

**TOWN OF CHATHAM PLANNING BOARD
MEETING MINUTES**

**May 12, 2015
FINAL COPY**

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MEMBERS PRESENT

PUBLIC PRESENT

Marilyn Cohen, Chairperson
Wendy Carroll
Mike Hart
Aven Kerr
Tony Ooms
Bonnie Schoonmaker
Donna Staron, Deputy Chairperson
George Schmitt, Town Engineer
Tal Rappleyea, Town Attorney

Ilana Green
Dave Everett
Vincent Mackowski
Dan Russell
Andrew Didio
James Cunningham
Christine Cunningham
Peter VanAlstyne

The May 12, 2015 Planning Board meeting was called to order at 7:00 PM by Chairperson Marilyn Cohen. The Pledge of Allegiance was recited. Chairperson Marilyn Cohen introduced George Schmitt as the new engineer from Morris Associates and explained that he had received the updates from Paul McCreary that pertain to the ongoing projects that are currently in front of the Board. Chairperson Marilyn Cohen reiterated the position of the Planning Board with respect to its members and their commitment to reviewing projects and their flexibility as far as items coming to the meetings on meeting night. Chairperson Cohen added that it is preferable to applicants to get the information to the Board early so the members, in particular the SEQR “experts” can review the maps and have an understanding of the project and the property before the meeting. Chairperson Marilyn Cohen stated that there is a commitment to the community as well as the applicant to make decisions based on the information presented and that there is not much flexibility in the decision making as the Board is restricted by the Town Code. Mike Hart had a correction for the April draft minutes which was noted and changed. Tony Ooms moved to approve the amended minutes from the April meeting. Mike Hart seconded and this carried.

**LAWRENCE AND ELIZABETH BERG – SUBDIVISION
NEW CONCORD ROAD
PUBLIC HEARING**

Dan Russell, as representative of the Berg’s, submitted postal receipts from notifications sent to all adjoining property owners within 500 feet of the Berg property. Mr. Russell also presented the Board with new maps, a tax map, pinning letter, and deeds. Mr. Russell added wetland delineations on the maps for parcel one. Note seven clarifies the source of the wetlands and Mr. Russell stated that there will be a letter from the engineer forthcoming. The date was amended on the maps and the setbacks were marked. Town Attorney Tal Rappleyea reviewed the deeds and stated that all was fine. The Public Hearing opened at 7:15 PM. Wendy Carroll asked if a SEQR was on file which Chairperson Marilyn Cohen confirmed. There were no

comments regarding the project and the Public Hearing closed at 7:16 PM. Wendy Carroll reviewed the Short Form SEQRA 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. Tony Ooms seconded the motion and this passed. Deputy Chairperson Donna Staron moved to accept the subdivision. Wendy Carroll seconded and this carried.

**JAMES CUNNINGHAM – SUBDIVISION
PITTS ROAD
PUBLIC HEARING**

Peter VanAlstyne presented the Board with revised maps. Chairperson Marilyn Cohen pointed out that the maps were significantly different than the originally proposed 2 lot subdivision. Mr. VanAlstyne stated that the project had evolved to a 3 lot subdivision. Chairperson Marilyn Cohen stated that a Public Hearing could be opened since the applicant had already sent out notifications to the adjoining property owners within 500 feet of the property. Chairperson Marilyn Cohen added that the Public Hearing would be continued as a result of the changed plan to the 3 lot subdivision. Wendy Carroll asked if the letters to the neighbors reflected the 3 lot subdivision or the original plan for the 2 lot subdivision. Mr. VanAlstyne stated that the letters reflected the 3 lot subdivision. Mr. VanAlstyne stated that there was a wetland delineation done on the 50.3 acres parcel last year. Mr. VanAlstyne pointed out that the plan now is to use the existing driveway for all 3 parcels, adding that all 3 lots would have 300 feet of frontage. Mr. VanAlstyne stated that the shared driveway would minimize impacts off the road. * Also, that the current electrical line will accommodate all three properties. Chairperson Marilyn Cohen asked about a driveway agreement, stating that it would be a condition for approving the project. Chairperson Marilyn Cohen also expressed concerns over a driveway turn around and the electrical supply to all 3 houses. Chairperson Marilyn Cohen pointed out that there was a mislabeling of the lots; RL-1 was actually RL-2. When asked what the narrowest width from one lot to the other was, Mr. VanAlstyne answered 60 feet. Chairperson Marilyn Cohen questioned the distance between the proposed building site on lot 3 and the percolation site, asking if there was 100 feet available between the proposed septic and well as it would be the only place to build. After Deputy Chairperson Donna Staron questioned the distance from the well to the septic, Town Engineer George Schmitt suggested going through the Health Department to alleviate any problems that any future owners may have. Andrew Didio stated that he had checked the requirements for the well and septic and added that there

was sufficient room without disturbance of wetlands. Wendy Carroll suggested that the proposed septic and well should be on the map. Mr. VanAlstyne asked if it was just lot 3 that was questionable. Chairperson Marilyn Cohen said that lot 3 was very tight. Chairperson Marilyn Cohen asked if there was a letter from the Town Highway Superintendent Joseph Rickert. Mr. Cunningham stated that there is no new road cut. Town Engineer George Schmitt stated that since the driveway will be used for 3 lots there should be a letter from Mr. Rickert. The Board wants the maps to show the amount of frontage 50 feet back from the road, which is the Town setback. Town Engineer George Schmitt stated that there should be a note on the map pertaining to the disturbance with regard to any driveway work. It was agreed unanimously by the Board that a letter of approval would be needed from the Department of Health for the septic and well on lot 3 due to the concern over the wetlands. In addition there should be a note on the map pertaining to the septic distance from the well. Mike Hart referenced question 9, part 2 of the SEQR stating that it would be difficult to answer with the information we know at this point in time. Deputy Chairperson Donna Staron asked if there was any water body on lot 2. Mr. VanAlstyne stated that there are no bodies of water on lot 2. Mr. VanAlstyne stated that the engineer looked at the wetlands and all are delineated on all lots. It was reiterated by the Board that a driveway agreement is needed. Wendy Carroll stated that Note 1, which pertains to the driveway, should be duplicated onto the other side of the map. Chairperson Marilyn Cohen wanted to know if there were any community concerns, so the Public Hearing opened at 7:55 PM. Elana Green, who is a neighbor across the street from the Cunningham property stated that she wishes the Cunninghams the best but, she is adamantly opposed to the current plan. Ms. Green stated that this subdivision will impact everyone on the road, adding that the driveway is dangerous NOW because people driving down the driveway can't see traffic coming from the left on Pitts Road. Ms. Green stated that 2 new homes would make this situation worse. Mr. Cunningham stated that there is an existing hedge row which he would be willing to cut back for added safety. Chairperson Marilyn Cohen stated that Town Highway Superintendent Joseph Rickert will do a site visit and see what can be done for mitigation. Ms. Green also stated that she is very concerned about the wetlands and asked if there would be any assurance that this subdivision would be for residential and not commercial. Ms. Green asked if there could be restrictions placed on the lot so it would have to be used for residential purposes. Chairperson Marilyn Cohen explained that it is designated as an RL-2 and added that there couldn't be much more than a residence in a wetland area. Town Engineer George Schmitt read the permitted uses for an RL-2 property. Mr. Schmitt explained that the Board was dealing with a decision on a residential project and that any new buyer who wanted to change this to something other than residential would have to come before the Board for a revised site plan. Chairperson Marilyn Cohen explained that the Board was still just gathering information and that the wetlands would be protected, adding that the Department of Health would be involved. Wendy Carroll also explained that the owners paid someone to mark all of the wetlands so a surveyor could locate where any buildings could go. Dave Everett who owns property to the north of the Cunninghams was given 100 feet of a no cut zone by the Cunninghams. Mr. Everett stated that they are working on deed restrictions pertaining to the 2

lots being created, resulting in note 2. Mr. Everett stated that he will provide the Board with a copy of this. Mr. Everett stated that he thought it was a good idea to require the lots to come off of the same power lines and added that a note should probably be placed on the map stating that all houses can be handled by the power lines. There should also be a junction box location on the map. Mr. Everett suggested that the hashed lines on the northwest corner of the map should be removed from the no cut zone. Mr. Everett also thinks that the use of the existing driveway is a good idea but that there needs to be a reciprocal access easement as well as the maintenance agreement. He suggested a note on the map stating that lots 2 and 3 would be subject to a common maintenance agreement and reciprocal access easement. Town Attorney Tal Rappleyea stated that these would be separate documents. Mr. VanAlstyne stated that he would define the center of the driveway. Mr. Didio asked if the Board would approve the maps if the Department of Health's preliminary review of the site showed it to be ok. Town Engineer George Schmitt stated that if the Board received a letter from the Department of Health along with drawings, the approval could be contingent upon final approval from the Department of Health. Dave Everett asked how many acres on lot 3 would be buildable. Mr. VanAlstyne said that approximately 2.5 acres would be buildable. Mr. Everett asked if future owners would know where the wetland boundaries are. Deputy Chairperson Donna Staron asked if markers could be placed delineating the wetlands. Mr. Didio confirmed that markers could be placed. The Public Hearing was tabled until the June 16, 2015 meeting.

QUESTATERRA/PS 21 – PHASE 2

ROUTE 66

CHATHAM

INFORMATIONAL

Nicholas Vamvas, as representative of Questaterra, submitted new maps showing the proposed lights, contours, existing lights, seating, and added areas for lawns and wildflowers. Town Engineer George Schmitt submitted a comment letter pertaining to the project that is on file in the Planning office. Chairperson Marilyn Cohen stated that the Zoning Board of Appeals had asked for a couple of items before they would approve the modification to the special use permit. The approval by the Zoning Board is needed before it can be set for Public Hearing. Town Attorney Tal Rappleyea stated that it is possible that approval may be given by our next meeting in June. The Board members were all in agreement to set this for Public Hearing contingent upon the Zoning Board of Appeals approval at their May meeting. Wendy Carroll asked if the Public Hearing would be dealing with the site plan review only, to which Chairperson Marilyn Cohen answered yes.

**MALONE/CAPOBIANCO – SUBDIVISION
COUNTY ROUTE 13
INFORMATIONAL**

Peter VanAlstyne presented the Board with new maps showing the wetland delineation and the new driveway cut, as well as a letter of approval from the Department of Environmental Conservation. Mr. VanAlstyne stated that he is expecting to have the letter of permission for the driveway crossing over the wetlands. Aven Kerr stated that she, as a neighbor, has spoken to Mr. Capobianco who has stated that he really needs to sell the house. The 50 acres and the house lessens this feasibility. Mr. Capobianco may give it to his children if the 50 acres doesn't sell. It is mostly wooded lot. Town Engineer George Schmitt asked if the Army Corp had issued a permit. Mr. VanAlstyne stated that the Army Corp had commented, adding that they should be getting the permit. Mr. Schmitt stated that there should be a note stating that detailed engineer plans are to be submitted to building inspector. Mr. VanAlstyne agreed to this. Town Attorney Tal Rappleyea stated that the deed was in order. Deputy Chairperson Donna Staron mentioned that with RL-1, putting 5 more houses on the lot is possible and asked if placing a limit on only allowing 2 more houses would be feasible. Town Engineer George Schmitt stated that the width of the driveway would limit the number of houses to less than 5. This project was set for Public Hearing pending receipt of both permits mentioned above.

**LAYTON/GARVEY – SUBDIVISION
ROUTE 295
INFORMATIONAL**

Dan Russell submitted the application, the deeds, the SEQR, and the letters from the applicants giving him permission to represent them. When asked, Mr. Russell stated that the source of information regarding the wetland lines he stated it was from the National Wetland Inventory Mapper. The agreement would be to move the lot line which would take 1.73 acres of the Garvey property and add it to the Layton property resulting in the Layton lot size increasing to 5.17 acres. Town Attorney Tal Rappleyea reviewed the deeds and said that they were fine. Deputy Chairperson Donna Staron asked if the driveway was legal. It was pointed out that the driveway is existing. Mike Hart stated that there needs to be a new description for the proposed merged parcel. This was set for Public Hearing next month. Aven Kerr motioned to adjourn and Deputy Chairperson Donna Staron seconded. This carried and the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Gail Chamberlain, clerk

Marilyn Cohen, chairperson

