

**VILLAGE OF CHATHAM, ZONING BOARD OF APPEALS MEETING**  
**Tracy Memorial Hall, 77 Main Street, Chatham, NY 12037**  
**May 20, 2021, 7:00pm**

**MINUTES**

**Call To Order:** 7:00pm by S. Piazza

*Present: Chairman S. Piazza; Members M. Washburn, E. Wagner, R. O'Mara-Garcia, Building Inspector and Codes Enforcement Officer E. Reis, Village Attorney K. Dow, Village Clerk D. Kelleher, Attorney for Applicant J. Castiglione; Executive Director Shaker Museum L. Schutz.*

*Meeting opened with Chairman S. Piazza reading the name of the application.*

**1. Application # 2021-045: Tax Map#66.10-2-52; 29 Jones Avenue, Chatham, NY 12037; Section 110-68B Use Variance for office/storage not allowed by the Table of Use.**

*Attorney for Applicant J. Castiglione refers to (attached) letter of explanation for details pertaining to his position. Attorney K. Dow gives defines "Use Variance" requesting permission to do what would otherwise not be allowed. The applicant must show that applicable zoning regulations and restrictions have caused unnecessary hardship. Four statutory criteria for evaluation: 1. Applicant cannot realize a reasonable return. 2. Hardship is unique and does not apply to substantial portion of district or neighborhood. 3. The requested variance will not change the character of the neighborhood. 4. The hardship has not been self-created. If non-conforming use ends, then the parcel can then only be used as code dictates, unless a Use Variance is granted.*

*Questions from Board about proposed use. Shaker Museum Executive Director L. Schultz discusses vision of use of space as primarily a library, research rooms, and for storage, and Offices for 3-5 staff members. Generally open 9-5 Monday-Friday. Perhaps an occasional evening book reading. No plans for exterior changes. Minor Interior changes might include divisions for office space, library, research rooms, and storage.*

*Chairman S. Piazza questions traffic, lighting, residential access and use. Suggested making the main lot entrance from Cottage, incorporating residential use and access, and expressed concern about excessive lighting which might adversely affect neighborhood.*

**Public Comments:** None.

*Motion made by R. O'Mara-Garcia to table this application, set a Public Hearing for next month, and send the application to the County Planning Board for referral. Seconded by E. Wagner. Approved by all.*

**Approve Minutes of April 15, 2021 7:00pm:** *So moved by S. Piazza, seconded by M. Washburn. Approved by all.*

**Adjournment:** *Meeting ended 8:03pm.*

Respectfully Submitted,

Desiree Kelleher  
Village Clerk  
(rev.05/24/21)

# Young / Sommer LLC

ATTORNEYS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205

Phone: 518-438-9907 • Fax: 518-438-9914

[www.youngsommer.com](http://www.youngsommer.com)

Joseph F. Castiglione, Esq.  
Writer's Telephone Extension: 226  
[jcastiglione@youngsommer.com](mailto:jcastiglione@youngsommer.com)

May 20, 2021

**Via Electronic Mail**

**(Email: [dkelleher@villageofchatham.com](mailto:dkelleher@villageofchatham.com))**

Mr. Stephen Piazza  
Zoning Board of Appeals Chairman  
Village of Chatham  
Tracy Memorial Village Hall  
77 Main Street  
Chatham, NY 12037

*RE: Shear-Use Variance Application for 29 Jones Avenue, Village of Chatham.*

Dear Mr. Piazza:

I am contacting you on behalf of AG Carpentry Inc./Jack Shear, concerning Mr. Shear's application for a use variance under the Village of Chatham's Zoning Laws, Section 110-68(B), for the property located at 29 Jones Avenue, Village of Chatham, New York ("Site").

On behalf of Mr. Shear/AG Carpentry Inc. ("Applicant"), I submit this letter to supplement the Applicant's Application For Use Or Area Variance dated May 12, 2021 ("Use Variance Application"), requesting a use variance for the Site (Tax Map No. 2021-045). By this correspondence, Mr. Shear is providing the Village of Chatham Zoning Board of Appeals ("ZBA") with information and documentation regarding unnecessary hardship and his lack of reasonable return as demonstrated by competent financial evidence.

As you are aware, the Site has been used as a medical clinic/office building for providing medical services to the community for many years, with the building's exterior and interior being designed for that medical clinic/office use. The use of the Site as a clinic/office building pre-dates the current Village of Chatham Zoning Laws and is a non-confirming existing use in the otherwise Residential Zoning District.

As reflected in the records on file with the Columbia County Clerk's Office, Mr. Shear, through his company Jones Avenue Chatham LLC, acquired the Site in April 2015. Mr. Shear paid \$350,000 for the Site. Appended to this letter is a copy of online records from the Columbia County Clerk's Office reflecting the acquisition and transfer tax paid for the Site in 2015, and the \$350,000 purchase price. Mr. Shear subsequently invested approximately \$150,000 in upgrading

the building and maintaining the medical/administrative use at the Site. The Applicant will supplement its submission to document the investment by Mr. Shear over time as to maintenance and upgrades.

As reflected in the Town's 2020 Final Assessment Roll, and 2021 Tentative Assessment Roll, the Site is identified as a "Prof. Bldg." and has a taxable value of \$410,200. Copies of the 2020/2021 Assessment Information were obtained online and are appended to this letter. Also appended to this letter is a copy of documents printed from the website [www.zillow.com](http://www.zillow.com), showing pictures of the building and Site as they exist today, reflective of the commercial/medical office use, including the building's exterior design and the large parking lots on either side of the building. For all intents and purposes, the Site can only be used in its current design and layout for a commercial/professional use, either being the same as or similar to the long existing medical clinic and administrative offices use.

Over the last year or so, without any notice to Mr. Shear, the doctors that had been leasing and using the Site for medical practice/administrative offices (since before Mr. Shear acquired the Site) stopped conducting operations at the Site. Over time, the doctors working at the Site were working under the umbrella of St. Peter's Hospital. Mr. Shear's understanding is that the doctors went to a larger facility as part of efforts by St. Peter's to consolidate its medical services in to larger, more centrally located medical offices.

As is clear throughout the area, medical services/providers are operating under the umbrella of larger medical operations such as St. Peter's Hospital, Albany Medical Center, Ellis Hospital, etc. The era of local doctors' offices or a solo medical practitioner in a small community (or a couple of doctors) is long gone, as most doctors are consolidating offices within larger medical providers' operations at more central, larger locations.

At this time, the Applicant is seeking a use variance under the Village Zoning Law Section 110-68(B), to use the Site for administrative offices for the Shaker Museum located in the Village, including for related incidental storage (storage of papers and other minor items). That proposed use is more inline and consistent with the current design and utility of the Site and building. The Applicant is seeking a variance to allow for that modified use as the Applicant would otherwise not be able to realize any reasonable return on his investment in the Site if the Applicant is required to convert the Site to a residential use under the existing zoning.

As will be documented by the Applicant, the Applicant has discussed good faith estimates for the cost of converting the Site from its current medical clinic/administrative office use in to a residence. The approximate cost for doing that would be about \$250,000. If the Applicant is required to undertake the necessary work at a cost of approximately \$250,000 to convert the Site and the building's existing design and layout into an appropriate residential design and layout, the Applicant would not realize a reasonable rate of return on his investment.

As explained above and will be documented with supplemental information, the Applicant purchased the Site for \$350,000 and invested approximately \$150,000 in upgrades and maintenance to continue to use the Site for clinical/administrative offices. If the Applicant is required to invest another approximately \$250,000 to convert the Site into a more appropriate residential design, the Applicant will have invested approximately \$750,000 in the Site.

Residential properties in the area however have sold for and are otherwise valued at significantly less than \$750,000.

For example, appended to this letter is a copy of a print out from the MLS listing service for a home located at 23 Jones Ave. The listing indicates that the home was listed for sale in 2017 but the listing expired in 2018, with the home being pulled off the market in July 2017. The home at 23 June Ave, which was identified as having 2 baths, 1900 square feet with 7 rooms total, was listed for \$249,000. Another MLS listing for a home located at 30 Center Street is also appended to this letter. The listing for 30 Center Street indicates the list was created in April 2020 with an off-market date in May 2020 based upon a sale in June 2020. The home on the property was identified as being built in 2007, having 7 rooms with 1.1 total baths, with a sales price of \$312,000.

Also appended to this letter is a copy of a printout from the website [www.zillow.com](http://www.zillow.com) reflecting purported home values in the area of the Site. According to Zillow, the printout shows that the average valuations for homes in the area of the Site are about \$250,000 each.

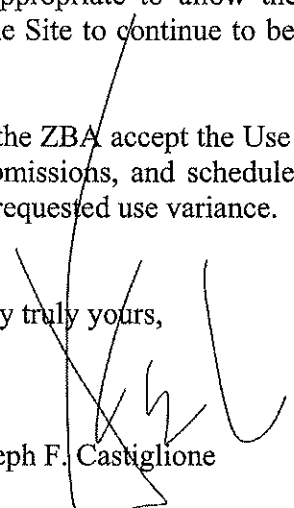
Based upon the foregoing, if the Applicant invests a total of \$750,000 in the Site, including for converting the building and Site in to a house for residential use, the Applicant would likely only be able to sell the converted residence for approximately \$250,000 to \$350,000, at the very high end. The Applicant would therefore suffer a loss of \$500,000 to \$400,000 on his investment in the Site. As such, without the use variance to allow the Applicant to use the Site for a similar use as administrative offices and minor related storage for the Shaker Museum, the Applicant will not be able to realize a reasonable rate of return under the use variance standard at Section 110-68(B).

When he purchased the site, Mr. Shear believed that the doctors were going to continue using the Site, as reflected by his approximate \$150,000 investment in upgrades and maintenance work after acquiring the Site in 2015. Unfortunately, due to COVID-19 and the general business practices of doctors and medical providers substantially changing in recent years, trying to continue to use the Site for an individual or small local medical practice is not viable. As such, the requested use variance is necessary and appropriate to allow the Applicant to realize a reasonable rate of return and otherwise allow the Site to continue to be utilized as a productive component of the community.

The Applicant respectfully requests that the ZBA accept the Use Variance Application as complete, with the additional contemplated submissions, and schedule the matter for a public hearing and move forward towards granting the requested use variance.

Thank you for your consideration.

Very truly yours,

  
Joseph F. Castiglione

Enclosures

cc: Mr. Jack Shear  
Ken Dow, Esq.

Purchased for \$350,000 in 2015



COLUMBIA COUNTY - STATE OF NEW YORK  
HOLLIS C. TURNER, COUNTY CLERK  
800 Warren Street, Hudson, New York 12534

COUNTY CLERK'S RECORDING PAGE  
\*\*\*THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH\*\*



BOOK/PAGE: 804 / 435  
INSTRUMENT #: 20150003721

Receipt#: 387710  
Date Rec'd: 06/22/2015 11:08:30 AM  
Doc Grp: D DEED (NON RES)  
Num Pgs: 6  
Rec'd From: GUTERMAN, SHALLO & ALFORD, PLLC

PARTY1: CHATHAM MEDICAL BUILDING REAL ESTATE PARTNERSHIP  
PARTY2: JAMES AVENUE CHATHAM LLC  
Form: CHATHAM  
68-10-2-52.

Sub Total: 330.00  
Transfer Tax - State 1400.00  
Transfer Tax - Columbia C 700.00  
Sub Total: 2100.00

Transfer Tax - State 1400.00  
Transfer Tax - Columbia C 700.00  
Total: 2100.00

Requester: [Redacted]  
Return To:

NILSON R ALFORD JR,  
GUTERMAN SHALLO & ALFORD PLLC  
27 NORTH SEVENTH STREET  
HUDSON NY 12534

WARNING\*\*\*  
\*\* Information may change during the verification process and may not be reflected on this page.  
Holly C. Turner  
Hollis C. Turner  
Columbia County Clerk

Unofficial Copy

**2020 Final Assessment Roll**

\*\*\*\*\* 66.10-2-52 \*\*\*\*\*  
 29 Jones Ave  
 465 Prof. bldg. 410,200  
 Chatham 103801 VILLAGE TAXABLE VALUE  
 ACRES 3.80 59,300 COUNTY TAXABLE VALUE  
 EAST-0738376 NRTH-1286782 410,200 TOWN TAXABLE VALUE  
 DEED BOOK 804 PG-435 SCHOOL TAXABLE VALUE  
 FULL MARKET VALUE 554,324

**2021 Tentative Assessment Roll**

\*\*\*\*\* 66.10-2-52 \*\*\*\*\*  
 29 Jones Ave  
 465 Prof. bldg. 410,200  
 Chatham 103801 VILLAGE TAXABLE VALUE  
 ACRES 3.80 59,300 COUNTY TAXABLE VALUE  
 EAST-0738376 NRTH-1286782 410,200 TOWN TAXABLE VALUE  
 DEED BOOK 804 PG-435 SCHOOL TAXABLE VALUE  
 FULL MARKET VALUE 590,216



--bd 3 ba 5,367 sqft  
29 Jones Ave, Chatham, NY 12037

Off market Zestimate: **\$215,862**

Est. refi payment: \$1,168/mo [Refinance your loan](#)

[Edit](#) [Save](#) [Share](#)

Home value [Owner tools](#) [Home details](#) [Neighborhood details](#) [Similar homes](#)



### Watch your Zestimate

Do you own this home? Track trends that impact its value and receive local market insights for homeowners only.

