

MEMBERS PRESENT:

David Everett, Chairman
Mitchell Khosrova
Robert Leary
JP Henkel
Adrianus Ooms
Jeffrey Lick
Walt Simonsmeier, Building Inspector

ABSENT:

Kary Jablonka, notified

PUBLIC PRESENT:

Dan Russell, Land Surveyor
Donna and Ed Hunt
Andrew Behrens

Chairman Everett called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited. Mitch Khosrova made a motion to approve the March 27th minutes, Jeff Lick seconded the motion, carried.

Mr. Behrens was not present at the start of the meeting so the application for a lot line adjustment is the first item on the agenda for this evening.

Public Hearing

Area Variance for a proposed lot line adjustment with adjoining lands of William W. Jackson, Jr. and Linda Jackson and Ernesto De La Vega and Scott Tarr for property located at 647 Albany Turnpike, Old Chatham, NY 12136

Dan Russell, a land surveyor from Crawford & Associates and the agent for William W. Jackson, Jr. and Linda Jackson, appeared before the Board. Chairman Everett asked the Board if they had any questions before he opened the Public Hearing and there were none.

Chairman Everett made a motion to open the Public Hearing at 7:02 pm, Mitch Khosrova seconded the motion, carried.

Mr. Russell presented the Board with the receipts proving the he notified the abutters for the Public Hearing. Chairman Everett commented that a letter was received from the Columbia County Planning Department stating that it was not necessary for the Town of Chatham Zoning Board of Appeals to refer this proposed action to the County Planning Board. A list of actions that the Zoning Board would use to refer an application was also listed and is now on file. A letter was sent to the County Planning Board as a precautionary review.

There were no comments from the audience on this application, therefore Chairman Everett made a motion to close the Public Hearing at 7:04 pm, seconded by Mitch Khosrova, motion carried.

Chairman Everett commented that since this is an Area Variance for a single family dwelling, it is a Type II action under SEQR review. The exact amount being asked for an Area Variance by the applicant is 0.2 acres. One lot size would be a little over an acre and the other would be 1.213 acres (One lot is becoming less substandard).

Mitch Khosrova made a motion to approve the Area Variance amounts for these two lots, Bob Leary seconded the motion, carried. A letter will be sent to the Town Planning Board regarding the approval of this application. Mr. Russell also presented a check for \$25 from Crawford & Associates for the variance fee.

The application for an Area Variance for a sign for Carolina Bucci has been withdrawn.

Public Hearing

Area Variance for Andrew Behrens for side, rear and front yard setbacks for the construction of a new garage on property located at 235 De Witt Brown Road, East Chatham, NY 12060

Mr. Behrens presented the receipts for notice being given to his abutters for his property. There were no audience members present for the Public Hearing. The Board began discussion with Mr. Behrens regarding the construction of a new garage at 7:05 pm.

Mr. Behrens stated that his immediate neighbor's house is presently empty. They did not reply to his notice. Chairman Everett stated to Mr. Behrens that the Board had asked for a letter from an engineer or contractor and some feed-back from his neighbors regarding the placement of the garage. He also commented that the Board gave some suggestions regarding placing the garage in other locations since they have to explore all options. Mr. Behrens commented that by placing the garage where he has stated provides for better egress and he can't afford to bring in a lot of fill if he was to place it above the parking area that is located in the map. The property is all on a hill and there are multiple springs. The proposed location is the most level and most suitable. Chairman Everett explained that the Board is required to look at other options.

Mitch Khosrova explained that the Board wanted some proof that the environment of the property didn't provide for any other suitable location for the garage. The Board was looking for the location of the septic and the wet areas of the property as well on the map.

Jeff Lick commented that if a parking area could be placed up the hill then a garage could also be placed there as well. The location of this garage would be directly in front of the neighbors' house. Without hearing from the neighbors' he is hesitant to approve this location. Chairman Everett stated that the Board tries not to grant variances without input from neighbors and because this is directly in the front yard it makes it more difficult to approve without neighbors being heard. He again stated that the Board was looking for an engineer's report.

Mr. Behrens commented that he would not be able to access the back of the property if he put the garage by the parking area. Mitch Khosrova commented that the shed is located near that parking area and he does not understand why the garage couldn't also be located there. Mr. Behrens commented that he wants to have the garage by the road for easier access and if this is not granted he may think about withdrawing the application and not building the garage. He again stated that he did not hear back from the neighbor. JP Henkel stated that he feels it would help to hear what the neighbor's comments would be and he does not want this to create a blind curve. He asked Mr. Behrens if he has tried to make contact with the neighbors other than with the notice. Mr. Behrens stated no. JP commented that he understands how this will be more convenient for him but the Board needs to hear

what the neighbors will think. One can assume that the neighbors don't care if they did not respond to the notice but the Board needs to have some record of their response.

Chairman Everett asked Mr. Behrens whether there were any other structures on the property. Mr. Behrens stated that there is a barn on the edge of the road down further. Bob Leary commented to Mr. Behrens that even though he could build the ^{garage} barn by the parking area, he does not want to build it there. Mr. Behrens stated that he could also attach it to the house but he does not have the finances to do so. He is proposing to pour an Alaskan slab for the garage. Chairman Everett asked the Board members if having comments from the neighbor would sway them? Jeff Lick did not want to leave this on the response of the neighbors. Mitch Khosrova agreed and commented that this is a significant variance but the Board does not consider any monetary costs associated with this. Dave Everett stated that moving the garage to the parking area does eliminate one of the variances but you would still need to deal with the side variance. Jeff Lick commented that it is easier to deal with the side variances and he does not believe that the neighbors would like the garage so close to their property. Mr. Behrens stated that he did not like it when the neighbor placed a shed along the property line and feels that that is not visually pleasing. Mitch Khosrova commented that just because he wants the garage there does not mean that the Board will approve this site, the Board must look at all options.

Chairman Everett read from the Zoning Law regarding the standards for an Area Variance. JP Henkel and Jeff Lick both stated that they would like to have input from the immediate neighbor regarding the location of the garage before they made a decision and they did not want to create a blind curve. Bob Leary commented that he did visit the property and noted that the land is steep. If Mr. Behrens did not have an alternate site, he stated that it would be hard to say that he should place the garage in one spot knowing that there may be a better alternative. Adrian Ooms feels that there is enough room around the barn to see around the road.

Mr. Behrens stated that he did not want to move the garage up higher on the property and contemplated withdrawing his application due to financial reasons. The Board encouraged Mr. Behrens to appear before the Board next month with a letter from the neighbor and an Engineers report. Mr. Behrens agreed to appear at the May meeting.

The Board agreed to hold open the application until the May meeting.

With no further business to discuss, Dave Everett made a motion to adjourn the meeting at 7:40 pm, seconded by JP Henkel, motion carried.

David Everett, Chairman

Respectfully submitted,

Barbara A. Fischer, Clerk