

**TOWN OF CHATHAM  
JUNE 23, 2011**

**ZONING BOARD OF APPEALS  
FINAL COPY**

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**Members Present:**

Robert Leary  
Kary Jablonka  
Adrian Ooms (7:08PM)  
Mitchell Khosrova, Dep. Chairman  
Dave Everett, Chairman (7:52PM)  
Jeff Lick

**Members Absent:**

JP Henkel

**Public Present:**

Paul Merwin  
Jason Shaw  
William Wallace  
Rick Newton

The June 23, 2011, Zoning Board of Appeals meeting was called to order at 7:00PM by Deputy Chairman Mitchell Khosrova. The Pledge of Allegiance was recited. Kary Jablonka moved and Bob Leary seconded that the minutes of the previous meeting be accepted. This carried.

**HARVEY AND GABRIELLA SPERRY- REQUEST FOR AN INTERPRETATION**

Chairman Dave Everett recused himself from this project, as Atty. Jason Shaw is representing the applicant, and he works with Chairman Everett. Mr. Shaw indicated that depending on how the interpretation of the Code goes, a Special Use permit will be forthcoming. Mr. Sperry has three large agricultural buildings located on +78 acres on Jefferson Hill Rd. He would like to use these buildings for heated winter storage of RV's, which will be enclosed in these buildings. This is an RL-2 zone, and with a special use permit a travel trailer camp is allowed. This would be far less intrusive, problematic and noisy with fewer traffic problems. A Planned Business Development is also permitted with a special use permit. Since the comprehensive plan has indicated that the town's desire is to protect agriculture areas and this kind of facility would do this, it would be a low impact use that is harmonious with an RL-2 zone.

Deputy Chairman Khosrova stated that putting one business in doesn't really fall into the category of a planned business development. Atty. Shaw said that he hoped the interpretation would be broad enough to include this, since there are no planned business developments in Chatham. Mr. Khosrova spoke about setting a precedent if this is allowed. He also wondered as to whether a storage facility was the same as a camp. He feels that what would happen is the conversion of residential land into a business use. Mr. Shaw said that there is no precedent with a planned business development in the town, and this would fit it very well. Most of the parcel is an agricultural use and it

would continue as such. The only difference is the desire to use the storage buildings for these travel trailers. Adrian Ooms added that he believed that the Shepherd's was considered a Planned Business Development. The question was posed as to how many units would be included in these three units. There would be eight in each on for a total of twenty-four. There was continued discussion from the Board regarding precedent setting. Atty. Shaw suggested that the interpretation could be written with specifics to this case that would prevent this from happening. Kary Jablonka moved that this be set for a Public Hearing for the next meeting. This was seconded by Mitchell Khosrova and carried. The Public Hearing will speak to the two possible uses---that of a travel trailer camp and that of a Planned Business Development. Atty. Shaw was provided with the information needed to contact the adjoining property holders within 500'.

Chairman David Everett entered the meeting and took over the gavel.

#### **EAST CHATHAM FIRE DEPARTMENT- VARIANCE REQUEST**

Bill Wallace and Rick Newton are representing the Fire Company. Postal receipts were turned in. The County Planning Board had sent a letter stating that there was no need for them to consider this, as it does not fall under their jurisdiction. The applicants indicated that the present sign, which is 50 square feet, will remain and another one of the same size will be added, which complies with current regulations.

The Public Hearing was opened at 7:56PM. There were no comments. The Public Hearing was closed at 7:56PM. 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, Mitchell Khosrova moved that there is no significant adverse environmental impact with this project, and should be accepted. This was seconded by Kary Jablonka and carried. Mitchell Khosrova moved that a 10' variance on the front property line be approved and a 2' variance on the side property line be allowed. Kary Jablonka seconded this and it carried unanimously.

**HSINCHIN(ALEX) GINN- VARIANCE REQUEST**

Paul Merwin is representing the applicant. He provided an updated survey to the Board, as well as the required postal receipts. The Public Hearing was opened at 8:00PM. There were no public present, so the Public Hearing was closed at 8:00PM. Chairman Everett stated that this project was exempt from SEQRA. Mitchell Khosrova moved that up to a 34.6' variance in the front be approved and up to a 26.5' variance on the side be allowed. This carried unanimously. The approval fee was paid.

Other Board business was discussed.

The meeting was adjourned at 8:35PM.

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David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk