

VILLAGE OF CHATHAM
PLANNING BOARD MEETING, Tracy Memorial Village Hall
77 Main Street, Chatham, NY 12037
February 28, 2022; 7:00pm

MINUTES

CALL TO ORDER: 7:00pm by Interim Chairperson B. Gaylord

Present: Interim Chairperson B. Gaylord; Members J. Sesma, D. Herrick, L. Korda, F. Iaconetti; Village Attorney K. Dow; Village Clerk D. Kelleher; Deputy Clerk S. Davis; Applicant J. Sauca; Residents D. Meyers, S. Piazza, L. Locke. Not present J. Russell.

Old Business:

- 1.) **Application # 2021-158; Tax Map #66.10-3-17; 19 Railroad Avenue, Chatham, NY 12037; Local Law 2 of 2019, Article VII, Section 110-15C, Site Plan Review required for change of Use and Retail in C1. (Retail store, Crow Cottage, relocating).**

*Motion to **approve** Application # 2021-158; Tax Map #66.10-3-17; 19 Railroad Avenue, Chatham, NY 12037; for change of Use to be a retail shop. Approval is based on the following documents being provided to the Board.*

1. *Building and Use Permit dated 121021.*
2. *Application for Site Plan Review with pictures of interior of retail shop.*
3. *Short Environmental Assessment Form with the information completed on the form initialed and dated by the applicant at the last meeting, January 31, 2022 approved minutes, and the response from the Columbia County Planning Board.*

*Motion is seconded by D. Herrick. All approved. None opposed. **Motion passes.***

Other Business/Discussion:

- 2.) **Recommendation by the Planning Board** regarding a request to Amend Zoning District Map for Route 203. Letter attached.

K. Dow: This is not the official referral that would perhaps occur if there was an actual draft law. If an actual change in code were in the works it may come back to that, but this is not that. This is an informal request by the Board of Trustees for an advisory recommendation by the Planning Board for input, insights and observations. To compare pros and cons. The Board of Trustees is looking for guidance, to consider, from the Planning Board on how to move forward.

F. Iaconetti: Article 16 Amendments referrals to planning board for proposed change by petition shall be transmitted to planning board, and would require a fee.

K. Dow explains that the Trustees are only looking for preliminary input at this time. If it were to become a formal petition, with more substance, at that time it would be brought to the planning board for more detailed report.

D. Herrick: Suggested the following "We are at the early stages of the process. With what information we have, we at this point in time recommend that the Board continue with the process".

J. Sesma: I think we should have a way to bring lodging into the village. The way things are currently zoned it can't be done so something needs to change, and I am open to having the Village pursue it.

F. Iaconetti: Board members should look at what is permitted in the Suburban Residential Zone as it is now. What was the intent of the comprehensive plan? What is the impact to the area, what are the uses permitted. Once it is changed to Commercial 2 (C2), IF it is changed to C2, then C2 Uses would always be permitted. Suggest each member review the uses allowed in SR and C2, and for each person to review the Comprehensive Plan.

K. Dow: another way is to target set of uses. And make a different district. Call it C1, call it anything. Designate specific things.

J. Sesma: If I understand, we could also keep it SR and make a law that allows lodging but with special permit.

K. Dow: I don't think it is spot zoning if compatible in certain other ways. Designate lodging as where people lay their heads, residential and transient lodging. Expands on suburban residential. Wouldn't have shops, or gas stations, or other things. Think about what is appropriate and would be desirable. Don't start off feeling constrained by things. Start off by thinking conceptually, think about what is compatible and worry about the drafting later. Think about what you think would make sense. Maybe nothing. I'm not trying to get to a particular outcome. I want you to be fully aware that there are a lot of ways we could approach this.

Comp plan does talk about the need for lodging and for housing and in my view this would not be spot zoning if it were modified to allow that.

L. Korda: asks for further explanation why it might not be spot zoning.

K. Dow: if the thing that has changed something that fits into the classic comprehensive plan. And I think lodging is something that is discussed in the comprehensive plan and this certainly fits compatibility and would not be struck down as spot zoning. K. Dow will forward an example case he read about a Hotel that was allowed approved in an area that hadn't been zoned for and it was upheld as a valid zoning change. They did it with very specific limitations. For example, Amenities would not be the kind of thing that would bring in additional outside customers. They would be only service things for people staying in the hotel. Specifically targeted so to not open to all kinds of other stuff.

