VILLAGE OF CHATHAM

**ZONING BOARD OF APPEALS MEETING, and PUBLIC HEARING**

Tracy Memorial Hall

77 Main Street, Chatham, NY 12037

**January 20, 2022**

**7:00pm**

**Minutes**

**Call To Order: 7:01 pm**

**Present:**  *Chairman* *S. Piazza; Members M. Washburn, R. O’Mara-Garcia; Village Attorney K. Dow; Village Clerk D. Kelleher; Village Deputy Clerk S. Davis; Building and Codes Officer E. Reis*

**Not Present:** *Applicant M. McGuire*

**Public Hearing Opened:**Public Hearing opened forApplication #2021-122; Tax Map #66.9-2-33/34; **16 Maiden Lane**, Chatham, NY 12037; Section 110-26B, Variance for 8’ fence, and more than 35% open surface in the front yard. (See “110 Attachment 3” attached with application).

S. Piazza noted for the record that neither the applicant M. McGuire, nor any Village residents, were present, and that Building and Codes Officer E. Reis and Village Attorney K. Dow were present.

**Public Hearing Closed:** *Motion to close public Hearing at 7:12 pm by S. Piazza, seconded by M. Washburn. All approved.*

1. Application #2021-122; Tax Map #66.9-2-33/34; **16 Maiden Lane**, Chatham, NY 12037; Section 110-26B, Variance for 8’ fence, and more than 35% open surface in the front yard. (See “110 Attachment 3” attached with application).

S. Piazza read a recommendation from the Village of Chatham Planning Board to deny Application #2021-122; Tax Map #66.9-2-33/34; 16 Maiden Lane, Chatham, NY 12037; Section 110-26B, Variance for 8’ fence, and more than 35% open surface in the front yard.

*Motion by Planning Board member F. Iaconetti: Recommendation for denial based on the following: screening can be achieved by fence of permitted height and plantings; 8 foot fence is undesirable change in the neighborhood character and to the nearby properties; increase in height is a substantial increase to that which is permitted; it needs to be made clear the proposed 8 feet high fence might not be on the applicant’s property. Seconded by Planning Board member B. Gaylord. Roll call, all Planning Board members in favor.*

S. Piazza commented that the issue with the property line referred to in the Planning Board request was somewhat cleared up by Building and Codes Officer E. Reis – the definition of the property line was based off of a tax map and not a survey.

S. Piazza called for discussion from the board.

Attorney K. Dow noted that there are 5 statutory factors to be used in determining the approval or denial of an area variance.

M. Washburn agreed with the Planning Board and noted that fencing must be neat and well cared for and that applicant’s fence does not meet that standard.

S. Piazza noted that the applicant’s fence was not a conventional fence and agreed with the Planning Board. He also noted that the fence was on a front yard which only allows for a 4 foot fence. Building and Codes Officer E. Reis added that the property has 2 front yards since it is a corner lot.

R. O’Mara-Garcia agreed with Planning Board.

Attorney K. Dow read aloud the 5 statutory factors to be used in determining the approval or denial of an area variance.

In response to the first statutory factor, R. O’Mara-Garcia stated that an 8 foot high fence in a residential neighborhood is more like a wall and is a detriment and unsightly.

In response to the secondary statutory factor, S. Piazza agreed with Planning Board that a 4 foot fence and natural planting could be used.

In response to the third statutory factor, S. Piazza stated that a 4 foot fence is allowed an additional 4 feet is substantial.

In response to the fourth statutory factor, no environmental impact was noted.

In response to the fifth statutory factor, S. Piazza stated that the alleged difficulty was self-created.

Motion to deny request by R. O’Mara-Garcia, seconded by M. Washburn, all in favor. Motion denied.

S. Piazza noted for the record that the notice to abutters went out two days late.

Attorney K. Dow stated that he will draft a Memorandum of Decision regarding Application #2021-122; Tax Map #66.9-2-33/34; 16 Maiden Lane. The MOD, dated January 20, 2022 is attached.

**Other Public Comments:** none

**Approve Minutes**: *October 21, 2021 so moved by S. Piazza, seconded by M. Washburn. All approved.*

**Approve Minutes**: *December 16, 2021* *so moved by S. Piazza, seconded by M. Washburn. All approved.*

(Note: The Zoning Board of Appeals did not meet in November)

**Adjournment:** *Meeting adjourned by S. Piazza at 7:30 pm.*

**Next ZBA meeting:** February 17, 2022; 7:00pm

**Respectfully submitted,**

**Sam Davis**

**Village Deputy Clerk**