

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

October 30, 2018

Minutes of the Zoning Board of Appeals meeting held on October 30, 2018.

Acting Chairman Robert Van Vranken, Esq. 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: Robert Van Vranken, Acting Chairman and Town Attorney, Mark Chotkowski, Rick Potts, Jim Leupold, Chip Ellms and Kimberly Caron, Recording Secretary.

Business Meeting

Minutes

Attorney Van Vranken stated that the meeting minutes from September 11, 2018 need to be approved. Board Member Mark Chotkowski made a change to the draft minutes.

Board Member Mark Chotkowski made a motion to approve the meeting minutes dated September 11, 2018, with changes incorporated, seconded by Rick Potts. All were in favor.

September 11, 2018 Meeting Minutes approved.

Foundation of St. Mary's, Inc.

Attorney Van Vranken read the meeting agenda aloud. Attorney Van Vranken also read from the Zoning Ordinance, page 46, section 4.

Charles Dumas, Esq., attorney for the Foundation of St. Mary's, Inc. appeared before the Board. Attorney Dumas gave a brief summary of their proposal. They would like to use the former Stewarts Shop located at the corner of Route 147 and Route 67 to operate an urgent care facility. Stewarts is proposing to donate the property to St. Mary's. St. Mary's has submitted an application for an Exceptional Use Permit to operate in the former Stewarts location after conducting a workshop with the Town Board and incorporating the comments from that workshop into their proposal. The Town Board has assumed lead agency for this application. There are existing variances that were granted to Stewarts for the site from 1995. There is an existing lot size variance from the required 2 acres to the existing 1.27

acres of the site. There was also a front setback granted from the required 60 feet to the existing 47.5 feet and a side setback granted from the required 40 feet to the existing 10.9 feet. There was also a variance granted for the Stewart's signage and setback to the gas canopy that will not apply with this application. There is also a use variance that was granted to Stewarts that does not apply to this application.

Attorney Van Vranken continued to read the agenda aloud. Attorney Van Vranken then stated that the Planning Board has had an initial meeting with the applicant to review the site plan. The Planning Board will meet again on November 19, 2018 and provide to the Town Board an advisory opinion on the data submitted.

Attorney Van Vranken asked the Board members for comments and questions for the applicant's attorney.

Attorney Dumas stated that the engineering firm, ABD Engineers, will be present at the Planning Board meeting to speak to the specifics of the site plan.

Attorney Van Vranken stated that there have been some discussions at the Town Board level about the oil tanks being removed. Attorney Dumas stated that the tanks have been removed, that DEC supervised the cleanup and has provided a closure report. An extensive site analysis has also been performed, with well testing done on the site subject of this matter. There have also been well tests completed on adjoining neighboring sites. No adverse findings regarding these testings has been identified. Attorney Dumas indicated that there is a 567 page report available regarding this process and results for anyone interested in reviewing it. Attorney Dumas also stated that the results have also been sent to the New York State Department of Health for review.

Board Member Ellms inquired what the role of the ZBA was for this meeting. Attorney Van Vranken stated that the ZBA will create minutes and provide them to the Town Board for inclusion in the Town Board's consideration at the public hearing. The Zoning Board of Appeals function is to identify zoning issues for which the ZBA has review jurisdiction for area and use variances. It also has jurisdiction regarding compliance with lot size setback (front, side and rear) requirements and other similar issues. Attorney Van Vranken also indicated to the ZBA that this real property has been subject to a non-conforming pre-existing use since 1995.

Attorney Van Vranken stated that he has spoken to Town Engineer Michael McNamara on the issue of the site driveways. Attorney Dumas stated that curb cuts will not be required as they will utilize the existing curb cuts and therefore will not need DOT approval because the applicant is not changing anything. Attorney Dumas also stated that the burden on the site will be much less intense than when the site was operated as a Stewart's convenience store. From conversations with the Stewarts representative, Chuck Marshall, the traffic pattern generated 75-100 cars per hour. By comparison current urgent care facilities report a traffic impact of as much as 30-40 cars for an entire 10 hour work day. Attorney Dumas indicated

that the site will be consistently active in the morning for blood draws, but the overall average is expected to be between 30-40 cars per 10 hour day. This activity level is substantially less than during the Stewart's ownership period.

Attorney Van Vranken stated that there has been some concern expressed regarding the number of proposed parking spaces. Attorney Dumas responded that the parking set up is similar to the applicant's other current sites. Attorney Van Vranken inquired if there would be a different number of spaces than what existed during the Stewarts operation. Attorney Dumas stated that he is not sure at this time as it would depend on the final striping plan for the parking area.

Planning Board Chairman Jay Wilkinson stated that the Planning Board has been circulating a draft letter which sets forth some of the Planning Board's concerns. Parking is one of the concerns. The site plan appears to show 5-6 spaces for parking in the back of the building. If those spaces are used by the 4-5 employees, that seems to leave 7-8 spaces for patients. The Planning Board is concerned that 7-8 spaces will not be sufficient for servicing the building's activities. Attorney Dumas stated that the applicant will provide a proposal regarding the parking by the next Planning Board meeting scheduled for November 19, 2018.

Attorney Van Vranken inquired if there was an existing shed on the site. Attorney Dumas stated that he believes there is. Board Member Rick Potts inquired if there were any changes to the setbacks. Attorney Dumas stated no. Attorney Van Vranken inquired if there was a dumpster on the site that was in need of repairs. Attorney Dumas stated that he was not sure but if so, this would be part of the site plan review.

Attorney Van Vranken stated that in terms of traditional ZBA issues, there seems to be no more than what has been discussed. The minutes from this meeting will be prepared and distributed to the Town Board and the Planning Board, to be considered as part of the decision making process regarding the determination of the EUP requested by the applicant.

Board Member Ellms inquired if there would be a doctor on site every day. Attorney Dumas stated that the medical professionals will include PA's, NP's and RN's with MD's and DO's on call. Attorney Dumas stated that the medical professionals will be dealing with less severe medical issues to eliminate the need for the patient to go to the emergency room for issues such as illness and small lacerations. Urgent care is less costly and services are provided without lengthy wait times. Board Member Potts inquired what the hours of operation would be. Attorney Dumas stated that the hours would be from 7:30 a.m. to 9:00 p.m. seven days a week.

Attorney Van Vranken inquired if the proposed overhangs for the building would affect the setbacks. Board Member Chotkowski stated that he did not look into that, however, since the canopy is gone and that variance has gone away it should be fine.

Attorney Van Vranken asked for any additional comments or questions from the Board. No more comments were presented.

Attorney Van Vranken then indicated that the minutes of this meeting would be submitted to the Planning Board and the Town Board within a few days.

New Business

Attorney Van Vranken advised that no new applications have been submitted for the ZBA.

Board Member Ellms made the motion to close the meeting. Board Member Chotkowski seconded the motion. All were in favor.

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary