

Town of Chatham
Meeting Minutes August 24, 2017

Joint Planning Board & Zoning Board of Appeals
Approved Copy

ZBA Members Present:
Kandace Eaton, Chairperson
Daniel Persing
Adrian Ooms
Michael Richardson
Stephen Day

Public Present: Maria Lull, Donal Collins,
John & Anita Fiorillo, Arti Ross Kelso
Norman Levine, Rebecca Sadlon, James Moore
Claiborne Walthall, Michelle Apland, Larry Machiz
Emelia Teasdale

PB Members Present:
Gabriella Sperry, Planning Board Chairperson
Cindy Meyers
Angus Eaton
Robert Walker
John Catlett
Frank Haimbach
Aven Kerr
Kim Garrison - Town Attorney
Nan Stolzenberg

The meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited. Chairperson Eaton begins by having each Board Member introduce themselves as well as John Lyons and Kim Garrison.

An Application for The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25). Chairperson Eaton reads through the Resolution beginning at Be it Further... A motion is then made on the Resolution by Mr. Richardson, seconded by Mr. Persing.

Kandace Eaton, Chairperson - Aye
Daniel Persing - Aye
Adrian Ooms - Aye
Michael Richardson - Aye
Stephen Day - Aye

The Planning Board then begins by Opening their Public Hearing by Motion by Mr. Eaton, seconded by Mr. Walker, all in favor, motion carried.

Chairperson Sperry reads through the Resolution for Site Plan Review, then asks the Board if there are any further comments.

A motion to Close the Public Hearing of the Planning Board made by Mr. Haimbach, seconded by Mr. Eaton, all in favor, motion carried.

A motion on the Resolution is made by Mr. Eaton, seconded by Mr. Walker.
Gabriella Sperry, Chairperson - Aye
Angus Eaton - Aye
Robert Walker - Aye

Frank Haimbach – Aye
Cindy Meyers – Aye
Jonathan Catlett – Aye
Aven Kerr – Aye

Mr. Machiz and Ms. Apland then thank the Boards for all their work and effort, Ms. Garrison also thanks the Boards for the coordinated reviews.

A motion to come out of closed session made by Mr. Day, seconded by Mr. Richardson at 7:30pm, all in favor, motion carried.

Motion to adjourn the Planning Board made by Mr. Walker, seconded by Ms. Kerr, all in favor, motion carried.

Motion to approve the July meeting minutes as written, made by Mr. Day, seconded by Mr. Persing, all in favor, motion carried.

An Application for an Interpretation of the code 180-38A from Donal Colins & Abi Mesick regarding the placement of a grain bin/silo of property located at 108 River Road, Chatham, NY 12037. Chairperson Eaton reads through the Final Resolution, Ms. Garrison adds that at last months meeting the Board closed the Public Hearing and the Board then reviewed and voted on the Resolution. Mr. Collins asks if they may submit an Application for an Area Variance, Chairperson Eaton states they can at this point.

An Application for an Area Variance from James Moore located at 106 Percy Hill Rd., Tax ID#47.1-87, to allow two green houses that don't meet set back requirements. James Moore, the Builder representing the Home Owner, states there won't be concrete foundations, just posts. Chairperson Eaton adds they are in the RL2 zone as well as the Agricultural District and have 18 acres, Mr. Moore confirms. Chairperson Eaton asks if they are both 24' x 20', Mr. Moore states they are 50 ft. Mr. Day asks if the root cellar is not included in the variance because it meets the set backs, Mr. Moore states that is correct.

Ms. Garrison then reads through the definition of an Accessory Use Structure. Mr. Moore adds they are temporary structures, however they will not be taken down. Mr. Day adds that this is also on a dirt road. Mr. Richardson asks how far they will be from the road, Mr. Moore states they will be 38ft from the center of the road. Chairperson Eaton asks how far along is the construction, Mr. Moore states the steel posts and the drilling underground is done.

Chairperson Eaton states the Board needs the measurement from the side yard as well as from the center of the road. Mr. Richardson asks what the square footage is of the structures, Mr. Moore states he is not sure. Mr. Richardson adds that if they are 200 sq. ft. or less they can be 10ft from the property line. Mr. Moore states that if the variance is not granted they won't be able to do the green houses, there is a leech field and a drop off further back.

Ms. Garrison states this would be considered a farm building under 180-38A of the Town of Chatham code. Mr. Richardson asks what are the major obstacles for the Board, Ms. Garrison the Board has the 5 point test they have to consider. Mr. Richardson suggests talking to the people who sold them the green houses to find out why they are the size they are and the benefits of the size.

Mr. Moore states he is the carpenter, the owner of the property would have these answers. Chairperson Eaton states the Board needs further information for the application to be complete, such as more detail on the map, written narrative, if there are any other structures within 200ft, location of septic, and once the application is complete a Public Hearing will be set and a Resolution passed.

An Application for an Area Variance from Lisa Amtower located at 106 Merwin Rd., Tax ID#45.1-29.200, to allow run in shed that doesn't meet set back requirements. Mr. Richardson asks if the size is 12' x 36' and how far back from the road the shed will be, Norman Levine, the Applicant states it is and will be 31ft from the center of the road. Mr. Ooms states he is familiar with the property and it slopes down if you go any further back, Mr. Levine confirms this and explains the property line. Ms. Garrison states only one variance is needed for the front yard on the side facing the road and asks the Applicant to explain a run-in shed. Mr. Levine states it is a 3-sided building without any power, strictly for horses to get out of bad weather.

Ms. Garrison states at this point the Board can ask more questions or determine the Application complete. Mr. Persing asks if they are just asking for an area variance, Mr. Levine states that's correct. Chairperson Eaton states the Board needs to answer the 5 points, Ms. Garrison adds the cover letter basically covers the written narrative. Chairperson Eaton asks if SEQRA is required, Ms. Garrison states it is a Type II action and not required.

A motion to deem the Application complete and set the Public Hearing for September 28, 2017 made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

Ms. Garrison states per 180-55 of the Town of Chatham code the Application should be forwarded to the Town of Chatham Planning Board for their opinion.

A motion to adjourn the meeting was made by Mr. Persing with a second from Mr. Day and the meeting adjourned at 9:01 PM.

Kandace Eaton, ZBA Chairman
September 21st, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk