

**TOWN OF CHATHAM  
PUBLIC HEARING MINUTES September 25, 2014**

**ZONING BOARD OF APPEALS  
FINAL COPY**

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Members Present: Chairman David Everett  
JP Henkel  
Robert Leary  
Jeffrey Lick  
Kary Jablonka  
Adrianus Ooms

Absent: Mitchell Khosrova-notified

Public Present: Douglas Waldmann,  
Tim Laurange, William Wallace, Peter  
Newman, Wendy Gash, Mr. Schriejack

Chairman Everett called the meeting to order at 7 PM. The Pledge of Allegiance was recited. Kary Jablonka made a motion to accept the minutes with spelling corrections from August 28, 2014. JP Henkel seconded the motion, motion carried.

***Public Hearing***

***Area Variance for a proposed 12'x30' shed construction on the property of Douglas Waldmann, 4254 Rte. 203, North Chatham, NY 12132***

Douglas Waldmann provided an updated map and photographs of his property to the board. Chairman Everett verified that all required documentation was received. Chairman Everett made a motion to open the public hearing at 7:05 PM. Jeffrey Lick seconded the motion, the motion carried.

Chairman Everett asked if everyone viewed the photos provided by Mr. Waldmann, who then explained the photos. Chairman Everett asked for public comment. Wendy Gash, Mr. Waldmann's next door neighbor expressed concerns with the project. She did say that the applicant had provided all maps to her previously. She had questions about the 25ft setback. The variance means the applicant can construct his shed less than 25 ft. off the lot line. Mrs. Gash explained that her garage, which borders Mr. Waldmann's property, was built in the 1930's and she has a small shed and the properties are close together. She suggested that the applicant put the garage closer to the Arnold property, which is at the rear of his property rather than have it closer to the center. Chairman Everett asked if there was a significant difference or what is there to gain moving it a foot in the other direction. Ms. Gash commented that the proposed placement of the shed would cut into the open space that has been there a long time. She stated that it would be an aesthetic problem, that it is a long building and would be quite visible to everyone. She also said she understood the reasoning for the building, that it will be used for storage and growing plants. Chairman Everett asked if the two parties talked about the issue and they replied they had. Mr. Waldmann explained that Mrs. Gash is concerned about her property value when she does decide to sell it. Mr. Waldmann is willing to aesthetically please her as needed. Chairman Everett then asked Mrs. Gash what is her ultimate problem with this project. She replied that ideally she does not want it however, it is her neighbor and she doesn't want to cause a problem. JP Henkel asked if this is something that is obstructing her view. Mr. Leary asked the applicant if he could build something that he wouldn't have to come to the zoning board for. Chairman Everett then replied

that Mr. Waldmann can do “lots of things, it is his property.” The board suggested moving the shed closer to the other property line and maybe planting some trees. Mr. Henkel asked Mr. Waldmann to explain the original placement of the shed. Mr. Waldmann answered that the land is more level where he currently wants to build it. If he were to position it more to the west, it would fall behind Mrs. Gash’s garage and it would be costly to put it at the back because the land is not level there. He went on to say that there is a twin maple that would shade the space too much being that he wants to use the garage as a greenhouse too. Mrs. Gash explained that she wasn’t all that “tense about this anyway”, but expressed concern again about her property value. After reviewing the map and seeing the trees and other plantings, Mr. Jablonka asked Mrs. Gash how much of the proposed shed she would see. Chairman Everett went on to explain to Mrs. Gash that from a property value perspective, everyone *in a hamlet* lives in close proximity to each other. He said he understood her concern about the property values, but he doesn’t really see that as a concern in the long term, it’s just a storage shed and it is consistent with the other sheds in the neighborhood. Mrs. Gash then asked for the definition of “shed.” Chairman Everett explained that it’s an accessory structure and it’s used for storage. A shed can take different forms and shapes. He stated it could be called a “storage building.” Chairman Everett then asked Mr. Waldmann if he would go back and check with his people and if moving the shed closer to the neighbor’s property would work, tucking it more behind the neighbor’s garage and would that be acceptable. Chairman Everett stated that seemed to him that it would be a good solution that would satisfy all parties. Jeff Lick asked Ms. Gash if moving the shed closer to her property would be acceptable and she said “yes.” Mr. Waldmann then asked the board if he had to re-do the map and when the reply was affirmative he then stated that it would cost him additional money. Mr. Schriejack, the other next door neighbor, was in attendance and was asked to review the map if Mr. Waldmann decided to change it. Chairman Everett explained the site map to Mr. Schriejack. He stated that where the original is proposed Mr. Schriejack won’t see the building. If Mr. Waldmann moves it, he might be able to see it. Chairman Everett explained that he may be able to see it but there are a lot of trees. Mr. Schriejack explained that he has the 37’ parcel that is adjacent to Mr. Waldmann’s property that was purchased from the Arnolds when it became available for sale. He explained he maintains a lawn with fruit trees in this small piece of yard. Mrs. Gash stated that there is a big maple tree and Mr. Waldmann is worried that moving the shed near the trees could be hazardous. Chairman Everett asked if everyone is okay with the project the way it is as originally submitted and he said he appreciated that everyone came to see the project. Mr. Waldmann offered to plant shrubs and trees to help with the view. Mrs. Gash said again that he should keep it away from the big maple tree, which she hadn’t thought about until now. Mr. Laurange, Mr. Waldmann’s contractor, offered some ideas of plantings. Ms. Gash gave her approval for the original placement, “Go ahead and do what you want.” Chairman Everett thanked everyone for coming in and asked if anyone have any other issues with this. There was no response. Chairman Everett stated that this is a lot line Area Variance for a single family home it is a Type II action under SEQR review.

Mr. Henkel made a motion to approve the area variance 14.5’ from south property line and a 13.8’ from the north property line. The motion was seconded by Mr. Leary. Motion for the variance was carried. Shari will need to talk to the Town Clerk for the fee schedule and will let the applicant know what he owes for the application fee.

### ***Public Hearing***

#### ***Area Variance for Kevin Weldon and Peter Newman for rear and side setbacks for demolition and addition to existing house requiring an 18' setback to the left side of building and a 40' setback to the rear located at 218 New Concord Rd., East Chatham, NY, 12060***

Bill Wallace, AIA on behalf of Kevin Weldon & Peter Newman, provided a revised site plan of the project as the board previously asked. Chairman Everett asked if he need DOH approval to move the septic tank and Mr. Wallace responded that he did not. He stated that there is an existing septic tank for the existing building. There is another 200 gallon septic tank that goes to the garage. His clients are asking to have the current *20' setback to the left side for the existing addition reduced to 18' and the current 45' setback reduced to 40' to the rear.*

Chairman Everett stated that everything is on the map that was asked for. There are support letters from the various neighbors stating they know about the project and Shari has them on file. The surveyors are still looking at the existing garage that is on two parcels, the applicant's property and the neighbor's property however this is not an issue for this project. Chairman Everett explained the need and importance of surveys especially in situations like this.

Chairman Everett made a motion at 7:32 PM to open the public hearing. Kary Jablonka seconded the motion. Motioned carried. There were no comments from the audience on this application, therefore Chairman Everett made a motion to close the public hearing at 7:33 PM, seconded by Bob Leary, motion carried.

Chairman Everett commented that this is a setback Area Variance for a single family home; it is a Type II action under SEQR review. Chairman Everett asked for a motion, Kary Jablonka moved to approve the area variance consisting of a 32 ft. and a 10 ft. side lot line variance. Jeff Lick seconded the motion, motion carried. Shari will notify Mr. Wallace regarding the fees owed for the application.

### ***Other Business***

Jeff Lick had two items to discuss. First, Mr. Lick inquired about the definition of a "church" with regard to a note the board members had received from the Walt Simonsmeier, Building Code Officer, about the maintaining of the church located in Chatham Center, next to Rory Block's house. Ms. Block, who lives next door to the church, wants to keep it as a church because she is an ordained minister and wants to have occasional concerts there to help maintain the cost of upkeep. Chairman Everett commented that the board needs to get a better understanding of how the resident wants to use it. Mr. Simonsmeier will need to render his determination first before it goes to the ZBA. The chairman referred to the New Concord church and the Malden Bridge church as community center use approved by the ZBA. Jp Henkel stated that ZBA determined that the New Concord church was a pre-existing structure. Chairman Everett commented that the property is not on the tax rolls. The board was unsure of what that specific area is zoned as. Right now, it is between the owner and the Code officer to determine. There doesn't seem to be a definition of church in the town code.

The second item Jeff Lick wanted to discuss was the proposal for the Life Serve Youth Foundation Tennis Camp on Thomas Road that was received in August. He stated that he is receiving phone calls about the camp and is looking for guidance on how to respond to the public about the project. Chairman Everett stated that it is very difficult and premature at this time to have conversations about this citing that 75% of the material hasn't even been submitted on the project. The response should be that the ZBA is taking a hard look at the project and is waiting for more information from the applicant. Chairman Everett spoke with Henry Swartz, Town Board member, regarding the letters and concerns of the neighbors. He explained all the studies and reports that the ZBA requires. The letter from the neighbors which was submitted by Thomas Road resident John Wapner, of their questions and concerns was forwarded on to the applicant by the chairman.

With no further business to discuss, JP Henkel made a motion to adjourn the meeting at 8:02 PM, motion seconded by Jeff Lick, motion carried.

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David Everett, ZBA Chairman

Respectfully Submitted,  
Shari Franks, ZBA Clerk