

CHATHAM TOWN BOARD MEETING
20 SEPTEMBER 2007
06:00 PM

The regular meeting of the Town Board was held on 20 September 2007 at 6:00 PM at the Town Hall on Route 295 in the Town of Chatham.

Present: Jesse DeGrootd, Supervisor Bob Balcom, Councilman Don Hegeman, Councilman Jean Rohde, Councilwoman Beth Ann Rippel, Councilwoman	Others: Shari Franks, Recreation Director Tal Rappleyea, Attorney Dan Horst, Assessor Earle Kelsey, Comptroller
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Call to Order: Supervisor DeGrootd opened the meeting at 6:00 PM.

Pledge to the Flag: Councilman Hegeman led the pledge to the flag.

Public Hearing on Local Law #6-07: Livestock in the Hamlets:

The Town Board opened the Public Hearing on Local Law #6 regarding Livestock in the hamlets at 6:00 PM. They discussed the latest Local Law with the Town Attorney and revised Section One.

Dan Horst thanked the Board for finally coming to this point and stated that he would put his appreciation in writing.

Jim McKay said that he certainly did not want to derail the current good feeling but he had a concern regarding setbacks. He mentioned a part in the Code Book requiring all buildings used for agricultural purposes to be 100 feet from a property line. He encouraged the Board to amend that part. **Town Attorney Tal Rappleyea** explained this particular section to the Board and added that it excluded pastures and any buildings that might be in a pasture. **Donnell Collins** asked if this law meant someone could not have a fishtank if it was less than 100 feet from their neighbor's property line.

Supervisor DeGrootd asked why the Board was being urged to change this law.

Rappleyea explained that the current law for all zoning prohibits those in small areas from having buildings for animals on their properties. **Dan Horst** took an example from his neighbors on Highland Road to explain how certain owners could not have any animals at all because their properties are not even 100 feet wide. **Collins** gave his solution this problem: If someone puts a little fence in their backyard with a small pen and has one chicken walking around inside the fence, then it is called a pasture and thus becomes legal.

Ira Marks asked if the new proposed local law allows only non-commercial agricultural use in the hamlets or commercial use as well. He stated that there was a big difference between those two and urged the Board to consider the ramifications of allowing commercial agricultural use in the hamlets. **Councilwoman Rohde** reminded him that the new law allows for "non-commercial and/or commercial use". **Dan Horst** added that there was a big difference when agriculture was done on a large scale for family use.

Councilwoman Rippel wondered if the reason the Town Code had the 100 foot setback requirement was because it is a federal or state law. **Rappleyea** replied that the state had specifications of setbacks from water, but that was not under consideration in this law.

Jim McKay stated that at least 1.5 acres are needed for a setback of 100 feet. In his opinion, such a setback is better applied to a farm that raises 150 cows, not a small property with 6 chickens. He urged the Board to modify that law so the 100-foot setback would not be applicable in hamlet zones.

Dan Horst reminded the Board that changing this particular setback law would not change anything else—for example, the fence law still applies. He encouraged the Board to change the setback of 100 feet for hamlet zones. **The Board** discussed what kind of setback would be better, and the suggestion of 25 feet was raised. **Councilwoman Rohde** asked how much agricultural use was actually wanted in the hamlet. **Horst** stated that the purpose for this law was to help families—not to allow tons of cows. There is a difference between family use and commercial agricultural use. **Rappleyea** asked what should be done in the case that there are 100 cows in a hamlet. He stated that the Town should seek to make it livable for people so they are not in violation to the law. **Horst** replied that some farms are currently in hamlets, violating the code and the new proposed law. He asked what would be done about that. **Ira Marks** and **Councilman Balcom** replied that those farms would be grandfathered in. **Horst** asked further, what happens to violators of the code who are not grandfathered in? **Councilwoman Rohde** stated that for 25 years haven't had a problem with this. **Donnell Collins** asked if the setback was now 25 feet. **Horst** replied that without the amendment, it is 100 feet.

Ira Marks stated that the purpose for the law was that it is easy to interpret. He encouraged the Board to do something that would make it clear for the Zoning Board of Appeals to understand.

Councilman Balcom noted that Jim McKay brought up an important point about the setback in the hamlet zones.

Jim Temple stated that he missed the last meeting, but he gathered that the new law on the website is replacing the “anti-chicken law” proposed by the Livestock Committee. Temple stated that this was better now that it appears there is some way for the McKays to have their chickens legally and “everyone may be done with this foolish thing”.

The Town Board discussed the matter amongst themselves for several minutes and then decided that 25-foot setback for the hamlets and 100-foot setback for all other zones sounded reasonable.

Jim Temple asked that if there was a barn on a property line, are the owners not allowed to have chickens in that building or would the barn be grandfathered in? The Board replied that this setback law would apply to new buildings and other structures created after the law went into effect.

Supervisor DeGroot stated that he remembered the trouble with the dog law—the Board went around and around in circles for the longest time and eventually finalized the law, but has never had to use the actual law. He wondered if this livestock issue will turn out to be like the dog law. **Rappleyea** stated that the Town can adopt this current law so the setback will be 100 feet until next month and add an amendment that states hamlet setbacks will be 25 feet.

Ira Marks objected, stating that the Town has never called the hamlets an agricultural zone. **The Board** replied that the Town has never had something like this before.

Dan Horst asked what should happen in case a problem arises. **Rappleyea** replied that the complainant should call the Code Enforcement Officer, who will issue a notice of violation. If the violators ignore the warning after a certain amount of time, then the Town Board can take action against them through the Court system.

The Board agreed to amend the section to state 25 feet for setbacks in the hamlet.

Correspondence was received on the Proposed Livestock Law from Mary Gail Biebel and is on file in the Clerk’s Office.

The Public Hearing was adjourned at 6:30 PM.

Public Hearing on the Draft Comprehensive Plan:

The Public Hearing on the Draft Comprehensive Plan was opened at 6:30 PM.

Correspondence on the Comprehensive Plan was received from David Rockwell, Brin Quell, Elisabeth Grace, Merry Sheils, Julie Kabat, Rebecca McBride, and James Huth and Melissa Pollack and is on file in the Clerk’s Office.

Supervisor DeGroot stated that he was intentionally not part of the planning process for the Comprehensive Plan. While he is in the middle doing research on his own, he made it clear that he is quite far from understanding the whole document.

Jim Temple asked if the comments from the Planning Board and Zoning Board of Appeals were available to the public yet. **Kary Jablonka** stated that the minutes from the Town Board, Planning Board, and Zoning Board of Appeals meeting needed some polishing and that he would be contacting the clerk’s office regarding that.

An **undisclosed male** asked what the process of the Comprehensive Plan entailed. **Supervisor DeGroot** replied that he wasn’t exactly clear on the plan itself yet and **Attorney Rappleyea** offered to explain. Once the Draft Plan is proposed and referred to the Board, there should be a Public Hearing within 90 days. Most towns have workshops meetings on their Comprehensive Plans so the public knows what the plan is all about. The Plan is not a way to change zoning but does other things like creating water districts. The Board needs to be familiar with the Plan as they will be deciding on it. The Plan requires an Environmental Review and SEQURA referral form to be sent to the County, which should be done before the last Public Hearing so public can comment on that as well. The man asked how much the public is involved. The Board replied that they take all comments. **Supervisor DeGroot** noted that since he was not on the committee, the next move for the Board is for them to work together to understand the Plan. He added that since Councilman Balcom and Councilwoman Rohde were on the committee, their input will help. Conversely, his comments and the perspectives of Councilman Hegeman and Councilwoman Rippel would add toward the raising objections that the Public might have. DeGroot concluded that his goal is to understand it before he votes on it and he is a long way from that.

Jim Temple stated that from the beginning of knowing about the Plan, he had encouraged everyone to consider the costs of instating something like this. After reading the Plan twice, he stated that he came to the realization that the cost of keeping open land is irreparable to the hamlets. The hamlets are jewels that attracted Temple and many other people to Chatham.

Temple stated that most people do not know what is going on and that he is sad that more people are not at this hearing. He concluded that he sent a letter in July regarding ideas to get people to respond to the Plan and urged the Board to act upon his suggestions.

Supervisor DeGroot adjourned the Public Hearing on the Comprehensive Plan at 6:40PM.

Correspondence:

1. Red Rock Volunteer Fire Co., re: fire contract.
2. Kinderhook Lake Corp., re: lake drawdown.
3. Ichabod Crane Central School District, re: 2007-08 tax levy.
4. Tri-Village Fire Co., re: 2008-10 contract.
5. National Grid, re: outdoor lighting inventory.

