

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

**June 12, 2018**

Minutes of the Zoning Board of Appeals meeting held on June 12, 2018.

Chairman Albert Smith called the agenda meeting to order at 6:45 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Roll Call attendance was taken.

Present: Albert Smith, Chairman, Mark Chotkowski, Rick Potts, Joseph Marchesiello, Jim Leupold, Robert Van Vranken, Town Attorney and Kimberly Caron, Recording Secretary.

Zoning Administrator Paul Borisenko was present. Mr. Borisenko asked the Board to be very specific in approvals given by the ZBA so that if they are not complied with, he can enforce what was actually granted. Mr. Borisenko asked that if there are specific conditions set by the Board in an approval that the information is very specific to help with enforcement.

**Agenda**

**Michael Mooney Case No.: 2018-02**

Mr. Borisenko stated that he advised Mr. Mooney to come before the Board this evening for preliminary discussions on what he is proposing to do on his property.

Mr. Chotkowski stated that the drawing provided looks to have a pool and deck that do not meet the setback requirements. Mr. Chotkowski asked Mrs. Caron to pull the records for the property to determine if there were previous variances granted to the parcel.

**Richard Snyder Case No.: 2018-01**

Discussions to continue regarding the newly submitted documentation.

Mr. Chotkowski made the motion to close the Agenda meeting. Mr. Leupold seconded the motion. Agenda meeting closed at 7:06 p.m.

### **Business Meeting**

Chairman Smith called the meeting to order at 7:15 p.m. on June 12, 2018 and asked everyone to stand for the Pledge of Allegiance.

Chairman Smith introduced the Board members and staff.

### **Public Hearing (7:20 p.m.)** **Richard Snyder Case No.: 2018-01**

Attorney Van Vranken stated that discussions are continuing on this application for solar panels, referencing the Zoning Ordinance page 152, to move forward to a conclusion.

Mrs. Caron provided the Board members with a copy of the email of June 5, 2018 from Olivia Baitinger of Apex Solar.

Mrs. Baitinger stated that they were asked to provide additional data in terms of the location Mr. Snyder picked being the best location for the solar panels.

The Board reviewed the shading reports with Mrs. Baitinger. Mrs. Baitinger explained the differences in the report. Mrs. Baitinger stated that they measured from 4 different locations. Mrs. Baitinger stated that shade report 3 shows the best location for the solar panels in terms of production and screening.

The setback has been determined to be 102 feet for the solar panel array location.

The Board and the applicants discussed different ideas for shading of the solar panels on the west side.

The Board and the applicants agreed that the planting of 3 trees arborvitaes on the west side of the solar panel array will adequately shade the array from the neighboring property on the west side.

Mr. Chotkowski made the motion to close the Public Hearing. Mr. Marchesiello seconded the motion. Public Hearing closed at 7:35 p.m.

### **Deliberations**

Mr. Chotkowski stated that the application will need to be revised under “project description” to reflect the revised plan.

Mrs. Baitinger revised the application to the correct information and both the applicant and Mrs. Baitinger initialed the changes to the application.

Attorney Van Vranken advised that the Board needed to review the 5 criteria and to determine SEQRA.

Mr. Leupold made a motion to classify the action as a Type II action with a negative impact declaration relative to SEQRA. Mr. Marchesiello seconded the motion.

Roll Call Vote was taken:

Chairman Smith – aye

Mark Chotkowski – aye

Joe Marchesiello – aye

Richard Potts – aye

Jim Leupold – aye.

Motion so moved.

Mr. Potts made the motion to approve the Snyder area variance for the location of a solar panel array 102 feet from the front property line. Mr. Marchesiello seconded the motion.

Attorney Van Vranken read the five criteria:

*1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.*

Board members responded in the negative.

*2. Whether the benefit sought by the applicant can be achieved by some other feasible method other than the variance.*

The Board responded in the negative.

*3. Whether the requested variance is substantial.*

The Board responded in the positive.

*4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

The Board responded in the negative. The Board has required that the solar panel array be properly screened with three trees (arborvitaes) on the west side of the array.

*5. Whether the alleged difficult was self created, (that it was will not necessarily preclude the granting of the area variance).*

The Board responded in the affirmative.

Roll Call Vote was taken:

Chairman Smith – aye

Mark Chotkowski – recused

Joe Marchesiello – aye

Richard Potts – aye

Jim Leupold – aye.

Motion so moved.

### **New Business**

Application of Mike Mooney, 108 Hickory Ridge Road, for an area variance to construct a garage/carport addition to the north side of the existing residence.

Mr. Mooney came before the Board.

Mr. Mooney stated that he would like to put an addition on his existing detached garage. It would have a poured/block foundation. The required setback is 40 feet and the new structure would only have a 26 foot setback requiring a 14 foot variance. Mr. Mooney stated that he purchased the property 40 years ago and has improved it significantly over the years. He is looking for additional space in the garage for storage. There was a variance granted in 2001 for the pool and deck. Pictures were provided of neighboring properties with similar improvements.

Mr. Chotkowski asked for information pertaining to what he would like to build.

Mr. Mooney stated that he did not have a drawing of what he would like to build.

Mr. Chotkowski stated that he would like to see documentation of what is going to be built, including foundation type and roof lines and the location of the leech fields. Mr. Chotkowski inquired when the septic system was installed.

Mr. Mooney stated that he thinks it was 1988 by the previous owner.

Mr. Chotkowski stated that some of the measurements from the 2001 drawing do not line up with the drawing provided with the current application.

Attorney Van Vranken stated that the Board's concern is that this is a busy site and verifiable information has not been provided. Accurate dimensions are needed.

Mr. Chotkowski stated that he feels a survey is needed to move forward.

Chairman Smith stated that the Board will research the existing variances and advise the applicant what is required to move forward.

**Minutes**

Mr. Chotkowski made a motion to approve the draft of the May 8, 2018 meeting minutes, seconded by Mr. Potts. All were in favor.

Mr. Chotkowski made the motion to close the meeting. Chairman Smith seconded the motion. All were in favor.

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary