

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

August 11, 2020

Minutes of the Zoning Board of Appeals meeting held on August 11, 2020.

Chairman Chip Ellms 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: Chip Ellms, Chairman, Jim Leupold, Rick Potts, Jim Glavin, Dave Taplin, Jim Craig, Esq., Town Attorney and Kim Caron, Recording Secretary.

Chairman Ellms led the Pledge of Allegiance.

Business Meeting

Debach Special Use Application

Jessica Debach appeared before the Board. Mrs. Debach stated that she opened a little antiques and home goods shop in an existing 14 x 20 shed off of the house. Mrs. Debach stated that she has rustic and vintage finds.

Attorney Jim Craig reviewed the process for special exceptions for designated land uses as outlined in the zoning ordinance Article VII, Section 7Q. Attorney Craig stated that there are several requirements outlined in 1-8 of that section that the board has to consider.

Mrs. Caron made a copy of the zoning ordinance cited for the applicant.

Mrs. Debach stated that there is enough parking for 2-3 cars and the existing sign is a wood sign that she made in front of the house.

Attorney Craig inquired as to the hours of operation.

Mrs. Debach stated that she is open on Tuesdays and Fridays from 9-4 and on Saturdays and Sundays from 9-4. Mrs. Debach stated that she is limited in her time because she has small children.

Chairman Ellms stated that there is a requirement for signage pertaining to height and width. Chairman Ellms inquired if this was a hobby turned business.

Mrs. Debach stated yes, she likes to go to yard sales and barn sales and find items to sell. Mrs. Debach stated that most of her sales have been from online exposure at the facebook marketplace. Mrs. Debach stated that she does porch pick up.

Board member Taplin stated that he has driven by the location and saw the sign and thought it was great. Board member Taplin inquired if there was any feedback from the neighbors.

Mrs. Debach stated that the feedback has been positive. Mrs. Debach stated that the little girl across the street has a farm stand.

Board member Taplin asked if there would be any impacts to the existing water and septic systems.

Mrs. Debach stated that those services would not be needed at the shed.

Attorney Craig stated that those would not be of concern for this application.

Chairman Ellms stated that if there was need for expansion then the applicant would have to come to the town for permits which would include those things.

Mrs. Debach stated that she did not believe that they even have enough room to install a bathroom in the shed.

Board member Potts agreed that if expansion was necessary a permit would be required.

Board member Leupold asked if there was existing sidewalk to the shed.

Mrs. Debach stated that the door is located by the back door to the house and there is a sidewalk to the house.

Board member Leupold asked if the parking was in the driveway and then the person would walk to the shed.

Mrs. Debach stated that the person would drive up the driveway and park on the lawn, cross over the driveway to the sidewalk to the back porch.

Board member Glavin asked if there would be around 3 cars at a time.

Mrs. Debach stated at the most.

Board member Glavin asked if the current situation could accommodate.

Mrs. Debach stated yes that they had a wedding there and the parking was fine.

Board member Glavin asked the applicant if she was operating under a DBA.

Mrs. Debach stated that she does not have a DBA and would like to do an LLC but was waiting to meet with the town before starting that process.

Board member Potts asked if the entrance to the space was a ramp or stairs.

Mrs. Debach stated that there was a step up to the porch and another step up to the woodshed.

Board member Potts asked if ADA requirements were applicable to this project.

Attorney Craig stated that he did not think that would apply to this application. Attorney Craig asked the applicant to provide that information with the rest of the information the board has requested.

Board member Taplin asked that since this is more of a hobby why the applicant was required to obtain a special use permit.

Mrs. Debach stated that she received a letter from Paul Borisenko, former building inspector that she was operating an illegal store based on the sign that she had out front.

Mrs. Caron provided the Board with a copy of the letter from the zoning office.

Attorney Craig stated that there will be screening or fencing of the parking area required per zoning. Attorney Craig also stated that the designated entrance would have to meet code as well.

Chairman Ellms asked how large the sign was.

Mrs. Debach stated that it was a small wooden sign that she painted herself.

Attorney Craig stated that information pertaining to safety would also need to be included. Attorney Craig stated that lighting and handrails would be required per zoning.

Board member Leupold asked if down the road the business expands and the applicant would like to move into one of the barns on the property, would that require a new application.

Attorney Craig stated that the Board could limit approval to the shed. Attorney Craig stated that the Board could cater the language so that any deviation would require the applicant to come back to the ZBA.

Chairman Ellms stated that the application would be forwarded to the various other boards for review. Chairman Ellms stated that the next meeting of the ZBA would be September 15th at 7:00 p.m.

Minutes

Chairman Ellms stated that the meeting minutes from the February 11, 2020 meeting need to be approved. Board Member Jim Leupold made a motion to approve the meeting minutes dated February 11, 2020, seconded by Board Member Jim Glavin. All were in favor.

February 11, 2020 Meeting Minutes approved.

Chairman Ellms stated that the meeting minutes from the March 10, 2020 meeting need to be approved. Mrs. Caron stated that Mr. Glavin made a correction to the minutes. Board member Potts made the motion to approve the meeting minutes dated March 10, 2020 with changes incorporated, seconded by Board Member Dave Taplin. All were in favor.

March 10, 2020 Meeting Minutes approved.

New Business

Chairman Ellms stated that no new applications have been submitted.

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

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary