

**VILLAGE OF CHATHAM
ZONING BOARD of APPEALS MEETING
May 30, 2019
4:30 P.M.
MINUTES**

Call to Order at 4:31 p.m.

Present: Chairwoman J. DelRossi; Members B. Quell, M. Washburn, and P. Rotondo, Village Deputy Clerk P. DeLong, Village Attorney Ken Dow, Building Inspector E. Reis, Residents S. Piazza, D. Meyers, M. DeAmorim, N. DeAmorim, RR Town Properties, LLC Representative S. Kipp and his attorney Mitch Khosrova.

- 1. Application # 2018-025: 9 Jones Avenue, Chatham, NY; Stephen Piazza Applicant; Area Variance - Tabled to next meeting on June 20, 2019. Approved by all.**
- 2. Application # 2018-025: 29 Center Street, Chatham, NY; Maria DeAmorim Applicant; Area Variance - Tabled to next meeting on June 20, 2019. Approved by all.**
- 3. Application # 2019-050 : 63-67 Woodbridge Avenue, Chatham, NY; RR Town Properties, LLC Applicant; Area Variance - Tabled to next meeting on June 20, 2019. Approved by all.**

1) Zoning Board Chairwoman J. DelRossi started the meeting by stating that there was a deficiency in the notice and asked K. Dow if it needed to be done again. K. Dow advised that re-notice was the best course of action to take. J. DelRossi stated the board would set a date for another meeting, notice again, table applications and the Public Hearing for another date. In the meantime, she asked that the applicants present their information.

S. Piazza presents his information for a fence. S. Piazza referenced his map and stated he wants to extend a fence from the porch line to the rear end of his property. He goes on to state that the variance of 7' is being requested because the floor of his house looks over 6'. The lot grades up and the bushes are on the neighbor's property. The fence height will not vary with the grade. He considered using bushes to screen but, the deer eat everything. Seasons do not allow for trees. He has explored the option of doing a "green" fence also. The fence would need to be "solid" to screen out the neighbor's property. He is looking at a cedar "good neighbor fence". The posts would be 5 x 5 and have a rounded cap at the top. The fence will be oiled with paraffin and not painted. D. Meyers referenced the map and notes the fence does not come down as far as the flowers. J. DelRossi asked about a survey. S. Piazza states the fence will not be on the line. It will be a foot toward his house. He also stated he has an old survey and pins

on the property. J. Delrossi states that the fence cannot be approved tonight due to the deficiency in the publication.

2) N. DeAmorim and M. DeAmorim approach the board to present their application. J. DelRossi states there is no Public Hearing tonight. N. DeAmorim explains that the fence is to block the view of the trailer park along Route 66. She goes on to explain that the fence is 6' tall. J. DelRossi expresses the area variance is sought because the fence is 6' tall, and because the house has 2 front yards, the fence should be 4' as referenced in the application. N. DeAmorim explains that the fence is 6' in the back. J. DelRossi goes on to say that is fine in the back. M. DeAmorim states she did not know she needed a permit for a fence. J. DelRossi annotates that the applicant will need certification of notification to the neighbors before a public hearing will be held. M. DeAmorim remarks that the mobile home park did not have to notify neighbors of any changes they made. B. Quell clarifies the adjoining neighbors. M. DeAmorim states she feels punished. K. Dow replies that all applicants have to go through this process. B. Quell explains that nothing has been approved or denied at this time for the fence. She goes on to point out the fence has been installed the wrong way. J. DelRossi reiterates that the most pleasant side must face out toward the road. J. DelRossi tells the applicant that the board will reach out with the meeting date and time. M. DeAmorim states she will be out of town in July and August. B. Quell inquires if a fine will be applied because the fence was erected before the permit. N. DeAmorim states the fence acts as a border. J. DelRossi comments that the law states a fence does not have to be a border. That it can go anywhere.

