

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
August 15th, 2016
Approved Minutes**

Board Present:

Chairman Dan Herrick
Stephen Piazza
Harry Pisila
Leo Ponter
Ken Dow, Esq. – Village Attorney

Public Present:

Joseph Catiglione – Young/Summer LLC
Aaron Gaylord
Kirk Kneller
Susan Kneller
Emilia Teasdale

Call to order: The Village of Chatham Planning Board Public Hearing of August 15th, 2016 was called to order at 7:30 PM by Chairman Dan Herrick in the Tracy Memorial Village Hall.

1.) **Application; 25 Kinderhook St., Aaron Gaylord**, Applicant; site plan review for demolition and siding. Joe Castiglione states he is the Attorney representing Aaron Gaylord and Jack Shear, the Applicant and they are here to present the additional information that was requested regarding the existing dilapidated building they want to renovate, demolish and alter. Mr. Castiglione then reads code 110-50 regarding the role of the Planning Board. Mr. Castiglione states he will now turn it over to Aaron Gaylord. Mr. Gaylord presents the Board with a map laying out the existing house and what they want to demolish. Mr. Castiglione points out what parts will be demolished and Mr. Gaylord then presents the Board with color photos of the foundation that is crumbling and completely rotted out. Mr. Gaylord adds he even had to put a temporary wall in to stabilize the house even before they could begin working inside. Mr. Castiglione then presents the Board with a letter of cost just to stabilize the building. He adds that the exterior of the building does not show any historical value. Mr. Pisila asks if they have any idea when the additions were added. Mr. Gaylord states the original structure and the additions all seem about the same age. Chairman Herrick adds that he has seen the inside and the layout did not make any sense. Mr. Gaylord then presents the Board with the existing floor plan. Mr. Pisila confirms that the additions are being demoed and the original structure is staying. Mr. Gaylord presents the Board with a sample of the grey color the siding will be. Mr. Castiglione presents the Board with pictures on his phone of other houses in the area to show this house will be in character with the others. Mr. Gaylord adds that he will also replace the existing slate roof with a new traditional slate roof and may do a small garage later on and will come back before the Board for that.

Motion to approve Application; 25 Kinderhook St., Aaron Gaylord, Applicant; site plan review for demolition and siding made by Mr. Piazza, seconded by Mr. Ponter.

Mr. Pisila – Aye

Mr. Piazza – Aye

Mr. Ponter – Aye

Chairman Herrick – Aye

2.) **Applicant; 90 Hudson Ave., Kirk Kneller**, Applicant; site plan review for change of use and signage. Chairman Herrick states this is for a change of use and signage and that Zvi Cohen had come before the Board in 2014 for a change of use for a bakery. Kirk Kneller, the Applicant states that he spoke to Ken Dow, the Village Attorney and Walt Simonsmeir, the Building Inspector about the two buildings that are going to be storage buildings have always been storage buildings. Mr. Kneller states that they closed in October and it is now owned by Railyard LLC, which is 50% Humble Pie LLC and 50% Zvi Cohen LLC. Mr. Kneller adds that Kent Feeds had been using these two buildings for storage up until they owned it, so they have not been vacant and Zvi has already begun work on the bakery.

Mr. Kneller states Aaron Gaylords building will not have water and was storage and is staying storage, and the New Leaf building is just for storing their trucks, there won't be any change in structure and they may have two full-time employees there during the day that will park behind the building. There will be much less traffic in and out than when Blue Seal Feeds was there and the main building for the bakery is the only building with sewer and it has a storage tank that is pumped when needed. Mr. Kneller explains that the bakery didn't need the whole building so Justin Madsen concrete may use the back portion for a showroom and in accordance with zoning, claims that Walt said the Applicants needed to fill out the applications so the Board would know what is going on. Mr. Kneller states he also spoke with Ken Dow about determining if it was a major or minor site plan and will fill out whatever forms are needed. Mr. Dow states the buildings being used are basically what they were and that's why he told Kirk to come in tonight to represent the entire property. Mr. Pisila states the code says a building can continue its use unless it is vacant for 18 months or more. Mr. Dow states these are all permitted uses so it doesn't matter how long the vacancy was if any.

Chairman Herrick states that parking needs to be shown on the plans for the retail portion. Mr. Kneller states it will just be open parking since the bakery will actually need more parking than the retail portion. Mr. Gaylord adds that the showroom will not be high traffic, he will just walk people through and will not have any full time staff. Mr. Pisila states a comprehensive site plan is still needed, listing all buildings, uses, parking and loading areas. Chairman Herrick states the map does have the open area for parking but does not show the parking spots. Mr. Piazza states if it went from Blue Seal to when purchased in October it may not have been a change of use, but it was last approved for as a bakery which is a different use. Mr. Kneller states that Kent Feeds bought Blue Seal and continued to use it for storage until after they closed in October.

Mr. Piazza states the Board still needs more information such as hours of operation, etc... Public

Member, Susan Kneller states as a customer of Blue Seal she knows that trucks and grain bins were going all hours of the day. Mr. Kneller states his interpretation was the Planning Board approved the bakery for the main building, the other two buildings can be storage because they were storage and there will be essentially no traffic, trucks may go in and out at 8am and done at 5pm.

Mr. Ponter adds the separation of the retail and bakery needs to be indicated and the actual parking for the retail portion needs to be indicated on the plan, not just open parking. Mr. Pisila adds that should be part of the proposal for the whole parcel. Mr. Dow adds that is why Mr. Kneller, as the owner needs to be here at the meetings. Mr. Pisila reads there needs to be 5 parking spots per thousand square feet and it needs to be laid out on the site plan. Mr. Kneller asks where the parking needs to be and Mr. Dow explains the property owner needs to make that decision. Ms. Kneller states the Chatham Plaza has all open parking, Mr. Ponter replies the parking is all laid out and delineated. Ms. Kneller states as the owners they need to indicate the parking spots per square footage. Mr. Piazza adds the parking needs to be part of the application. Mr. Dow states parking needs to be indicated so the Board can see they are not impeding access or emergency exits and believes part of the confusion was Walt had given each Applicant paperwork sequentially. Mr. Kneller states the Blue Seal had parking areas and lines, so they would just need to be brightened up. Chairman Herrick states they need to make sure the parking spaces for each building are shown on the plan.

Mr. Gaylord asks the Board if they can address his building for approval tonight, he has supplied the color sample for painting, sent out all the notifications, etc... Mr. Piazza states the color of the paint is good. Mr. Pisila asks if there is a deadline that the Board has to make a decision on an application. Mr. Dow states the Board can close a hearing and still continue to collect information. Mr. Piazza states there hasn't even been an application from Mr. Kneller, only information received so far. Mr. Kneller states he was told to have Aaron Gaylord and New Leaf come in for storage and there is nothing for them to apply for since it is continued use. Ms. Kneller states they were not asked to fill out an application just to come in and provide information.

Chairman Herrick asks if it would be possible to amend the site plan for the bakery for just the main building. Mr. Dow states that it is the issue of the SEQRA form, it is not supposed to be broken up the way that it was and that Zvi had come in before for the bakery and it was approved as one parcel. Mr. Kneller adds that Walt Simonsmiev said to have the applicants come in and explain what was happening, and they can only do what the officials tell them to do and then presents the Board with a full and short environmental assessment form. Mr. Dow states that you can't have a single parcel with multiple applications, there needs to be one application and site plan with everything laid out for each building, parking, etc... Mr. Kneller states he spoke with the Building Inspector earlier and was told to just fill out the environmental assessment form. Mr. Pisila states 110-19 in the code states what is required for a site plan. Mr. Gaylord asks if they could use the current information before the Board as the site plan. Chairman Herrick states they

need an application from Kirk Kneller.

Mr. Piazza asks if the Board could do a special meeting. Chairman Herrick suggests August 29th, that will give time to complete a site plan and application. Mr. Kneller states they never determined if it was a major or minor project. Mr. Dow states it is a minor site plan and had given Mr. Kneller an outline of what needed to be done for this meeting. Chairman Herrick states to add Aaron Gaylord's color chip to with the application. Mr. Kneller asks what happens if down the line someone else decides they want to change the color. Chairman Herrick states then that person will have to come back before the board with a color sample.

Chairman Herrick states the Applications are tabled till August 29th, 2016.

Other Business:

Mr. Kneller states he has another question regarding his neighbors, Charron's and Nancy Scans and a sink hole forming in the easement. Mr. Kneller asks if there is anything that can be done because there is going to be an accident and people are still parking in the fire lane and getting deliveries in the back. Mr. Dow states that this all makes perfect sense, however the Planning Board has no authority, and no enforcement on easements, these are off limits and are private matters. Mr. Kneller asks then where does he go, who is the enforcer, the pot holes need to be fixed. Mr. Dow states that this is a private matter and it needs to go to court if no one can decide whose property it is. Ms. Kneller states it is very difficult to do business in Chatham, it is a daily issue that they deal with and feel as though they are the only ones trying and what is going to happen if someone gets hurt. Mr. Dow states they can only deal with issues in the present, not what happened 20 years ago, and if someone does get hurt it will go to court and the court will decide who owns the property and who is responsible.

Mr. Pisila states to read 110-19C so they know what items are needed for the meeting on the 29th.

A motion to approve the minutes of the July 18th, 2016 meeting was made by Mr. Piazza, seconded by Mr. Pisila.

Mr. Pisila – Aye

Mr. Piazza – Aye

Mr. Ponter – Aye

Chairman Herrick – Aye

The meeting of August 15th, 2016 is adjourned at 9:01 pm.

Respectfully submitted,

Erin Reis-Costa, Secretary