

PLANNING BOARD MEETING

MINUTES

With Public Hearings

Monday, March 25, 2024; 7:00pm

Call To Order Regular Meeting: 7 p.m. by Chairman D. Herrick

Present: Chairman Herrick; Members F. Iaconetti, J. Sesma, W. Harris-Braun; Clerk D. Kelleher; Deputy Clerk S. Davis; Trustee K. Schassler; Mayor J. Howe, Applicants Zvi Cohen, A. Gaylord, M. Clarke.

Not present: Member L. Korda, Village Attorney K. Dow

Open Public Hearing for: ~~7:01 p.m. tabled;~~ Public Hearing opened at 7:06 p.m.

Application # 2024-013: Tax Map #66.17-1-2.112; Marsha Clarke (Property owner: Peter Pavlini), 15 Dardess Drive, Suite 3B, Chatham, NY 12037; Zoning Code Ch. 110, Table 1, Table of Use – To allow a clothing/retail store in vacant space in between Karate and Bacon’s Pizza. Special Use required, and signage is included.

D. Herrick read aloud the ruling by the CCPB. General discussion regarding completion of forms and signatures. F. Iaconetti confirmed that applicant had completed all forms to the Board’s satisfaction.

J. Sesma made a motion to close the Public Hearing at 7:10 p.m. Motion seconded by W. Harris-Braun, approved by all.

Open Public Hearing for: 7:02 p.m.

Application # 2024-015: Tax Map #66.13-2-43; Zvi Cohen; 116 Hudson Ave, Chatham, NY 12037; Zoning Code Ch. 110-15C(5): Accessory uses or structures used in connection with principal structure or use (which is) subject to site plan review shall be subject to the same approval requirements as the principal structure or use, unless otherwise specified in this chapter. Adding an outdoor freezer for existing restaurant/bakery.

D. Herrick opened the floor to Public Comments: K. Barufaldi began by thanking the Board and acknowledging their hard work. She then raised several issues regarding the site plan review process for this application. She stated that a site plan that defined boundary lines, outlined parking spaces, showed actual square footage etc. had not been made available to the public and asked if they could see one. D. Herrick stated that when the Board got to the application is when they would start answering some of those questions. She requested that the Planning Board not close the Public Hearing until such time as the public has time to review an actual site plan. D. Herrick stated that, “technically, once we’ve opened the public hearing, if we’ve heard the public speak, we can close it but we like to be friendly enough to say ok something else might come up so

we'll keep the public hearing open until after we go over the application." She stated that it was her understanding that an application would not be considered complete without a site plan and that there would not be public comment until there was a completed site plan and feels that things are a little out of order. D. Herrick stated that it is up to the Board to determine whether or not it's complete. K. Barufaldi asked if the board considered the site plan complete. D. Herrick stated that since we haven't got to that yet, he could not answer the question. She then asked if they considered the plan complete at the last meeting and if that is why there was a public hearing being held now. She also questioned why the Board sent it to the Columbia County Planning Board for review. F. Iaconetti said that he did not think that they deemed it complete. K. Barufaldi stated that the public can't comment on a plan if the Board hasn't seen it. F. Iaconetti said that what he thinks you will see when we get into this part of the actual application, there was additional information provided by the applicant which may to some degree address what the comments are that you just made. D. Herrick said to answer your question, the public can comment on what's submitted and that the Planning Board would not close the Public Hearing until such time as the Planning Board and the public were able to see a completed site plan. Public Hearing tabled at 7:06 p.m.

Old Business:

2. Application # 2024-013: Tax Map #66.17-1-2.112; Marsha Clarke (Property owner: Peter Pavlini), 15 Dardess Drive, Suite 3B, Chatham, NY 12037; Zoning Code Ch. 110, Table 1, Table of Use – To allow a clothing/retail store in vacant space in between Karate and Bacon's Pizza. Special Use required, and signage is included. (Was sent to CCPB) F. Iaconetti made a motion that the Village of Chatham Planning Board approve Application # 2024-013: Tax Map #66.17-1-2.112; Marsha Clarke (Property owner: Peter Pavlini), 15 Dardess Drive, Suite 3B, Chatham, NY 12037. This approval is based on the following:

- *Building and Use Permit Application,*
- *Special Use Permit Application,*
- *Short Environmental Assessment Form, dated 01/25/2024, as a Type II under paragraph 9, section 17.5*
- *Letter of Authorization from the property owner for the applicant to come before the Planning Board*
- *The various sheets showing the sign and its location on structure*
- *Aerial photo of the site*
- *Plan view, drawn, of suite B*
- *Site plan of the shopping center*
- *Agricultural Data Statement*
- *Response from the Columbia County Planning Board*

Motion seconded by J. Sesma, approved by all.

3. Application # 2024-015: Tax Map #66.13-2-43; Zvi Cohen; 116 Hudson Ave, Chatham, NY 12037; Zoning Code Ch. 110-15C(5): Accessory uses or structures used in connection with principal

structure or use (which is) subject to site plan review shall be subject to the same approval requirements as the principal structure or use, unless otherwise specified in this chapter. Adding an outdoor freezer for existing restaurant/bakery. (Was sent to CCPB) J. Sesma raised a question in relation to the minutes from the last meeting, stating that it was her understanding that there was a discussion about this needing a variance and needing to go before the ZBA, but that's not in the minutes so she was just wondering what happened. She asked if there was information that we don't know about that it does not need to go before the ZBA. D. Kelleher answered that it does not need to go before the ZBA. F. Iaconetti asked how that got determined. D. Kelleher answered that the Village Code Enforcement Officer and the Village Attorney discussed it, and that, during the discussion at the last meeting, there had been confusion on the Village Attorney's part whereby he had confused municipality codes. F. Iaconetti interrupted here to say "an accessory structure (garbled) an accessory structure in the front yard". D. Kelleher stated that she believed that it was because the Structure in question did not sit within the mandatory setback. S. Davis added that the distance allowed by code differed from Chatham to Copake and that the confusion was discovered at a meeting between the Village Attorney and the Code Enforcement Officer. D. Herrick said that from what he was hearing, that the Board did discuss sending it to the ZBA at the last meeting and so that should be corrected in the minutes but that it has been found that it does not have to go to the ZBA because of the fact that it was a misunderstanding of the situation. F. Iaconetti asked if the Board could get a statement from the Attorney that that is in fact the case, because... J. Sesma interrupted stating that she was not confused about another jurisdiction when I asked the question. She then said that she didn't know, Ken's not here to answer this. D. Kelleher stated that it was her understanding that they sent an email out to everybody. J. Sesma and F. Iaconetti stated that they did not receive an email. F. Iaconetti said that this is new to him and that he agreed with J. Sesma and that the first thing is that it was part of our discussions, therefore regardless of what the end result was, of a second meeting which the Board was not privy to, that information still needs to remain in the minutes because Jennifer brought it up and it should be in the minutes, if there's a second discussion that took place between the Building Inspector and the Village Attorney, then, for the benefit of the Board, and so we can convey to the applicant and the public, we need to understand where the error was made because as Jennifer was saying our understanding in terms of our familiarity with it, was that in the Village of Chatham's Zoning, there's issues about in the front yard, and this is in the front yard, so it creates a bit of confusion for me, I don't know about the rest of the Board members as to how we proceed with this. D. Kelleher stated that she would make the correction in the minutes. D. Herrick stated that his thinking was that since the Board did suggest that it go to the ZBA; that it actually should be sent to the ZBA and they can come back and say that they don't need to review it and send it back to us. But at this point we don't have a clear cut. So once we decide it should be sent, then that is a decision to be made by them and back to us. Just like sometimes we get things sent to us and we say we don't really need to bother. Or as the County being sent to the County it doesn't need to be reviewed by them because it doesn't have an impact. F. Iaconetti said as Dan is saying, our Board recommended this be sent to the ZBA. If as a result of the conversations between the Village Attorney and the Building Inspector and the ZBA the decision's made it doesn't have to go to the ZBA then the ZBA can inform us that based on those discussions and this information it is not a variance issue and therefore the ZBA is not involved. D. Herrick asked the Board if they had any other comments and if they agreed with what he was saying that they should go to the ZBA and

that they can tell us that ... F. Iaconetti interrupted to state that he agreed with D. Herrick completely. J. Sesma stated that she agreed. D. Herrick said that that doesn't mean that they can't continue to talk about it here and now.

