

**TOWN OF CHATHAM PLANNING BOARD  
MEETING MINUTES**

**SEPTEMBER 8, 2015  
FINAL COPY**

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**MEMBERS PRESENT**

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

**PUBLIC PRESENT**

Susan VanTassel  
Marcia Cary  
Karen Blass  
Kenneth Blass  
Nancy Cuddihy  
Theodore Guterman II  
James Tomaso

The September 8, 2015 Planning Board meeting was called to order at 7:00 PM by Chairperson Marilyn Cohen. The Pledge of Allegiance was recited. Tony Ooms moved to accept the minutes from the July meeting. Deputy Chairperson Donna Staron seconded and this carried. Chairperson Marilyn Cohen updated the Board on the Cunningham and Capobianco projects.

**KENNETH BLASS – MODIFICATION OF ALREADY APPROVED SUBDIVISION  
DROWNE ROAD**

Chairperson Marilyn Cohen reviewed the project with the Board stating that the initial request had been for a 3 parcel subdivision. The Board, after considering the location of the wetlands, decided that a 3 parcel subdivision was not environmentally feasible. A note was placed on the map stating that there is a no build area designated for South of Drowne Road. Since that meeting, Kenneth Blass contacted the Department of Conservation. DEC admitted that sometimes the accuracy was not 100% when doing an assessment as they are done via satellite. The land was flagged by DEC and it was determined that a new survey was needed. Mr. Blass submitted a letter to the Board from DEC which stated that there actually is room for building in 2 different areas. Mr. Blass is therefore requesting that the note be removed from the map and suggested adding a note stating that "it could be possible to put a building South of Drowne Road." Mr. Blass would like a modification of the already approved subdivision. Parcel 2 would remain one lot. Town Engineer George Schmitt stated that normally DEC would have a note on the map with language pertaining to lot 2 being buildable, which was not on the maps submitted by Mr. Blass. Mr. Schmitt added that DEC does not consider septic locations, as well as other things that the Town would consider when evaluating a building envelope. The Health Department would want to see the building area location 100 feet away from a pond or wetland with no septic in that area. Mr. Schmitt added that the septic has to be on the

Southern end of the property and suggested that Mr. Blass speak to an engineer or surveyor for input on a buildable site. Chairperson Marilyn Cohen stated that both parcels have to be buildable lots. Mr. Schmitt suggested leaving the not build note on the map and when someone comes in who would like to build, they would go through the proper channels with the Board to pursue approval. Karen Blass talked about how their request came about stating that their neighbor sold property that has the same wetland that continues from the Blass wetland. The neighbor, according to Mrs. Blass, subdivided (2) 20 acre parcels. The neighbor had received a notice from DEC stating that it was ok if they wanted to build as long as a bridge was constructed that crossed over the wetland. Town Attorney, Tal Rappleyea asked the Board if they would make the same decision today as they had made when the initial request came to the Board given the facts that they have been presented with at this meeting. He asked them to consider their answer when reviewing the request. Mike Hart stated that there are 43.99 acres and, with or without a note, it is one piece of property. He added that there are no building envelopes on Lot 2 now anyway. Mr. Hart also stated that the note could be taken off with a statement saying that Lot 2 has "this" (pointing to area on map), building envelope and it is the only one that exists. Mr. Hart made a motion to approve the applicant's request to remove the note in exchange for placing a potential building envelope North of Drowne Road, as well as appropriate cartographic changes to the map. Deputy Chairperson Donna Staron seconded and this carried. Wendy Carroll pointed out an inconsistency between the map and the letter from DEC. The Board stated that it will need an addition to the wording on the top of the map that reads "amended minor subdivision of map with the file # that was filed on date. Additionally, the map will need a bar scale, any legal changes from the time that the initial application was approved until now, adjacent landowners (some may be different), any legal documents with relation to the driveway, and the DEC signature block. Mr. Blass will be placed on the October meeting agenda and the new maps will be reviewed. No Public Hearing will be needed.

## **CHATHAM ANIMAL HAVEN – SITE PLAN REVIEW**

### **ROUTE 66**

#### **INFORMATIONAL**

Chairperson Marilyn Cohen explained that this application is for agricultural animals only and that the building inspector, Walt Simonsmeier had issued a permit for this as long as it dealt with farm animals. Marcia Cary stated that this is a not for profit organization and they are planning on using the existing buildings and facilities. They will be doing improvements but will not be adding new buildings. They plan on having volunteers and they are hoping to have visitors and events at some point in the future, which is why site plan is required. This property is on the same land as PS 21. They will be leasing from Questaterra. Aven asked how many animals they are expecting to have. Marcia pointed out that there are 11 stalls in the one barn and, after the temporary PS21 tent is removed they will have that space also. Marcia added that they won't be "searching" for animals. Deputy Chairperson Donna Staron asked if there is a "need" for this type of facility. Marica said there is a "huge need". Town Attorney Tal Rappleyea asked about visitors and events with respect to parking. Marcia said they will be using the same

parking as PS21. There will be no added lights, and no nighttime events. Mike Hart pointed out a possible issue with regard to the fact that the Zoning Board of Appeals issued PS 21 a special use permit for this piece of property. Now with something different being done on the property, it could create potential problems with the public. Town Engineer George Schmitt stated that this would be an “amended” special use permit. Town Attorney Tal Rappleyea pointed out that there are no limitations of uses on a parcel. The applicant just needs to go through the normal process. It is a permitted use. Mike Hart and Aven Kerr reiterated the possible flack from the public when they find out about this. Deputy Chairperson Donna Staron asked about the water capacity. Marcia said there is plenty of water. The Board explained that, in addition to the completed application and leasing agreement, the applicant will need to submit the maps and the SEQR form.

**ED GOLDEN – SUBDIVISION  
WHITE MILLS ROAD  
INFORMATIONAL**

Counselor Guterman, as executor, and James Tomaso submitted maps of this property. Counselor Guterman explained that parcel 1 is for sale, subject to the subdivision approval and would be used as farm land by the Ooms Family Trust. There would be no building on the parcel other than perhaps a barn. Parcel 2 has an existing house which is under contract, subject to the subdivision approval. The buyer wants to make repairs to the house. Parcel 3 will go to Bill Gile. The proposal is to merge this parcel with the mobile home park. Parcel 4 would be a landlocked parcel which is not an accepted by our code. Chairperson Marilyn Cohen stated that the Board will need more answers with regard to this subdivision proposal, adding that the Board needs the application, the deed, the SEQR, and authorization letter from Counselor Guterman giving James Tomaso permission to represent the estate. Counselor Guterman stated that he is in the process of solving the problem with the landlocked parcel, and wishes to be placed on the October agenda.

Aven Kerr moved to adjourn, Deputy Chairperson Donna Staron seconded, and this carried. The meeting was adjourned at 9:14 PM.

Respectfully submitted,

Gail Chamberlain, clerk

Marilyn Cohen, chairperson

