

TOWN OF CHATHAM  
ZONING BOARD OF APPEALS

FINAL COPY  
JULY 24, 2008

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**Members Present:**

Adrian Ooms  
JP Henkel  
Suzanne Williams (7:12)  
Mitchell Khosrova, Dep. Chair  
Kary Jablonka  
Robert Leary  
Brent Stack, Atty.

**Members Absent:**

David Everett

**Public Present:**

Don Miller            Deb Miller  
Peter Usyk            Sheila Usyk  
Harold Usyk        Jane Silvernail  
Katherine Moss  
Alanna Almstead  
Kathleen Girardi  
George Girardi  
Betty Jo Hamilton

The July 24, 2008, meeting of the Zoning Board of Appeals was called to order by Deputy Chairman Mitchell Khosrova at 7:00 PM. The Pledge of Allegiance was recited. Since the first applicant had not arrived, Mr. Khosrova changed the order of the agenda.

**MARY HOWARD-REQUEST FOR AN AREA VARIANCE ON HAMILTON POINT TO PERMIT AN ADDITION TO HER HOME THAT CAN'T MEET SIDE SETBACKS. PUBLIC HEARING**

Mrs. Howard reviewed the project for the Board. She is requesting a 5' area variance to allow an entrance porch to the home she is building to replace the original cottage so that two ingresses and egresses can be accomplished in this residence. Since she is on Kinderhook Lake, she assured the Board that necessary DEC permits have already been granted. She brought up that she had been given an area variance a number of years ago, where she requested 12 feet and only used 8 feet. She believes she only needs to be asking for 1 additional foot at this time. She requested that her application be amended to reflect this. She also stated that the footprint of the existing house is 30'x40' since there were two patio areas as part of the house, which might at some point have been used to extend the house. The Public Hearing was opened at 7:23 PM.

Kathy Hamilton Girard, the sister of the applicant, stated that the first variance granted was for the addition of a bathroom and a closet. She requested that the records be

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checked to see if this variance allowed for the expansion of the entire length of the house. She also wondered if there was a cut-off period for the variance. She also explained that this is the 6<sup>th</sup> version of the proposed porch that she has been aware of, and in fact, it has even changed since May. Currently there is only 7 feet between her property and her sister's, leaving a very narrow passageway between the two properties. Her concern is that currently her sister is using her house as a rental property, and not for family use, which is compromising her privacy. Mrs. Hamilton wondered why the property wouldn't be enhanced if she used the south side for the entrance. This plan, which is 3-6' off her property line, does not enhance her privacy. Mary's house to the lakeside property line is 15' and to the other sister's house it is 20', which is where the porch was, which was great. Mrs. Girardi also did not realize that the plan for the porch was to have it outside---it's much more logical to put it where it was. She showed pictures. Her feeling is that there is a viable alternative to placing the porch on the other side where it previously was.

Betty Jo Hamilton is the sister on the north side of the Howard residence. She said that if this was the first time she had requested to enlarge her property, she would not be against it, but it is not. As it is, the new structure has been expanded by 10', and the plan is to have a 3-floor (including the basement) structure, so it is actually twice the size, and she is asking to go even closer to the Girard property. This is a fragile environment with very limited space. The original porch on the south side, which faces Ms. Hamilton's property has the gentlest incline on the property. She also said that the slabs that were put down were not for expansion. The one in the back was for parking and the one in the front was for a patio. She stated that her sister has had the foundation poured for this house without considering how to get into the house, which she should not have done. Ms. Hamilton does not feel that it is fair that another variance should be granted and that the porch needs to be returned to where it was.

Mr. Don Miller lives in the area and he has no problem with what Mary Howard is proposing.

Mr. Khosrova read into the record a letter from Alanna Almstead who stated that she has no problem with this change and that she supports this request. Ms. Almstead was also present at the meeting and added that this is a difficult subject for the family, but she supports Mary in her efforts. She said that everyone knows the need to be careful with the environment in this area, and Mary is doing just that.

Katherine Moss spoke to the fact that she grew up here and still lives here. In regard to the concern regarding privacy, everyone should be treated in the same way. No variances were given for Betty Jo's house.

The Public Hearing was closed at 7:50 PM. It is noted that neighbors spoke to the fact that this addition would add to the look of the neighborhood

Mary Howard stated that originally the entrance would have been put on the other side, but when Betty Jo was building her house, she changed her entrance. Although Mrs. Howard stated she had asked Betty Jo where her entrance would be, she would not divulge that information, so Mrs. Howard went ahead with her plans, which included the opposite side entrance.

Suzanne Williams stated that if the applicant is asking for a 1 foot variance only, she doesn't expect it to be a problem. JP Henkel asked whether Mrs. Howard would revise her plans to fit within the 4' allowance should it be found out to be there, and she said she would consider that. Bob Leary asked about the possibility of using the old entrance. Mrs. Howard stated that it is now too high as the foundation has already been poured. The Board began to review the criteria in granting a variance, and they felt that it was necessary to find out the specifics of the last variance before doing so. In order to do that, the Public Hearing was reopened at 8:03PM. Kary Jablonka moved that the Public Hearing be continued at the next meeting so that the information could be located regarding the last variance, which would determine whether the applicant needs a 1 foot variance or a 5 foot variance. This was seconded by Bob Leary and carried. The Public Hearing will be continued at the August meeting.

**DONALD KADLEC-REQUEST FOR AN AREA VARIANCE TO ALLOW A BARN  
ON PROPERTY ON SILVERNAIL RD. THAT CAN'T MEET SIDE  
SETBACKS. PUBLIC HEARING**

The applicant did not appear at this meeting. Kary Jablonka moved and Bob Leary seconded that the request for an area variance made by Donald Kadlec be denied. This carried unanimously.

Kary Jablonka moved and Bob Leary seconded that the meeting be adjourned. The meeting ended at 8:07PM.

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Mitchell Khosrova, Deputy Chairman

Respectfully submitted,

Marilyn Cohen, clerk