

**Planning Board Meeting Minutes
Town of Chatham
Columbia County
New York**

A Town of Chatham Planning Board Meeting and a Planning Board Hearing were held on February 9, 2021 at 7:00 PM via meet.google.com/she-wzdd-qxk or by phone US) [+1 515-207-5609](tel:+15152075609) (PIN: 771880846#)

Attendance at that meeting included:

From the Planning Board

Gabriella Sperry
Angus Eaton
Frank Haimbach
Evan Young
Cindy Myers
Jonathon Catlett
Tal Rappleyea (Planning Board Attorney)

From the Public

Joshua Jelly-Shapiro (Applicant Representative)
Marissa Neff (Applicant Representative)
Leona Scarpinato
Larry and Suzanne Van Brunt
Rebecca McBride
Lauri E Farina
Joanne Carroll
Jeff Carroll
Ken Blass (Applicant)
Derrick Gardner (Engineer for Ken Blass)
Damian Carter (Applicant)
Brian Quinn (Applicant Representative)
Vance Pitkin (Town Board)

Call meeting to order

Gabriella Sperry called the meeting to order at 7:00

Establish a quorum

A quorum was present

Review Agenda for Changes

Angus Eaton read the agenda for the benefit of all attendees.

Approval of Minutes: January 12, 2021 meeting

Evan Young moved that the minutes be approved, seconded by Cindy Myers. All members present in favor.
The motion carried.

Communications:

Related to 30 Cotter Road Subdivision by Neff: Letter from Leona Scarpinato, Letter from Larry Van Brundt

Public Hearing:

1. An Application for a Minor Subdivision from Jeanette Neff located at 30 Cotter Rd., Old Chatham, NY, Tax ID#36.-1-48. The hearing, continued from January 12, was reopened at 7:05.

Larry Van Brunt of 43 Albany Turnpike (across from Decker Street) read a letter communicating concerns about flooding in the area, seeking a permanent solution, and expressing concerns about development that may result in increased flooding.

Rebecca McBride also expressed concerns about drainage and flooding issues, as well as concerns about tree cutting and reductions in environmental benefits provided by trees that may take place if the subdivision results in clearing on subdivided parcels.

Angus Eaton read a letter from Leona Scarpinato of 48 Albany Turnpike at the corner of Decker Street as follows:

Concerns:

Storm water discharge. On the form dated September 28, 2020 the applicant checked “no” for question 17. On the same form dated October 8, 2020 question 17 was left blank.

Over the last several years my property has been increasingly flooded from rain and winter melt from the higher elevation on Decker Street.

Run off from the area near the proposed driveway of parcel 2 in the subdivision application, flows into a ditch on the east side of Decker, drains into a culvert that diverts into a ditch along my property, and then into a storm drain on the corner of Decker and Albany Turnpike.

During a storm or during snow melt, the ditches overflow, water runs down Decker Street, and the water from the culvert overflows onto my property depositing a path of debris and road gravel, causing erosion of soil, and uprooting grass across my yard. The soil stays saturated for several days after a flood and requires significant cleanup before I can mow.

I spoke with former Highway Superintendent Joe Rickert several times over the last few years about the situation, but it seems there was nothing to be done to alleviate the problem. Clearing at the higher elevation was contributing to the problem.

The proposed driveway to a building site on Parcel 2 would require significant clearing and removal of large trees. This will cause even more severe flooding on my property and neighbors’ properties.

Traffic. Decker Street has barely room for two vehicles to pass each other due to drainage ditches. Traffic on both Decker Street and Albany Turnpike has increased, and the intersection has limited visibility due to the dip in Albany Turnpike coming from the west. Access to Parcel 2 would increase the level of traffic on Decker Street.

Questions:

Does the Town of Chatham have a plan to direct storm water discharges from Parcel 2 away from properties on Decker Street and Albany Turnpike?

Does the property owner of the proposed driveway have a plan that will prevent storm water discharges onto Decker Street and Albany Turnpike?

The survey of the 72 acre property of Jeanette Neff shows a driveway/road from Cotter Road. Could the subdivision include the end of this driveway into parcel 2, thus alleviating the need for access to the building site from Decker Street?

Angus Eaton also displayed one of the photographs below submitted by Leona Scarpinato.



Jeff Carroll of property kitty corner to Rebecca McBride also shared his observations of drainage/flooding issues.

The hearing was suspended/continued to the next meeting, time unrecorded.

Joshua Jelly-Shapiro stated there are no plans for a driveway or development on parcel 2 at this time, but that if a driveway were to be installed that some trees would need to be cut. He also said that he spoke with the highway superintendent and the superintendent said that all of the criteria for driveways can be met for both parcels.

Leona Scarpinato asked if the parcels would be required to obtain permits prior to cutting trees due to their location within the Northern Long Eared bat bubble.

Angus Eaton read from the DEC website (more included than what was read during the meeting):

3. Tree removal is the primary action that might harm bats that are on your property. Can you cut all trees necessary for your project during the hibernation season when bats are living underground (Nov 1-Mar 31 in most of NY, Dec 1-Feb 28 in Suffolk County)?
 - a. If no, proceed to step 4.
 - b. If yes, stop the self-evaluation. You are unlikely to harm NLEB. Since bats can turn up in almost any forested area DEC still recommends that you leave any [snags and cavity trees](#) (PDF) standing, but this is voluntary.
4. Will the project result in a [change in land use?](#)
 - a. For most development projects, the answer is yes. Contact your [regional DEC Office of Environmental Permits](#) for project-specific guidance. Typical recommendations include:
 - o Leaving uncut all known roost trees, and any trees within 150 feet of a summer occurrence.
 - o Leaving uncut all [snags and cavity trees](#) (PDF) unless their removal is necessary for protection of human life or property.
 - o If bats are observed flying from a tree that has been cut, stop activities immediately and contact your regional DEC office.
 - b. If the answer is no, proceed to step 5.
 - c. If you are not sure whether the project will result in a change in land use contact your regional [DEC Office of Environmental Permits](#).
5. Any tree that poses an imminent threat to life or property may be cut at any time. Aside from those, can you leave all [snags and cavity trees](#) (PDF) uncut?
 - a. If no, contact your [regional DEC Office of Environmental Permits](#) for further guidance.
 - b. If yes, proceed with cutting. If bats are observed flying from a tree that has been cut, stop activities immediately and contact your [regional DEC Office of Environmental Permits](#) for guidance.

Gabriella Sperry proposed that the planning board do a site visit to understand the project better. Angus Eaton, Evan Young, and Cindy Myers volunteered to perform the site visit. Joshua Jelly-Shapiro agreed that such a visit could be on the weekend of February 27.

Old Business:

1. An Application for a Minor Subdivision from Kenneth Blass located at 357 Pitts Rd., Chatham, NY, Tax ID#15.-1-82.

Ken Blass and Derrick Gardner explained the C101 and C102 drawings by Derrick Gardner showing a possible building envelope that allows for construction of a house, well, and absorption trench septic system outside of the wetland buffer.

Evan Young asked which survey plat was requested to be approved. Ken Blass said that the survey plat he was requesting to be approved was the one dated 12/5/2020.

Evan Young stated that, for approval, the plat must include a note that septic system design and construction must be approved by the Columbia County Health Department.

Evan Young also noted that the application indicates that 0.8 acres would be disturbed if construction were to occur as indicated on site.

There were also some questions about the potential building envelopes included on the survey plat. In particular, building in at least one of the potential building envelopes would require wetland permitting and such required permits would have to be noted on the plat.

Angus Eaton moved and Frank Haimbach seconded that the sub-division be classified as minor, that the Planning Board be lead agency and that the project be classified as unlisted for the purposes of SEQR. All members present voted Aye. The motion carried.

Jonathan Catlett stated that no interagency coordination was necessary.

Cindy Myers stated that the project was in conformance with the comprehensive plan.

Angus Eaton moved and Cindy Myers seconded that a public hearing for this proposed subdivision be scheduled for March 9, 2021 contingent upon a revised plat being submitted by close of business on March 3, 2021. All members present voted aye. The motion carried.

Cindy Myers informed the applicant that letters notifying property owners within 500 feet of the project of the public hearing and that a list of those property owners is available from the building department.

New Business:

1. An Application for a Minor Subdivision from Damian Carter located at 71 Howes Rd., Old Chatham, NY, Tax ID#15.-1-48.

Damian Carter explained that this proposal is to subdivide a 22.756 acre site, with one existing home into two parcels. One parcel would be 3.952 acres and include the existing house. The other parcel would be 18.804 acres with no existing structures. He also noted that the parcel had, at one time had a lot line adjustment. He asked if this were a lot line adjustment, would the review be different. Angus Eaton responded that the State Environmental Quality Review Act review would not be required for a lot line adjustment.

Frank Haimbach asked if the 18.8 acre parcel only had frontage on Albany Turnpike. Damian Carter responded that there is road frontage on both Albany Turnpike and Howes Road.

Evan Young noted that the application was missing the State Environmental Quality Review Act Short Environmental Assessment Form (Part 1), Ag Data Statement(s), the Deed, the Pinning Letter, evidence of monuments on the new division line, zoning setbacks, and a note stating that for approval, the plat must include a note that septic system design and construction must be approved by the Columbia County Health Department. Evan Young also noted that, given the length of relatively straight road frontage and lack of steep slopes, that driveway feasibility is reasonable to assume.

Angus Eaton noted that the County GIS mapping tool showed no environmental issues for the site.

Planning Board members determined that a site visit is unnecessary.

Angus Eaton moved and Cindy Myers seconded that this subdivision be classified as minor. All members present voted aye. The motion carried.

Jonathon Catlett determined that interagency consultation is not required.

2. An Application for Minor Subdivision/Lot Line Adjustment from Meta Buttenheim located at 678 County Route 13, Old Chatham, NY, Tax Map ID#s 25.4-1-34 and 25.4-1-35.

Brian Quinn representing the applicant explained that the lot line adjustment is the result of a property dispute in which 0.11 Acres will be transferred to Meta Buttenheim. The additional area will aid in snow removal. Tal Rappleyea confirmed that both property owners must submit letters allowing Brian Quinn to represent them at before the Planning Board.

Evan Young noted items missing from the application and sketch/draft plat as follows: Parcel number, zoning designations, zoning setbacks, pinning letter, inset maps showing geographic location, boundaries of both parcels and abutting property owners. Also, noting that fences up to six feet are excluded from setbacks, so height of the fence must be verified.

Angus Eaton moved and Evan Young seconded that the subdivision be classified as minor.

Adjournment