

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
JULY 15, 2019
7:30 P.M.
MINUTES**

Call to Order at 7:30 p.m.

Present: Chairman D. Herrick; Members L. Korda, L. Ponter, and R. O'Mara-Garcia; Village Deputy Clerk P. DeLong; Building Inspector E. Reis; Village Attorney Ken Dow; Milap Seema Realty Corporation Representative B. Patel, M. Patel, H. Patel and their attorney A. Galeano and Daniel Martucci (Law Clerk) of Wagoner Law Firm; HLF GDP Chatham NY LLC Representative Tiffany Marsh; Depot Square LLC Representative A. Gaylord with N. Greene; Residents S. Kneller, K. Kneller, G. Lal, and J. Olson as well as other members of the public.

- 1) Application # 2019-060: 4 Depot Square, Chatham, NY; Depot Square LLC, Applicant; Application/Site Plan/Historic District/Commercial - *Tabled to next meeting on August 19, 2019 pending County review. Approved by all***
- 2) Application # 2018-103: 15 Dardess Drive, Chatham, NY; HLF GDP Chatham NY LLC Applicant; Special Use Permit for Auto Repair Shop - *Tabled to next meeting on August 19, 2019.***
- 3) Application # 2018-108: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan – *Approved with list of contingencies.***

Other Business:

- 1. Application # 2019-080: 8 Fairview Avenue, Chatham, NY; Beth Anne Rippel Applicant; Area Variance / Zoning Board needs a recommendation from the Planning Board.**

Other Business: R. O'Mara-Garcia starts by referencing the application clarifying the variance needed. D. Herrick notes that the site plan shows that this is just to square off the garage. Motion made by D. Herrick to send the application to the Zoning Board, seconded by L. Ponter. Approved by all.

1) A. Gaylord and N. Greene approach the board. D. Herrick starts off by stating that the County Planning Board does not meet until tomorrow night. A. Gaylord asks if it is possible to get a conditional approval. K. Dow notifies him that is not possible by law. It does not allow to get an approval in advance. A. Gaylord shows he understands. A. Gaylord references his updated drawing showing the change in elevation in the front. D. Herrick states this version of the drawing has more of a description. N. Greene confirms. He describes the overhang and the profile of the theater. D. Herrick makes a note that the façade is 4' deep and approx. 10' high. L. Korda asks if they have any additional information on the parking. A. Gaylord states it is still not

known at this time. R. O'Mara-Garcia questions the led screens in front; asking if they will be side by side. N. Greene confirms there will be 3 screens side by side. D. Herrick asks if they will be like windows. A. Gaylord states they will be like a movie poster, stating that they can be used to advertise, but nothing outside of a poster. R. O'Mara-Garcia asks if there will be any other signage. A. Gaylord states that currently there is no other signage. N. Greene confirms that should there be any additional signage they could come before the board later to discuss. D. Herrick opens the Public Hearing. No comments from the public. D. Herrick closes the Public Hearing and comments that the application is tabled to next meeting on August 19, 2019 pending County Planning Board review. N. Greene asks how it works with the Columbia County Planning Board. D. Herrick explains the process.

2) D. Herrick starts by asking if anyone is here for HLF. Representative states she is in attendance as per suggested. No comment from the Public. D. Herrick remarks that the application will be tabled to next meeting.

3) A. Galeano and Daniel Martucci (Law Clerk) of Wagoner Law Firm approach the board. A. Galeano references the site plan for a door on the existing extension. She goes on to state how this application was submitted in 2018 but continues to be tabled due to a private dispute between neighbors. She asks the board to consider the right of way having sufficient traffic flow. She also referenced the letter from DOT and presented a sketch from engineers Creighton & Manning with a traffic flow pattern which shows the right of way and extinguishes a sufficient traffic flow to support the front door on the addition. She references the sketch stating how trucks with a trailer and gas can enter without a right of way. She presents a video which shows a truck with a trailer being able to turn around and back up with plenty of room. Video 1, (30 seconds) shows a truck entering from 66 displaying a cone where the bollard would be. Video 2 also shows the truck in the parking lot. A. Galeano points out that the application for the addition was approved in 2015 and that this was now a problem. D. Herrick rebuts that there is no effect because in 2015 the addition was approved as a storage area. L. Korda references the sketch asking what all the lines represent. D. Martucci states that the lines are parking spaces and not a structure. A. Galeano goes on to state that the lines avoid the drain and there is no major construction needed. L. Korda references the video and asks, suppose the truck can not get out and has to back up? D. Martucci references the sketch showing the orange lines as being the leading edge of the cab of the truck and the blue lines being the back of the tanker. A. Galeano also refers to the video of the tanker backing up stating that they have sufficient room. D. Herrick asks if the video is recorded in the lot between Charron's and Nancy Scans. A. Galeano replies yes. D. Herrick states that it looks like the truck will go onto the other property. A. Galeano references the map showing where the property lines are. L. Korda references the sketch and refers to the direction the trucks will exit and asks if the can still back up if the other exit is blocked. A. Galeano asks why would that exit be blocked? D. Herrick states an accident between vehicles on the road. A. Galeano remarks that the dispute between the two parties should not affect the ingress and the egress. There are 17 parking spots which allow for cars and SUV's. D. Herrick comments that this is the only time parking space is not a concern. A. Galeano reiterates that the trucks should have no need to back up. This (referencing the video) was just to show it is possible. In the event of an accident, the truck would not be able to leave

anyway. L. Korda refers to the DOT letter. A. Galeano clarifies again the one-way exit. D. Herrick makes a reference to the video. A. Galeano clarifies that they have spoken with the fuel company and they do what they need to, to stay compliant. D. Martucci clarifies that most of the trucks do not have to back up. D. Herrick confirms that the pumps do not have a canopy. R. O'Mara-Garcia asks about the fill points. A. Galeano references the map. A. Galeano states she wants to make it clear they know where they can not go. She states they spoke with them and they are amiable to this traffic flow. D. Herrick states that there will need to be a sign saying there is no right turn. A. Galeano agrees. L. Korda asks where does this application stand. A. Galeano asserts that it needs to be determined if the application can be approved, not with cancellation of the easement, but to show sufficient traffic flow for both commercial and non-commercial vehicles. K. Dow asks to clarify if there will be a one-way entrance for all vehicles. D. Herrick clarifies that the exit only is on 203 and the trucks would enter on 66. R. O'Mara-Garcia asks what happens if Kneller needs to use the entrance. L. Korda asks if the trucks have to go around to 66 to enter, she states she is looking for clarification on the direction. A. Galeano references the map stating the entrance and exit. L. Korda affirms it is unclear that the is just an exit when the Kneller property still has an entrance. She asks to confirm if there would need to be a sign there for the entrance for Kneller. D. Herrick points out that is not a problem as long as the contract stays in effect. A. Galeano confirms that either scenario works, the one-way and alternative will work. She states all the bases are covered. K. Dow asks to confirm if 203 is also an entrance or only an exit. A. Galeano goes on to say that DOT allows for this traffic pattern but that she can see the planning Board is not comfortable with only one entrance. D. Herrick points out that in the event of an emergency all bets are off and that the fire truck would need to both entrances for fire equipment. L. Ponter asks if the plan still needs to be approved by the Fire Department. D. Herrick confirms to have Fire Department look at it and goes over the letter from the Columbia County Planning Board as well. A. Galeano states her final condition is the front door to satisfy the stipulations.

D. Herrick opens the Public Hearing. J. Olson of Nancy Scans asks if the application can be amended to show that the application for the property is the only property being used. A. Galeano confirms a definition of the bylaws. J. Olson states he would like to confirm that the conditions are only for Charron's property. D. Herrick confirms that if the conditions did not exist that this would still work. That to make sure in 6 months from now or if the easement were to go away that this plan would still work. J. Olson comments if the easement were discontinued. A. Galeano confirms the reason for the exit on 203. D. Herrick also confirms the no right for trucks. K. Dow states that all retail would be both ways if the agreement were to be nullified, in it's full width, Charron's has a 15' opening that would be one directional. J. Olson looks to clarify that the Kneller property is not part of this site plan. K. Dow upholds that this is not DOT and that this Village board would not do anything to hurt business in the Village. R. O'Mara-Garcia voices looking at it if the easement were blocked, what is the DOT's point of view. K. Kneller asks if Mr. Patel would agree not to deliver to the back. He presents pictures showing various trucks of various vendors. He also points out that in the video there were no cars in the lot and that there are cars constantly in and out; that it is not the real world. B. Patel states that sometimes there is a new driver that will go in the back. That his regular drivers never go in the back to deliver. A. Galeano rebuts that Mr. Patel has pictures to show the neighbor not in compliance as well. R. O'Mara-Garcia confirms that there will be signage to

make it clear where the trucks can go. D. Herrick asks, what if the truck is delivering; how does that affect 66. Would the truck be sitting with part of it in the road? A. Galeano confirms no. L. Korda points out that the map does not show any cars parked in the spots. B. Patel states it will work with cars. Vince Mackowski presents a question on the map. If John used all of his parking spots, would a truck still be able to move? He also notes that the fire lane is not enforced. What is the impact of the one-way when cars will turn in. D. Herrick states that if the agreement were void, that this plan would still work. K. Kneller asks who is parking in that lot for 24 hours. D. Herrick states he does not know. L. Korda asks to clarify if the agreement is nullified, does this plan have to go back to the board. D. Herrick confirms the exit only. K. Kneller wants to know what the repercussions are for Mr. Patel if he does not follow the original plan. A. Galeano sets forth that this argument has been going round and round for 10 years and that her client has been open for business and that they have applied for their liquor license. Pointing out that the State Liquor Authority has regulations and does not hand out permits willy-nilly. V. Mackowski goes on to say that for the price of a \$60 dollar recording fee, all of this could have been avoided. R. O'Mara-Garcia asks if everything needs to be moved. K. Dow reiterates that there is an issue of the bollards needing to be moved. E. Reis confirms that the ice machine and the bollards need to be moved. She goes on to state that a condition of the site plan application is a clear handicap access by the door and that the one by the front is not enough as the handicap person would have to walk the length of the entire store get to the liquor portion. K. Dow affirms that the walk space between the buildings and bollards is not enough and that should have been fixed 4 years ago. A. Galeano declares this will happen. D. Herrick asks if there is any further information. No Comments.

Motion made by D. Herrick to close the public hearing, seconded by R. O'Mara-Garcia.

R. O'Mara-Garcia asks to confirm the point of view of the site plan in regard to following through and if it gets moved away from the items on the site plan. D. Herrick reiterates the need for signage in the back stating no parking and no loading, no right turns for trucks, the fire lane to be marked, signs on the building that state no parking in the fire lane. K. Dow points out that the bollards will need to be moved as well. D. Herrick also points out that handicap parking needs to be at both business entrances. The convenience store and the liquor store. K. Dow also noted that the 203 side will be half the width. D. Herrick confirms that it will become an exit only. K. Dow asks for a final review of the conditions:

- 203 opening will be no right turn for trucks with proper signage.
- Fire lane needs to be properly marked with paint on pavement and signs on the building.
- The lot between Charron's and Nancy Scans will need to be marked with no parking and no loading signs.
- Move the bollards as per the agreement 4 years ago.
- Easy access for handicap at both businesses – the convenience store and the liquor store.
- If the Route 203 entrance is narrowed at any time in the future, then it shall be exit only for all vehicles, and marked accordingly.
- The business will need to follow through with all the changes to the site plan as presented.

K. Dow asks if the application is approved, how will it be known that everything is being done. E. Reis states that she will monitor and enforce the changes. K. Dow also makes note that if there are persistent violations of the approved plan and the business is not in compliance the permit can be revoked. Public asks what if the business is in violation tomorrow? It is mentioned say a truck unloading in the back. K. Dow echoes that anytime there is a violation, there can be an order to remove. E. Reis also notes that the building permit will not be issued if there are consistent violations.

Motion made by L. Korda to approve the application with the conditions, seconded by L. Ponter. Approved by all.

K. Dow states he will type up the conditions.

A. Galeano asks for a copy of the conditions.

K. Dow agrees they will be sent to her.

ADJOURNMENT: So moved by Chairman D. Herrick and not seconded at 8:39 p.m.

Respectfully submitted,

Patricia DeLong