

**TOWN OF CHATHAM PLANNING BOARD
MEETING MINUTES**

**April 14, 2015
FINAL COPY**

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MEMBERS PRESENT

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

PUBLIC PRESENT

Cody Mitchison
Austin Mitchison
Vincent Mackowski
Dan Russell
Larry Berg
James Cunningham

The April 14, 2015 Planning Board meeting was called to order at 7:00 PM by Chairperson Marilyn Cohen. The Pledge of Allegiance was recited. Deputy Chairperson Donna Staron moved to approve the minutes from the March meeting. Tony Ooms seconded and this carried. Chairperson Marilyn Cohen requested that the June 9 meeting be moved to June 16, as both she and the Deputy Chair had conflicts. The entire Board agreed to this change. New communication consisted of two items. Town Engineer Paul McCreary presented the Board with new Storm Water Permit and Design Manual Updates which will be on file in the Planning Office. The second was a notification delivered to the Planning Board's mailbox stating that the Public Hearing for the Youth Foundation has been tabled. Town attorney Tal Rappleyea stated that this could possibly be tabled for a couple of months.

**LAWRENCE AND ELIZABETH BERG – SUBDIVISION
NEW CONCORD ROAD
INFORMATIONAL**

Dan Russell, as representative of the Berg's, submitted new maps to the Board. Mr. Russell pointed out that the subdivision request is to divide 14 acres into 2 parcels, creating a 9+ acre parcel and a 5+ acre parcel. Parcel one has an approved driveway permit and parcel two has an existing residence and driveway. Wendy Carroll asked about the area of disturbance. Mr. Russell stated that less than half an acre would be disturbed. Town Engineer Paul McCreary pointed out that the information, as drawn on the maps with regard to wetlands, is not a delineation. Mr. McCreary added that the Board could ask for a delineation note on the plans referencing limiting clearance and disturbance of less than 1 acre. Mr. McCreary noted that this would be beneficial to any future owners of the property. Wendy Carroll agreed that the area/s of disturbance should be marked. Ms. Carroll asked about a buffer for the wetlands. Mr. Russell stated that a buffer was not needed for Federal wetlands. Mr. Russell also stated that most of the disturbance would be the driveway. Mike Hart asked about the source of the wetland lines indicated on the map and what Mr. Russell's experience is pertaining to their accuracy. Mr.

Russell said that they are very accurate. Town Engineer Paul McCreary asked about showing the setbacks on the maps. Chairperson Marilyn Cohen pointed out that it would have to meet the building setbacks. Mr. Russell stated that he would mark the setbacks and also correct the date cited on the map notes. The delineation of wetlands was discussed further with respect to possibly saving the Bergs additional expense. Chairperson Marilyn Cohen pointed out that the building on parcel 2 is already existing and already has the delineation of wetlands, and added that she is satisfied with the map. Town Engineer Paul McCreary stated that the wetlands need to be delineated for environmental impact. Wendy Carroll suggested delineating the wetlands just around the residence. Town Engineer Paul McCreary stated that it would make sense to have parcel 2 delineated in case a new owner wants to build a structure on the property. Aven Kerr asked if the Board was setting a precedent. Town Attorney Tal Rapplelea stated that it was not setting a precedent, and pointed out that each application is different that comes in front of the Board. Mike Hart posed the question to Mr. Russell regarding the lines drawn on the map showing the wetland areas. Mr. Hart stated that anyone looking at the maps as they are would consider the areas depicted by the drawn lines as being the actual location of the wetlands. Mr. Russell stated that he would have a biologist on site. Mr. Russell added that he would have the boundary for the wetlands delineated for the western edge of parcel 1 and the other area not delineated. This project was set for public hearing for the May 12, 2015 Planning Board meeting.

**RICHARD AND GAIL HOGLE – RE-STAMPING OF MAPS
DALY ROAD
INFORMATIONAL**

Counselor Vincent Mackowski representing the Hogles explained to the Board that the original subdivision map of the property was never filed with the County Clerk's Office in 1985. Counselor Mackowski pointed out that several subdivisions have since been completed since that time. Currently there is a buyer for parcel 4 which is a 5 acre plot. The buyer's attorney has insisted on getting the original maps re-stamped for the title company's records. Counselor Mackowski will provide the Board with a copy for our records. A motion was made by Tony Ooms to permit re-stamping the maps. This was seconded by Wendy Carroll, and carried.

**QUESTATERRA/PS 21 – PHASE 2
ROUTE 66
CHATHAM
INFORMATIONAL**

Chairperson Marilyn Cohen explained that the Zoning Board of Appeals is in the process of pulling things together, adding that all environmental requirements have been met. Chairperson Marilyn Cohen stated that the Planning Board is in charge of the site plan. Town Engineer Paul McCreary added a bit of history for this project, as some of the Board members weren't members of the Planning Board at the time that the original application was presented. Mr. McCreary proceeded to talk about the original property and be through the Environmental

Impact Statement, which has been the measurement that the Zoning Board of Appeals has used. Since its inception the plan was always to have two phases. Phase 1 was the tent and phase 2 was to be a completely enclosed structure. Now, the proposal is for the structure to be partially enclosed and is the second phase 2. Nicholas Vamvas, as representative of Questaterra, stated that the theatre is smaller than the original plan. The original size was approximately 28,000 square feet. This has been reduced to approximately 14,500 square feet. There is to be a rehearsal area, bathrooms, office, mechanical room (in basement), and performances for 100 people on stage. The upper level will include an adjunct stage and a control room. The plan for summer operating times is similar to what already exists. The main floor will have seating for 300 people, storage space, and a food sale area. (no food will be prepared on site) Everything will be ADA accessible. All entrances to the facility, as well as the walkway from the parking lot. The parking area was put in for phase 1, and the entire parking area will now be utilized as the result of the expansion. There are 300 spaces available. There will be an addition of 5 handicapped van spaces. The driveway will be extended with a drop off area at the front door. There will be a loading dock on the west side for deliveries. There is a standard septic to leach field which will be evaluated by the Department of Health. Mr. Vamvas stated that they will need a State Pollutant Discharge System Permit, SPDES. Town Engineer Paul McCreary is waiting for the information from the applicant with regard to the Department of Health assessment. Pole mounted lights will be added around the proposed driveway. There will be bollards along the walkway which would all be the down-lit type. These will be LED fixtures. Mr. Vamvas will be providing pictures as well as descriptions for these lights. The lights will be off after the show and will be manually operated. The sign will remain the same. There will be a water vault underneath the deck. Wendy Carroll asked where the water would be coming from. Mr. Vamvas that it would come from the well. When asked if there would be any added landscaping Mr. Vamvas stated that it would be more of a restoration plan with possibly just a wildflower mix. Most of the apple trees will remain. The underground detention systems will be shown on the plans as well. Town Attorney Tal Rappleyea asked what happens to the pad when the tent is taken down. Mr. Vamvas said that the pad will remain. Chairperson Marilyn Cohen asked if there would be any really low lights along the pathway for the handicapped. Mr. Vamvas stated that the pathway will be sufficiently lit. Chairperson Marilyn Cohen stated that everything seems to have been covered that is needed for the site plan review. Mike Hart mentioned that it is difficult to distinguish the existing elements of the map from the proposed, and suggested some sort of color coding. Town Attorney mentioned that just the pad is existing. Deputy Chairperson Donna Staron suggested a site visit, as it would provide a clearer picture of the existing space. Mr. Vamvas agreed to have more information next month with regard to the lighting, landscaping, floor plans, and he would have a revised legend to delineate the existing from the proposed.

CODY AND AUSTIN MITCHISON – SUBDIVISION (LOT LINE ADJUSTMENT)

BASHFORD ROAD

INFORMATIONAL

Chairperson Marilyn Cohen explained that the Mitchison brothers would be going to the Town Board to request a change in the zoning for the property. Town Attorney Tal Rappleyea cited a section of the conservation subdivision law which allows changing of density, if the Board would allow open space to be included as delineation. The stipulation is that 50% of the overall land would be preserved as open space. This would exclude slopes of 25%. The Mitchisons said that this wouldn't work because of the very steep slope on the property. The Mitchisons had already gone before the Zoning Board of Appeals asking for a variance. The ZBA said that it was too much of a variance to be considered. The Board discussed possibly waiting until the Comprehensive Plan was completed which would change the zoning to 5 acres. The overall consensus was that it would be an unreasonable amount of time to wait. Mike Hart suggested checking with a surveyor who could find out how much open space there would be, taking into account the steep slopes. Then, they could choose a building envelope, house, wells, and septic area. Mr. Hart had stated that the code is very flexible in terms of how much someone can own. It was suggested by the Board that the Mitchison brothers ask the Town Board for a change in zoning.

**JAMES CUNNINGHAM – SUBDIVISION (LOT LINE ADJUSTMENT)
PITTS ROAD
INFORMATIONAL**

Mr. Cunningham presented the Board with new maps delineating the wetlands and areas of disturbance, along with the area that can be built on. Chairperson Marilyn Cohen stated that the Board needs an application, complete maps with bar scale, bearings and distances for lot lines, legal paperwork, the SEQR, and a statement that the property is in the Town of Chatham. A perk test will need to be done, a letter from the Town Highway Superintendent, Joseph Rickert, approving a driveway cut, and a physical address on the map along with the distance to the nearest street intersection. This was set for Public Hearing.

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The Board discussed the site plan application and it was decided that an additional bullet be added stating the following: A survey by a licensed surveyor may be required based upon the complexity of the application including the proposed use and number of structures planned, such as geological/environmental considerations, steep slopes and/or wetlands.

The motion to adjourn was made by Deputy Chairperson Donna Staron and seconded by Aven Kerr. The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Gail Chamberlain, clerk

Marilyn Cohen, chairperson