F. Iaconetti: Agrees with what J. Sesma said. Leave SR, modify uses to include hotel with special permit. For instance in 15 acres hotel probably not going to use 15 acres but if it was c2 then the rest of the 15 acres could be anything allowed in c2. But special permit/conditions in SR would still allow the rest of the acres to be used for residential housing and still go along with comp plan.

d. Herrick: suggesting another district zone that is combination of residential and an area that would allow hotel. Call it say C4.

F. Iaconetti: creating new zone is a tremendous amount of work.

L. Korda. Not against lodging facility in the village. It would be terrific. But concerned making it C2 would be slippery slope. Not too many large parcels left for residential housing.

J. Sesma: in favor of lodging, and open to all 3 options considered.

F. Iaconetti: maybe limit the restrict lot size. Minimum and maximum allowed, so that the remaining portion of the parcel is not used for another hotel.

Options, reiterated by J. Sesma:

1. Change the zone to C2 (Board agrees this is not advisable. 3 opposed. 2 are open to considering it as an option, with limitations, but would be very cautious).

2. Discussed Change to a newly created zone (Board not in favor of this).

3. Change the Table of Use Chart in Suburban Residential (SR) and allow the lodging by Special Permit, Conditional Use. (Board is leaning this way).

Board opinion, summarized by D. Herrick:

Board believes that the Village would benefit from a lodging facility, but is concerned that it needs to be done carefully and is done in a way that is good for the Village overall, not solely in revenues, and not just good for the applicant.

The remaining members agree that this is correct.

K. Dow notes that there is a consensus amongst the Board that expanding the C2 zone is not the way to go.

Resident L. Locke: Happy to hear that the Board is not looking to expand the C2 zoning. L. Locke is still not convinced that it is not spot zoning, and that by looking at options outside of what was asked for in the application the Board is essentially throwing out the application.

F. Iaconetti points out that by amending the table of use in SR it actually preserves much of the remaining parcel to be used for residential housing, and although it in fact is not what the proposal from the client asked for, it could be a solution. L. Locke agreed that it is worth a try.

F. Iaconetti repeats that it makes a lot of sense to leave it SR and simply change the Table of Use and allow the lodging by special use permit.

B. Gaylord concerned about the change and increase in traffic on Payn Ave.

Approve Minutes: January 24, 2022.

So moved by D. Herrick, seconded by F. Iaconetti. Approved by all.

ADJOURNMENT: 8:11pm, by B. Gaylord.

Next Meeting March 28, 2022

**Respectfully submitted,
Desiree Kelleher
Village Clerk**



LAW OFFICE OF MITCHELL KHOSROVA

December 9, 2021

DELIVERED VIA EMAIL

John Howe, Village of Chatham Mayor
Village of Chatham Board of Trustees
Tracy Memorial Village Hall
77 Main Street
Chatham, NY 12037

Re: Request to Amend Zoning District Map for Route 203, Village of Chatham, NY

Dear Mayor Howe and Trustees of the Village of Chatham:

I have been retained to represent the owner of land located in the Village of Chatham and, pursuant to Section 110-77 of the Village Code, I am petitioning to you and requesting an amendment to the Village zoning law and map.

My client, Chatham 203 Holdings LLC, currently owns a 15.14-acre vacant parcel on State Route 203 in the Village of Chatham (Tax Map ID: 66.13-2-58). Attached you will find a survey map of the premises. The property is currently zoned as a Suburban Residential (SR) district. A small portion of the property (6.21-acre) is outside the Village boundary (adjacent to Borden's Pond) and not germane to this request. It is anticipated that this portion shall not be used for future operations of the lodging facility and remain as is.

The owner, the sole member lives locally, wishes to construct a lodging facility on the property, and we request that the zoning map be amended so that this parcel may be zoned as a Commercial 2 (C2) district to permit this operation. Property immediately adjoining this property is already zoned C2 and there are C2 parcels on both sides of Route 203 including the Walgreens and Key Bank parcels so it will fit the character and harmony of that area.

Under the Village Code, the use of the property as a hotel would be permitted under C2 zoning and, upon the granting of a permit for special use by the Planning Board, may operate as a lodging facility.

The lodging facility in question would be a three-story, traditional-style building with approximately 30 units to lodge guests. Potentially the facility could also operate a restaurant (permitted in C-2 and/or tavern which is allowed with a special permit). This operation would be a great addition to the Village of Chatham. Not only would it provide residents with a fine

establishment for visitors to stay, but it will also generate significant tax revenue for the Village in addition to water & sewer fees.

I am happy to meet with the Village Trustees if so desired.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mitchell Khosrova". The signature is written in a cursive style with some loops and flourishes.

Mitchell Khosrova

Enclosure

cc: Client

Village Attorney

