

**TOWN OF CHATHAM  
SPECIAL TOWN BOARD MEETING  
06 SEPTEMBER 2007 ~ 07:00 PM**

The special meeting of the Town Board was held on 06 September 2007 at 07:00PM at the Town Hall on Route 295 in the Town of Chatham for the purpose of hearing the opinions of the members of the Planning Board and Zoning Board of Appeals (ZBA) in reference to the Draft Comprehensive Plan.

**Present:** Jesse DeGroot, Supervisor  
Beth Ann Rippel, Councilwoman  
Bob Balcom, Councilman

Don Hegeman, Councilman  
Jean Rohde, Councilwoman

**Other:** Randi Walker

**Planning Board Members Present:**

John Hanna, Deputy Chairman  
Maria Lull  
Lee Smith  
Dorothy Mackerer  
Tony Ooms

**Zoning Board Members Present:**

David Everett, Chairman  
Mitchell Khosrova, Deputy Chairman  
Suzanne Williams  
Kary Jablonka

**Call to Order:** Supervisor DeGroot opened the meeting at 07:00PM and led the pledge to the flag.

**Hearing on Draft Comprehensive Plan**

**Supervisor Jesse DeGroot** opened the hearing by stating that this was a historic moment for Chatham in that the three boards are here for the same meeting. He explained that the purpose for this meeting was for the Town Board to hear the opinions of the members of the Planning Board and Zoning Board of Appeals regarding the Draft Comprehensive Plan. DeGroot stated that while this meeting was not open to public comment, there would be a Public Hearing at the 20 September 2007 meeting.

**David Everett, ZBA Chairman,** provided a Memorandum [On file in the Town Clerk's Office] that represented some of the major comments by the ZBA members on the Draft Comprehensive Plan. At the Town Board's request, he went through each of the 21 points of concern regarding the proposals. Everett concluded by stating that the Committee did a lot of work and he believes that, as the ZBA made specific note of in their Memorandum, there are errors for concern. The Committee worked for four years on the Draft Plan and has only been available to the public for about four months. He urged the Board not to rush into the matter.

**Maria Lull, Planning Board Member,** began by stating that the Planning Board was blessed to have such a good sketch by the ZBA Chairman. The Planning Board met last week, and while Deputy Chairman John Hanna and Bill Bulick were absent, the remaining members were able to form a list of problems they had with the Draft Comprehensive Plan. This week, Chairman Jack Schultz is on vacation, so Lull stated that she was chosen to read the list. Before reading it, Lull stated that she hoped the other Planning Board members would comment afterwards. While she believed the committee worked a long hard time on the plan, she equally thought a long time was needed to digest and rework the many issues that needed to be addressed.

The list given by the Planning Board included the following points: Property rights are being taken away; the draft plan is detrimental to Chatham's economy; it seeks to create a gated community with the key thrown away; the draft plan does not help the elderly, young, or lower-end class; there is no room for population growth or economic expansion; affordable housing is not provided since there are only higher restrictions; to implement the draft plan would take a lot of money and time since there is currently not enough personnel for implementing new regulations; and that there are no positives in the Draft Plan. In addition to the last point, Lull read several negatives in the draft plan, including the following: problems are caused with the setback regulations in residential areas and difficulties with allowing agriculture, the value of land is taken away from owners since there is no building potential, new issues will be raised with the need for sewer and water districts, the new rules for building is very restrictive, and the size limitation is not beneficial. In conclusion, the Draft Comprehensive Plan is going too far in regulations and thus is not good for the economy. The Draft Plan is seeking to keep Chatham tied down under the weight of restrictions; it is not a plan for growth but increasing limitations in a shrinking community.

**Suzanne Williams, ZBA Member,** raised two points of concern regarding the economical impacts of the Draft Plan: 1) It borders on excessiveness to limiting building and economy growth and 2) Hamlets get the back alley lane. If the draft plan wishes to reduce land

plots to half-an-acre, that is a bad idea, particular with the prospect of having to create septic and water districts.

**John Hanna, Planning Board Deputy Chairman**, stated that he “pled vacation” for the last Planning Board meeting. His reaction to the notes by the ZBA and Planning Board was that they were both a little harsh. While he thought it was good for them to come down on specifics, he added that perhaps he thinks the notes are harsh because he would put criticism in a different way. Hanna complimented the members on the Comprehensive Plan Committee, saying that it took a lot for them to do this. He had a few points of his own to add:

1. Hamlets: It is not a good idea to expand hamlet zones and reduce lots. If one decreases the lot size to half-an-acre there is the problem of water and sewer, which is already causing difficulties in some areas. The idea of expanding hamlets is a good idea to keep open land, but there needs to be balance. It would be a better idea to get a planner or engineer who will provide a detailed structure of such an endeavor; i.e., they could explain that by expanding the hamlets by  $x$  amount, how lots can be divided. The Plan cannot be atmospheric when mentioning this kind of issue but needs to be more specific. Also, the Town Board needs to find someone do to this specific planning work for them since it is not an engineering or economy group, but a board for the public.
2. Wetlands: There needs to be good standards for wetlands. For instance, one can say that there can be no buffers but what about the ramifications of that? It is better for everyone to be thinking practically. Why would the Town want more regulations at others expense?
3. Staffing issues: The Draft Comprehensive Plan says that it is a good idea to have the Town Attorney and a Planner attending all meetings. However, this can be very expensive, particularly if a Planner is added to the payroll, the Town has to pay retirement costs and other things like that. It is better if the Town uses consultants like the attorney and an engineer who can report on certain regulations and applications, which they do to a small extent now, but usually only if they are specifically asked. There is also a concern with citizens’ advisory boards. While it is beneficial for citizens to be speaking at meetings, one who has experience in government knows that caution is needed since people with that kind of control can stop an important project.

Hanna stated that he would put notes in writing for the Town Board. [On file at the Town Clerk’s office.] He also noted that ambient lighting was a major problem; it has been in the past for several areas and he did not think it was a good idea for the Draft Plan to pursue something like this.

**Mitchell Khosrova, ZBA Deputy Chairman**, began with stating that he recognized the complexity of this task and was amazed at what work the committee had done. There is a lot of positive in the plan but the inherent defect deals with the fact that this is a volunteer committee. These members will press their issues more than others; the more vocal groups get more to say. In his argument against the Draft Comprehensive Plan, Khosrova stated that if the plan was realized, he would be scared. Chatham is a good town and he believes in the old saying, “If it’s not broken, don’t fix it.” He stated that things are working well in town with the loose zoning regulations. While he was hopeful as he watched the committee from the outside, when he read the draft after it came out, he was absolutely shocked at how slanted it was. Khosrova stated that the committee people are biased and the Town Board needs to recognize that. The Draft plan is weak in understanding certain implementation as the ZBA’s comments also stated, and it becomes a poor committee without the proper people who understand how the town works. Khosrova asked, “Why do we need this Comprehensive Plan?” He went on to say that the current plan is 30 years old but he does not see anything in it that needs to be changed. He urged the Board to realize that the Draft needs to say why the Plan is changing, as it doesn’t come out and state that. People need to understand why and be given a reason. Also, the restrictive nature of the Draft Plan stood out; for example, while he understood regulations for areas that had problems with restaurant signs, he saw no benefit for over-regulating a town that essentially drove businesses away.

**Maria Lull** asked, “How is the Draft Plan available to people?” The **Board** and **Randi Walker** replied that it is on the Town’s website, available for viewing at several libraries, and sold at the Town Hall for the fee it took to purchase them: \$2/CD and \$22/hard copy.

**Lee Smith, Planning Board Member**, asked, “What is the next step?” **Supervisor DeGroodt** replied that the Board has a Public Hearing scheduled for the next meeting and in addition, they will be talking amongst themselves. **Smith** replied that the Planning Board and ZBA do not seem to be far apart in their understanding of the law and regulations. He asked the Supervisor, without any disrespect, what made him and the Town Board qualified to implement a new Comprehensive Plan? **DeGroodt** stated that he totally agreed and completely understood, as he had asked himself that same question. He added that the Draft Plan, if it goes anywhere, has a long way to go. **Smith** asked to affirm if this meant the Plan was not anywhere near taking off. **DeGroodt** stated that Smith was correct.

**Dorothy Mackerer, Planning Board Member**, asked the Supervisor if he had read the Draft Plan. **DeGroodt** said he had read it three times, in fact, but still did not understand parts of

it. **Mackerer** gave her opinion, saying that the Draft Plan started off well, but didn't go through with those good ideas. Particularly she noted that it was harsh in the areas of property rights, hamlet development, septic and water complications, and cost of living. Mackerer stated that she was definitely not against change, but she would like to see reasonable change. The Draft Plan has nothing in it that would keep seniors and youth in the area, it adds to the already high cost of real estate and taxes, and it would raise the cost of government such as the Code Enforcement Officer and so on.

**Lee Smith** noted that there are other problems in the town that need to be fixed first before anyone begins to implement this Draft Plan.

**Supervisor Jesse DeGroot**, on a comment made earlier between himself and Smith, stated that regarding the question, "Who makes us judge?" the answer is: "The people who pull the lever do." He added that he seriously didn't know how the Board could pull this Plan through with a good conscience at this point and time.

**Kary Jablonka, ZBA Member**, introduced himself by stating that he was familiar with and teaches government, is fond of Chatham, and believed that this group was conducting a fabulous conversation regarding the Draft Comprehensive Plan. He referred to his book *Promises Into Performance*, which discusses how it is possible, though very difficult, to implement good ideas in a way that does not drive people out. Jablonka mentioned that as he listened to the discussions in the Comprehensive Committee, he realized that smart grown was too hard to implement and concluded that no growth is better. He believed that the vision statement of the Draft Plan is good since it pushes for open space, but the questions are how much money should be put into that, where will open space be preserved, and other corresponding details. Jablonka also said that by its very nature, government is oppressive, so the Draft Plan is something that needs to be worked on so it does not become this way. In referring to the visions and goals of the Plan, Jablonka stated that they are good and people will like that aspect of them. Regarding the specific strategies, he noted that they are not set in stone but are to provide examples and a structure for where the people want the town to go. Jablonka stated that he endorsed what the Planning Board and ZBA members said regarding the Draft Plan, since in his belief, the Board needs the fresh look. He went on to discuss housing in Chatham, noting that the prices have gone up so far that—the average house in Chatham sells for \$360,000—he could not afford his own house today. He believed that hired consultants for the Planning Board and ZBA is a good idea since they need more information. Jablonka concluded that the question that needs to be asked is, "What is in the current plan that needs to be changed?" so that more good work can go into the Draft Plan and people can argue over it in a positive way because that is what can bring about beneficial change.

**Lee Smith**, regarding a previous comment made by John Hanna that the ZBA's memorandum was too harsh, stated that yes, it was harsh, but in a good way.

**Tony Ooms, Planning Board Member**, stated that while Chatham has the poorest farm land in the area, it is taxed higher. The Comprehensive Committee needs to keep affordable housing in mind and not create smaller lots that will cause sewer problems. Ooms said that much of the Plan is contradictive and unbelievable. The taxes in Chatham are high and driving people out, but the Plan does not help anything. He wants to see the Town protect farmers from being sued over waste management. Yes, the Committee did a lot of work, but they did not listen to any guests; it was their opinion and no one else's. Ooms stated that he attended two meetings and then left because he could not stand it. He is not part of Chatham Keep Farming—though his brother is—since to him, what that group encourages are smaller gardening lots that do not keep the land open.

**Dorothy Mackerer** stated she was a former dairy farmer's wife and had lived in Chatham and Canaan. To her, Chatham Keep Farming is an alternative farmer's group—what she calls hobby farming. Mackerer stated that Chatham is beginning to drive the big agricultural groups out because older farmers are retiring and the bad economy does not support young people. She concluded that for good hay—something essential in agricultural farming—the land needs seeding and rotation—something that is not happening in Chatham Keep Farming operations.

**Tony Ooms** also agreed that more and more young people are being driven out of the farming industry. **Councilman Balcom** stated on behalf of the Comprehensive Committee that what they discovered after much research was that the best way to preserve open space was to keep the big farms. He noted that, of course, this is not easy to implement. **Tony Ooms** added that everyone in his area complains about manure spreading during the spring.

**Maria Lull** said she was an ex-farmer who focused on thoroughbred horses, but later turned to real estate. Over time, she saw land values escalating on farms to the point of driving farmers out. Lull stated that if the Town considers the situation and decides that the people want more green space, something needs to be done. She appreciates the effort Chatham Keep Farming has been doing to keep open space, but added that the worst hindrance to this is the transfer tax. Lull explained about the transfer tax, stating that it is a detriment to Chatham and now especially with the governor's new increase. She stated that this is more money that the

seller has to pay for selling their own house and already a lot of money for buyer. On the average, a property in Chatham now will have \$6,000 to \$7,000 going towards the transfer tax. Lull added that while she did not read the fine print, what she knows shows that this is very damaging. **Councilman Balcom** told her to read the fine print, since the transfer tax is based on the County medium value of \$210,000. **Lull** replied that, yes, it is based on the difference, but Chatham's medium value is higher than the County's and it adds up to be a lot of money. For example, a house sold at a million dollars could be \$60,000 to \$70,000. Lull asked, "What buyer will come in now?"

**Randi Walker** stated she was on the Steering Committee for the Comprehensive Plan. She thanked everyone for their constructive criticism and had a few answers to their inquires. Regarding property rights, Walker stated that it goes down to the issue of entitlement, since 30 years ago, zoning rights were taken away from the people and 3, 5, or 10-acre lots were implemented instead. She added that the mechanism in the plan was forward-thinking since farming is no longer a big economic drive in Chatham but the forces have changed. Since the Planning Board asked for more tools to do their job, the recommendations and survey was put out in hopes of gathering information for a new Comprehensive Plan. Walker stated that in all the citizen's comments, she heard more overwhelming support than constructive criticism. Also, the restrictions regarding tennis courts and swimming pools was removed; in addition, many of the recommendations are just a suggestive-use table but nothing set in stone. **Jablonka** added that the Comprehensive Committee met for the four last years every two weeks. After a while, the sheer volume of information the members acquires was astounding.

**Councilman Bob Balcom** agreed, stating that he thought of bringing his three boxes of information and putting them on the table for everyone to look at. He added that the biggest battle the Committee faced was how specific versus how general they should be. Sometimes, the members went home, not wanting to talk to each other because of the huge battle going on. He concluded that it would have been helpful to have this kind of input from the Planning Board and ZBA back in the beginning of the process.

**John Hanna** referred to his comment of before when he stated that Supervisor DeGrootd was not ready to make a decision on the Draft Plan. He encouraged the Board to, for a start, have a number of public hearings and hire several 1<sup>st</sup>-rate consultants who can look at the plans and tell the Board what their professional opinion is. **DeGrootd** replied that as the discussion continues, he sees the Draft Plan becoming more manageable. He added that he agreed to the saying that "If it is not broken, don't fix it."

**Mitchell Khosrova**, assuming the Draft Plan is not set in stone, advised for the Board to take out all the comments in Appendix C since they are in bad taste. He added that he knows the Comprehensive Committee wanted public comments, but it does not do much for the Plan as a whole.

**Councilwoman Jean Rohde** stated that when she served on the Committee, there was nothing she heard tonight that had not already been discussed *ad nauseum*. She was glad everyone came out tonight and thanked everyone for their great comments. In conclusion, Rohde said she was happy to find that everyone here was on the same page.

**Councilman Bob Balcom** stated that during the beginning phase of implementation, Chatham will need another Committee for that purpose. He stated that he believes it will be a fun committee.

**Motion to Close Meeting:** Councilwoman Jean Rohde made a motion, Councilwoman Beth Ann Rippel seconded, and it carried to adjourn the 06 September 2007 Town of Chatham Special Town Board meeting at 08:30PM.

Respectfully submitted by,

Elizabeth Horst  
Deputy Town Clerk