

**TOWN OF CHATHAM
FEBRUARY 23, 2012**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Kary Jablonka
Adrian Ooms
Robert Leary
Jeff Lick
Mitchell Khosrova, Dep. Chairman
Tal Rappleyea, Atty.
Walt Simonsmeier, ZEO

Members Absent:

David Everett
JP Henkel

Public Present:

Pat Alderdice Stash Wojeski
Antoinette Wojeski

The February 23, 2012, Zoning Board of Appeals meeting was called to order by Deputy Chairman Mitchell Khosrova. The Pledge of Allegiance was recited. The December meeting minutes were approved. Because there was not a quorum of members present from the January meeting, the minutes from that meeting will need to be approved at the next meeting.

**STASH AND ANTOINETTE WOJESKI- REQUEST FOR AN AREA VARIANCE
TO PERMIT A 3-STALL HORSE SHED LOCATED ON SUTHERLAND RD.
THAT DOES NOT MEET SETBACKS**

PUBLIC HEARING

Mr. Wojeski turned in the certified postal receipts. The Public Hearing was opened at 7:04PM. Mr. Wojeski summarized the request. This horse shed is located inside the approved horse fence and is located 42' from the center of the road. The question was posed as to whether the applicant would have applied for a variance had he known he needed one, or whether he would have sited the shed in a different location. He responded that the placement looked "right" where it was placed, but probably he would have put it elsewhere had he known the requirement. The ZBA confirmed that the size of the shed is 42'x24' and that it is 8' high. There were no comments from the public. The Public Hearing was closed at 7:09. The Board had received letters from the neighbors stating that they were OK with the shed where it is. Kary Jablonka noted that it does fit in with the environment. The Planning Board saw no problem with granting this, however expressed concern regarding people undertaking projects without a permit. The Board reviewed the criteria for approving a variance: This will not cause an undesirable change in the neighborhood; another placement could have been used; it is not a substantial request, there will not be an adverse environmental effect, and it was self-created. The Board was reminded of the need to consider precedent. Adrian Ooms stated that this is really a small building. The builder thought that it fell under the protocols for an agricultural building rather than residential, and it doesn't have a foundation. Atty. Rappleyea stated that in weighing the balance of this, the Board also needs to consider the benefit to the applicant against the detriment to the community. Kary Jablonka moved that a 33' variance be granted to the applicant for this horse shed. Bob Leary

seconded the motion and it passed unanimously. The applicant now can apply for the proper permits. The approval fee was collected.

Kary Jablonka moved and Jeff Lick seconded that the meeting be adjourned. The meeting ended at 7:17.

Mitchell Khosrova, Deputy Chairman

Respectfully submitted,

Marilyn Cohen, clerk