F. Iaconetti said that a question he had for the applicant is you did a nice job a good job in terms of telling us about the economic changes in terms of the bakery and the history and the need and how you're providing additional service and how you need the freezer for the additional service. He then stated that his question was you own another bakery site nearby. Why can't this outdoor 8 ft. by 40 ft. container, freezer be relocated to this location. Applicant stated that one is a gluten free facility and can't have cross-contamination. F. Iaconetti stated that he wasn't saying making the bread there or baking the bread there, he was simply saying having a separate freezer unit entirely separate from the operation of the pollutant bakery but a place where you could put the bread from the bakery that's not gluten in a freezer trailer that is not in fact where its being proposed on this site. F. Iaconetti said that number one, in his looking at it, C1 zone does not have any surrounding properties or at least he did not envision any surrounding properties that would have any fumes or impact about it. He said that it's also a much larger site which makes it much more available for a tractor trailer truck or tractor trailer trucks, other delivery trucks come in and out so he understands exactly what the applicant says about cross contamination but if you're bringing a bakery product from Bakery A to Bakery B which is the one on Hudson Avenue and you're driving a truck and open the door and stick it in the freezer of that unit, I'm not sure how I understand how there's any cross-contamination. Applicant responded that no that's why there would be cross-contamination because that's why the bread you're looking at a whole other after a day of loading up the truck, driving it to a facility, unloading it into a freezer, whereas it goes right from that back door, but the other option would be to move the freezer to the back yard and I was going to move it and put it in the back yard but I thought that the sound of the compressor would be more hard on the neighbors. That there would be more dissent or opposition to it if I put it in the back yard. F. Iaconetti began to speak but was interrupted by J. Sesma who asked if the applicant had space in his back yard to still fit within the set-back rules. The applicant responded yes, there's plenty of room but the neighbors have garages right to the property line. F. Iaconetti stated that the reason that he did not suggest that is because he understood from the previous meeting that there might have been some maneuverability issues with the tractor trailer in terms of trying to make that turn and get so that you could actually get to the backyard because that was something that he had likewise thought about but then when he thought about the vehicle that comes to pick up the product and the maneuverability that you have to have for a tractor trailer he did not see, in his mind, while the space was there, the feasibility that space for what you want to do, that had not crossed my mind as something that could be done. F. Iaconetti said that in terms of the noise with the compressors, he would certainly think that there might be some ways that the applicant could muffle that. The applicant replied yes, he was hoping that somehow there is actually room to come out to the front more, build out that building more, and the question is it wouldn't be in the front yard if he was able to build out going out towards the railroad tracks so there are a lot of things to consider and there would have to be something to think about. The applicant stated that the Board had mentioned in the previous meeting about a way of incorporating the building, removing that metal around it, painting it perhaps the same color as the building because actually there is enough room to build out that around the footage. J. Sesma stated that would be a completely separate application because then the applicant would be doing

an addition on the building that the Board would be looking at completely differently than an accessory structure, no matter how you slice it or dice it, the trailer is an accessory structure, so it doesn't matter if you do the same color, it is a separate structure than the building which is different than if you did an addition on that building then you are extending that building so that is a completely different scenario. The applicant replied that as he had explained, it was an emergency situation that they had to in order not to lose that account and that if there were to change their position it would be in order to accommodate the Planning Board. F. Iaconetti stated that another question that he had was somewhat related but not 100 percent. Is the aspect that the application that the Board currently has before it is for the 40 ft. x 8 ft. container/freezer unit. He said that they mentioned at the previous meeting that there were other units along the side of the building for which there was no building permit ever issued for. When do you plan on applying for a permit for those? Applicant responded that he thought those were what he was paying for and that's why he wrote it into this application. F. Iaconetti stated that the application then going back to the question about a site plan... the application itself says that project use description outdoor freezer 40ft x8 ft. The application would then have to be revised to include these other structures so that you are modifying the application so that you're submitting an application for both the large freezer and these other 3 units that can't be just be incorporated in the application by simply noting that they're there. Or showing them on a site plan. Because the application is ... they're not indicated as part of the application. D. Herrick said that if he hears correctly, if you wish to add those (pointed to paper) you can't just add this (pointed to paper) you have to add them to the application. J. Sesma stated that the other question that she had is really relating to the section of the code that she thought the Board had addressed at the last meeting which was the referral to the Zoning Board, which was about ... and so she could be looking at it wrong, because it was mystery right now, but this is Article 8, Accessory Structures and Uses, 110-24; Location is the section we talked about last time. J. Sesma read the section aloud. She stated that these are all right up against the building, so, again, the question about that because these are not ten feet away from the building. They're right up against the building. F. Iaconetti stated that his personal feeling was that they should table this application for site plan approval until its gone before the ZBA or we hear back from the ZBA and its been determined and they are granting a variance. If the variance is not needed, which we get some feelings that somebody said that it may be, then the application would come back and we would look at it as a complete site plan review in terms of the aspects of the conditions that are listed in our zoning in what to do about that. He also stated they had gone through in times before on the site plan review where it's an existing site, with existing structures and this is simply an addition or accessory use or accessory structure and it's on a site that's already been developed and there's nothing new being really developed and we eliminated the need for certain things, but we did not do that on this because we thought the variance was going to be needed and didn't think that we should be truly doing full site plan review until we knew what the scenario was as to the variance. He went on to say that at that time the applicant did mention, or it was mentioned, about color changes, or fencing, or landscaping, or other ways to possibly mask or soften view or whatever the accessory structure might be or if the applicant was to change the application and not enclose that within a structure, that's another aspect of looking at this thing. But however the applicant chose to continue on with this at that time we would really dig in to the aspect of the site plan. D. Herrick stated that to go along with what F. Iaconetti was saying, if the applicant decides to add those structures, he thinks that the

applicant would have to go for a variance because the structures are up against the building. F. Iaconetti said the freezer is not up next to the building with approximately 2-3 ft. space between existing structure and the freezer. He said that in terms of the other 3 structures, he did not feel comfortable looking any more than just seeing that those units were there and he did not remember whether they had ever been reviewed before...the Building Inspector confirmed that they had not been. Whether they're attached to the building or there's a space between them is something that would have to show up on a site plan so that a determination as to what Jennifer is saying is it an attached accessory structure or a free standing structure. D. Herrick said that if he understands correctly, if they are an attached accessory, they don't need the Zoning Board variance, but if they aren't, it's just there, then he believes they don't need a variance from the ZBA. F. Iaconetti said that he would be interested in hearing from the Village Attorney as to what constitutes "attached"; from the point of view if you have piping or some sort of physical connection – plumbing, wiring, etc. from main structure to this unit, does that mean its attached to the existing structure. D. Herrick used his hands to demonstrate to the Board what he thought "attached" meant. J. Sesma stated that she thought that the Board was reaching right now and that ultimately they made a referral to the ZBA and we have not heard back a response as to why it didn't go there or that they don't need to see it so that's the ultimate question that needs to be answered at this point. D. Herrick opened the floor to public comment again. K. Barufaldi reiterated that a completed site plan was need before a public hearing was opened and added that a completed site plan would have pointed out any variances needed. She also raised questions regarding fire lanes on the property. F. Iaconetti stated that, in conjunction with what she was saying, if the applicant had a survey of the property, it would greatly help in terms of set-backs and determine distances. At this point multiple people spoke over each other. J. Sesma asked where the property started. General discussion between the Board and the applicant ensued regarding the possibilities of moving the trailer to another portion of the property and the benefits of a survey and completed site plan. The applicant stated that his son owned the house next door and asked if there was something that his son could supply, a legal document that would give us...J. Sesma interrupted and asked the applicant's son if he owned the driveway that runs along the property line. The applicant's son responded that was correct. She stated basically what you would need is the right to use that driveway. A member of the public said, an easement. J. Sesma agreed yes, an easement, and that an easement needs to be deeded. F. Iaconetti then proposed a permanent easement to use the space at the back of the building. J. Sesma told the applicant to consult an attorney regarding that. J. Sesma stated that if the applicant had space in the back, that would be ideal. A member of the public said no it wouldn't. One member of the public stated that the noise was already bad. F. Iaconetti stated that the applicant had heard from the public and had heard from the Board. One of the options is to place it on the other property and just drive the truck over, or the options that had been discussed. But the first thing was whether in fact a variance would be needed from the ZBA. The applicant stated that he received an email from the Building Inspector and that he was told that the application did not need to go before the ZBA. J. Sesma said that we do not have anything written of that. F. Iaconetti repeated his previous statements regarding the Planning Board's decision to send the application to the ZBA and the need to hear back from them. D. Herrick and F. Iaconetti discussed tax map numbers. D. Herrick reiterated that the Planning Board was sending this application to the ZBA and that the public

hearing was still open. J. Sesma made a motion to table the application, motion seconded by WH-B, approved by all.

4. Application # 2024-011: Tax Map #66.10-1-8.100; AG Carpentry, Inc. (owner - Rogowski, LLC), 30-34A Main Street, Chatham, NY 12037; Zoning Code Ch.110-50 Historic Review – moving the existing door and the small glass pane to the left a few feet, if you are facing the building from the street, and add a second small glass pane on the other side of the door to match the existing one. The large existing 6-foot glass pane window is to be moved to the right, if you are facing the building from the road only, per plans attached. (Applicant will return with a new application for any other changes such as construction, color, alteration, repair, demolition, and signage to the exterior of the building). (Not sent to CCPB, not set for PH).

J. Sesma reminded all that the board had requested some additional information and asked the applicant if he provided the same. He indicated that he had provided what was requested. J. Sesma said that they did have a copy of it. (Several members spoke at once and information is inaudible). F. Iaconetti started to re-address the requested information he personally had asked about, and D. Herrick read aloud the attached, typed, question/answer document provided by the applicant, dated 3/24/24 and initial by applicant. F. Iaconetti noted that there are other questions that he, the Board, asked about but were not addressed in the document. Letter of Authorization, the owners of Rogowski, LLC. J. Sesma asked to see the plan (large plan). Sesma asked if the plan was the basement plan. Herrick explained that the plan is for Main Street, moving door, hallway. (Gaylord, Sesma, Herrick, Iaconetti all speaking at once regarding what was being depicted on the large plan). Gaylord proposed moving doorway to create a hallway for public access from Main St, to the elevator, to access the building. Sesma: How do you access “this” space? Gaylord: There will be a door. Sesma: Okay, from the hallway, through the door. What is the exposed brick going to look like? Is it just going to be exposed brick? Herrick re-read “exposed brick and mount a building directory”, Gaylord: which are not talking about. Iaconetti states that it was his understanding when we talked about this early on that the entrance was being m(existing) entrance is an angled entrance that is about 7-ft across. This (proposed) entrance here looks nothing like this (existing) entrance at all. And, this, is this a doorway here (pointing to existing door location). Gaylord: No. Iaconetti: That is a big change in terms of appearance. Because you don’t really pick that up in an elevation. Sesma: Well it’s going to be a different dimension, but it’s an opening, it’s an opening to the street. This will be opened to the street but it’s not angled. Simultaneous discussion (Sesma, Gaylord, Iaconetti) regarding how “similar” the proposed new door/location (with angle) will be versus how “completely different” the proposed new door/location (without angle) will be. Iaconetti: expressed that the elevation was confusing trying to figure out what was a doorway, Gaylord: How is it confusing, this is a doorway open to the sidewalk, and just like this is a doorway open to the sidewalk. Iaconetti: Yeah but it (proposed) doesn’t look anything like that (existing). When you talked to us before you said you were moving the doorway down, the doorway includes the whole inter...appearance. I’m looking at it from a Historic point of view. It looks NOTHING like the doorway you are taking out. Nothing at all. Gaylord: We are moving it south. Iaconetti: “But you are not moving the entrance south as it exists. What you are doing is you are creating an opening into the building that...” Gaylord: I really need clarity on what you are asking me, because, it’s just a doorway. Herrick: “What I see....” Iaconetti: It’s just a doorway to you, to us it’s something in the historic overzone that changes, Gaylord: It’s all the same materials., Iaconetti: ...it, that changes the

whole appearance. Herrick: Here is why I see there is a problem. You are moving this door which is not against the wall, up against a wall. So you are putting it against a wall and now you are changing the appearance. Gaylord: Fair enough, and it's exposed brick and I noted that it is exposed brick and it's something that was asked of me the last time. But this is how it looks from the front. How is that completely different? Sesma: because currently the doorway is in the middle of these...Gaylord: I understand that. Sesma: I've seen historic pictures of this building and the door is in the middle of this section, so this has changed,...Gaylord: which is exactly why I am here. To me, what Francis is saying is completely different. Iaconetti: This shows from this view (existing) a lite here, and a lite here. I mean a lite, a panel of glass. But when I look at this here (proposed) there is no panel of glass alongside of this door. (applicant and members comment at once). Iaconetti: There's nothing is labeled. You want the board to make a decision on something that's not dimensioned, it's not labeled. Gaylord: It's right there. Iaconetti: No, No, it's right there to you. It's not right there to anybody....Gaylord: You can see it right there....Sesma: I think the problem is that you don't have dimensions on here.....Herrick: The problem is that you have a flat elevation drawing, and a 3-dimension drawing. This flat elevation does not show what's going to happen in the 3-dimensions. There is a door, and a side lite. Herrick: But I can't see that this matches what used to be. Harris-Braun: This is the front (view) and this is the top (view) of the same thing. Sesma: I think that's what his intention is to show that it is the same, but what we are saying is because you don't have things labeled or dimensioned, it is hard to tell. Gaylord: Back at the last meeting you asked me to dimension the basement space, not this. Iaconetti: No. I beg to differ with you. Look at the minutes. Gaylord: I don't care at this point. I will _____ with dimensions. (Gaylord and Iaconetti speaking at once). Iaconetti: But this is what was asked for: We asked that you provide a letter of authorization. You did, Thank you. We asked for colored photographs of the front of the structure, showing the area of work, close up photos showing the actual areas of work with attention to the existing windows and doors. Gaylord: I did not provide that. Iaconetti: We asked that you provide detailed description of the proposed, with plan view accurately dimensioned. Herrick: We have proposed elevation and proposed plan view, and we have existing elevation, but we do not have existing plan view. I cannot see depth. I can, ...Iaconetti: I mean the other thing that would be helpful is if we could see colored photographs of the building and the spaces so that we can actually see what the doorway looks like that is being eliminated, or being moved if you want to call it that, down to the other area. And how that looks compared to the one that is remaining which is the one that actually...with the existing one...so you can see that there is a visible change in the historic structure. It's not a case of the doorway, it's a case of is there a visual change in the historic structure that adversely impacts the appearance of the building. Herrick: and as I stated last month, next to maybe the Crandell being one of the more recognizable structure on the Main Street, this one maybe has more historic value than the Crandell. Because of what it was, it was the center of Main Street. Gaylord: I understand. But how does that affect what we are talking about? Herrick: IT affect it because our responsibility as members of the planning Board in the Historic Zone, is to maintain the historic overview of that zone. Gaylord: I understand. And I put inwards, that it will be replaced exactly the way it is now with the same materials. I understand you want pictures, but, with all due respect, you usually just go look at a building and you don't ask for, ...Iaconetti: but this is such an issue and that is why there are always issues afterwards about what was there and what's there now, because we don't have the photos, and applications..., Gaylord: How am I supposed to take a photo of something that doesn't exist? Sesma: No, we have colored

drawings of all kinds of projects going on. Gaylord: So you want a full colored rendering? Sesma: Yes. (at the same time) Iaconetti: No. A full color photo. Not a rendering. Sesma: He's not going to get a photo because it currently does not exist. He can get a current photo of what currently exists, but he can get a rendering of what he proposes to exist. Iaconetti: Yes, I agree with you on that. A full color photo of the existing door. A full color photo of the current location of where the new one is going. And then a rendering of what that space is going to look like. Gaylord: A rendering, more than the rendering that is in front of you? Iaconetti: YES, because what's in front of me is not labeled and dimensioned. Gaylord: That's fine, that's different than a rendering. I'm trying to be clear, on exactly what you are expecting. Iaconetti: A rendering is a colored thing, so do it in a way so you can see that this is the door. And you can clearly understand that these are windows. Color the framing so that you can see what the framing is in terms of wood, green, brown. Sesma: It's a rendering. You provided that when you did your building across the street from this. You provided a full colored rendering. That's what he (Iaconetti) is looking for. Herrick: 5 years from now when someone asks the question are we going to be able to show it. Iaconetti: Can we see the contrast of what is existing, and what is proposed. Centered doorway, existing opening, doorway angle and shape, location of it against brick wall. Iaconetti: some other things I have written down,...Gaylord: you mean this is on top of what you photocopied the last time and handed me? Iaconetti: No, these were questions asked within the meeting. Gaylord: If you would photocopy your notes I would be happy to take them home and read them over. Iaconetti: (from his photocopy of the plan view spliced together), and elevations: Iaconetti measured the opening (existing) 7.5ft wide, aback in 4-ft, then 3ft door, and 1-ft on side. Iaconetti understanding was, when moving the door down, the entire thing down, the same thing, exactly as it was, was moving down. But then after reviewing the plan more closely, which was difficult because of the floor plan not being labeled and dimensioned, it's going to be recessed, but it's not going to have the same appearance of the original door location because of the angles. Gaylord: Yes, it will not have the angle on each side. Iaconetti: Can we establish what the panes of glass will be on each side? Gaylord: Would you photocopy that list? Iaconetti: 1st floor plan, identify how the floor plan relates to the existing door, and to the proposed door location. Gaylord: I was asked to provide WHY the door was moving. And I provided WHY the door is moving. Iaconetti: And I have a question. (reading from the 2.6.24 proposed plan), "this is why we need to move the door, to center the hallway on the existing door would ruin the space and reduce or remove any retail opportunity". Doesn't the space currently function as a retail space? Gaylord: Yes. Iaconetti: So you are changing the interior retail space to then cause the entry doorway to change? Are you changing walls inside that space? Gaylord: Yes. Iaconetti: So that is what is necessitating moving the doorway. Gaylord: I am changing the interior of the entire building. In 150 years nobody has ever used the 3rd floor. Iaconetti: But this isn't the 3rd floor. Sesma: In order to get to the 3rd floor you have to put in an elevator, so this is to accommodate an elevator. Currently there is a set of stairs in the front, and a back stairway that goes to one room upstairs. Herrick: suggested another way which would maintain the front door where it is. Gaylord: objects to that solution because it reduces the amount of desired window frontage that a tenant in the space would be able to use. Iaconetti: Is the doorway flush with sidewalk, or is there a step? Gaylord: flush. Motion by J. Sesma to table the application until the next meeting and the requested information is provided, Seconded by F. Iaconetti. Approved by all to table.

5. Application # 2024-012: Tax Map #66.10-1-8.100; AG Carpentry, Inc., (owner-Rogowski, LLC), 30 Main Street, Chatham, NY 12037; Zoning Code Ch.110, Table 1, Table of Use - Service Business requires Site Plan Review for a non-retail Art Studio and move a wall (interior renovations only to comply to all NYS Building, Uniform, and Energy Codes). The previous use for the basement location, in the rear of the building, was storage. (Was sent to CCPB, was not set for PH) *F. Iaconetti asked that the applicant sign and date a missing portion of the application. The applicant complied. F. Iaconetti made a motion to approve Application # 2024-012: Tax Map #66.10-1-8.100; AG Carpentry, Inc., (owner-Rogowski, LLC), 30 Main Street, Chatham, NY 12037. (The basis for approval is attached). Motion seconded by J Sesma, approved by unanimous vote. D. Herrick abstained.*

6. Application # 2024-006: Tax Map #66.9-1-57; Jack Shear, 4 Depot Square, Chatham, NY 12037; Zoning Code Ch. 110-49 Historic Review for fence located in side yard per 110 Table 2, 0-ft set-back in C1 and 110-5 Front Yard def. (Tentative - Was sent to CCPB)
CCPB confirmed receipt of application submission and questioned whether the VOC Planning Board would consider this an exempt action from agreed upon list of exempt actions, specifically: #6. Any Site Plan Review, Special Use Permit or variance required pursuant to a Historic District Review of an existing or new structure. Village Planning Board agreed that it is an exempt action for CCPB review. F. Iaconetti briefly reviewed history of the fence and application in question. The applicant has clearly established the purpose of the fence. The fence is located in the Historic District and there is nothing on the fence of Historic relevance. In the past, an application for the same fence was presented to both PB and ZBA and the applicant received a variance and temporary approval for one year. We are past the one year expiration of the temporary approval and the Village planning board concluded that we would not extend the temporary approval. An intended use of the property has not yet come to fruition, but the fence is in the Historic District. A new application was completed January 10, 2024 of this year. F. Iaconetti asked the applicant if anything in his brief overview was different than what he remembers. The applicant conceded that what Iaconetti had stated was what he also remembers. The two options for the applicant would then be to either remove the fence or come back to the planning board with plans for a more permanent fence with historically relevant details. F. Iaconetti asked the applicant to indicate his choice. The applicant stated that at this point they (applicant) can just express disappointment in the board's decision to not work with us towards keeping the space clean until we have another building plan for that space and that's all we were trying to do and if that is a decision that the Board is willing to make then we will remove it and it's going to be ugly. F. Iaconetti added that the aspect of making the space clean and the uses behind it is not what the issue is. A. Gaylord maintained that it is in keeping with what is going on. It's right next to Herrington's, Herrington's shares the egress, and it can't be any uglier than their metal building. F. Iaconetti stated that their metal building would have probably gone through a different review process. The fact is that it is an 8-ft high grey plywood fence. A. Gaylord responded, yes, and it's better than a gap. J. Sesma questioned if the applicant had a new fence design to present to the Board. A. Gaylord replied no, we will remove the fence.

Motion made by F. Iaconetti to: Deny the application 2024-006 and that the applicant has indicated that they will not be making any changes to the existing fence, and will in fact

remove it. Motion seconded by J. Sesma. D. Herrick asked if the motion should contain language indicating that the applicant had the options, F. Iaconetti noted that the options are in the minutes and the motion is what the applicant decided.

Denial of application approved by all.

New Business: None.

Other Public Comments: None.

Approve Minutes: February 26, 2024 PB meeting. J. Sesma: the minutes of the February 26th meeting are missing the discussion under section 3, the discussion about the referral to the Zoning Board. It's incomplete. D. Herrick: since the minutes are not yet approved we can amend them, as long as the board members agree that the amendment reflects what was actually done at that meeting. Motion to table approval of the minutes until the minutes can be revised to reflect what Jennifer and the Board had indicated about the variance and sending it to the ZBA. I'm assuming that Sam and Desiree can go back through the notes that they've written or the tape recorder. Motion to table the approval seconded by J. Sesma. Motion to table approval approved by all. Motion to approve the January 22, 2024 minutes because they were not approved at the last meeting because we did not have quorum, by J. Sesma. Seconded by F. Iaconetti. Approved by all to approve January 22, 2024 minutes.

Adjournment: Meeting adjourned at 8:44pm by Chairman D. Herrick.

Next Planning Board meeting: April 22, 2024; 7:00pm.

(Rev. 04/22/24)

Respectfully submitted,
Desiree Kelleher and
Sam Davis

Meeting Place

Tracy Memorial Village Hall, 77 Main St, Chatham, NY 12037.