

**TOWN OF CHATHAM PLANNING BOARD
OCTOBER 13, 2009**

**FINAL COPY
MEETING MINUTES**

Members Present:

Jack Schultz, Chairman
Dorothy Mackerer
Tony Ooms
Donna Staron
Bill Bulick
Maria Lull
John Hanna
Tal Rappleyea, Atty.
Paul McCreary, Engineer

Members Absent:

None

Public Present:

Peter Trump Brian Albert
Steve McCarthy Jeffery Lick
David Stocks Greg Mountain
Marie Habba(?) Jerry Grant
Jane Trumpy James E. Buckley
Leonard Angerame Maureen Angerame
Paul Raihofer David Raihofer
Nancy Clark Tom Clark
Theodore Guterman II

The October 13, 2009, Planning Board meeting was called to order at 7:04PM by Chairman Jack Schultz. Dorothy Mackerer moved and Maria Lull seconded that the minutes be approved. This carried with John Hanna abstaining from the portion of the minutes involving the Shaker Museum.

1. Old Chatham Country Store
Site Plan Review
PUBLIC HEARING

The ZBA granted approval for the special use permit which will allow the Old Chatham Country Store to serve meals as a restaurant as a Neighborhood Commercial facility. Maps were reviewed. The new well and the waste water area have been delineated as requested by the ZBA. No grease will be placed in the septic system and it will be pumped on an annual basis as per recommendations by Engineer Paul McCreary from Morris Associates. They are using low-flow fixtures, and will replace with same when needed. There also will be no garbage disposal. Stan Kolowski from Tri-Village Fire Department checked the site for fire equipment accessibility. He recommended a fire lane sign, and that a handicapped parking sign to be installed. The interior seating area will remain the same, however the outside seating will be lessened so that the parking places outside the post office are not needed for full occupancy. The parking areas and existing and new lighting are also on the map. There are no flood lights. The building inspector has no problem with this site. Because the OCCS is under the auspices of NYS Ag and Mkts. , they are exempt from some requirements. Maria Lull wondered if arrows would be used to prompt the flow of traffic. Engineer McCreary and Chairman

Schultz both felt that there is no issue with the driveway area, and that this isn't necessary. John Hanna requested documents from the ZBA. Chairman Schultz felt that there might not be adequate water to fight a fire. The Short Form SEQRA had been submitted. Atty. Rappleyea stated that this was part of the ZBA's responsibility as they were the lead agency. The checklist was reviewed and the Board deemed the application as complete. The Public Hearing was opened at 7:26PM.

Jeff Lick stated that the OCCS has been a great part of the community and this change will allow them to continue to be that. Tom and Nancy Clark both agreed. The Public Hearing was closed at 7:28PM. John Hanna moved that the site plan be accepted with the condition that the Planning Board receives documentation from the ZBA. Maria Lull seconded the motion and it carried unanimously.

2. Maureen Angerame
Subdivision request- Ford Rd.
PUBLIC HEARING

The Board had asked for some items to be done: the land to be disturbed was to be under an acre; the driveway permit had to be submitted and the cut shown on the map; a statement declaring that a raised bed fill system may be needed; verification of title for the previous subdivision of this land, which was reviewed by Atty. Rappleyea and approved. All of the above information was provided. Postal receipts were turned in. The checklist was complete, so the Planning Board deemed that the application was complete. The Public Hearing was opened at 7:42PM. Nancy Clark wondered how many acres were involved. The Public Hearing was closed at 7:43PM. The Short Form SEQRA application, which shows no significant adverse effects to the following: air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems was reviewed. Also, there are no aesthetic, agricultural, archaeological, historic, or other natural or cultural resources or community or neighborhood character concerns. There are no significant effects to vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or long or short-term effects identified. Since this is the case, John Hanna moved that there is no significant adverse environmental impact with this project, and should be accepted. This was seconded by Tony Ooms and carried unanimously. Maria Lull moved that this subdivision be accepted. Tony Ooms seconded the motion and it carried unanimously. A check for \$25. for the approval fee was accepted.

3. Mary Raihofer
3-lot subdivision request-CR 28 Chatham Center
INFORMATIONAL

Paul Raihofer is representing the applicant. This piece of property is located in both an H-1 zone and an RL-2 zone. The intention is to split the property into three pieces, with the existing house on one of these parcels. Chairman Schultz noted that one of the proposed lots will have property in both the H-1 zone and the RL-2 zone. Atty. Rappleyea informed the applicant that they would need to go to the ZBA for an area variance because of this. The applicant agreed to do this.

4. Shaker Museum
Subdivision request- Shaker Museum Rd.
PUBLIC HEARING (cont.)

John Hanna recused himself from this project. Cynthia Elliot is representing the applicant. A letter from historic preservation was submitted. A notation on the map about storm water management has been added. Secretary to the museum board Jeff Lick is present. Jack Schultz announced that he received some letters by e-mail late this morning, but has added them to the record, even though they arrived late. These were read aloud. The continuation of the Public Hearing was opened.

Tom Clark stated that he has fond feelings for the Shaker Museum and understands the financial commitments. However, the Shaker Museum no longer exists, so the proposal must be looked at from the town's point of view rather than from the museum's point of view. 10 acres is not suitable for the buildings and more review is needed. Possible uses would include agricultural use, cluster development, an inn or restaurant site. Any of these would take study and investment. This could generate tax revenue for the town. The subdivision, as proposed, would limit the possibilities.

Ted Guterman stated that under this plan there is a possibility for 6 lots and only three are being proposed. He believes an Environmental Impact Statement should be required as far as to what will be affected and how to minimize this. In the EAF Part 2 asks whether the proposed action would cause physical change. Unique land forms on the site could change the drainage or surface waters. It could affect agricultural land and the aesthetics of the property. The site across the street is an historic building. This could provide future open spaces for the town and opportunities for the existing community. Doing it the way it is being proposed would have an adverse affect as per 617.9 of the SEQRA law. Also, with the new comprehensive plan, this could be a major subdivision and there are no limitations on future subdivisions in the plan . If this is a Type 1 action under

SEQRA has a SHIPPO been done or has the Attorney General been contacted?

John Hanna stated that SHIPPO would be needed because it wouldn't fall under SPEDES regulations. A general permit would be needed. The Board should make a request for this because of the historic structure. Also, contacting the attorney general might suggest that what is there currently should be placed back on the tax rolls and become a place for jobs. The Board should make a careful inquiry as to how the site is to be used, starting with the museum complex and what can be creatively done. He would be willing to work with the town on this.

Chairman Schultz wondered if we should be requesting a building plan before we look at this as a subdivision. Mr. Hanna stated that it hasn't been done because the applicant is having financial problems. Bill Bulick wondered if the Clarks sat down with the museum board. Mr. Clark responded that nothing was resolved. Mr. Bulick stated that the Board needs to have some plans from the Shaker Museum in order to continue. Atty. Rappleyea added that when Mr. Williams left the land to the museum, there was no covenant in the deed, and that the parcels south of the museum that were part of the Williams' property are 9 acres in size. However, one can not speak for a dead man.

Jeff Lick stated that he has been a trustee for 8-10 years on the museum board. He said that the Board is highly involved in this discussion, and two of the members are the sons of Mr. Williams. They are trying to come up with a plan to move to better quarters for the museum. Mr. Williams had talked to his sons about moving back to the original site where 80% of the Shakers had been located. The state refused to help build on the present Shaker Museum site because it is not historically relevant, while the New Lebanon site is. As a neighbor, Mr. Lick said that he is not happy to see the museum leave, but it has to be moved so that they can get some financial assistance from the state.

Atty. Mountain, who is representing the Shaker Museum reminded the Board that they are requesting a minor subdivision, not a major one, which would be allowable by the Town Code. Everything that is being said is speculative. Atty. Mountain also does not agree with Mr. Hanna's interpretation of the need to contact the attorney general at this time. When a house is built, the storm water system would be created. The collection must be dealt with at the time of the sale. This land is currently not back on the tax rolls, nor is there a long term plan by the Shaker Museum for 4, 5 or 6 lots. They are not here to change the Town Code. Atty. Rappleyea wondered if this is a Class 1 action, to which Atty.

Mountain responded that there would be no visual impact to the historic site next door. They would be willing to sell the entire parcel as one lot, but the property must be sold, and the intention is to keep it as a minor subdivision.

Atty. Gutterman brought up 617.4 B 9 of the SEQRA law. He believes that a full EIS is required, and that he respectfully disagrees with Atty. Mountain's interpretation of the attorney general. What if the property is abandoned? Atty. Mountain stated that they are not going to abandon the property---that the collection is there.

Jeff Lick stated that the Shaker Museum Board's goal is to not subdivide. It's going to take two years to move the collection, categorize and sell. The plan is to sell the other two parcels, move, and then sell the third parcel. They would never abandon the property.

Cindi Elliot stated that looking at the land and the need to generate cash would require the sale of the two properties. Lot 3 realistically has a building on it, and the remaining land on that parcel can't be used. The museum site is potentially a building site.

Tom Clark said that the Inn sat on 9 acres. Lot 1 is the problem. The Planning Board has to look at this land. Chairman Schultz stated that a conservation easement would cluster on this site. Cindi Elliot said that there would not be conservation clustering on Lot 3 and no farming on Lot 2. Tony Ooms agreed that there is no other place on Lot 3 for a house, and that the 20 acre lot would be good for farming.

Bill Bulick wondered if the property has been looked at by real estate specialists. It has been. Chairman Schultz stated that everything that is being said is just theory. Atty. Rappleyea stated that with a conservation subdivision and at looking at the contours and the soils the only place for building on lot 1 is on the high ground which would cause visual impact. The 6 homes would have to go there with a cul de sac and 6 septic systems. The 6 lots would have to maintain the land and/or buildings.

John Hanna stated that the issue is that Lot 1 could be subdivided. What happens to what is left? The Board needs to study what is left behind after the Shaker Museum leaves. More study is needed.

Atty. Rappleyea stated that we don't have the authority to determine what happens to buildings with a new owner. All future use is speculative.

Atty. Mountain wondered what effects are we trying to mitigate? Atty. Gutterman responded that there are many potential uses to this land. Environmental effects need to be examined using an EIS and an engineer. Ms. Elliot stated that a percolation test was done on Lot 1 for the best site for the septic and looked at by an engineer. Tal wondered where is our authority to ask the attorney general to examine this? Atty. Mountain stated that this is a subdivision request not a sale. The state is already aware of the Shaker Museum's plan---to sell two parcels, move the collection and sell the third.

James Buckley stated that he lives on Shaker Museum Rd. and he objects to a 3-lot possibly a 6-lot subdivision, that it is inappropriate. Mr. Williams would not have wanted to see a mess across from his beloved home. This would not have been his intended use.

Chairman Schultz reminded everyone that the Shaker Museum Rd. is impacted by the Thruway. Atty. Rappleyea said that time is needed to research this as if it is a Class 1 action. The question is whether to keep the Public Hearing Open or not. Atty. Mountain asked for the Public Hearing to be closed so that the next steps can be initiated. Ms. Elliot agreed. Chairman Schultz moved that the Board take the advice from our legal advisor and close the Public Hearing on October 27th which will give the public an additional 2 weeks to respond to the new information. Donna Staron seconded the motion. A roll-call vote was taken: Bulick-Close; Lull-Open; Ooms-Close; Mackerer-Close; Staron-Close; Schultz-Close. The motion carried. The Public Hearing was closed at 9:49PM.

The meeting was adjourned at 9:50.

Respectfully submitted,

Marilyn Cohen, clerk
Donna Staron