

# VILLAGE OF CHATHAM, NY PLANNING BOARD MEETING

## MINUTES:

Monday, December 18, 2023

### **Call To Order Regular Meeting:** *7:00 pm, by Chairman D. Herrick*

**Present:** *Chairman D. Herrick; Vice-Chair F. Iaconetti; Members J. Sesma, L. Korda, W. Harris-Braun; Deputy Clerk S. Davis, Jr., Village Attorney K. Dow; Board of Trustees Liason K. Schassler; Applicant Chad Lindberg for Crandell Theatre; Applicant A. Gaylord for 2 Park Row; Applicant M. DeAmorim for 19 Central Square. Not present: Village Clerk D. Kelleher.*

### **Old Business:**

***1. Application #2023-203: Tax Map #66.6-1-19; JC and Me, LLC; 19 Central Square, Chatham, NY 12037; Zoning Code Ch. 110-50 Historic Review for color change, repair, and/or replacing window(s), rotted wood as needed. Fix/replace rotted siding and repair/replace original 2 windows only at pizza place – replace decaying steps to back and painting with similar color as exists now. (Applicant bringing color sample chips to meeting). Applicant provided paint chips which she initialed and dated upon request by the Planning Board. General discussion regarding the size of the replacement windows. F. Iaconetti made a motion that the Village of Chatham Planning Board approve Application #2023-203: Tax Map #66.6-1-19; JC and Me, LLC; 19 Central Square, Chatham, NY 12037. This approval is for painting, fixing and or replacing siding and replacing window(s) at the Route 66 Eatzzeria (Pizza Place). This approval is based on the following:***

- Building/Use Permit Application, dated 10-16-23*
- Application for Site Plan Review*
- Short Environmental Assessment Form, Type II, dated 10-16-23*
- The four (4) photographs of the front of the structure*
- The paint chips provided by the Applicant*

*Motion seconded by L. Korda, approved by all.*

### **New Business:**

***2. Application # 2023-223: Tax Map #66.9-2-18; Mobility Ventures, Inc.; 25 Hudson Avenue, Chatham, NY 12037; Zoning Code Ch. 110-49 Historic Review required for a business sign attached to building. (Relocating Beach & Bartolo sign from 34 Main Street). Planning Board Member J. Sesma recused herself from the decision citing a professional conflict. Chairman D. Herrick asked that she leave the table for the duration of the review of the application. Applicant presented a Letter of Authorization and showed a render of the sign, with dimensions, showing that it is the same as the sign currently existing at 34 Main Street. F. Iaconetti clarified, to his satisfaction, that the sign will be centered both horizontally and vertically as presented. L. Korda asked the Applicant to check and initial a missing part of page 1 of the SEAF which the Applicant did. F. Iaconetti made a motion that the Village of Chatham approve Application # 2023-223: Tax Map #66.9-2-18; Mobility Ventures, Inc.; 25 Hudson Avenue, Chatham, NY 12037. This approval is for the installation of an attached sign. The approval is based on the following:***

- *Building/Use Permit Application, dated 11-28-23*
- *Application for Site Plan Review*
- *Short Environmental Assessment Form, Type II, dated 11-28-23*
- *Picture of the front of the building at 25 Hudson Ave. showing the sign and its location on the front of the building.*
- *Letter of Authorization from owner*

*Motion seconded by L. Korda approved by all.*

**3. Application # 2023-222: Tax Map #66.10-1-23; Jack Shear, 10 Austerlitz Street, Chatham, NY 12037; Zoning Code Ch. 110-49 Historic Review required for construction of a guard rail on property line.** *F. Iaconetti asked the applicant why the structure is being referred to as guard rail and not a fence, noting that there is no definition of a guard rail in the Zoning Code. Applicant replied that it was due to the shape and that it was designed to guard against entering the Sawyer property. General discussion regarding whether the structure is a guard rail or a fence. D. Herrick stated that they needed to call it a fence. F. Iaconetti reiterated that there is no definition for a guard rail. Applicant made the change and initialed. F. Iaconetti raised concerns that the drawings are not to scale and that the Board can't relate to spacing or the height above ground. F. Iaconetti asked if the rails were on the center or the side to which the applicant responded that they were across the face and centered on the posts but that he was unsure as to why it was relevant stating that you would see the rail across the post. F. Iaconetti stated that it was unclear and needs to be. F. Iaconetti stated that the drawings do not indicate the spacing between posts and that they should include information regarding color and /or stain. D. Herrick asked the Applicant what the spacing would be and the Applicant answered 9 ft. on center. F. Iaconetti stated that the distance from the ground up should be provided. Applicant stated that he would add measurements to the detail. F. Iaconetti stated that the application indicated that it will be on the property line. Applicant replied that it will be well within the property line. F. Iaconetti stated that no limits were shown to which the Applicant replied that it was a survey. F. Iaconetti stated that it should have limits which are X and Y but that this does not say what it is, adding that the applicant showed the Board a "survey" with no seal identifying it as a survey. Applicant responded that it is, in fact, a survey and that (pointing to the drawing) is the property line. F. Iaconetti stated that it is not signed. Applicant stated that he would drop off a signed version. F. Iaconetti asked if the Applicant owned the parcel, to which the Applicant replied that it was owned by J. Shear. F. Iaconetti stated that now they were talking about a different parcel, to which the Applicant responded that he was looking at a parking lot. F. Iaconetti responded that no parking lot was approved. The Applicant asked that the Planning Board provide him with a list of their questions and requirements. F. Iaconetti responded that the Applicant should provide distances and bearings provided by surveys, stating that there were no distances on this. The Applicant asked why. F. Iaconetti responded that now there were more parcels than what we thought. D. Herrick stated that the tax map number is just one parcel and that they needed three (3) parcels. Applicant replied that it was not how the property was deeded and that he would provide two (2). D. Herrick stated that he would like it to be on the application. F. Iaconetti stated that she had looked at this numerous times for the Shaker and that her indication was that it would be developed for the benefit of the Shaker and that anything on here should be taken off of here except for the rail. F. Iaconetti stated that the only thing approved was demolition and removal of debris. F. Iaconetti stated that there has been work done on the site prior to approval and cited multiple jobs already completed. The Applicant stated that they do not yet know what the plan for the parcel*

will be and that the work done so far was to give space and neaten up the property. F. Iaconetti cited a retaining wall, topsoil removal, turf stripped all having been done before coming to the Planning Board. F. Iaconetti told the Applicant that he should not do any more work on the site “until the thing’s already done”. Applicant requested that Planning Board provide him with a list of their questions and requirements. F. Iaconetti stated that he believed that they had told him what they were looking for. Applicant asked again what the Board wanted from him, saying that he would provide details drawn to scale that indicate and clarify length. F. Iaconetti asked the Applicant how he felt the rail that he designed fit into the Historic Overzone. Applicant asked if there was a Historic Design to follow, stating that if the Board did not ask him directly that he could not provide what they were looking for. F. Iaconetti again asked the Applicant how he felt it fit in. Applicant began to ask if there was a type of detail that fit within the Historic Overzone. J. Sesma stated neutral and F. Iaconetti said that he would like to see a chamfer cut. Applicant stated that it would be a 30 degree angle. F. Iaconetti said “secured”. Applicant responded “bolted; will add note on how it is fastened”. Attorney K. Dow read the Review Standards. F. Iaconetti stated that all of the details needed to be provided. J. Sesma asked if the Board would require another survey be conducted (the question went unanswered). L. Korda made a motion to table the application. Motion seconded by J. Sesma, approved by all.

**Other Business/Opinion from PB for ZBA:** Provide Planning Board opinion for –

**4. Application #2023-147: Tax Map #66.10-3-15; Scott Gabriel; 15-17 School Street, Chatham, NY.** Area variance to convert a 4-unit dwelling into a 6-unit dwelling, on an undersized lot. Adding two additional dwelling units in the empty oversized attic. D. Herrick read aloud an email from the Foreman of the DPW regarding changes that would need to be made to the sewer line to the parcel if another 2 units were added. General discussion regarding various concerns including outdoor recreation on the lot being further restricted, parking, the need for the CFD to weigh in, and setting a dangerous precedent.

F. Iaconetti read aloud:

A multi-family dwelling unit is a conforming use per the Table of Use Regulations

The existing multi-family 4 dwelling unit structure does not conform to the density control schedule, thus it is a non-conforming structure.

The existing 4 dwelling structure, based on the density control structure, requires a lot size of 12,500 square feet. The lot, without any further increase in the number of dwellings only has 75% of the lot size required for the existing 4 dwelling units. The addition of 2 more units would result in the lot now only having 54% of the required lot size.

F. Iaconetti moved that while The Village of Chatham Planning Board supports the need for additional dwelling units within the village, the Board does not recommend the approval of the variance by the ZBA. The variance takes a lot that already does not meet the existing lot size requirement and would result in a lot that would almost be 50% smaller than the required lot size. This is too great of a non-conformance of the required lot size to approve as it sets a precedent to additional request for increased dwelling units on non-conforming lots and creates a hindrance to emergency vehicle access to the property. Motion was seconded by L. Korda and approved by all.

**Other Public Comments:** *None*

**Approve Minutes:** November 16, 2023 PB meeting. *Motion to approve made by J. Sesma, seconded by L. Korda, approved by all.*

**Adjournment:** *8:27 pm by D. Herrick*

**Next Planning Board meeting:** January 22, 2023; 7:00pm.

**Meeting Place:** Village Hall, Tracy Memorial Building, 77 Main St, Chatham, NY 12037.

Respectfully submitted by:  
Sam Davis, Deputy Village Clerk  
(Rev.01/10/24 pm)