Public Comment:

Jim Temple stated that sometimes he cannot attend Town Board Meetings and thus would like to read what happened soon after. He asked that the meeting minutes be posted on the website in a more timely manner.

Kary Jablonka, regarding the Special Town Board Meeting of 6 September 2007, stated that he had some changes to make in those minutes. He also said he had some difficulty receiving them via email so would like to speak with the clerk regarding it.

Reports:

1. Highway
2. Justice Court (On file)
3. Supervisor (County business). Supervisor DeGroot informed the Board that the current big item in the County is the ongoing issue with the office for the aging, trying to get that under control, and obtaining a grant. Also, there has been a problem with a suspended official.
4. Transfer Tax Information. **Attorney Rappleyea** informed the Board regarding the progression of the transfer tax negotiations in Columbia County. Currently, the state is getting \$4/\$1000 out of property sales and as of December 1st county wide, there will be \$2/\$1000 for the County. **Councilman Balcom** ascertained that this was a straight transfer tax. An **undisclosed woman** asked how many other counties imposed a transfer tax and what this money was used toward, to which **Rappleyea** replied that there were two others out west, probably Broome and Erie, and that the tax was toward general use. **Dan Horst** noted that this was cunning thievery.
5. Recreation Department (On file)

New Business:

The Board discussed putting someone on the Environmental Management Council, which would be an advisory board to the county.

Resolution #130-07 to appoint Randi Walker as the county representative of the Environmental Management Council.

Offered by Councilwoman Rohde, moved adoption to appoint Randi Walker to be the representative of the Environmental Management Council to Columbia County.

Councilman Balcom seconded the motion.

Vote: *Ayes*, Supervisor DeGroot, Councilman Hegeman, and Councilwoman Rippel.

Nays, None.

The resolution was adopted.

Randi Walker requested to be allowed to go to Monday's county meeting and check with the Board afterwards in order to verify that she was capable for this position. Walker stated that she was certainly interested but wondered if it was all right to wait another month to check it out. The Board agreed, and tabled their resolution. Walker also noted that in certain areas—such as pertaining to St. Lawrence Cement—she would have to recuse herself.

Old Business:

1. Local Law #6-2007 regulating the keeping, harboring, and care of domestic livestock animals within the hamlet districts.

Supervisor DeGrootd stated that there was still a question regarding the setback in the hamlets and the suggestion to changing it to 25 feet. He asked the Board if it would be better to wait until next month and have another Public Hearing on the whole thing or to pass the current local law without the setback change. **Councilman Balcom** suggested that they make a motion to accept the current local law and then add an amendment later.

Resolution #131-07 to adopt Local Law #6 allowing agricultural use in the hamlets.

Offered by Councilman Balcom, moved adoption to approve Local Law #6 as follows:

Section 1. Purpose

The Town Board of the Town of Chatham (hereinafter referred to as the "Town") finds that agricultural uses are long established as a traditional use in the Town Hamlet Districts. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by allowing agricultural uses within the Hamlet Districts of the Town as a permitted use. Thus the Chatham Town Code §180-4 Definitions and Word Usage, §180-10 H-1 Hamlet-One and §180-11 H-2 Hamlet-Two are hereby amended as set forth below.

Section 2. Authority and Effective Date

This Local Law is enacted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 3. Title

The title of this law shall be, "A Local Law Relating To Agricultural Uses Within The Hamlet Districts."

Section 4. Definition of Terms

§180-4 Definitions and Word Usage of the Town of Chatham Town Code is hereby amended to include the following:

Agricultural Use: The keeping, raising, growing, selling or otherwise maintaining of one or more livestock, cow, horse, pig, goat, sheep, duck, goose, chicken, guinea chicken and/or any other animal, bird, reptile, amphibian or insect associated with farming or kept for commercial purposes. Agricultural Use shall also mean the keeping, raising, growing, selling or otherwise maintaining of any plant or crop not intended for the personal consumption of the owner of the land on which same is maintained.

Section 5. Agricultural Use as a Permitted Use in Hamlet-One and Hamlet-2 Zones

§180-10 H-1 Hamlet-One and §180-11 H-2 Hamlet-Two of the Town of Chatham Town Code are hereby amended by the addition of the following:

Agricultural Uses shall be added to the list of Permitted Uses.

Section 6. Separability

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Councilwoman Rohde seconded the motion.

Town Attorney Tal Rappleyea went over the Short Environmental Assessment Form with the Board to ascertain that this local law would have no adverse effects on the community.

Vote: Ayes, Supervisor DeGrootd, Councilman Hegeman, and Councilwoman Rippel.
Nays, None.

The resolution was adopted.

The Board set a Public Hearing for the Town Board meeting of 18 October 2007 to add an amendment establishing 25-foot setbacks in the hamlets.

2. Comprehensive Plan

Supervisor DeGrootd suggested that the Board get together and talk about the Draft Comprehensive Plan, to which the Board agreed and decided to set a date. Attorney Rappleyea commented that other people arrived and may want to comment on the Plan during the latter public comment section.

Resolution #132-07 to accept a bid for the sale of Truck #13.

Offered by Councilwoman Rohde, moved adoption as follows:

Whereas, the Chatham Town Board accepts the bid for the sale of (One) Used 1989 International Dump, VIN# 1HTZMGJR7KH652185 sold "as is" "where is" to Daniel Casey for a bid price of \$2600.00.

Councilman Balcom seconded the motion.

Vote: Ayes, Supervisor DeGrootd, Councilman Hegeman, and Councilwoman Rippel.
Nays, None.

The resolution was adopted.

Resolution #133-07 to authorize the Supervisor to appropriate funds from FEMA.

Offered by Councilman Balcom, moved adoption as follows:

WHEREAS, the Town of Chatham has received funding from the State Emergency Management Office (SEMO) and Federal Emergency Management Agency (FEMA) the sum of \$28,745.95 (Twenty Eight Thousand Seven Hundred Forty Five Dollars and Ninety-Five Cents) as and for the payment of vouchers for the year 2007 to repair the Town roads damaged in the April 14-18, 2007 flooding emergency, and

WHEREAS, the Town Board desires to increase the appropriation of the budget in the Machinery CE (DB5130.4) to reflect the above

NOW THEREFORE, IT IS HEREBY

RESOLVED that Town Board hereby authorizes the Supervisor to increase the Machinery CE (DB5130.4) in the amount of \$23,745.95 (Twenty Eight Thousand Seven Hundred Forty Five Dollars and Ninety-Five Cents).

Councilman Hegeman seconded the motion.

Vote: Ayes, Supervisor DeGroot, Councilwoman Rohde, and Councilwoman Rippel.

Nays, None.

The resolution was adopted.

Resolution #134-07 to approve the Town Clerk's minutes.

Offered by Councilwoman Rohde, moved adoption to approve the Town Clerk's minutes of the 16 August 2007 regular Town Board meeting.

Councilman Balcom seconded the motion.

Vote: Ayes, Supervisor DeGroot, Councilman Hegeman, and Councilwoman Rippel.

Nays, None.

The resolution was adopted.

Resolution #135-07 to authorize the Town Comptroller to amend budget appropriations.

Offered by Councilwoman Rohde, moved adoption as follows:

WHEREAS, the Chatham Town Board authorizes the Town Comptroller to make the following Amendments to Budget Appropriations:

<i>From</i>	<i>To</i>	<i>Amount</i>
<i>A1990.4</i>	<i>A1420.4</i>	<i>15,000.00</i>
<i>B7310.2</i>	<i>B7310.1</i>	<i>9,000.00</i>
<i>Total Funds:</i>		<i>24,000.00</i>

Councilman Hegeman seconded the motion.

Vote: Ayes, Supervisor DeGroot, Councilman Balcom, and Councilwoman Rippel.

Nays, None.

The resolution was adopted.

Resolution #136-07 to approve the Town Comptroller's report.

Offered by Supervisor DeGroot, moved adoption to approve the Town Comptroller's report.

Councilwoman Rohde seconded the motion.

Vote: Ayes, Councilman Balcom, Councilman Hegeman, and Councilwoman Rippel.

Nays, None.

The resolution was adopted.

Public Comment:

Randi Walker stated that she was a big supporter of the Comprehensive Plan. She stated that there was a lot of public input, many good reports on the surveys, and that the committee did everything they could in reaching out to the community through public meetings and gathering many viewpoints.

Deirdre asked why the Public Hearing on the Comprehensive Plan was so short.

Supervisor DeGroot stated that there were only two comments so thus there was no hearing. The Board had agreed to allow more comments on the Comprehensive Plan now because of the lack of public comments during the hearing.

Tony Ooms raised several questions about the benefit of the Comprehensive Plan. He asked how many houses had been built in this past year, answering that it was about seven, which was not much at all. He asked why the town was involved in the EAP if the USDA or DEC already took care of things like that. To him, this Plan is only adding more people to the payroll and more taxes for the community to pay. He added that there is no more affordable housing or land and this Plan would make things even worse. Ooms told the board that they should throw out the whole Plan and keep what is currently instated.

Earle Schultz stated that he has lived in Chatham since 1978 and wholeheartedly supports the Comprehensive Plan.

Deirdre asked what the Plan's next step is. **Supervisor DeGroot** stated that the Town Board has to go through the document and attempt to understand it. The Board has the opportunity to refer to the steering committee if they have trouble, but the Plan is out of the committee's hands and is now the Town Board's document. **Deirdre** asked if the Board had a time frame for how long this would take. **DeGroot** replied that he had no idea since he has had the Plan for three months and is not anywhere near understanding it. He concluded that since he is not close to voting on the Plan, there is no advantage to rushing.

Langdon Winner stated that he has lived in Chatham Center since 1994. He met with one of his friends from RPI today that came from Brunswick and stated that his Town Board wanted to start a comprehensive plan but did not know where to start. Winner related how he was telling his friend that he was going to a Public Hearing on an excellent document. Winner stated that the Comprehensive Plan is extremely well-written and lucid and that he is proud to support it. He believed that this Plan is putting the community out in front.

Jim Temple stated that the reason people are not here is they do not understand. At the Comprehensive Plan Committee Meetings, he kept seeing the same faces. Temple said that his own neighbors do not understand the Plan. On other things, Temple asked about the transfer tax and if he will have a chance to vote on that. **Supervisor DeGroot** stated yes, next November there will be a vote on it, and that is why he put it through—so the people will have a chance to vote on it.

Councilman Balcom stated that in a past meeting, there was a comment that the committee did not listen to the public. However, it is his belief that this is not true because of pages 3 and 4 in the Draft Plan. **Randi Walker** agreed, recalling that in one meeting, there was a covered memo and many points were changed in the draft because of those opinions. However, the public cannot see all of those changes because it would take too much money to reprint the whole document.

George Volmuth stated that he was reluctant to comment on the Comprehensive Plan, but he wanted to give a huge thank you to the people working on it. However, he had some preliminary concerns and he shared Jim Temple's concerns. Volmuth agreed very much with the Plan that the rural character of Chatham is important. However, when the Plan continues to say that growth is accommodated through hamlets, Volmuth disagreed. In the Plan's maps, it appeared to suggest that the new zoning districts were in the North Chatham area. Volmuth raised the following questions: Why should our growth come to a hamlet that is called one of the 10 original settlements in the state? Why should we put that burden on a beautiful town and give it such heavy and restrictive regulations? Volmuth went on to say that he talked to someone regarding early hamlets and changing them to land parcels who said that such a maneuver will destroy history that is irreplaceable. He suggested that the Town make a new hamlet instead of destroying a historical settlement, which he believed would be much more preferable. Volmuth discussed growth in southern areas and the impact it would have; specifically, if more people are going to live south of North Chatham but work and find recreation in Albany, all the traffic will go through North Chatham. He noted that long before State Route 20 was a state road, it was Main Street. He believed that this Plan was trying to create a regional change, not just a small change; in other words, what happened to Kinderhook, Schodack, and Nassau will happen to North Chatham if the Town passes the Plan. Volmuth concluded with the last point that the maps in the Draft Comprehensive Plan are inadequate.

Deirdre stated that she agreed with Councilman Balcom's comments on the process and that there was wide participation. She believed that anyone who went to the meetings cannot say that the Board was unduly influenced, but that those who say that are just trying to divide and inflame the Town. She said thank you to the Draft Comprehensive Plan Committee.

Councilman Balcom stated that George Volmuth identified the hardest problem with pushing hamlet expansion. However, he reminded that the Plan is just a draft and thanked Volmuth for bringing up that point since outside insight is helpful. On another point, Balcom stated that there are new hamlets.

Councilman Balcom adjourned the Public Hearing at 7:20PM.

Motion to Close Meeting: Councilman Rohde made a motion, Supervisor DeGroot seconded, and it carried to adjourn the 20 September 2007 Town of Chatham regular Town Board meeting at 9:00 PM.

Respectfully submitted by,

Elizabeth Horst
Deputy Town Clerk