

**TOWN OF CHATHAM
FEBRUARY 28, 2013**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

David Everett, Chairman
JP Henkel
Bob Leary
Mitchell Khosrova
Adrian Ooms
Walt Simonsmeier, ZEO
Tal Rappleyea, Esq.

Members Absent:

Kary Jablonka
Jeff Lick

Public Present:

Andrea Christensen
John Cacciola
Sally Simmons
David Swak
Arlene Oldrich
Ed Oldrich

The February 28, 2013, Zoning Board of Appeals meeting was called to order at 7:00pm by Chairman David Everett. The Pledge of Allegiance was recited. Chairman Everett tabled the minutes of the January 24, 2013 until all members have had a chance to review them. The clerk will email the minutes to the members.

PUBLIC HEARING-JOHN CACCIOLA/ ANDREA CHRISTENSEN- AREA VARIANCE FOR FRONT AND SIDE YARD SETBACKS FOR AN EXISTING SHED

A Survey map of the property showing an existing 10 x 20ft. shed on property located at 49 Eberle Road was presented to each Board member. The previous owners of this property had erected this shed without a permit unbeknownst to Mr. Cacciola and Ms. Christensen who had purchased this property in 2010. Mr. Cacciola and Ms. Christensen would like to keep the shed on their property and have asked for an area variance of the front and side yard setbacks. Neighbors Ed and Arlene Oldrich sent a letter in approval of the shed. ZEO Walt Simonsmeier stated that the shed, which is under 200 square feet, has a front yard setback of 24.5 feet which should be 50 feet with a 10 foot side yard setback. The shed is currently 7 inches from the property line. Postal receipts were submitted to the Board.

Mitchell Khosrova made a motion to open the Public Hearing at 7:02 pm. No comments were made from the public. Bob Leary made a motion to close the Public Hearing at 7:03 pm, motion carried. Adrian Ooms made a motion to approve the Area Variance as requested with a front yard variance of 25.5ft and a side yard variance of 6.3 ft. Mitchell Khosrova seconded the motion, carried.

PUBLIC HEARING-MARTIN AND KAREN COOPER/SALLY SIMMONS- AREA VARIANCE FOR A LOT SUBDIVISION (LOT-LINE ADJUSTMENT) FOR PROPERTY LOCATED ON DEPOT LANE

Ms. Simmons is seeking an Area Variance for a lot-line adjustment to allow her property line to clear the eaves of the neighbor's shed and to include an easement so the owner's of the property will have easier access. Ms. Simmons stated that there is a change to the deed but there is no change to the language for the easement other than to only use the sliver of land. Postal receipts were presented to the Board. Bob Leary made a motion to open the Public Hearing at 7:08 pm, JP Henkel seconded the motion carried. There were no comments from the public. Mitchell Khosrova made a motion to close the Public Hearing at 7:09 pm, JP Henkel seconded the motion, carried.

Chairman Everett stated that he would approve this application conditionally provided that a signed copy of the filed deed is submitted to the Board showing that the easement has gone in to effect. Attorney Rappleyea commented that it is appropriate to grant the variance based on the survey map. Chairman Everett made a motion to grant the Area Variance as depicted on the submitted survey map prepared by Dan Russell conditioned upon the submission of the filed easement to the ZBA. Bob Leary seconded the motion, carried. Ms. Simmons paid the \$50 approval fee.

HARVEY & GABRIELLA SPERRY- REQUEST FOR SPECIAL USE PERMIT FOR STORAGE OF TRAVEL TRAILER CAMP.

Mr. Sperry presented the Board with an aerial view of the site plan of his property on Jefferson Hill Road. Mr. Sperry stated that his objective was to take his 198x50 foot heated metal clad pole barn and make use of it after it has been empty for the last 5 years. He would like to sell storage space for 40x13 foot travel trailers (RV's) in this barn and he is requesting a Special Use Permit. This property is zoned as an RL1 but is listed as an RL2 on the application. Doors have been previously added to this 12 bay barn where Mr. Sperry had conducted a compost business in the past. There is gravel on top of shale in front of this barn. Mr. Sperry stated that the model for this project came from a chicken farm business in Pennsylvania which has since folded and the building is now used for storage. This barn will be heated by 2 propane MODEEN heaters in the roof of the building. Attorney Rappleyea stated that this is an adaptive re-use of buildings as noted in the Comprehensive Plan. Chairman Everett asked Mr. Sperry if this building would be used for anything other than RV's such as agricultural equipment which would need to be brought before Mr. Simonsmeier. Mr. Sperry commented that possibly in the future they may store other items. Mr. Sperry stated that there will be fire extinguishers in the building and each owner will have their own key and he will have a master key. Attorney Rappleyea explained that the Law that was enacted and filed in 2011 was amended and there is no definition in the Zoning

Code to determine if travel trailers are allowed or not. Mitchell Khosrova would like to have a survey map from Mr. Sperry to identify which building is being considered and it's location on the 78 acre sub-division lot. This project will need to go before the Planning Board for site plan approval and a short form SEQR will need to be filed. A Public Hearing approving a Special Use Permit for a Travel Trailer Camp for Indoor Storage will be held on March 28, 2013.

Mitchell Khosrova made a motion to adjourn the meeting at 7:45 pm, Bob Leary seconded the motion, carried.

David Everett, Chairman

Respectfully Submitted,

Barbara A. Fischer, Clerk