**Town of Charlton**

**Zoning Board of Appeals**

**Business Meeting Minutes**

**April 11, 2023**

Minutes of the Zoning Board of Appeals meeting held on April 11, 2023.

Acting Chairman Rick Potts called the meeting to order at 7:00 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Roll Call attendance was taken.

Present: Rick Potts, Acting Chairman, Dave Taplin, Nate Keenan, Jim Craig, Esq., Town Attorney and Kim Caron, Recording Secretary.

Acting Chairman Potts led the Pledge of Allegiance.

Acting Chairman Potts introduced the Board.

**Business Meeting**

**Minutes**

Acting Chairman Potts stated that the meeting minutes from the September 13, 2022 meeting need to be approved. Board member Taplin made the motion to approve the September 13, 2022 minutes. Board member Keenan seconded the motion. All were in favor.

**Carrie Shea – Special Exception Use Permit**

Carrie Shea appeared before the Board.

Mrs. Shea stated that she is applying for a special exception use permit to operate a small antiques and home goods store in an existing room in her home located at 2022 Maple Avenue. Mrs. Shea stated that her house is the first house on Maple past the Historical Society Museum. Mrs. Shea stated that her home was built in 1791 and has a lot of history and original characteristics.

Board member Taplin inquired if products were going to be made on site.

Mrs. Shea stated no, that she would be showcasing local products to sell like honey and maple syrup.

Acting Chairman Potts inquired if there would be any food preparation done at the house.

Mrs. Shea stated no.

Acting Chairman Potts asked Mrs. Shea to explain to room she plans to use.

Mrs. Shea stated that her home is divided into three sections. Mrs. Shea stated that there is a door closest to the road that is the existing entrance. Mrs. Shea stated that there are two driveways on the property, the front driveway will be used for the store and the back driveway is for their private use and entry to the back of the house.

Acting Chairman Potts asked Mrs. Shea to show the front of the house on the map provided.

Mrs. Shea showed the front of the house. Mrs. Shea also showed the driveway locations, the parking area for the store, the entranceway that will be used for the store and the entryway they use to enter the house.

Board member Taplin inquired if the room for the store was secluded from the rest of the house.

Mrs. Shea provided pictures to show the board the location of the room and the entranceway. Mrs. Shea stated that the rest of the house can be closed off from the location of the store.

The board discussed the parking area being sufficient for parking and has a large hedgerow going all the way down to the second driveway providing seclusion for the parking lot.

Mrs. Shea showed the board pictures of a mural that was painted in the hallway of the house where the existing room for the store will be.

Mrs. Shea stated that the proposed parking lot can hold as many as 6 cars. Mrs. Shea stated that they do not utilize that area now as they use the second driveway and enter in the back of the house.

Attorney Craig stated that for screening purposes, the requirement is 5-foot-high fence or evergreens 6 foot on center. Attorney Craig inquired if the screening already in place meets those criteria.

Mrs. Shea stated that there are some maple trees along the line where the driveway entrance is and screening all the way down the house but does not believe that it is all over 5 feet.

Attorney Craig stated that as long as there is sufficient screening there, there may not have to be anything added. Attorney Craig inquired if the neighbors were aware of her plans.

Mrs. Shea stated that she is very friendly with her neighbors and will let them know about her plans.

Acting Chairman Potts stated that the SEP is what was applied for, but believes that a variance for the side yard setback of 40 feet will also be required as it is only 38 feet.

Mrs. Shea stated that when she spoke to the building inspector, she was told that it is a pre-existing non-conforming condition.

Attorney Craig stated that the application has to meet the requirements for a retail store. Attorney Craig stated that the application needs to be amended to include the variance request.

Board member Keenan inquired about signs.

Mrs. Shea stated that she would like to put up a sign and it will conform to the zoning requirements.

Attorney Craig inquired if there would be a handicapped accessible entrance or a bathroom for patrons.

Mrs. Shea stated that they have an entrance with no stairs for wheelchair access. Mrs. Shea stated that there will not be a bathroom.

Acting Chairman Potts stated that if there happens to be an overflow of items to sell, that the permit only grants that to the existing room in the home. Acting Chairman Potts stated that any deviation from that would require the applicant to come back before the board.

Mrs. Shea stated that she has storage available in her garage. Mrs. Shea stated that there is a second floor that can be used for storage.

Acting Chairman Potts inquired if approved, how soon she would open.

Mrs. Shea stated that she would like to open for Founders Day weekend.

Attorney Craig inquired if there would also be online sales and a virtual shop.

Mrs. Shea stated not at this time. Mrs. Shea stated that she would like to do that but does not have the inventory at this time.

Mrs. Caron gave the file copy of the application to the applicant for revisions.

Board member Keenan made the motion to declare the ZBA as lead agency for the purposes of SQERA. Board member Taplin seconded the motion. All were in favor.

Board member Taplin made the motion to schedule the public hearing for May 9, 2023 at 7:00 p.m. Board member Keenan seconded the motion. All were in favor.

Mrs. Caron will refer the application to the Saratoga County Planning Board, the ECC and the Charlton Planning Board.

**New Business**

Mrs. Caron stated that the she has received an application from Dave Bogardus of Northeast Land Survey and Land Development Consultants, P.C., for property owned by the Kondrats on Route 67. Mrs. Caron stated that they are looking to adjust boundary lines between two parcels they own.

ZBA Liaison, Paul St. John, asked the board to post the agendas on the website like the other boards do.

Board member Taplin made the motion to adjourn, seconded by Board member Kenan. All were in favor.

Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Kimberly A. Caron

Recording Secretary