

**Town of Charlton
Zoning Board of Appeals
Business Meeting Minutes
and Public Hearing Minutes**

June 8, 2021

Minutes of the Zoning Board of Appeals meeting held on June 8, 2021.

Chairman Jim Leupold 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: Jim Leupold, Chairman, Rick Potts, Nate Keenan, Chip Ellms, 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 April 13, 2021 meeting need to be approved. Chairman Leupold stated that due to a lack of quorum, the vote on the minutes would have to be tabled until the next meeting.

Chairman Leupold stated that the meeting minutes from the May 11, 2021 meeting needed to be approved. Board member Ellms made the motion to approve, seconded by Board member Keenan. All were in favor.

PUBLIC HEARING (7:00 p.m.)

Fogg Application

Mrs. Caron read the public hearing notice that was published in the Daily Gazette on May 29, 2021.

Chairman Leupold opened the public hearing.

There was no one in attendance from the public. No comments were made.

Board member Keenan made a motion to close the public hearing. Board member Ellms seconded the motion. All were in favor.

Public Hearing closed at 7:10 p.m.

Fogg Deliberations

Board Attorney provided the Board with two drafts of a proposed resolution for approval of this application.

Chairman Leupold reviewed the differences between the two proposed resolutions of approval with one proposed resolution having a condition of no living space allowed in the proposed barn and the other proposed resolution not having that condition.

Mr. Fogg stated that the building would be built to conform with all of the requirements.

Chairman Leupold stated that the reason for the “living space” condition would be to eliminate the chance for having two homesteads on one parcel which is not permitted within the town zoning regulations.

Board member Ellms inquired if the building would be attached to the house.

Mr. Fogg stated that it would be located out 500 feet in from of the house.

Chairman Leupold stated that the applicant has stated that the use for the building would be for housing farming equipment and the room above would be for storage and a workshop for his wife.

Chairman Leupold inquired if there would be plumbing hooked up to the building.

Mr. Fogg stated no.

Board member Potts inquired if the building would be considered as an accessory building which is non habitable.

Mr. Fogg stated correct.

Chairman Leupold read the conditions of approval for both proposed resolutions.

The board agreed that the proposed resolution with the condition on no living space would not be necessary.

Board member Ellms made the motion to approve the Resolution granting the 4 foot 8 inches height variance for the Fogg property located at 166 Stage Road. Board member Potts seconded the motion. All were in favor.

Variance Granted.

Davidson Application

Mr. Davidson appeared before the board.

Mr. Davidson stated that they have revised their proposal and are now seeking a 25 foot frontage variance. Mr. Davidson stated that the proposed lot has been moved to the left hand side of the existing driveway and will continue to the left where the property meets the Fleury property. Mr. Davidson stated that both parcels would have separate driveways, and they plan to build a one family 3 bedroom ranch. Mr. Davidson stated that he has met with a contractor who believes they can get it done and he has also met with Terry Anthony from the town and showed him the sketch plans.

Chairman Leupold stated that an official survey of the property is required to give the board a better understanding of the project.

Chairman Leupold asked the board is there were any questions from the site visit.

Board member Potts asked for clarification of what the variance request was for this revised application.

Mr. Davidson stated that one lot will have 225 feet of frontage and the other lot will only have 175 feet of frontage. Mr. Davidson stated that they need a 25 foot frontage variance.

Chairman Leupold stated that this new proposal keeps the original driveway intact and removes the issue of a house behind a house.

Mr. Davidson asked for clarification of what needed to be on the survey.

Board Attorney Craig stated that the survey should include the proposed building envelope, well and septic locations new and existing, the pond and the buffer and the driveway, existing and proposed.

Mr. Davidson stated that perc is being done by Wayne Kant.

Board member Ellms stated that the board only needs proposed locations on the drawing.

Board member Potts stated that the ZBA reviews the documents for the variance request only, the planning board will make the final determination of the subdivision.

Board Attorney Craig stated that since there has been a public hearing, the 62 day clock has begun. Board Attorney Craig stated that there will need to be an agreement with the

applicant and the board to extend the 62 day clock to allow for the applicant to get the required information to the board.

Mr. Davidson agreed to an extension of the 62 day clock with the ZBA for 4 months from this date.

Joseph Bonitatibus (KORE Development)

Chairman Leupold stated that this is an application for 3 area variances to allow for a three lot subdivision of property located at 720 Swaggertown Road.

Luigi Palleschi of ABD Engineers appeared on behalf of the applicant, Joseph Bonitatibus who was also present.

Mr. Palleschi stated that the applicant owns a 9.88 acre parcel bordered on the northeast, south and west by single family residences. Mr. Palleschi stated that the parcel is zoned Residential/Agricultural where the requirements are 2 acres and 200 feet of frontage. Mr. Palleschi stated that they have 375 feet of frontage and are seeking variances for each lot to have only 125 feet of frontage. Mr. Palleschi stated that if you look at the tax maps there are several properties that have less than that. Mr. Palleschi stated that there was an existing house on Lot 1 that burned down but the existing driveway is still there. Mr. Palleschi stated that they would like to use the existing driveway for Lot 1. Mr. Palleschi stated that the existing houses along Swaggertown Road are located somewhat up front towards the road and there are a few houses like the Cianfarani house that is located farther back. Mr. Palleschi stated that they looked at other options such as putting in a town road with a cul de sac to put in 4 houses but to do that they would be disturbing more land and have less of a buffer. Mr. Palleschi stated that they do not believe their request to be substantial as there are other lots on the street that are less than 125 feet of frontage. Mr. Palleschi stated that perc tests have been done and they show the three test pits. Mr. Palleschi stated that the percability is there and suitable for septics and there is plenty of separation for each lot. Mr. Palleschi stated that their proposal would not impact the neighbors well or septic systems. Mr. Palleschi reviewed their responses to the 5 criteria as contained in the application.

Chairman Leupold stated that the proposal contains a house located behind a house. Chairman Leupold stated that the previous application had a similar proposal and as the Board explained to that applicant, the board cannot approve a house behind a house situation. Chairman Leupold stated that the proposed drawing shows building 2 being located behind building 3. Chairman Leupold stated that the town Comprehensive Plan prohibits the boards from creating these types of situations. Chairman Leupold stated that he appreciates what the applicant is trying to achieve but the board cannot approve this type of proposal.

Mr. Palleschi stated that there is a great distance between the back of building 3 and building 2. Mr. Palleschi stated that with minimal tree cutting the house would be hidden.

The Board agreed that the proposal does not fit the town's comprehensive plan and would need to be revised to move forward.

Chairman Leupold stated that the applicant would need to revise the application to a two lot subdivision or proceed with the 4 lot subdivision that does not require variances.

Mr. Wilkinson, Planning Board Chairman, stated that for the 4 lot subdivision, that would require a new town road that the town would have to accept. Mr. Wilkinson stated that the proposal would have to go before the Town Board first.

Board Attorney Craig advised the applicant to contact the highway department to ask questions.

The Board suggested a two lot subdivision would be less costly and would require less of a variance. The Board will need revised applications and drawings to proceed.

New Business

Chairman Leupold stated that there is no new business.

Board member Ellms made the motion to close the meeting. Board member Keenan seconded the motion. All were in favor.

Meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary