

**Town of Charlton  
Zoning Board of Appeals  
Business Meeting Minutes**

**January 12, 2021**

Minutes of the Zoning Board of Appeals meeting held on January 12, 2021.

Chairman Jim Leupold called the meeting to order at 7:02 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Roll Call attendance was taken.

Present: Jim Leupold, Chairman, Rick Potts, Dave Taplin, Andy Haluska, Jim Craig, Esq., Town Attorney and Kim Caron, Recording Secretary.

Chairman Leupold led the Pledge of Allegiance.

**Business Meeting**

**Minutes**

Chairman Leupold stated that the meeting minutes from the October 13, 2020 meeting need to be approved. Board Member Rick Potts made a motion to approve the meeting minutes dated October 13, 2020, seconded by Board Member Dave Taplin. All were in favor. Board Member Andy Haluska abstained from the vote.

Motion carried.

October 13, 2020 Meeting Minutes approved.

**Jason Nemec Design, LLC Application**

Chairman Leupold stated that the Board has received a Use Variance application from Jason Nemec Designs, LLC for use of the old firehouse located at 786 Charlton Road, Charlton as an Artisan Woodworking/Furniture Workshop and Showroom/Art Gallery/Retail Store.

Chairman Leupold thanked the applicant for submitting the very detailed information and pictures for the Board to review.

Chairman Leupold asked the applicant to provide a brief introduction and summary of his proposal.

Jason Nemec stated that he lives in Burnt Hills on Lakehill Road with his two sons, Max and Elliott and his wife Dana, who was also present. Mr. Nemec stated that over the last 12 years he has developed a love of working with his hands. Mr. Nemec stated that he started wood-working and taking classes on wood-working. Mr. Nemec stated that his main focus is wood turning and he has been working out of his garage. Mr. Nemec stated that his interests include making furniture using reclaimed wood. Mr. Nemec stated that when he saw the firehouse up for sale he thought that would make the perfect place for his workshop and showroom and also bring in locally produced products. Mr. Nemec stated that he intends to keep his full time job while getting the woodshop of and running. Mr. Nemec stated that he would be purchasing the firehouse with cash and there would be no mortgage. Mr. Nemec stated that the plan for the hours for the first couple years would only be on weekends.

Board member Haluska inquired what a wood turner was.

Mr. Nemec stated woodturning is a way of working wood that uses a lathe to create shapes in the wood.

Board member Haluska stated that in assuming that the shop is open on weekends, would the applicant be also working evenings during the week.

Mr. Nemec stated yes.

Board member Taplin inquired if the rendering supplied with the application was pretty close to what will be done.

Mr. Nemec stated that he has not received any guidance from the Historical District yet and is very interested in their guidance. Mr. Nemec stated that he wants to have something that everyone is happy with. Mr. Nemec stated that his point with that image is that he wants to do facade work and he would like it to look rustic and natural. Mr. Nemec stated that he is willing to comply with whatever guidance he receives.

Board member Taplin inquired if an application to the Historic Review Commission was required.

Board Attorney Craig stated that he believes that per the requirements that they have been put on notice by the Town Board.

Board member Taplin inquired about the proposed name of the business in the renderings.

Mr. Nemec stated that "Charlton Editions" is a strong candidate. Mr. Nemec stated that they came up with the name by repurposing the letters that were already there however, the letters have been taken down by the fire department. Mr. Nemec stated that he requested that the siren stay on top of the building and fought hard for that to stay.

Board Attorney Craig stated that since the applicant is not proposing anything structural with the building, the proposal for the outside will be acknowledged within the Exceptional Use Permit. Attorney Craig stated that if there is something the applicant wants to do that requires a variance, then the applicant can come back before the Board. Attorney Craig stated that the Zoning Ordinance, Article 7, Section 7 gives the requirements for the entities that are put on notice. Attorney Craig stated that he does not see the Historic District listed but will check with Supervisor Grasso.

Board member Haluska stated that he has spoken to the chairman of the Historic Review Commission and he is aware of the proposal and application and will provide comments.

Board Attorney Craig suggested to the applicant that any ideas as far as the outside of the building and plantings, etc. should be discussed with the Zoning Officer, Terry Anthony and also disclosed to the Town Board so that the approval can include those things, even if they are not used.

Mr. Nemec stated that he believes that all of his ideas are in the proposal. Mr. Nemec inquired if he needed an engineered drawing.

Board Attorney Craig stated that an engineered drawing would put the proposal in stone. Attorney Craig suggested that all of the options that the applicant is considering should be disclosed to the Town Board so that it becomes part of the approval. Attorney Craig stated that the Town Board will not approve the picture provided in the packet since it is just a sample and it has not been disclosed that this is exactly what will be done. Attorney Craig stated that should be ironed out so that the approval contains what the applicant actually wants to have there.

Board member Leupold inquired if the applicant has 4 different ideas of what can be done to the property, does he have to include all 4 of those options in order to get approval from the Town Board.

Board Attorney Craig stated that all ideas should be run by the Town Board so that they approve some type of picture provided and then something completely different is done.

Board member Taplin inquired about the electricity in the building and the proposed wall between the shop and the gallery. Board member Taplin stated that Terry Anthony would be involved in that process.

Mr. Nemec stated that the electrical needed to be completely redone.

Board member Potts inquired if there was more information that the ZBA needed in order to make its determination.

Board Attorney Craig stated that the ZBA is considering the use variance. Attorney Craig stated that it is a unique parcel because the firehouse has been in existence since the 40's

which predates the zoning. Attorney Craig stated that it is as if it has its own “zone” which is the firehouse. Attorney Craig stated that the applicant is before the ZBA to change that use. Attorney Craig stated that usually a use variance is very hard to get except for very rare circumstances which this happens to be. Attorney Craig read the narrative provided by the applicant relating to the 4 criteria and why the applicant has met the criteria. Attorney Craig stated that he is in agreement with the applicant’s responses.

Board member Taplin inquired about the septic system.

Mr. Nemec stated that the septic that is currently shared with the old Town Hall is currently being separated and the firehouse will have a raised bed system.

Mr. Nemec inquired if he needed a site plan.

Board Attorney Craig stated that since there would be no changes to the foot print the ZBA is not requiring a site plan. Attorney Craig stated that the Planning Board covers the review of site plans and may require that as part of their comments or request a presentation to their board.

Mr. Nemec inquired if the information provided in the packet was enough.

Board Attorney Craig asked the applicant to itemize what he wants to do with the site and what options he would like considered and what approvals he is looking for.

Board member Haluska inquired about noise from the machinery.

Mr. Nemec stated that he does not believe that will be a concern behind the block walls currently in place. Mr. Nemec stated that he has also been doing the wood working in his garage at his house which is in a residential area.

Chairman Leupold read the Resolution approving the scheduling of the Public Hearing for January 25, 2021 at 7:00 p.m. to be held jointly with the Town Board. Board member Taplin approved the resolution. Board member Haluska seconded the motion. All were in favor.

Motion carried. The Resolution is attached and made part of the minutes.

### **New Business**

Chairman Leupold stated that no new applications have been submitted.

Chairman Leupold stated that the next meeting would be on February 9, 2021 at 7:00 p.m.

Board member Potts made the motion to close the meeting. Board member Taplin seconded the motion. All were in favor.

Meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary