

**TOWN OF CHATHAM
JUNE 24, 2010**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Robert Leary
David Everett, Chairman
Jeff Lick
Kary Jablonka
Adrian Ooms (7:05)
Mitchell Khosrova
Walt Simonsmeier, CEO

Members Absent:

JP Henkel

Public Present:

Matthew Griesemer
Peter Linck
Catherine Linck
Thom Lipiczky
Bob Funck

The June 24, 2010, Zoning Board of Appeals meeting was called to order at 7:00PM by Chairman David Everett. The Pledge of Allegiance was recited. Chairman Everett moved that since Attorney Tal Rappleyea was unable to complete the resolution for the Linck appeal, approval of the previous minutes would be tabled until the next meeting. This was seconded by Mitchell Khosrova and carried.

Clerk Marilyn Cohen announced that Donald Tubbs withdrew his application for the variance for his wood boiler. Jeff Lick wondered why he did this. CEO Simonsmeier told him that because he is on a fixed income he wasn't able to afford the survey and other expenses related to this and will disassemble the boiler.

Chairman Everett said that he would like to table the Linck appeal until the next meeting because the resolution was not complete. Jeff Lick requested that since this is the case, he would like to review it before the next meeting. Mr. Everett said that this would occur. Mitchell Khosrova moved and Robert Leary seconded that the Linck appeal be tabled until the next meeting. This carried. Mr. Khosrova suggested that should something like this happen again where the Town is not ready to proceed, the applicants be notified prior to the meeting. Chairman Everett noted that the ZBA only found out at the last minute that the requested resolution would not be ready for the meeting.

BEVERLY HOUSE- REQUEST FOR A VARIANCE WHICH WILL ALLOW FOR AN ADDITION TO BE CONSTRUCTED ON THE RESIDENCE ON BACHUS ROAD WHICH IS UNABLE TO MEET SETBACKS PUBLIC HEARING

The applicant's representative, Thom Lipickzy, distributed the survey of the property that had been requested by the Board. Mr. Lanford, the adjoining property holder had indicated earlier that he has no issues whatsoever with this request. Mr. Lipickzy reviewed the project where the addition can not meet the side setbacks since the house was built before zoning and doesn't meet today's setbacks. No SEQRA determination is needed for this action. David Everett moved, and Robert Leary seconded that an 11'2" variance be approved. This carried unanimously. Approval fees were collected.

PAUL O'LEARY- APPEALING A DECISION MADE BY THE CODE ENFORCEMENT OFFICER AS TO WHETHER CLASS C SHOOTING PRESERVE IS PERMISSIBLE ON HIS PROPERTY ON ROCK CITY ROAD INFORMATIONAL

Cynthia Elliot is representing the applicant. She reviewed the land that is owned by Mr. O'Leary, which totals over 100 acres. There were no deed restrictions placed on any portion of the property when it was purchased. Mr. O'Leary applied to the DEC for a Class C Shooting Preserve License, which was granted. One of the requirements involved posting the property as a Class C Shooting Preserve, which Mr. O'Leary did. His intention is to raise and hunt pheasant on his property. A Class C license allows the applicant to release birds on the property and the season is somewhat longer than the normal season. Mitchell Khosrova requested to see the actual application that Mr. O'Leary submitted. The license that was submitted had expired, but Ms. Elliot explained that Mr. O'Leary is in the process of renewing same. She reiterated that this is not for commercial use, but rather a private entity for personal use. Adrian Ooms wondered if the hunters on the property would require a license, even if they are family or invited guests. Although Ms. Elliot wasn't sure, she assumed a hunting license would be required. There was a question as to where on the property this would be taking place. Ms. Elliot guessed that it would be on Parcel 2. Mr. Everett wondered about frequency and times and intensity of use---how many birds/crates--- which could place this as an accessory use. Ms. Elliot reminded the Board that no structures would be erected. Robert Leary wondered about proximity to other dwellings. Ms. Elliot responded that there is possibly one dwelling about 500' from the property line, but she wasn't sure that any

hunting would take place near there. It was reviewed that if this were to be approved, and if hours and intensity became an issue that it had gotten out of control, the Zoning Enforcement Officer can go in and take appropriate actions. The entire hunting area would have to be fenced. Mr. Leary wondered about having better definitions with restrictions as to how long and often hunting could occur. Chairman Everett noted that the DEC permit requires the applicant to file an annual report and a variety of other information about the shooting preserves to DEC. Ms Elliot will provide the Board with a copy of all this information as well as with a copy of the application. A Public Hearing will be set up for the July meeting.

**JULIE FENSTER- REQUEST FOR A VARIANCE IN ORDER TO PUT
IN A SWIMMING POOL ON HER PROPERTY ON OLD RT. 66
INFORMATIONAL**

Cynthia Elliot is representing the applicant. Ms. Fenster has restored a house on Old. Rt. 66. She wishes to put in a pool accessible to the house; however because of overhead power lines, she will require a 10' variance on the rear line and a 20'11" variance on the side line in order to accommodate the 15'x60' lap pool she wishes to put in. The Board asked about the possibility about placing the pool elsewhere. Part of the rest of the property is wooded and another part is located on a rock ledge, which would prohibit placement there. Chairman Everett requested that the set back dimensions for the pool be placed on the main survey map. The Public Hearing will be set for the July meeting.

The meeting was adjourned at 8:00PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk