

TOWN OF CHATHAM
488 Route 295
CHATHAM, NY 12037
WORKSHOP MEETING
February 5, 2015 7:00PM

PRESENT: Supervisor Jesse DeGroot, Councilman Henry Swartz , Councilman Maria Lull, Councilman Bob Balcom, Councilman Jean Rohde, Town Clerk Beth Anne Rippel, Recreation Director Shari Franks, Julia Horst, Town Attorney Tal Rappleyea

Others present: Cynthia Bobseine, John Wapner, Heather & Marke Uhlar, Mike Swift, Bob & Jeanette Linville, Adam Slone, Andy Howard, Joe Iuviene AIA, Linda Ziskind, Bill Eimicke, Karen Murphy, Daniel Blake, Karin Mason, Stillman, Cynthia Richardson, Paul & Jane Merwin, Vince Pecoraro, Amelia Teasdale, Jennifer & Larry Domkowski, Tony Ooms, Michael, Leah Moriah and Caleb Gregg and many others.

Start of the meeting was delayed due to the size of the crowd in attendance for the workshop. Initially the meeting was going to be postponed in order to secure another location which would better accommodate a large group. After numbers thinned to comply with fire and safety code the meeting was opened.

Supervisor DeGroot called the meeting to order at 7:20 P.M. and led the pledge to the flag.

CRELLIN PARK PAVILLION PROJECT

- Bids for the Crellin Park Pavilion Project were opened on January 6, 2015 at 11 AM at the Town Hall. Shari Franks and Joe Iuviene presented the Board with the bid results. General Construction W. L. Coon & Son, INC base bid amount is \$226, 588 includes pavilion/framing of office, bathrooms, kitchen space. Electric – Hanson Electric, base bid amount is \$15,220. Plumbing – Singh Mechanical, base bid amount is \$19,900. Total of low bidders is \$261,708.

- Start date, weather permitting, will be around March 15, 2015.

- \$128,000 is has been budgeted for the project. A grant from the Patrick Curry Fund(exact amount not known) will also go towards the construction costs of the project.

- The Town should work with funds that are available now. The Board will look at completing the next phase when additional money becomes available.

RES. #48-15 Councilman Swartz offered RES. #48-15 and moved its adoption to move ahead with the Crellin Park Pavilion Project choosing Option #2 as follows: Pre-Construction to install new electric & telephone service, including splice repair @ pole, waterproof electrical panel & determine condition of existing electrical on site (extra to contract), building construction (poles and roof only), finished ceiling @ pavilion only, Electrical and lighting @ pavilion only, Light fixtures (12 fixtures) @ pavilion/gables (2 gable end fixtures). Councilman Lull seconded the motion.

VOTE: Ayes: DeGroot, Lull, Swartz, Balcom, Rohde Nays: None Resolution adopted

Attorney Rappleyea and Joe Iuviene, AIA will draw up the contracts.

PROPOSED MORATORIUM

- Attorney Rappleyea gave a brief overview of moratorium options which are before the Town Board and the potential effects of implementing a moratorium.

1. The local law would impose a temporary twelve month moratorium on special use permits and site plan review/approval for parcels located on any unpaved town roads.

2. The local law would impose a temporary twelve month moratorium on special use permits and site plan review/approval for parcels located on any unpaved town roads. Should any owner of property affected by this local law suffer any unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner may apply to the Town Board in writing for a variance from strict compliance with this local law upon submission of proof of such unnecessary hardship for a legally operating use.

3. The local law would impose a temporary twelve month moratorium on special use permits and site plan review/approval for parcels located on any unpaved town roads. Should any owner of property affected by this local law suffer any unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner may apply to the Town Board in writing for a variance from strict compliance with this local law upon submission of proof of such unnecessary hardship for a legally operating use. Current applications would be exempt.

- Councilman Lull first thanked everyone who sent letters and emails to her and the rest of the Board to share their concerns as they pertain to the proposed tennis camp. In Councilman Lull's prepared statement she said that arriving at her decision on the proposed moratorium was not an easy job since this decision will effectuate many things in town. She is in support of a 12 month moratorium on special use permits and site plan reviews/approvals for parcels located on any unpaved Town road. In 2009 the TB adopted the Comprehensive Plan and in 2010 the Town Board appointed the Zoning Implementation Committee (ZIC) to make recommendations to the TB. Once the TB receives their recommendations scheduled to come before them this spring. At that point it will be up to the TB to adopt the new zoning changes. Zoning code is used to plan for future changes in the community. It is to promote health, safety and the general welfare of the whole Town. The majority of the Town's roads are unpaved and these dirt roads are considered to be an important part of the rural charm of the Town. The Board needs to be mindful when it comes to decisions which could change this. Some feel that a moratorium is an infringement on a person's property rights but in this case a moratorium will give the Town the time it needs to implement the new zoning revisions. In Councilman Lull's opinion this is an emergency situation. There is pressure from many sides on applications and the possibility of commercial development on dirt roads. A full moratorium will give the Town Board the time it needs without the pressure to make decisions which will have a longstanding effect on the entire Town.

- Councilman Balcom stated that it's been difficult coming to a decision on a moratorium. He appreciates all the input the Board has received. The Town Board wants to make the right decision and do what's best for the Town. Councilman Rohde and Balcom worked on the steering committee to create the Comp. Plan. They worked on language portion which was tricky. They worked on the use table which detailed what was going to be in the zoning and what was not. They wanted to complete the plan but by putting in such confining language they would be "handcuffing" the policy makers and they just couldn't do that. When they look at code they should be looking at it with the Comp. Plan in mind. The Town is so close to completing the zoning language which will go into the Comp. Plan and a moratorium will allow the Town to "take a breath", give them time to work through this and get it right. What happens here will have an effect on the entire town which is why Councilman Balcom supports a moratorium.

-Councilman Rohde as Bob said she has been working on the Comp. Plan since the beginning and now she's on the ZIC. They are constantly going back and forth between people's property rights and the rights of the people who have to live next to them. There needs to be a balance. The message from residents was clear from the beginning and that was that they wanted to retain the rural character and charm of the Town and dirt roads are part of that. Councilman Rohde supports stepping back to take a look at things and a moratorium with a hardship provision will give them the time they need.

- Supervisor DeGroot stated that he has thought about this a lot and he agrees with Councilman Rohde in that if someone has a case as to why the moratorium presents a hardship they could come to the Town Board to present their case. Attorney Rappleyea stated that the language in the proposed local laws will override the NYS Town law which says that variances are typically granted by the ZBA. In this case the Town law would allow the applicant to bring their hardship to the Town Board. Supervisor DeGroot stated that he has lived here for most of his life and is being fond of its local character that we continue along that vein. The moratorium gives us a chance to breathe and take a look at it.

- Councilman Swartz is considering option 3# which has a hardship provision well as a provision which states that pending applications would be exempt. In the case of this particular applicant

he has already been through the ZB process and has met all the requirements that the ZB has asked of him. Being a member of the ZIC the way things are moving with the zoning language this wouldn't change the matter. Councilman Swartz stands by the ZB and great job they do. They've addressed a lot of the concerns people have regarding the application. He will not support a moratorium which will stop an application already in process. Supports a moratorium for future projects on dirt roads but not a moratorium which will stop something already in process.

- Councilman Lull also supports the ZB and the work they do but the Town Board is responsible to look at the greater good of everyone.

-Councilman Balcom stated that a moratorium is not a denial of a project, it's a waiting period. It will put them on hold. The conversation can still continue on the tennis camp, there is nothing stopping that.

- The Comp. Plan all started when the Planning Board asked for better guidelines and the ZIC is now close to completing those guidelines for the Town Boards review.

-Tonight's meeting is just a discussion to determine which of the moratorium versions the Board wants to bring to Public Hearing.

Motion was made by Councilman Lull and seconded by Councilman Balcom to bring a full moratorium (option #1) to Public Hearing.

Further discussion: Supervisor DeGroot will not vote for a full moratorium, he supports a moratorium with the hardship provision. Councilman Rohde also supports the moratorium with hardship provision.

VOTE: Aye: Lull, Balcom NAY: DeGroot, Swartz, Rohde Motion not carried.

