

**TOWN OF CHATHAM PLANNING BOARD
MEETING MINUTES**

**September 9, 2014
Final Copy**

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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
Elizabeth Smith
Dan Frasca
Peter VanAlstyne
Diane Tucker
Cindy Meyers
Frances Veillette
Fred Haley
Kathleen LaPlante
John Antalek
Neil Elghannani
Sarah Elghannani
Paul Agresta
Elaine Agresta

The September 9, 2014 Planning Board meeting was called to order at 7:00PM by Chairperson Marilyn Cohen. Chairperson Marilyn Cohen apologized for the cramped quarters, adding that this was the result of not being notified that the meeting room was unavailable. The Public Notices were already sent out, so rescheduling was not an option. Tony Ooms moved to approve the meeting minutes from the August 12, 2014 meeting. Aven Kerr seconded and this carried.

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

Peter VanAlstyne submitted the postal receipts from notifications that were sent to adjoining property owners within 500 feet of the property. Mr. VanAlstyne also presented the Board with a letter giving him the authority to represent Mr. Kipp and Mr. Antalek. New maps were submitted showing the following items which were requested by the Board at the August meeting: local roads, the bar scale, zone, zone to zone lines, and the source of the contours. North is also now shown to be consistent between the maps and the insert, and the location map is now labeled. Mr. VanAlstyne reviewed the application explaining that the three existing parcels would form two as the result of this subdivision (lot line adjustment). Mr. Antalek would

be purchasing one of these parcels. Wendy Carroll asked how one would enter the lower portion of the Kipp property. Mr. VanAlstyne stated that this would be done via Crestview Drive. Chairperson Marilyn Cohen read a letter from Linda Morowski which stated opposition to the proposed subdivision. The letter is on record at the Town Hall. Mike Hart asked if the water serving the parcels was public water. Mr. VanAlstyne stated that the water supply is private. It was pointed out that the Department of Environmental Conservation map shows an archeological hit on the site. Mr. VanAlstyne pointed out that this only means that there is a "possibility" of an archeological site, adding that none have been identified. Mike Hart referenced the letter asking why the applicant couldn't adjust the location of the lot line so as to alleviate the concern of neighbors. Mr. VanAlstyne answered by saying that all of the deeds have been prepared which would mean a lot of additional work. He added that any further indications of future subdivisions would mean having to go before the Planning Board again. The Public Hearing opened at 7:17PM. Linda Morowski expressed concern about the intention that Mr. Kipp may have with this application. Ms. Morowski stated that no one was advised of the land swap back in 1994, adding that this changed the entire character of the property. Chairperson Marilyn Cohen said that this Board couldn't speak to the 1994 issue. Paul Agresta stated that the Planning Board approved the covenants to the owners at the circle at the top of Crestview. These owners objected to any additional roads two years ago and the application was not approved at this time because of the covenant that is in place. Mr. Agresta added that any access to this property should be from route 203. Mr. Agresta expressed concern that, as a result of this subdivision, a Flag Lot would become a possibility and he wanted the Planning Board to be aware of this. Chairperson Cohen explained that flag lots are not allowed in this Town. Chairperson Cohen asked if the Board recognized covenants. Tal Rappleyea answered by saying yes, covenants do exist. He added that the Town has no authority to enforce these covenants, but added that the covenants should be considered. Sara Elghannani mentioned that the deeds state that covenants run with the deeds and Mr. Antalek's property is part of the covenant. Elizabeth Smith spoke about the housing development that Mr. Kipp had wanted to create about 10 years ago. She mentioned how Mr. Kipp put in a road without proper permits. She said that building houses is allowed but not building roads, adding that Mr. Kipp felled several trees which caused mud to pour down the hill. As a result a retaining wall had to be built. Dan Frasca expressed concern that Mr. Kipp has been doing things without letting the Board know about his plans. He suggested having Mr. Kipp come to the Board with his ENTIRE plan instead of getting information "piece meal". Bob Walker spoke about the driveway that was built without permits. *He also stated that the contractors who put the driveway in didn't have permits either. Mr. Walker stated that two areas of the property owned by Mr. Antalek has already been cleared and the driveway was built in the wrong spot. Mr. VanAlstyne stated that modifications were made to get the property away from the road. Chairperson Cohen said that she would like to see the driveway permit that was issued by the Town Highway Superintendent Joe Rickert. Tal Rappleyea stated that there is no independent ingress or egress to the 29 acres. He pointed out that the entire upper parcel is subject to restrictions and that the only access is through Crestview. Mr. VanAlstyne stated that Mr. Kipp has sold all of his

property that is located off of route 203. He added that there is one less building lot which puts all frontage on Crestview. He also stated that Mr. Kipp is allowed one residence off of Crestview Drive. Paul Agresta stated that there is no objection to building off of route 203 but he would like to see a note on the maps that only one residence is allowed with access to Crestview Drive. Wendy Carroll asked why there is no mention of the covenant on the maps. Tal Rappleyea said that if the Board wants the covenant mentioned on the maps it could be done. Mr. VanAlstyne agreed that reference to the covenant should be shown on the maps. Paul McCreary agrees with adding a statement that there are covenants associated with this property. Tal Rappleyea pointed out that the land on this property is so steep that it would not be a viable place to put a road. Chairperson Cohen asked the Board to entertain leaving the Public Hearing open in order to see the conditions on the map and the driveway permit. Mike Hart moved to keep the Public Hearing open. Deputy Chairperson Donna Staron seconded and this carried. The conditions that the Board would like to see on the map are the following: a copy of the driveway permit, another map showing covenants and a reference to where to find this in the County Clerk's office, a copy of the original subdivision maps, (the Planning Department has the map of the Woodridge estates), percolation tests, location of well and septic for the existing house, and the SEQR needs to be redone. Wendy Carroll reiterated that the entire site has been designated as an archeological-sensitive area. Paul McCreary commented on this by stating that there have been "finds" in the area, not necessarily on this property. He said that doing a phase 1A and 1B archeological investigation is often recommended. He added that, for a traditional home" nothing dictates that a homeowner has to do anything because they own property and if they find an "arrowhead" it's theirs to keep. Mike Hart thanked the public for their due diligence and for presenting the Board with information pertaining to this property. He added that many of the statements pertained to "private matters" and probably should remain private. *It was learned after the meeting that a permit for the driveway cut had been issued on 08/02/2000.

OOMS FAMILY HOLDING COMPANY – SUBDIVISION (LOT LINE ADJUSTMENT)
ROCK CITY AND GEORGE ROAD
PUBLIC HEARING

Peter VanAlstyne submitted new maps and reviewed the application. He stated that the lot line adjustment is between two families on George Road. He stated that 16 acres was going to be added to a 5 acre parcel thereby creating 21+ acres. He explained that no additional building lots were being proposed. A note regarding access was added to the maps. The Public Hearing opened at 8:18 PM. There were no comments. The Public Hearing closed at 8:18 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. Bonnie Schoonmaker seconded and this carried. Tony Ooms recused himself. Mike Hart moved to accept the subdivision as presented. Deputy Chairperson Donna Staron seconded and this carried.

KATHLEEN LAPLANTE – SUBDIVISION (LOT LINE ADJUSTMENT)
HARTIGAN ROAD
INFORMATIONAL

Frederick Haley presented maps to the Board. Mr. Haley explained that Mrs. LaPlante owns a 6.9 acre field and 90 acres of fields across the road from the house. He pointed out that the road naturally divides the property into 3 parcels, therefore they would like to use the Town Highway as a natural divider. There is no building proposed. There are no wetlands. The Board would like to see a note stating that lot 2 has not been perked. The location of the wells and septic on the adjoining property would also have to be shown on the map. Wendy Carroll stated that there are adjacent wetlands. Deputy Chairperson Donna Staron asked if there was a need for driveway cuts. Tal Rappleyea said there is no need for driveway cuts unless there is a building permit. Public Hearing is set for October 14, 2014. Return receipts from notification letters sent to adjoining property owners within 500 feet of the property will have to be submitted at this time.

The Board unanimously voted to not have a meeting in November out of respect for Veteran's Day. Deputy Chairperson moved to adjourn and Aven Kerr seconded. This carried and the meeting was adjourned at 8:40 PM.

John Antalek entered the meeting to ask how things went. Tal Rappleyea filled him in on the meeting proceedings and pointed out that the 29 acres may need conditions.

Respectively submitted,

Gail Chamberlain, clerk

Marilyn Cohen, Chairperson

