

TOWN OF CHATHAM
488 Route 295
CHATHAM, NY 12037
February 17, 2015 7:00PM

PUBLIC HEARING
on proposed Local Law #1-15

The meeting was held at the Chatham Fire House, 10 Hoffman St., Chatham, NY 12037

Town Employees Present:

Jesse DeGroot, Supervisor
Bob Balcom, Councilman
Jean Rohde, Councilwoman
Maria Lull, Councilwoman
Henry Schwartz, Councilman
Tal Rappleyea, Town Attorney

Beth Anne Rippel, Town Clerk
Elizabeth Horst, Deputy Town Clerk
Julia Horst, Assessor Clerk
Michael Hart, Zoning Board member
Donna Staron, Planning Board member
Chad Shufelt, Resident Deputy Sheriff
Others not noted

Others Present:

Thomas Road Conservation Alliance members and friends

Supervisor DeGroot opened the meeting at 7:00 PM and led the salute to the flag. He stated that the purpose of the meeting was for a public hearing and asked Town Clerk Beth Anne Rippel to read the notice that had been published.

Before opening the Public Hearing, Supervisor DeGroot stated two ground rules: 1) All members of the public are required to state their name and where they live, and 2) All speakers are limited to talk for two minutes.

The Board opened the Public Hearing at 7:03 PM.

Heather Uhlar from 263 Thomas Road thanked the Board for taking this step and recognizing that the Town needs the moratorium in order to look at what is being done for the future of the Town. In looking at the Town Code, Uhlar stated that one thing is clear, that the community and the Town want to preserve what all residents love and cherish. She spent years living in New Hampshire and her dream was to live in Chatham, New York, and be a part of the community including the farming that she loves. Uhlar explained that when she thinks of Chatham, she thinks of dirt roads with its farms and lands, which is a dwindling concept in the whole country, but it is something precious and beautiful that she wants to keep for her children who can ride up and down the dirt roads with their ponies. Uhlar said she believes it is a sin and a crime for this part of Chatham to deteriorate and go away, so it is something the community needs to keep since it is so valued.

John Wapner from 231 Thomas Road stated that he has lived in Chatham for 37 years, which dates him back to first Town plan when the old zoning laws were still on the books. He wanted to make two observations. 1) The Town plan supports areas that are primarily agriculture and allows low-density housing, and both plans seem to want to protect those areas and recognize the importance of community and the need to protect rural areas. 2) In 1974, when the older zoning law still existed, the people who wrote it could not have possibly envisioned what development would be like now and about the places and placement of these developments on the roads. Wapner said he thought that because those laws were so old and did not take the current situations into account, the primary uses for agriculture and low-density housing and the permitted uses came into conflict with one another and became really problematic. He added that he thought the board recognized these issues and stated it in their own way, so he really supported the moratorium and the Board's courage in putting it forward. Wapner concluded that, as a citizen, he wanted the Board to continue the process.

Linda Ziskind from 51 Thomas Road launched into a history of Town zoning by referring to when the original 1972 laws went into effect and created RL-2 zoning that included farming, related agricultural, and low-density usage. The law also provided for special uses, which Ziskind listed. She asked everyone to fast-forward to 2015 with its very low-density areas and

people living next to increased traffic. Ziskind added that the law seems more intrusive, not only on the types of businesses but also the impact on rural environments. Since the current zoning does not address those problems, she urged the Board to vote yes to the moratorium and allow the intrusive current zoning to catch up to the reality that the Town residents live in today.

Cindy Bobseine read a letter by **Frank Curran from 60 Gray Fox Lane** who could not make the meeting but wrote in support of the Moratorium.

Bill Eimicke from 76 Phelps Road commended the Board on its thoughtful action, as a moratorium is the proper way to act. He explained that around the country, sustainability and comprehensive plans are being implemented, with those principles going into the zoning laws, which are sometimes unclear. In reading from his book, Eimicke said that sustainability standards meet the needs of the present and that zoning and planning laws have the power to make sure that structures built do not negatively impact water, air, and soil. In conclusion, he said that this cause that the Board deals with is very appropriate and he hoped that those standards are put into the Comprehensive Plan.

