

**TOWN OF CHATHAM PLANNING BOARD
MEETING MINUTES**

**June 16, 2015
FINAL COPY**

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MEMBERS PRESENT

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

PUBLIC PRESENT

J. Pierre Gontier
Liz Gontier
Jan Storm
Dan Russell
Bill Millington
Sy Balsen
Karen Balsen
Peter VanAlstyne
Lael Locke
Sarah McWilliams
Larry Salzman
Marc Jackson
Kimberly Costigan
Judy Staber
Brenda Adams
John Feldman
Evan Stoller
Judy Grunberg
Nicholas Vamvas
Marcia Kempler
Marion Hunter
Lisa Tuthill
Patricia B Lasky
Ruth Adams
Sharon Koomler
Jerry Grant
Uel Wade

The June 16, 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 approve the minutes from the May meeting. Mike Hart seconded and this carried. Chairperson Marilyn Cohen informed the members that the Town Board's Public Hearing dealing with the Proposed Tennis Camp is scheduled for June 24, 2015 at 6:00 PM, adding that anyone is welcome to attend. Mike Hart stated that the July 14, 2015 Planning Board meeting is on the same evening as the Chatham Caucus. Since only 2 members would be attending the caucus, the July 14 meeting will be held as scheduled.

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

Peter VanAlstyne submitted new maps and explained the following changes made: a note on the map with regard to 60 feet being cleared on the width of the driveway, (highway superintendent, Joe Rickert had looked at the driveway), hashed lines that overlapped were removed making it “cleaner”, zone lines were reversed, a no cut zone was added for both lots, and the area of disturbance was calculated and is now shown on the maps. Mr. VanAlstyne explained that the no cut zones were being “ironed out” as well as the covenants. A map from 1994 was also submitted that showed the driveway access as being a farm road. Mike Hart pointed out that lot 2 was referenced as the wrong acreage in the letter that was received from the Department of Health. The Board has asked that the letter be corrected. The location of the well is to be shown on the map. The wetland markers are all in place. Chairperson Marilyn Cohen asked town attorney, Tal Rappleyea about the existing driveway going over wetlands as well as zoning on clear cutting. Tal Rappleyea stated that the driveway is fine since highway superintendent approved it, and any clear cutting is permissible under the existing code. The code will be changing, but it is fine now. The Public Hearing will be continued next month.

**LAYTON/GARVEY – SUBDIVISION
ROUTE 295
PUBLIC HEARING**

Dan Russell submitted new maps that now show the location of the Layton property on the location sketch. The Public Hearing opened at 7:28 PM. There were no comments. The Public Hearing closed at 7:29 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. Deputy Chairperson Donna Staron seconded the motion and this passed. Tony Ooms moved to accept the subdivision. Deputy Chairperson Donna Staron seconded and this carried.

MALONE/CAPOBIANCO – SUBDIVISION
COUNTY ROUTE 13
PUBLIC HEARING

Peter VanAlstyne submitted postal receipts from notifications sent to all adjoining property owners within 500 feet of the property. New maps were also submitted. Mr. VanAlstyne explained that no permit has been received as a tree count is needed for the hill. (note to this affect is on the map) They are still waiting for the approval letter from the Department of Environmental Conservation for the proposed bridge crossing the wetlands. Chairperson Marilyn Cohen suggested opening the Public Hearing since the notifications were already sent to the neighbors. The Public Hearing opened at 7:39 PM. There was one question with regard to the subdivision which was answered by Mr. VanAlstyne. Aven Kerr moved to table the Public Hearing until July. This was seconded by Tony Ooms and carried.

QUESTATERRA/PS 21 – PHASE 2 SITE PLAN REVIEW
ROUTE 66
CHATHAM
PUBLIC HEARING

Nicholas Vamvas submitted postal receipts from notifications sent to all adjoining property owners within 500 feet of the property. Chairperson Marilyn Cohen reminded the attendees that this meeting is for the site plan only and the purpose is to look at the proposed building plan, driveway, parking, lighting, and landscaping. Chairperson Marilyn Cohen added that if anyone was at this meeting to talk about sound/noise issues it wasn't the place for it. Nick Vamvas referenced the letter he had received from Town Engineer George Schmitt. All questions on the letter were answered to the satisfaction of Mr. Schmitt. The Public Hearing opened at 7:56 PM. Chairperson Marilyn Cohen shared correspondences by reading several letters of support for the PS21 Phase 2 project. There were several comments from the audience:

Sy Balsen endorses support for the project and stated that it contributes art, culture, and humanity to the community

Larry Salzman stated that PS21 adds dimension to Chatham and mentioned how he looks forward to the performances every year. Mr. Salzman also said that he has never noticed a parking problem.

Lael Locke, in reference to the potential traffic being a concern, allays any concerns over traffic problems and supports PS21

Kimberly Costigan feels the value of property will be diminished and stated that she had attended Zoning Board of Appeals meetings but there was never a time for comments. Ms.

Costigan asked if there would be a chance to discuss concerns, as this venue has impacted her life. Ms. Costigan also asked about the machine that hasn't been tested and stated that she wants a guideline and plan for reporting if the machine isn't working.

Town Attorney Tal Rappleyea stated that the Zoning Board of Appeals held a Public Hearing that was posted and that there were plenty of opportunities to speak. He also stated that there would be a protocol in affect with regard to the Limiter and that the Limiter would be set to not allow anything over 5 decibels from ambient levels. Counselor Rappleyea stated that the sound enforcement issue is not the purview of the Planning Board or the Zoning Board of Appeals, adding that this is a Town Board issue and the Town Board is working on it. Chairperson Marilyn Cohen suggested writing the Town Board about the issue, and reiterated that the lead agency is the Zoning Board of Appeals.

J. Pierre Gontier commended the Planning Board. Mr. Gontier said that he is impressed with the layout and lighting on Phase 1 and mentioned that there has been no runoff problem during rain storms. Mr. Gontier stated that it benefits the community and affords the opportunity for people to mingle. Mr. Gontier added that this venue is unique to Columbia County and he highly supports the project.

Patricia Lasky wants a description of the size of the openings on the building. Ms. Lasky proposed having money put into escrow, then if the noise becomes an issue that money could be used to enclose the walls to eliminate the noise. Ms. Lasky stated that she has been bothered by the noise for 10 years. The architect for the project stated that the lay of the land, (the hill), obscures the noise, adding that the project will be held to strict limits as far as any noise emanating from the building. He referenced the fact that the performances are currently being held in an open tent, comparing it to a semi enclosed building. The architect also stated that the Limiter WILL be tested.

John Feldman stated that the programming has been really amazing and he is impressed with the landscaping. He added that PS21 has done an incredible job in addressing any problems and he fully endorses the permanent structure.

Marc Jackson pointed out that the people who don't live near PS21 don't understand how it is affecting those who do, adding that the sound doesn't leave the neighbors. He stated that it's no longer music when the sound travels to their homes and added that it sounds like thumping and is noise at that point. He also stated that he sees the lights and feels the traffic, which affects the neighbors on a daily basis. He feels that promises were made and never carried out with regard to the issues. Chairperson Marilyn Cohen suggested talking to the Town Board about these issues.

Judy Staber mentioned that PS21 doesn't operate 7 days a week adding that there really isn't a lot of traffic. Ms. Staber stated that Judy Grunberg has bent over backward to appease the neighbors.

Sharon Koomler said she was excited to learn that a building was being proposed adding that this would offer a different containment of the noise to appease the neighbors. Ms. Koomler supports phase 2 of the project.

Ruth Adams stated that when a new project enters a community a lot of research is done and

architecture changes a lot of things. Ms. Adams talked about how projects like this provide education and a better quality of life for many people. She supports PS21.

Lisa Tuthill stated she received a letter today and added that this is the first she has received. Ms. Tuthill is concerned about the noise, traffic, and lights. She feels that the traffic will get worse because a building will hold more people than the tent. Ms. Tuthill added that she hopes that the building helps with the noise.

Frances Veilette mentioned the fact that another tent could have been purchased but Judy Grunberg wanted to compromise with a building and added that Judy Grunberg is an unselfish person. Ms. Veilette feels that phase 2 is a major improvement and an asset to the community.

Lincoln Mayorga supports the plan and thanked Judy Grunberg and all that she has done for the community. Mr. Mayorga also thanked the Planning Board for their professionalism. Mr. Mayorga supports the people with concerns.

The Public Hearing closed at 8:50. Since the Zoning Board of Appeals is the lead agency, no SEQR is needed.

The architect gave the dimensions of the building openings as: 1,250 sq ft for the East side, 1,000 sq ft for the South side, and 1,250 sq ft for the North side

Wendy Carroll commented, in response to the concerns of neighbors, that the building inspector is not available during evening hours, and if noise was a problem after the approved hours of operation, complaints could be made directly to the police as needed. Mike Hart asked if we needed to have the letters from the County Department of Health and Department of Environmental Conservation for the public water and sanitation. Town Attorney Tal Rappleyea responded that the Board didn't need them for approval of the project, but the approval would be contingent upon receiving them. It was stated that it could take up to 2 months for the approval letters to be received. Deputy Chairperson Donna Staron asked if there was money in escrow and the answer was yes, there is money for testing. There will be no Certificate of Occupancy until testing passes. Chairperson Marilyn Cohen motioned that phase 2 of PS 21 be approved upon receipt of permits from the Department of Health and the Department of Environmental Conservation. Mike Hart seconded and this carried. Attorney Tal Rappleyea will prepare a notice of action for this project. Deputy Chairperson Donna Staron moved to adjourn and Chairperson Marilyn Cohen seconded. This carried and the meeting adjourned at 9:00 PM.

Respectfully submitted,

Gail Chamberlain, clerk

Marilyn Cohen, chairperson