3) S. Kipp and M. Khosrova approach the board to present the area variance application. M. Khosrova discusses with the Zoning Board that the application has been amended. He goes on to explain how he had an old code book and it was not correct. K. Dow references the application and explains it's non-conforming. He states that the lot currently has 3 mobile homes and that the 3 new homes would not be a replacement mobile home. If the mobile homes were removed the lot would now be considered vacant. M. Khosrova states that the new homes would look nicer and it would be rational to stick to the non-conforming use. All discussed that the new homes would be appreciated. K. Dow explains how with the non-conforming use, the structure may only be replaced with another like structure and does not allow for anything but. K. Khosrova states that the applicant only went down this road because he was under the impression that the Village would like to have nicer buildings in that location. K. Dow asks applicant to please present his information. M. Khosrova references the map showing how the new structures are staying close to the lines. Based in description he thought there was no concerns over setbacks on the side. Just the front and back. S. Kipp states that he is under the understanding that all the neighbors are happy with the project. J. DelRossi asks to hold on. She requests proof that the neighbors were notified as she does not have this information. M. Khosrova states this is not a public hearing, only a workshop. S. Kipp explains this was only in talking with his neighbors. J. Delrossi asks applicant to continue. M. Khosrova goes on the explain that the rear variance is 11' 4. B. Quell states there is a desire to have nicer houses in the Village. Looking at the space, she does not know how the buildings will fit. M. Khosrova references the map and describes the dimensions. S. Kipp explains that it is a 4' slab and the porch dimensions can change if need be. He goes on to explain the property was

bought in January. He wants to build single level homes and confirms he can not sell the houses individually and can only rent them. J. DelRossi asks the price point for rent. S. Kipp says he can ask \$1,800 per the realtor. He confirms he would have to ask \$1,600 to cover his costs. He is building since he is a contractor. J. DelRossi points out there is a need for affordable housing in the village and she feels that is a lot of money. S. Kipp explains that does include water and they would only need to heat 900 square feet. J. DelRossi asserts that is still not affordable family housing. K. Dow moves to ask about the side variance. M. Khosrova explains how his computations show that it needs to be 20% of the lot and the set back is not less than 8'. K. Dow defines that in the district it has to be 20', 8' is only for a self-sustaining lot. E. Reis illustrates how this would work due to code 110.43C. J. DelRossi asks Ken to speak on non-conforming use. M. Khosrova states the applicant can move on it if the ZBA approves the application. K. Dow looks to discuss the threshold. M. Khosrova asks them to deem if the application is complete. K. Dow confirms that the application is set for public hearing once the application is complete. Conflicts will need to be worked out. The Zoning Board discusses. J. DelRossi confirms the application is complete. B. Quell inquires about water. S. Kipp confirms the infrastructure is already there. P. Rotondo asks if this plan has been reviewed by the Fire Department. B. Quell states it would be helpful to know how the Fire Department feels about the project. K. Dow points out that they need to know the side variances, not the front and back. S. Kipp reiterates that the porches can be changed if need be and that the neighbors would like to see new homes. He also shares that putting new mobile homes in would be the same cost of the stick builds. K. Dow restates the non-conforming use and concerns of it being perpetuated. M. Khosrova states his client is doing the rational thing. J. DelRossi expresses concern regarding the Zoning Board making a recommendation on this sort of thing. K. Dow says it is subject to interpretation. M. Khosrova states there is conflicting language. K. Dow reiterates there is conflicting principals and not conflicting language. S. Kipp takes notice that there are houses on the same road that are closer to each other than his proposed houses.

Motion to approve that the application is complete. Motion made by P. Rotondo and seconded by B. Quell. Approved by all.

J. DelRossi returns to the subject of the setbacks. She states that she will need to know the legalities. K. Dow refers to article 47. E. Reis states the rational reasons why this project would work, mostly because it is continuing the same use. K. Dow confirms that a residential structure is permitted at the location. That the complication comes with the vested interest. J. DelRossi asks if the plans should go back to the Planning Board. M. Khosrova conveys that going back to the Planning Board would be a waste of time. That he is willing to go back to the Planning Board but, the Planning Board has no say in what the Zoning Board approves. Discussion continues about the plans going back to the Planning Board. It is decided they do not need to. K. Dow confirms the application is complete. The question is if it can move forward legally.

Motion to allow the application to go forward as presented. Motion made by J. DelRossi and not seconded. Approved by all.

J. DelRossi proposes time and date of June 20th at 4:30 for the next Zoning Board meeting.
Approved by all. (Note: this has now been rescheduled to June 20th at 5:00)

ADJOURNMENT: So moved by Chairwoman J. DelRossi and seconded by P. Rotondo at 5:47 p.m.

Respectfully submitted,

Patricia DeLong