Attorney Andrew Howard asked the Board if his client, Adam Slone, could speak. Councilman Swartz suggested that one person from each side be given ten minutes to speak.

- Mr. Howard represents Adam Slone and the Life Serve Youth Foundation. Over the past 6 months, despite their best efforts there has been a lot of misinformation regarding the tennis camp, Adam Slone and Life Serve Youth Foundation. He gave a brief overview of the project.

- 206 Thomas Rd. is a 26 acre parcel in an RL2 zone, minimum lot size is 5 acres.

- The property is already developed. It was a horse boarding facility which offered training, riding clinics, horse shows. It has a stable, out buildings, a large residence, indoor riding arena, outdoor riding arena, paddocks, garage, barn, paved driveway, 2 wells, 2 septic beds.

- Adam Slone will be repurposing this property not bringing in commercial development. There will be no new buildings.

- Phase one will include construction of 5 tennis courts in the area where the outdoor riding arena is currently situated. The courts will not be lit and are not visible from the road.

- Phase 2 of the project will involve the construction of one additional tennis court.

-There will be work on the septic field and improvements to the shoulder of the driveway which was reviewed by the Fire Department.

- There will be improvements to the interior of the residence and to the indoor riding arena.

- The construction on this parcel falls well below the types of development which can occur in this zoning without a special use permit or site plan approval. Under current code 2 single family units can be constructed on the parcel without special use permit. Large ag. facility could be constructed without a special use permit or site plan approval. Residential tennis court with lights can be constructed.

- The Life Serve project fits well within the confines of the Town of Chatham zoning code.

- To insure that there is no negative impact or damage to the Town of Chatham during construction the applicant has been in discussions with the ZB about requiring a bond.

- Unlike the previous established business on this property the tennis camp will only operate for 8 weeks, not 52 weeks/yr. The courts will only be used for 4 hours per day during the months of July and August. No tennis will begin before 9 am on weekends. Students will be brought to the

camp in vans owned by the camp. The camp will be in use for a limited number of weeks and activities will be monitored.

- The ZBA has been reviewing this project for 6 months and have done a thorough job. The application was deemed complete and the public hearing was scheduled. But due to the mere talk of a possible moratorium the public hearing was adjourned.
- 2 sound studies have been conducted. If all 6 courts were in play simultaneously the decibels would still be within the acceptable limits. They would not be creating any sort of intolerable noise.
- It would be a repurposing of an already developed property for a less intensive use.
- The roads would not be in use during the Town's muddy season.

Supervisor DeGroot asked Mr. Howard to wrap it up, 10 minutes were up.

- In considering whether to declare a moratorium a crisis or emergency situation needs to be identified. The proposed use of this property does not constitute an emergency or crisis.
- Why has his client been subjected to this opposition? Why has the Town Board been subjected to the pressures of a small vocal group.
- It doesn't seem to be about sound or driveway "the not so well kept secret in Chatham is that our neighbors are concerned about "those kids", meaning those inner city kids." "In reading about the recent wave of anti-Semitism" (The room erupts with loud shouting.) "what we hear about is fear and hatred" Shouting continues. An audience member said that Mr. Howard was calling them racist. Supervisor DeGroot stated that they are not entertaining public comment there will be time for that at the public hearing. Mr. Howard closed by saying that in looking at the moratorium there is a way that the Board can manage potential large scale projects while recognizing that this project does not create an emergency or crisis within the Town code. If the moratorium was enacted it would put the project off for a year.

Supervisor DeGroot gives Mr. Baker 15 minutes to speak.

- Jeff Baker, attorney for the Thomas Road Conservation Alliance, stated that they strongly support a moratorium with the hardship provision. It is important to have an "escape valve" so it's not directed just at the Life Serve Youth Foundation or Mr. Slone. He said the Town recognizes that there are holes in the current zoning. Under current zoning it allows for the high intensity uses on these unpaved roads which are not conducive to them and as highway superintendent identified these uses are incompatible. The Town is well along in the zoning process and it's appropriate to maintain the status quo and not allow any project to go forward if it is detrimental.
- Question is should the Board create a blanket exemption without having to make a finding of a necessary hardship for Mr. Slone.
- Mr. Baker stated that he is not criticizing the ZBA. The application was considered by the ZBA at the August meeting and it was "woefully deficient". They were asked to come back to submit more information. The public has been precluded from submitting any comments but that's the way the process works. They have been reviewing the documents and have been waiting for the public hearing but it was postponed due to the proposed moratorium.

Mr. Baker referred to a letter he sent to the Board last night:

- There are blatant misrepresentations and errors in the application.
- They're building 6 tennis courts on a steep slope. Crawford's grading plan says that they'll cut into the side of the hill, create an absorption field, widen the road without requiring having to take fill off the road or having to bring any fill in. This is false. This will require over 400 round trips of heavy trucks to transport material damaging roads with the construction activities.
- They have issues with the sound studies which are outlined in the letter. The noise levels will be twice what they say it will be without accounting for the acoustic characteristics of the valley
- There is no statement by the previous owner as to the activity level of the horse farm. .

According to everyone who lives along the road there was low activity on the horse farm. It is not equal to the activity of a tennis camp.

The issues are not just the construction of the camp but also the operation of the camp as it moves forward.

- Mr. Howards statement that the camp will not be in session during the wet, muddy season is false. According to National Weather Service data June and July are 2 of the wettest months of the year in Chatham.
- The original proposal was for a pool. But Mr. Baker stated that they are not doing a pool because they could not fit it into the storm water plan. Brandi Nelson (engineer for Mr. Slone) said that wasn't true.
- If they don't have a pool what are they going to do with the kids?
- The proposal is to bus them to Crellin Park in camp owned vans. Three vans making multiple trips per day to and from camp.
- They have not accounted for worker transportation going to and from the camp. There is no provision for kitchen and maintenance staff.
- There are no plans for activities for 30 teenagers during the afternoon. You have to keep them busy, they're teenagers, they're loud and activities are loud, it's camp.
- The point is that this is not a well thought plan.
- There has not been a determination of significance under SEQRA.
- The offensive allegations that the opposition is based on race are absurd. " Underprivileged does not equate to race." Underprivileged is a matter of economics. He's more inclined to be concerned about a bunch of rich kids who are more entitled and likely to get into trouble.
- Mr. Slone has no experience running a camp.
- Lets maintain the status quo and move forward with a moratorium with a hardship provision.
- For the duration of the moratorium is someone being deprived of their livelihood, that's a hardship. Mr. Slone bought this property primarily as a second home.
- This is not the location for this project.
- It is appropriate to put forward a moratorium to maintain the integrity of the dirt roads do not let something go through that could become a problem.

RES. #49-15 to schedule a public hearing on proposed Local Law #1-15. Councilman Balcom offered RES. #49-15 and moved its adoption to schedule a public hearing on proposed Local Law #1-15. The local law would impose a temporary twelve month moratorium on special use permits and site plan review/approval for parcels located on any unpaved town roads. Should any owner of property affected by this local law suffer any unnecessary hardship in the way of carrying out the strict letter of this local law, then the owner may apply to the Town Board in writing for a variance from strict compliance with this local law upon submission of proof of such unnecessary hardship for a legally operating use. Councilman Lull seconded the motion.

VOTE

Ayes: DeGroot, Lull, Balcom, Rohde Nays: Swartz Resolution adopted

The Public Hearing will be held on Tuesday, February 17 at 7PM at the Chatham Fire House, 10 Hoffman St., Chatham NY 12037

Just for everyone's knowledge Supervisor DeGroot stated that we as the Town Board did not ask people to leave the Town Hall in order to meet the 49 person maximum capacity limit. That was requested by an outside party. Karen Murphy identified herself as the outside party. We cannot legally kick people out of a public meeting.

Motion was made by Supervisor DeGroot seconded by Councilman Swartz and carried to enter executive session at 8:40 PM under Public Officers Law §105 (f) to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion to leave executive session at 9 PM was made by Supervisor DeGroot and seconded by Councilman Rohde. Motion carried.

Motion to adjourn at 9:10 PM was made by Supervisor DeGroot and seconded by Councilman Swartz. Motion carried.

Respectfully submitted by,

Beth Anne Rippel
Town Clerk