

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

December 12, 2017

Minutes of the Zoning Board of Appeals meeting held on December 12, 2017.

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

Meeting

Ruth A. Rossdeutscher Case No. 2017-03

Mrs. Caron read the public hearing notice that was published in the Daily Gazette on December 2, 2017. Mrs. Caron advised that notice of the hearing was also sent to the adjoining property owners on December 2, 2017.

Attorney Van Vranken reviewed the contents of the file:

- application of Ruth A. Rossdeutscher dated November 21, 2017;
- a colored aerial photograph of the parcel;
- tax map with subject parcel highlighted; and
- survey map prepared by Gilbert Van Guilder Land Surveyor, PLLC dated November 20, 2017.

Duane Rabideau from Van Guilder appeared before the Board. Mr. Rabideau stated that they are before the Board seeking a lot frontage area variance. The parcel is located at 47 Vines Road in the Town of Charlton. The proposal is to subdivide the parcel into three lots. Mr. Rabideau pointed out the red shaded area on the drawing showing their proposal. The original Lot 1 was created by subdivision in 2011. Lot 2 was also created during that subdivision and is not the subject of this proposal. The newly created Lot 3 will consist of approximately 2 acres and the newly created Lot 4 will consist of approximately 5.14 acres. Lot 1 will be approximately 9.86 acres and will contain the existing house, barn and improvements. They are seeking an area variance of 11.47 feet for the frontage on Lot 1 since it is only 188.53 feet instead of the required 200 feet. Mr. Rabideau reviewed their answers to the 5 criteria from page 2, #7 of the subdivision application. Mr. Rabideau stated

that they are only looking for a 6% variance for one component of the proposed Lot 1. All other components meet and exceed the lot sizes.

Attorney Van Vranken opened the hearing for public comment.

No comments were presented from the audience.

Board Member, Mark Chotkowski inquired as to the use of the barn on Lot 1. Mr. Rabideau stated that there are donkeys in the barn. Mr. Chotkowski inquired if they intended to keep the lot acceptable for horses and/or donkeys. Mr. Rabideau stated yes.

Attorney Van Vranken asked for a motion to approve or deny.

Mr. Chotkowski stated that he has issues with the drawing and is concerned that nothing has been received from the Planning Board, the Saratoga County Planning Board or the ECC. Attorney Van Vranken advised that the Planning Board would be involved to make the appropriate referrals, however, if the variance is denied then there is no going forward with the Planning Board. Mr. Chotkowski stated that the proposed drawing does not show the setbacks or dimensions of the lots and the improvements contained on Lot 1. There is concern to make sure this meets the zoning requirements. There does not seem to be a fire truck turnaround on the driveway. There is not enough information on the drawing to make a decision. Mr. Chotkowski stated that the rest of the lots have to conform to zoning. The comment that it is ok to have less frontage since there are other properties on the street with frontage less than 100 feet does not apply since those parcels are in a different zoning district. This needs to go the Planning Board first for review of the full requirements. The ZBA does not have an engineer at our disposal like the Planning Board does. There is no information on the drawing about wetlands and the well locations are not shown. There is also no perk test information.

Attorney Van Vranken stated that the ZBA's responsibility is the size of the lot. Planning Board will conduct an extensive review of the setbacks, distances, wetlands and so forth. The only thing before the ZBA is a 12 foot variance.

Mr. Chotkowski made a motion to deny the Rossduecher application on the basis that there is a lack of information and this is a self-created problem.

Jay Wilkinson, Chairman of the Planning Board, asked if he could speak. Mr. Wilkinson referred to the Zoning Ordinance, page 43, Section 7 and read the section aloud. Attorney Van Vranken stated that the Planning Board is the Board with the final jurisdiction and will make the necessary referrals. Mr. Wilkinson stated that without the necessary referrals being done prior to this hearing, any decision made could be in jeopardy.

The Board decided not to make a motion to approve or deny the application. The applicant will submit their application to the Planning Board.

Minutes

Attorney Van Vranken stated that the meeting minutes regarding Michael and Diane Lawrence from April 11, 2017 need to be approved.

Board Member Mark Chotkowski made a motion to approve the meeting minutes regarding Michael and Diane Lawrence dated April 11, 2017, seconded by Joe Marchesiello. All were in favor.

April 11, 2017 Meeting Minutes approved.

New Business

Chairman Smith advised that an application has been received from Larry Cunningham on behalf of Charles Latham for an area variance of 32 feet to construct a 12 x 12 attached carport over the existing blacktop driveway. Mark Chotkowski stated that the plot plan provided does not have all of the information the Board would like to see on it. Mrs. Caron will contact the applicant for a more detailed plot plan. The Public Hearing was set for January 9, 2018 at 7:00 p.m. Mrs. Caron will send out the appropriate referrals and notices.

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

Meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary