

**TOWN OF CHATHAM
OCTOBER 27, 2011**

**ZONING BOARD OF APPEALS
FINAL COPY**

Members Present:

Robert Leary
Kary Jablonka
Adrian Ooms
Jeff Lick
JP Henkel
David Everett, Chairman

Members Absent:

Mitchell Khosrova

Public Present:

Nicholas Walters
Carl Schools

The October 27, 2011, Zoning Board of Appeals meeting was called to order by David Everett at 7:02PM. The Pledge of Allegiance was recited. Kary Jablonka moved and Jeff Lick seconded that the minutes from the previous meeting be adopted. This carried, with Mr. Everett abstaining since he was not present at the last meeting.

**NICHOLAS WALTERS-REQUEST FOR A USE VARIANCE SO THAT
THE FORMER FIRE HOUSE ON ROUTE 66 IN CHATHAM CENTER
CAN BE USED AS AN ARTIST SUDIO PUBLIC HEARING**

Mr. Walters reviewed his request. Mr. Everett asked specifically about changes to be made on the outside of the building. Mr. Walters responded that he'd like to extend the side/back fencing for privacy, and that he plans on upgrading the existing septic system. The siren on the building will be removed, but the sign on the building itself will remain. There was concern about the clothing bin. Mr. Schools, who is the realtor for this sale, will check on getting rid of it.

The Public Hearing was opened at 7:09PM. There were no comments, and it was closed at 7:09PM.

Mr. Everett cited some concerns which he would like to see as conditions of this approval:

1. The property is to be kept very clean with no outside storage
2. This is to be used exclusively as a studio---no retail sales
3. No other use will be permitted and there is no vehicle storage
4. The clothing bin is to be removed

The question was posed as to the amount of use of this studio to which Mr. Walters responded that he expects to use it a few times a week. The criteria for approving a Use Variance were reviewed:

1. The applicant cannot realize a reasonable return—a home cannot be built on this lot. It has been for sale for a lengthy time and hasn't sold.
2. The alleged hardship relating to this property is unique—this is a very small lot which does not lend it to many uses.

3. Use will not alter the essential character of the neighborhood-
the conditions discussed earlier will be imposed to assure this.
If anything, this will improve the character of the neighborhood.
4. The hardship has not been self-created.

The Board agrees that the criteria for the Use Variance are met.

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, Kary Jablonka moved that there is no significant adverse environmental impact with this project, and should be accepted. JP Henkel seconded the motion and it carried.

JP Henkel moved that a Use Variance for a non-commercial private art studio, with the conditions listed above be granted to Mr. Walters. Bob Leary seconded the motion and it carried.

Because of the upcoming Thanksgiving holiday in November, the next ZBA meeting will be scheduled for Tuesday, November 22.

Kary Jablonka moved and JP Henkel seconded that the meeting be adjourned. The meeting ended at 7:20PM.

David Everett, Chairman

Respectfully submitted,

Marilyn Cohen, clerk