Dawn Fratangelo from 523 County Route 13 explained that where she lives, she is close to two places that have a type of special camp in place that is similar to the one in dispute. At the Powell House, every weekend, there is a retreat where buses bring in people and children for the event. Fratangelo said that she hears children swimming in the pond, and this past summer, they had a retreat on how to teach children non-violence. She explained that inner-city children are regularly brought to the Powell House, which is on a dirt road. In addition, Fratangelo said that next door to her is Lynn Cross, who brings in and buses in children who have been abused and pairs them with abused horses. Cross has testified before Congress about her place, which she has run for 30 or 35 years. Fratangelo concluded that these are two examples of projects that have been around for years and have not had an adverse effect on our community even though they included buses and housing, showing that everyone can progress and work together without the need to subvert the governmental process.

Robert Pulver from Highland Road said that he ran a dairy farm with his sons and farmed 600 acres in the Town that is mostly on dirt roads. He has seen more traffic than ever on the back roads, primarily Thomas Road, Highland Road, and Pitts Road where all the land he farms is along those regions. Pulver concluded that traffic does have an impact on his operation and that he supports the moratorium.

Karen Murphy from 76 Phelps Road stated that she has been a resident for 18 years. She read a February 4th letter by **Michael Polemis from County Route 13** in support of the moratorium. When Murphy's time to speak before the Board expired, she passed the letter on to be finished.

Deidre Henderson from State Route 66 finished reading the letter by Michael Polemis. With her remaining time, Henderson explained that she was one of the many citizens who worked on the Comprehensive Plan that was adopted five years ago. She stated that those who worked on it were distressed from the beginning that they did not end up on the Zoning Implementation Committee and that the leadership was shocking. Henderson believed that the Town now has much better leadership and progress is being made, but with the proposed project the Town has seen what the future can be like if the Comprehensive Plan is not adopted quickly. She added that the Comprehensive Plan will be so old, the Town might need another soon and that it is a dry, useless document without implementing it. Henderson concluded that she likes a moratorium and that the Board needs to do it now and quickly.

Bruce Ehrmann from 56 Thomas Road stated that he was there to mention one thing, and while he does support the moratorium, he primarily wanted to refer to the suggestion that accused people of racism. Ehrmann stated that when he was 16 years old, he walked with Martin Luther King, Jr., while the applicant cannot say the same. Having worked on the Community Board in Manhattan frequently, he concluded that he knows a red herring when he sees one, and he believed that this topic was one, and out of place and out of turn.

Jim Johnson from 377 Rock City stated he has lived in the area for 26 years. Johnson explained that 10 years ago, the Town was in the middle of an unprecedented real estate boom. Then, as people say, the music stopped and, by the end of 2008, the boom had ended. For the past seven years, development had slowed. Johnson explained that the tennis camp idea was ill-

conceived and that the Board's moratorium came not a minute too soon. He also mentioned that he did not know the Comprehensive Plan existed until this time, but he and more than ten of his neighbors from Old Chatham to Malden Bridge and everywhere in between saw the threat of inappropriate development. He believed that preventing problems was only achieved through local law and the moratorium is a necessary step along with the job done by the Zoning Implementation Committee. Johnson concluded that to proceed with a commercial plan like a tennis camp was crazy, but it was important for the Town to promote qualities that the community loves.

Tim Ryan from the Hamlet of Old Chatham stated that while he lived in the hamlet, some of his best friends lived in the country. Ryan said that he was entirely in support of the moratorium and while he had a lot to say about camps and overnight camps, he did not think that this was the proper time for his remarks. He asked that, after the moratorium went forward in some form, when it would be a good time to talk about camps on dirt roads. **Supervisor DeGroodt** answered that a letter to the Board would be appropriate. **Ryan** asked who would make rules about land use in the future and permitting special uses. **Councilman Balcom** replied that the Town Board seated at that time would make those decisions.

Judy Grunberg said that it was her 50th anniversary of living in Chatham. She wished to echo what Deirdre Henderson stated in regards to the Comprehensive Plan. Grunberg explained that the Comprehensive Plan took a long time, a lot of people worked on it, and she believed that it was an excellent plan, even though there were many opposed to it at the time and there were politics involved in putting it into effect. She believed it was very unfortunate that what it took the Board to finish the Plan was a situation that people did not like. Grunberg added that she was neither in opposition to nor in support of the tennis camp, but asked that everyone take careful note: the Town cannot wait to take action until people do not like something that is going on. She concluded that she knew a few hundred people had been involved in the Plan and she hoped that it would go forward, since she knew that everyone wants to see things for kids, recreation, agriculture, and more, all which is found within the Comprehensive Plan in supporting the community.

Jeff Murdock from 209 Reed Road stated that, 10 years ago, he and his wife bought property in Chatham, and they did not come from very far as they were from Great Barrington in Berkshire County. He stated that they found Chatham really special with its rural atmosphere and they bought specifically on a dirt road because the dirt roads where they lived in Massachusetts were disappearing. Murdock explained that the Berkshires have become suburbia, which was a sad thing for him and his family. He mentioned that everyone has something very special in these rural areas and he thought it was a very opportune time to consider what the Town has. While Murdock did not know about the Comprehensive Plan, to him, it sounded like wonderful thing to do, thus why he gave his support for the moratorium and the whole Plan.

Jeff Baker, an attorney from Albany, spoke on behalf of the Thomas Road Conservation Alliance. He wished to address a letter written by J.P. Henkel of the Zoning Board of Appeals. Baker stated that a moratorium was the right response to threats of improper developments on rural land, not only the tennis camp application but also the chicken processing plant, and that the Board had stepped in appropriately. He continued by saying that he disagreed with a lot that Henkel put in his letter, since the Board set the Town policy and laws and reviewed the projects, and based on the way that the Town Code is written, the Board is supposed to fill any holes and fix what is written. Baker offered that this was not a situation where Adam Slone could do a ten-lot subdivision or six tennis courts for personal use, as Henkel wrote, since Slone would have to go forward with the same kind of application process and he believed these were red herrings that had been raised. Baker concluded by thanking the Board for their efforts and urged them to pass the moratorium.

Elise Delong from New Concord Road stated that, irrespective of a tennis camp or any camp on a dirt road, when the Town adopts a Comprehensive Plan, like they adopt a budget, it tells everyone who they are. She stated that she certainly is an activist on sustainability, since she marched on certain things. Delong added that, taken in good faith, when racism and other issues come up, she believed that everyone should not put them aside but that all should say that everyone wants inner-city kids to enjoy the things the whole community wants, and that all should incorporate those things into the Town plans. She urged the Board to keep those in mind

and incorporate that into the Plan so that those kinds of issues do not come up and divide the communities that everyone sees as so precious.

Marke Uhlar from 263 Thomas Road stated that he was shocked and amazed at the last meeting because of the insults that were hurled about the tennis camp. He disapproved of getting into the gutter and playing those games, and anyone saying that race was the case should do some soul-searching. Uhlar added that he applauded the efforts for the moratorium, since it was absolute chaos, everyone needs a breather and a clear, concise law.

Jennifer Merwin-Domkoski from 170 Percy Hill Road said that she was a fourth-generation dirt road resident and that she wanted her children to grow up on it. She added that she knows what it is like for black-top to be put down and cars to zoom by, and that parents are fearful of that. She concluded that she did not want black-top but that the moratorium is great for 12 months to keep the community whole and avoid feeling like everyone is torn apart.

Cynthia Richardson from 32 Rock City Road mentioned that she wished her road was dirt. She stated that for many people, being able to do with their property whatever they want to do is a priceless idea, but if that is what everyone does, no one will sell any real estate, no one will live here, and there will be junk all around.

As there were no more comments, the Public Hearing was closed. Supervisor DeGroot stated that a regular Town Board meeting would be held on Thursday evening, February 19th at 7:00 PM, at which time the Board planned to vote on the Local Law.

Councilwoman Jean Rohde moved, Councilman Henry Schwartz seconded, and the meeting was closed at 7:35 PM.

Respectfully submitted by,

Elizabeth Horst
Deputy Clerk