

**TOWN OF CHATHAM PLANNING BOARD
SEPTEMBER 8, 2009**

**FINAL COPY
MEETING MINUTES**

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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:

Tom Clark Nancy W. Clark
Susan Wendleboe Gary Wemple
Jane Trumpy Brian Albert
Peter Trump Maureen Angerame
David Stocks Greg Mountain
Elisabeth Arace Bob Elmendorf
Others

The September 8, 2009, Planning Board meeting was called to order at 7:00 PM by Chairman Jack Schultz. The Pledge of Allegiance was recited. Dorothy Mackerer moved and Tony Ooms seconded that the minutes from the previous meeting be adopted. This carried. Chairman Schultz asked for any correspondence. Two letters concerning the Tom Clark subdivision and the Shaker Museum subdivision requests were read into the record. The first letter came from Ann and Paul Sagen and the second from Gerard E. Harper.

1. Tom Clark
Subdivision request-Shaker Museum Rd.

PUBLIC HEARING

Cynthia Elliot is representing the applicant. Updated maps were distributed, postal receipts were turned in, the road maintenance agreement was presented, percolation test results on Lots A and C and the pinning letter were submitted. Ms. Elliot indicated that there would be less than 5 acres of disturbance within this subdivision. Atty. Rappleyea stated that both the Fieldstone and Clark names need to be on the driveway agreement. There was some discussion regarding the possible construction of a guest house on the large lot. Currently there is not adequate road frontage to achieve this, as per the Town Code, so if this were to occur, this would have to come before the Planning Board for a lot-line (subdivision) adjustment. There was a question as to who is responsible for the driveway maintenance if only one lot is sold. The developer would be the responsible party. Engineer McCreary reminded the Board that the CEO would have to keep track of the amount of land that is being disturbed when building takes place. Bill Bulick wondered whether this would have to come back to the Planning Board if the building house site shown on the map is changed. Yes. John Hanna added that with a No Build Zone on the map, an applicant could come to the Board too and ask for that to be changed. Mr. Clark stated that the No Build Zone will be placed as a deed restriction. Atty. Rappleyea said that we do not enforce deed restrictions, and the CEO will know about this because it is on the subdivision map. Maria Lull stated that she would like to

see a copy of the proposed deed restriction. The applicant was in agreement with this request. The Public Hearing was opened at 7:25PM.

Ms. Elliot reported that she has had a conversation with one of the neighboring property holders, Mr. Carmel. He owns 10 acres of land, and he opposes this proposed subdivision because it could land-lock his piece. Ms. Elliot feels that the right-of-way would be through Assuma's land, as this is not in this chain of title at all.

Bob Elmendorf stated that Mr. Clark has always taken care of his property and that he trusts him and supports him in this request 100%. He will maintain the character of Shaker Museum Rd. The Public Hearing was closed at 7:33 PM. Chairman Schultz reviewed the subdivision checklist. The abstract of title will be provided, as well as a new deed with the covenant for the driveway. Maps will also be adjusted. 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 Donna Staron and carried. Tony Ooms moved and Bill Bulick seconded that the project be approved subject to the receipt of the abstract of title, the new deed, the driveway covenant and new maps. This carried unanimously.

2. Shaker Museum
Subdivision request- Shaker Museum Rd.
PUBLIC HEARING

Cynthia Elliot is representing the applicant. However, the president of the Museum, David Stocks and their legal counselor, Greg Mountain are also present tonight. New maps were distributed. Ms. Elliot submitted postal receipts, and percolation results for lot 1 (other lots have existing septic). Although a straight system may be adequate, a note will be added to the map that a fill system may be required. Town setbacks and the area that is buildable were reviewed. The Museum, in light of the requests by the community for 300' setbacks, would be willing to propose a double setback (200') for lot 1 as a restriction on this property. John Hanna asked about using an existing building on Lot 2 for a residence. Ms. Elliot stated that the only possible building that could be used would be the museum. Atty. Rappleyea added that an engineer's plan to convert the museum to a residence would be needed to assure that all present codes are being met. John Hanna said that he feels that housing should be way back on the lots. Ms. Elliot stated that there really is little land that is buildable. John Hanna thought that alternative building sites should be submitted. Atty. Rappleyea reminded the Board that requests from neighbors are not binding on the Board. The museum's president, David Stocks read a statement regarding the property. Subdividing and selling two of the parcels at this time is key to financing the move to Lebanon. The third parcel would be sold after the move was

complete. The museum has looked at the suggestions made by the public, and they are willing to restrict any building closer than 200' from the road on Parcel 1, which protects a large area of the road, but they do not wish to place any further restrictions on the land at this time. The Public Hearing was opened at 8:06 PM.

John Hanna stated that he has been both a trustee and the treasurer of this organization and that he has given a lot of time to the museum. He is also an adjacent landowner, and it is important that the Board looks out for the community. Atty. Mountain wondered if Mr. Hanna was making these comments as a board member or as a community member, and asked if he was recusing himself from this project. Mr. Hanna stated he was not recusing himself.

Tom Clark feels that the original owner would not want this to be happening with the potential for many residences on the property. He wondered where Mr. Stocks has the authority to make decisions on not protecting against future subdivisions and being against preserving Shaker Museum Rd. The building envelope on Lot 1 would allow a guest house. Mr. Clark said that if the museum is not willing to make some changes he will fight the subdivision. Bill Bulick wondered if the outline of the vision for Shaker Museum Rd. was shared with the museum Board. It was. Several residences could be built on these properties. Ms. Elliot stated that Lot 1 doesn't have the road frontage for more than two properties because if a guest house is placed, there must be enough land to subdivide, according to the Town's Code. If Lot 3 has a 300' setback, there would be no land to build on. On Lot 2 there is currently a dwelling unit in the front, and possibly a lot behind the buildings. Mr. Clark feels that building envelopes would satisfy this concern of the possibility of several residences. As far as a guest house on Lot 1, it could be outside the building envelope. Mr. Stocks stated that the museum is willing to come part way on the setbacks, which were agreed upon by the Executive Board. John Hanna would like to know what the entire Board of the Museum thinks about the restrictions which were requested after the map came out. Tom Clark wants the entire Board to see the proposals and would also like to be at the meeting to speak with them. Atty. Rappleyea stated that this would be a policy decision for the Planning Board. They can either leave the Public Hearing open, or if they close it they have 62 days to render a decision which could be done after the Board of the museum meets again. David Stocks said that he stands by the decisions that have been made. Other restrictions could be placed later. He wishes to have this request completed quickly.

Bob Elmendorf stated that the Clarks have made a lot of compromises on behalf of the museum in the past. He feels that the idea of a building envelope is a good one. If this can go back to the Museum board and Tom Clark is able to discuss this with them, a compromise may be reached. John Hanna thinks that the Public Hearing should remain open so that the Planning Board can hear the results of the discussion. He thinks that the museum Board would like to leave the area with a good taste in everyone's mouth since this has been a long relationship. It would be a wise opportunity to allow Tom Clark to speak with the Board. Atty. Mountain stated that it is not the Planning Board's place to keep the Public Hearing open for the meeting of the museum Board.

Nancy Clark reminded the Planning Board that all comments made regarding this subdivision requested a 300' setback. Maria Lull feels that sentimentality has no place here. The Board's task is to provide good planning. We've heard what the neighbors had to say. Our goal is to protect the town. Bill Bulick added that this area is very special. He believes that the buildings on Lot 2 will be removed, and he understands the concern with Lot 3 due to the topography of the lot. All other places on this road are built far back. Atty. Rappleyea reminded the Board that the issue is whether to keep the Public Hearing Open or not. It was noticed in the paper and those who wished to be heard were. The decision doesn't have to be made, and conditions of approval can be discussed. Mr. Bulick thought that there was a good chance that others would come and express an opinion if this is left open, and doesn't understand what the big issue is. Cynthia Elliot stated that this has been noticed both for the Planning Board and for the ZBA. Several adjoining property owners have spoken with her. They have gone through the process. Chairman Schultz reminded the Board that there was a subdivision approved 5 years ago on a large piece of property on CR 32 that had large building envelopes, and none have sold to date. David Stocks added that the museum has had an appraisal done. Subsequently the proposed restrictions were given to the appraiser who said that they would be measurable and significant and would have a negative impact to the seller.

Nancy Clark stated that Lot 1, with 570' of road frontage could have 2 houses if this came back before the Planning Board with two possible driveways. Lot 2 could have 2 houses as could Lot 3. Ms. Elliot responded that the land's topography would prevent that from happening. We are looking at a minor 3-lot subdivision. Tom Clark added that many believe that the value of a property would be enhanced with restrictions, so the museum's appraiser can only be considered one person's opinion.

Maria Lull moved to continue the Public Hearing at the next meeting. Bill Bulick seconded the motion and in a roll call vote it carried unanimously.

Engineer McCreary spoke of storm water criteria and the need for some kind of plan. Ms. Elliot stated that this would be addressed, but she does not feel that it will impact more than 5 acres. She also offered to conduct some site visits for members to come and look at the land. This will be arranged, and dates will be selected for this. Since this is a non-profit organization, the Planning Board decided to waive fees. Mr. McCreary wondered whether a State Historical Preservation officer needed to be contacted given the historic nature of this land. Ms. Elliot will take care of this.

3. Old Chatham Quaker Meeting
Site Plan Review
PUBLIC HEARING

Eric Harris-Braun reported that the ZBA approved the Special Use permit and accepted a negative declaration under SEQRA at its last meeting. He submitted postal receipts and a letter approving the curb cut. There was a request to review the changes made. They included: the disturbance area and method of calculating same; the planting plan; changing the parking lot from circular to rectangular which lowered the square footage; no trees in the hedgerow would be disturbed and pictures of the balloon simulation. John

Hanna stated that coming from the south there would be a good view of the building and he feels that 3' trees are not too tall. He wanted to know how visible the lighting would be. There will be 2 poles set at 20' with a downcast style luminary at a 45 degree angle directed downward. Lights will be blocked by the screening and there will be motion sensors with a specific cut off time of 10 or 11 PM. Mr. Hanna asked how long the construction would be once it was started as this was one of the community concerns. Mr. Braun-Smith said that a building permit has an expiration date. They would try to complete it within that time, and if they couldn't they would apply for the appropriate extension. Their intent is to be in the building as soon as possible. Engineer McCreary stated that the area of disturbance is very close to the 1 acre amount. This will need to be delineated so that the Building Inspector can keep check on this. This will be placed in the Notice of Action. There was a question as to when the building plan would be complete. Mr. Harris-Braun stated that they are working on this. The Public Hearing was opened at 9:18 PM.

Tom Clark stated that 3' trees are not sufficient and that he'd like to see a minimum of 5' to start. 3' will not provide a buffer for 10 years. With the simulation, it is clear that this is quite close to the road and will be substantially visible. He'd like to see the building moved back, even just a few feet. He is also disappointed that there still remains only a sketch of the building, and that there are no building plans or architectural renderings. The entire community will be sharing this building because of what it will look like. Mr. Clark would like the Quakers to consider reaching out and sharing with the neighbors as the plan develops, as he doesn't know what the building will look like. Nancy Clark added that the colors and the kind of siding that will be used are very important and that is unknown. Mr. Harris-Braun stated that the plan is to build exactly what they've shown. Atty. Rappleyea reviewed the town law as to what had to be included for site plan approval. Eric Harris-Braun spoke about the tree choice and that it was selected because of its quick growth and the ease of pruning them so that they fill out. Bill Bulick stated that he didn't feel that we could request a new building to have mature trees. The trees that go in will grow and the area will be well covered. Mr. Harris-Braun stated that the reason the planting is going to go behind the parking lot is because it would be too artificial looking otherwise.

Nancy Clark feels that what will be seen is a long wall with no windows. She thought high-brow windows could go in. She asked about what kind of siding they were going to use. Mr. Harris-Braun replied that it would be wood siding but they didn't know what kind as of yet. Some members indicated a desire to see the plans as this is an important building on an important road. Mr. Harris-Braun stated again that this will be a simple, straight-forward design because that is what the Quaker philosophy is. Nancy Clark feels that the applicant should return to Kate Johns to determine what she had in mind as far as materials. Mr. Bulick wondered if asking the applicant to do this would be detrimental to the project and cause undue stress or delay.

Donna Staron moved that the Planning Board act upon the information that has been submitted. Tony Ooms seconded this motion. A roll call vote was taken: Ooms- Aye
Bulick- Aye

Mackerer- Aye Lull-Aye

Schultz- Aye Hanna- abstain

Staron- Aye The motion carried.

John Hanna moved that the minimum size of the trees in the parking lot area and some additional trees to soften the view from the south be at least 5'. Maria Lull seconded the motion. A roll call vote was taken:

Ooms- Nay Bulick-Nay

Mackerer- abstain Lull- Aye

Hanna-Aye Staron-Nay

Schultz-Nay The motion was defeated.

The Public Hearing was closed at 9:50 PM.

Bill Bulick moved and Tony Ooms seconded that the Planning Board accept the Negative Declaration as passed by the Zoning Board of Appeals. This carried unanimously. Tony Ooms moved that the site plan be accepted with the areas of disturbance shown on the building plans. This was seconded by Donna Staron and carried unanimously. Attorney Rappleyea will prepare this Notice of Action. Mr. Harris-Braun stated that since the trees are coming from members' properties, they would try to get as large trees as they can.

4. John and Susan Wendleboe
Subdivision request- Dorland Rd.
INFORMATIONAL

Susan Wendleboe explained that they are seeking lot-line adjustments on their properties on Dorland Rd. One of the main reasons to do this is because Lot 3 currently is landlocked, and they wish to remedy this. Mrs. Wendleboe is before this Board to ask if this is something that can be done before new maps are prepared. The Board stated that this is a viable request. Mrs. Wendleboe will contact the clerk when they are ready to appear for the information gathering session.

5. Maureen Angerame
Subdivision request- Ford Rd.
INFORMATIONAL

The applicant was before this Board late in 2008, hoping that the ZBA would grant a variance which would allow a 5 acre parcel to be separated from the main parcel in an RL-1 zone. Since that time, Mrs. Angerame decided to proceed with a subdivision that would meet the Town Code, so a 10.33 piece of land is being subdivided out of the property. Septic plans and the percolation test which indicates that a fill system will be needed were submitted. Less than an acre of land will be disturbed. The Board asked that this be placed on the map. The title search and abstract are needed, as well as the

driveway permit. A note on the map regarding the possible need for a fill system also needs to be added to the map. The Public Hearing was set for the next meeting.

6. Old Chatham Country Store
Site Plan Review
INFORMATIONAL

The applicant is currently before the Zoning Board of Appeals for a Special Use permit to operate a restaurant as a neighborhood commercial use. Part of the approval requires a Site Plan Review. However, no changes from the present site plan, which was distributed, are being sought. As far as parking goes, they exceed the state requirement of 1 space for every 3 occupants. They also have the use of two of the spaces next door at the Post Office because they rent the upstairs. They will provide a letter from the owner of that building regarding this. There are no signs. There is a new septic system and drywell. Currently the plan is to operate the restaurant on Friday and Saturday nights to see if it works out. John Hanna moved that the Zoning Board of Appeals should be lead agency for SEQRA for this project. Maria Lull seconded the motion and it carried. The Public Hearing will be held next month.

John Hanna moved and Donna Staron seconded that the meeting be adjourned. The meeting ended at 10:32PM.

submitted.

Jack Schultz, Chairman

Respectfully

Marilyn Cohen, clerk