

**VILLAGE OF CHATHAM
PLANNING BOARD MEETING
FEBRUARY 24, 2020
7:30 P.M.
MINUTES**

Call to Order at 7:30 p.m.

Present: Chairman D. Herrick; Members L. Ponter, L. Korda, R. O'Mara-Garcia, and new member F. Iaconetti; Village Attorney Ken Dow; Village Deputy Clerk P. DeLong; Daniel and Rebecca Doyle, Milap Seema Realty Corporation Representatives Bavesh Patel and Hitam Patel; Multiple Residents of the Village.

- 1) Application # 2020-005: 136 Hudson Ave., Chatham, NY; Daniel Doyle, Applicant; Application/Site Plan for Accessory Building – *Approved*.**
- 2) Application # 2019-170: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Application/Site Plan for Fence - *Tabled to next meeting on March 23, 2020 pending DOT review*.**
- 3) Application # 2019-171: 2 Church Street, Chatham, NY; Milap Seema Realty Corporation, Applicant; Amendment to Conditions – *Approved*.**
- 1) Minutes from December 23, 2019 Meeting – *Approved*.**
- 2) Minutes from February 3, 2020 Meeting – *Approved*.**

Other Business:

- 1. None**

D. Herrick starts the meeting by welcoming F. Iaconetti back to the board.

1) D. Doyle and R. Doyle sit with the Board; they present a survey map and note that parking sketch was provided. D. Herrick affirms the conversion on the barn to living space and separate entrance from the back using a previously proposed right of way for Moore Ave Ext. D. Doyle states this had been deferred to the Village attorney. E. Reis notes there is no longer a right of way there. It is observed that the property is no longer owned by the Village. D. Doyle states that the area with the right of way is part of their tax map. D. Herrick asks if this is similar to a right of way with the Reformed Church. D. Doyle, L. Korda, and D. Herrick reference the map and explain the properties. K. Dow asks if there is a deed. D. Doyle explains his options of either

purchasing the land from the Village or keeping it as a right of way with the Village. He states that he is currently being taxed on the full parcel. F. Iaconetti asks how they know if the surveyor did not identify the right of way as part of the parcel. D. Doyle observes right of use. K. Dow states that it could be resolved in an alternative way, but there is a right of way. D. Doyle notes that the tax plot is one continuous piece of property. F. Iaconetti refers to the drawing and defines a site plan. E. Reis states that a site plan is not required for a special use permit. D. Doyle explains the survey map and the location of the property. F. Iaconetti asks about the parking for 6 cars stating a minimum of 9' wide and asks if the lot will be paved with concrete or asphalt. He also states that the lot will need appropriate lighting and notes the approval of the house. D. Herrick and K. Dow affirm they need to focus on the application they have in front of the Planning Board which is for the barn. F. Iaconetti asks if they will be working on the pool. D. Doyle confirms that they are trying to remedy all the prior offences of the previous property owner and preserve the carriage barn in a way so it can also be used. F. Iaconetti asks when the approval for the house went through. D. Doyle notes that was in October. F. Iaconetti refers to the site plan, the rear access, and amount of materials on the property per the density control schedule. E. Reis reiterates that they have plenty of coverage. D. Doyle states that they are using porous material on the driveway and that the back does not need to be paved. F. Iaconetti reads the code, observes that the 2 spaces will be separate of the other parking area, and states that if the lot is paved there is an issue. E. Reis explains there is a conversion for acres to square feet. F. Iaconetti refers back to the density schedule. K. Dow observes that they are not adding any buildings. D. Doyle affirms the conversion; 2,700 square feet of building in existence on 1.3 acres which is less than 10% of impervious material. R. O'Mara-Garcia affirms that they are not adding any structures to the property. F. Iaconetti asks about the small addition on the back of the house. D. Doyle confirms that is the cover to the Bilco door. D. Herrick observes that everything on the house is previously done.

D. Herrick opens the meeting to the public.

M. Zeissett voices her concern over property boundaries. She states she has a surveyor, Robert Ihlenburg coming to survey her property in March and asks that the application be tabled until she has that survey done. She also asks how the right of way in the back was determined and if they have any legal proof of ownership. K. Dow observes this does not affect their site plan. D. Herrick explains that legal property boundaries and personal property disputes are not in the scope of the Planning Board. That legal matters with property boundaries need to go to court. M. Zeissett voices her concern over no use of the driveway. D. Herrick explains that is a legal matter. M. Zeissett asks about the limits of the property. K. Dow notes they have a survey from a licensed surveyor that they must treat as valid. He explains the Planning Board goes by what they have in front of them and can not resolve private disputes. M. Zeissett asks how access to the property will be affected and asks how many parking spaces there must be per unit. D. Doyle answers 1.5. F. Iaconetti asks if the number of units will affect the parking. It is noted that the multifamily house is different than the carriage house. M. Zeissett asks if the carriage house will be occupied. D. Doyle confirms by the owner. K. Dow explains public comment. M. Zeissett voices her thoughts again on the property dispute, her survey in March, her stone wall being demolished where an incident report was filed with the NYS troopers, a letter telling her she needs to remove materials from what she considers her property, and asks that the application be tabled until all the facts are discovered so they can proceed.

Motion made by L. Ponter to close the Public Hearing, seconded by L. Korda.

F. Iaconetti notes the dimensions of the parking and states that more than 6 parking spaces needs to be paved and have lighting. E. Reis confirms that it is an existing parking area for the main house and the 2 new spots will be in back. M. Zeissett makes another comment on the property and the driveway. D. Herrick affirms they have a survey map signed by a licensed surveyor.

Motion made by L. Ponter to approve the application, seconded by R. O'Mara-Garcia.

R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, F. Iaconetti-yes, D. Herrick-yes: Approved by all

2) B. Patel and H. Patel sit with the Board. D. Herrick states this is a review of the application between Charron's and the Insurance Agency. He reads the letter from the CCPB. R. O'Mara-Garcia observes that the fence going almost to the curb would potentially cause a traffic hazard. L. Ponter observes that a setback may be in order per the CCPB letter. F. Iaconetti asks about the length of the fence. D. Herrick notes the recommendation from the CCPB. R. O'Mara-Garcia notes the change in traffic patterns and trucks coming in and out. K. Dow notes it is something to look at because of Route 203. F. Iaconetti talks about agreements with NYS and the agreement with Mr. Kneller. K. Dow points out that it was not a binding agreement. F. Iaconetti asks about the agreement with the adjoining property and notes the fence line coming off 203, that cars may pull into the fence if it is not identified as a one way. He then talks about the vehicles coming out of the drive. B. Patel affirms there are signs and he will put up permanent signs. F. Iaconetti revisits the CCPB letter and asks if the fence can be moved back. H. Patel states yes, that they just want to do something. R. O'Mara-Garcia explores possibilities in the length of the fence. L. Korda observes that if the fence is pulled back, trucks may still come in even though it is a one way. D. Herrick notes the exit only and explains the traffic flow. F. Iaconetti revisits the CCPB and DOT letters, notes the driveway is used by both parties, and asks if the fence was pulled back/shortened to allow cars around like a common driveway. D. Herrick points out this may create a traffic situation that may become hazardous. He references the letter from DOT. F. Iaconetti explores the possibility of applying for another entrance and asks if that would be contradictory to the agreement. K. Dow points out it was not an enforceable agreement. F. Iaconetti states he agrees with Mr. Dow. K. Dow points out the letter mentions 3 construction drawings. L. Korda asks if there is another option to shorten the sidewalk. K. Dow notes that if there is a change to an entrance on a state highway, they need to see it, showing the access to the state highway. F. Iaconetti notes that if the fence is pulled back that would not change the access to the state highway. K. Dow observes that a fence will cause a car to come to a halt. D. Herrick notes that changes to the entrance would have to go to NYS DOT to see if it is acceptable. F. Iaconetti voices a fence would be fine if it were bought back. D. Herrick points out that NYS DOT needs to weigh in and recommends that the application be tabled until a review by NYS DOT. B. Patel voices that he spoke with DOT and reiterates what they told him.

L. Korda opens the meeting to the public.

S. Kneller asks for the minutes from the July meeting and reads the prior conditions. She voices concerns over every vehicle coming out of the property making a left-hand turn and stating that moving the fence will only make trucks come onto the Insurance Agency property. K. Kneller

mentions that they would not agree to the original agreement. F. Iaconetti asks if the agreement was modified to allow access behind the building. D. Herrick points out that left hand turns only because right only would be impossible. S. Kneller asks about the one way and where trucks would turn around. K. Kneller states that if the easement had been upheld that they would have never needed this. He explains the easement as going back to the original site plan and original road work where he removed 3 parking spots and 15' of lawn to make a 30' wide entrance. Which he states has been working perfectly. F. Iaconetti asks about the original agreement and the easement. K. Kneller and F. Iaconetti discuss the agreement. K. Dow points out we went over this for months and months as the agreement was null and void if either side did not agree with it. It was not perpetual, not a property agreement, rather an agreement between 2 people. It did not have the teeth of an easement. S. Kneller voices her concerns that a fence will cause. F. Iaconetti refers to the DOT letter and comments on access to the Kneller property. D. Herrick points out these are 2 different things; that any change would be a new application, his wish is they would come to a neighborly agreement, refers to the application in front of the board and suggests tabling until it has been reviewed by DOT. B. Patel notes again what DOT told him. D. Herrick states that the application in front of them is what is concrete. F. Iaconetti asks if there is a copy of this agreement. K. Dow points out that it needs to be binding, that a modified easement designed to be perpetual was drafted over 6 months ago and was never signed.

Motion made by L. Korda to table the application to the next meeting, seconded by L. Ponter.

3) B. Patel and H. Patel stay with the Board. D. Herrick and B. Patel discuss the Fire Lane and fence. It is noted that the Fire Lane needs to be marked so no one parks there. F. Iaconetti asks why a Fire Lane is there at all. D. Herrick explains that it was made a Fire Lane so people did not park there. F. Iaconetti notes that the Fire Lane would be where the trucks load and unload. R. O'Mara-Garcia observes that the dispute started over parking. F. Iaconetti asks where Nancy Scans loads and unloads, and notes the safest place being in the back. F. Iaconetti, K. Dow and B. Patel discuss loading and unloading so as not to interfere with anyone else's property. R. O'Mara-Garcia observes that the property owners can do what they want on their property. F. Iaconetti asks about the fence and not pertaining to this particular application. D. Herrick confirms the part in the back has nothing to do with this application. F. Iaconetti discusses the traffic pattern. D. Herrick discusses the safety of all the buildings. F. Iaconetti recommends removing the Fire Lane, unloading in the back, and placing no parking signs. L. Korda asks about paint on the pavement. F. Iaconetti states that there is no need for paint as it gets covered by snow and people are not looking for stripes on the pavement. F. Iaconetti and D. Herrick discuss unloading and truck size.

*Motion made by F. Iaconetti to remove two (2) conditions, All existing or required Fire Lanes shall be kept open, unobstructed, and marked, and **2 Prominent 'No Parking' signs** shall be placed upon the building indicating that parking within the fire lane is prohibited, seconded by R. O'Mara-Garcia.*

D. Herrick opens the meeting to the public.

No comment from the Public.

D. Herrick affirms with the Fire Lane no longer marked there would need to be no parking signage. P. Batel explains the signage and the agreement. K. Dow asks who wrote the original

agreement. B. Patel explains it was a lawyer in East Greenbush who drew it up within 3 days, a 2nd lawyer wrote the letter. It was never signed or filed. L. Korda asks why they are considering the fence. B. Patel explains he never complains yet seems that for the past 3 years his neighbor always finds something. L. Korda confirms the bottom line is that none of his traffic is on their property. L. Ponter and D. Herrick discuss the parking situation in the parking lot. F. Iaconetti observes that maneuverability is important, and the Planning Board cannot give permissions for other properties.

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

R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, F. Iaconetti-yes, D. Herrick-yes: Approved by all

Motion made by to approve the application as amended (remove Fire Lane striping, put up 2 no parking signs, remove the restriction of loading and unloading in the back), seconded by L. Ponter.

R. O'Mara-Garcia-yes, L. Korda-yes, L. Ponter-yes, F. Iaconetti-yes, D. Herrick-yes: Approved by all

Attorney confirms he will type up a new letter of conditions.

Motion made by L. Ponter to approve the minutes of December 23, 2019 and February 2nd, 2020, seconded by L. Korda. Approved by all.

ADJOURNMENT: 9:24 p.m.

Respectfully submitted,

Patricia DeLong