[Get homeowner insights](#)

## Home value

Zestimate  
**\$215,862**

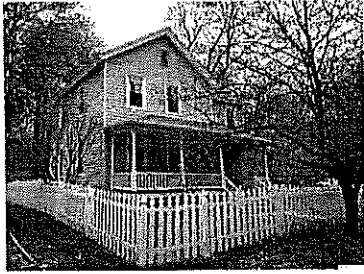


ZESTIMATE RANGE  
\$171,000 - \$257,000



LAST 30 DAY CHANGE  
+\$18,577 (+9.4%)

1F-Single Family-Full Agent Report



MLS # 201709122 Original Price \$249,000  
 Status Expired Sold Price  
 List Price \$249,000 Price/SQFT \$131.05



[Schedule a Showing](#)

Address 23 JONES AV NY  
 City/Town/Village (Tax) Chatham 12037  
 City/Town (Mail) Chatham  
 County Columbia  
 Locale/Subdivision  
 Sub Area Chatham, Town (503)  
 APN 102601 0-0-0

AllStrName  
 BOW  
 SchI Dist Chatham  
 ProjHS  
 ProjElem  
 HOA No  
 HOA Fee  
 HOA Freq  
 Deed Rest  
 Asm Mort  
 Asm Rate  
 Asm Bal

YrBlt 1936 Ttl Rooms (No 7 Ttl Fin SQFT Acres 0.350  
 NC No Baths) Abv SQFT 1900 Act Lot Size  
 Model Total Beds 0 AGSF Source RoadFrnt  
 Master Bth Full Ttl Baths 2.0 Blw SQFT Survey  
 Family Rm Yes Garage Spaces 0 Fuel Cost Tax ID Sec 0  
 Hndc Acc No #Off St Tax ID Blk 0  
 Zoning Ttl Fireplaces Tax ID Lot 0

Room Type	Level	Size (LxW)	Room Type	Level	Size (LxW)	Room Type	Level	Size (LxW)	Room Type	Level	Size(LxW)

STYLE Victorian  
 BASEMENT Full  
 EXTERIOR Vinyl

DINING ROOM TYPE None

HEAT SYSTEM Hot Water  
 SEWER Community  
 WATER Community

Directions Spring street to Austerlitz, right on Jones Avenue, #23 on the left

Agent to Agent Remarks Agent is related to seller

Public Remarks Lovely bright Village home on a quiet street. Deck overlooking big back yard. Porch with apple trees lining the fence. Tennis courts and a nature preserve with walking trails in the woods just across the road. The house is only a short walk into the charming village of Chatham.

Listing Date 5/3/2017	Owner Name	BuyAg 2.5	Gen Taxes \$1,164	NYS Asmnt	DOM 64
Exp Date 5/3/2018	Seller Contribution	BkrAg 2.5	Sch Taxes \$2,500	FIPS 36021	Assoc Doc 0
Contract Date	Ls Opt Dt	SubAg 0	Vlg Taxes	Swis Code 102601	Possession At Closing
Closing Date	Option Per	SplCom	Total Tax \$3,664	IDX Incl Y	Depository Bank
Off Market Date 7/6/2017	Opt Price	SplComDs	Spc Assess	Internet A	How Sold

Showing Instructions:

Special Mkt Cond: Exclusive Agency Listing

Concessions Amount:

Concession Comments:

How Sold:

Members Call  
 To Show : Showingtime  
 800-746-9464

LO: Hunt Real Estate ERA - Office: 518-380-3718  
 LA: Deborah A Varcoe - 518-366-9600 ext. 9600  
 deborah.varcoe@huntrealestate.com

32E SO:  
 3923 SA:  
 SA2:

LA2:  
 LT:

Agent Hit Count 50

Client Hit Count 8

MLS #201709122

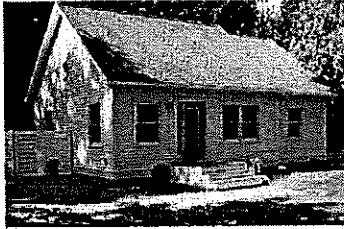
The information in this listing was gathered from third party sources including the seller and public records. GMLS and its subscribers disclaim any and all representations or warranties as to the accuracy of this information. © 2020 Global Multiple Listing Service, Inc.

05/19/2021 11:19 AM



Single Family-Full Buyer Report

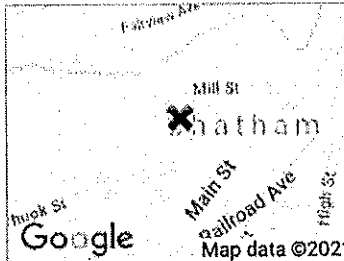
Report Provided By: Elizabeth H Heller - Home: 518-470-4987 ext. 0  
 elzhrice@yahoo.com  
 Red Door Realty NY Inc



MLS # 202016646 List Price \$324,900 Price/SQFT \$312.00  
 Status Closed (Final) Original Price \$324,900 Sold Price \$312,000

30 CENTER ST NY  
 City/Town/Village (Tax) Chatham Village  
 City/Town (Mail) Chatham 12037  
 County Columbia  
 Locale/Subdivision Chatham

APN 102601 66.5-1-35 Ttl Rooms (No Baths) 7  
 Year Built 2007 Total Beds 3  
 NC No Ttl Baths 1.1  
 Model 2019 redo Garage Spaces 0  
 Ttl Fin SQFT 1,000 #Off St 4  
 ABy SQFT 1000 Ttl Fireplaces 1  
 AGSF Source Esti Ttl Woodstoves  
 Blw SQFT Acres 0.230  
 Fuel Cost Lot Size .23  
 Master Bth None RoadFrnt  
 Family Rm No Zoning residential  
 Hndc Acc No Tax ID Sec 66.5  
 Tax ID Blk 1  
 Tax ID Lot 35



Room Type	Level	Size (LxW)	Room Type	Level	Size (LxW)	Room Type	Level	Size (LxW)	Room Type	Level	Size (LxW)
Kitchen	1		Bedroom	2							
Living	1		Bath-Half	2							
Dining	1										
Bedroom	1										
Bedroom	1										

**Directions** Main St Chatham to the traffic circle, head out on Center St (aka Rt. 66) house on left  
**Public Remarks** Your very own pied-a-terre in the heart of Chatham Village is ready for immediate occupancy and the perfect escape from the hustle and bustle of city life. Breath deep the crisp clean air as you sit on your private deck made from Cumaru wood. This easy keeper is the perfect sized abode to spend your time working from home, use it as a weekend retreat, or even a short term rental. Thoughtfully laid out this home packs a big punch on having all the bells and whistles one would expect from a newly constructed work of art. 3 bedrooms, 1.5 baths, central A/C, radiant heat bath, Corian countertops, and a hard-lined propane fire pit in the back yard are just some of the many upgrades that await its new owner. 2.25 hrs NYC, 30 min Albany, close to Hawthorn Valley School, Hudson, Amtrak and Skiing.

**STYLE** 1.5 Story, Cape Cod  
**ROOF** Asphalt Shingle  
**BASEMENT** Full, Crawl Space, Interior Entry  
**EXTERIOR** Vinyl  
**GARAGE DESCRIPTION** None  
**KITCHEN** Island, Modern, Gourmet Kitchen  
**DINING ROOM TYPE** Combined DR/LR  
**LAUNDRY** Closet, 1st Floor  
**MASTER BEDROOM** First Floor  
**COOLING TYPE** Central Air  
**HEAT SYSTEM** Hot Air  
**HEAT FUEL** Liquid Propane  
**WATER HEATER** Electric  
**SEWER** Public  
**WATER** Public  
**AMENITIES** Built-In Cabinets  
**APPLIANCES** Refrigerator, Dishwasher, Microwave, Washer & Dryer, Stove-Gas  
**FLOORING** Ceramic Tile, Wood Floor  
**INTERIOR FEATURES** Paddle Fan, Gran/Solid Surf Counters, Ceiling-Cathedral, Ceramic Tile Bath, Dry Wall  
**EXTERIOR FEATURES** Deck, Drive-Stone  
**LOT DESCRIPTION** Level, Landscaped

**Concession Comments**  
**SPECIAL MARKET CONDITIONS** No Special Conditions  
**OFFERING TERMS** Possession-At Closing  
**CONDITION** Superior  
 Gen Taxes  
 Sch Taxes  
 Vlg Taxes  
 Total Tax \$3,856 A  
 Spc Assess

Listing Date 4/26/2020 Closing Date 6/16/2020 DOM 17 Ls Opt Dt  
 Contract Date 5/13/2020 Off Market Date 5/13/2020 Assoc Doc 1 Option Per  
 Possession Opt Price  
 NYS Asmnt  
 Seller Contribution No

MLS #202016646 The information in this listing was gathered from third party sources including the seller and public records. GMLS and its subscribers disclaim any and all representations or warranties as to the accuracy of this information. © 2020 Global Multiple Listing Service, Inc. 05/19/2021 11:57 AM

