, Walt Simonsmeier, had spoken to Ms. Jager several times and suggested that Ms. Jager take several pictures of the property. The chairperson had contacted the Town Engineer, Paul McCreary asking if there was anything else to consider. It was found that, since the Jagers plan on living in the house, they do not have to be ADA compliant. Ms. Jager did say that, over time they may want to make a part of the property handicapped accessible but they could not afford to do so at this time. Chairperson Cohen pointed out that the septic needs to be able to support the occupancy. Ms. Jager stated that it is, as there are currently apartments there. She added that the area for parking also exists on site. Ms. Jager will be adding ground level lights along the path leading to the house. Chairperson Cohen asked if continuing to use the building as rental apartments and a bed and breakfast, this would change the use of the building. Ms. Jager stated that the main space would be used by her and her husband so it would be the same usage as it is currently. Deputy Chairperson Donna Staron asked about the number of bathrooms. Ms. Jager stated that there are currently 6.75. Aven Kerr wanted to know the final count for bedrooms, and apartments. Ms. Jager stated that they are essentially purchasing two separate dwellings, which include apartments and private home. Ms. Jager added that they will not be changing the current apartments. The Board will find out if the if the current use is an approved one. Ms. Jager explained how the building ended up on the National Historic Register. Mr. McCreary suggested that the applicant go to the State Historic Preservation Office and get the file which would give the reasons why it's on the registry. This information would be helpful to the applicant when renovations are being done. The registry may have placed certain limitations on future renovations that would possibly affect this project. Aven Kerr mentioned that, with restrictions from the State Historic Preservation Office, it may deem the project too restrictive for the applicants to move forward. Mike Hart suggested that the Site Plan Review requirements should be discussed at this point so the applicants will know exactly what paperwork they need to have and what they need to do to move forward with this application. The Board needs to have drawings, the type of lights and location of these lights, as well as location and type of any proposed signage, and location of any out buildings. There will also need to be a recent survey. Mr. McCreary wants the Board to have a letter from the State Historic Preservation Office that explains the type of restrictions, if any. Aven Kerr explained that the Board doesn't want the applicants to be "tripped up" by restrictions from the State Historic Preservation Office. The Board showed the applicants one of the recent applications that came before the Board so the applicants could see what type of information would be needed. Town Attorney Tal Rappleyea gave the applicants a copy of the requirements for a site plan review. Mike Hart pointed out that the applicants will need a current survey and site map. Mr. McCreary asked if there is a Department of Environmental Conservation regulated wetland on the property. After some discussion about a dam that was taken down by the Town Highway Department Mr. McCreary referred the applicants to a Department of Environmental Conservation employee, Nancy Heaslip. Ms. Heaslip helps delineate the location of wetlands. Mr. McCreary suggested letting Ms. Heaslip know about the dam that was impounding water and explain that the dam doesn't exist anymore. It may answer the question as to whether or not the purchase is viable. Mike Hart also suggested the Town Highway Superintendent as a good source of information regarding this matter. The applicant will submit more information as it becomes available.

LIFE SERVE YOUTH FOUNDATION (SITE PLAN REVIEW)
THOMAS ROAD
INFORMATIONAL

Nick Vamvas submitted maps showing the proposed site. Mr. Vamvas explained that the Zoning Board of Appeals will be looking at the site plan on October 23, 2014. Mr. Vamvas spoke about the owner's intent, (Adam Slone), and how passionate he feels about this project. Mr. Slone is working on creating a not for profit organization. The foundation would pay for housing, food, transportation, etc. Mr. Vamvas explained that there would be 20-30 children ages 10-17 involved in the two week tennis program. He added that these children would have recommendations from professionals such as guidance counselors. Mr. Vamvas stated that there would be a focus on nutrition and community service in addition to the tennis program. There would be trips planned to local farms. The intent is to open in 2016 and have (4) two week sessions. There would be a staff of 5-7 adults, some of whom would stay on site at all times. There would be one staff member per floor of living space which is compliant with the Department of Health. Bonnie Schoonmaker asked if the housing would be in one dorm only. Mr. Vamvas explained that they would be using an old horse boarding facility, stable, sheds, garages, and storage barn. There would be a paved driveway from Thomas Road and ample space for parking which would also allow for a fire truck to enter. Mr. Vamvas stated that the fire chief would be contacted regarding this. Mr. Vamvas also said that there is an existing septic that is large enough to handle ½ of the daily flow. He stated that there would be minor changes made to the existing residence to make it ADA compliant, adding that the overnight staff would be staying here. Mr. Vamvas stated that the maximum daily occupancy would be 40. He also stated that the dormitory would be going into the existing stable, and that a septic exists. He added that there would be another septic field constructed. The riding arena will be the indoor tennis courts. Town Attorney Tal Rappleyea asked about parking. Mr. Vamvas stated that they are not expecting much traffic use. (10 spaces with one ADA compliant) The children would be transported via 2 vans that would handle staff as well as children. The plan is to have no more than 14 trips to and from the site per day. There will be no delivery trucks, as the vans will be used to transport the food/supplies. The garbage will be picked up by a garbage removal truck. Mr. Vamvas stated that there will be no additional lighting and he pointed out that the tennis courts will be only used during the day. Mr. Vamvas mentioned that there will be no evening activities planned. He also stated that there is no requirement for lighting, even along the pathways. Chairperson Cohen asked the Tal Rappleyea if the escrow account would be set up with just the Zoning Board of Appeals and if the application fee would be \$150. Counselor Rappleyea answered yes to both questions. Deputy Chairperson Donna Staron asked how many acres were involved to which Mr. Vamvas answered, 29 acres. Deputy chairperson Donna Staron also questioned access to the pond that is on site. Mr. Vamvas answered that he hadn't thought about that yet. Wendy Carroll asked what would be happening in the winter as far as use. Mr. Vamvas said that it would be used as a second residence. Deputy Chairperson Donna Staron asked if they would be paying property taxes, or if it would be off the tax rolls as a not-for-profit organization. Mr. Vamvas will be looking into that. Mr. Vamvas mentioned that the Zoning Board of Appeals members have an invitation to visit the site on Saturday, October 18 and extended the invitation to the Planning Board members.

Aven Kerr moved to adjourn and Deputy Chairperson Donna Staron seconded. This carried and the meeting was adjourned at 9:53 PM...

Respectfully submitted,

Gail Chamberlain, clerk

Marilyn Cohen, Chairperson