

**VILLAGE OF CHATHAM
ZONING BOARD OF APPEALS MEETING
and PUBLIC HEARING**

**DATE: March 18, 2021
TIME: 7:00pm**

MINUTES

CALL TO ORDER: 7:07 PM

PRESENT: Chairmain S. Piazza; Zoning Board members E. Wagner, R. O'Mara-Garcia, P. Rotondo, M. Washburn; Building Inspector/Code Enforcer E. Reis; Attorney for Village K. Dow; Village Clerk D. Kelleher; Applicant A. Gaylord.

Approve Minutes of November 19, 2020 Zoning Board Meeting. *So moved by P. Rotondo; seconded by R. O'Mara-Garcia. Approved by all.*

Approve Minutes of February 18, 2021 Zoning Board Meeting. *So moved by P. Rotondo; seconded by E. Wagner. Approved by all.*

1. Application # 2021-010: Tax Map# 66.9-1-57; 4 Depot Square, Chatham, NY 12037; Area variance for 6'high fence located within front yard setback.

Chairman S. Piazza opens meeting. Reads name of application. Notes discrepancy of 6ft height vs actual request of 8ft height fence. Questions if this is a wall in front yard, or fence. Questions if this is actually a temporary fence or permanent structure.

Attorney K. Dow notes that it is a height variance whether it's 6ft or 8 ft. The permitted height is 4ft. The asked for height is 8ft. Agrees that it does not qualify as temporary. Area variances come down to statute. Balancing test to decide ultimately in making determination, the Board will take into consideration the benefit to applicant if variance is granted, weighed against detriment to health, safety, and welfare to the neighborhood and community by such grant. In short, more good to applicant than harm to public, then it's supposed to be granted. If more harm to community than good to applicant then it's supposed to be denied. The board can also put conditions on it.

Public Hearing: *Motion to open Public Hearing by R. O'Mara-Garcia; seconded by E. Wagner. Approved by all at 7:40pm.*

No comments made by the public.

Motion to close the Public Hearing by S. Piazza; seconded by P. Rotondo. Approved by all at 7:42pm.

Attorney Ken Dow reviewed and read aloud, the SEQR Full Environmental Assessment Form, Part 1 and Part 2. Questions on the form were asked and answered if applicable.

Motion to deny the application by S. Piazza; seconded by R. O'Mara-Garcia.

E. Wagner Vote to deny

P. Rotondo Vote to approve

M. Washburn Vote to approve

R. O'Mara-Garcia Vote to deny

S. Piazza Vote to deny

Motion carried. Application is denied.

ADJOURNMENT: *So moved by M. Washburn; seconded by E. Wagner. Approved by all at 8:40pm.*

Next Meeting: *April 15, 2021 7:00pm*

Respectfully submitted,

Desiree Kelleher
Chatham Village Clerk
(03/23/2021)