**Town of Charlton**

**Zoning Board of Appeals**

**Business Meeting Minutes**

**March 8, 2022**

Minutes of the Zoning Board of Appeals meeting held on March 8, 2022.

Chairman Jim Leupold called the meeting to order at 7:00 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York12019.

Roll Call attendance was taken.

Present: Jim Leupold, Chairman, Rick Potts, Nate Keenan, Dave Taplin, Jim Craig, Esq., Town Attorney and Kim Caron, Recording Secretary.

Chairman Leupold led the Pledge of Allegiance.

Chairman Leupold introduced the Board.

**Business Meeting**

**Minutes**

Chairman Leupold stated that the meeting minutes from the December 14, 2021 meeting need to be approved. Board member Taplin made the motion to approve the December 14, 2021 minutes. Board member Keenan seconded the motion. All were in favor.

**Joseph Bonitatibus – KORE Development**

Mark Blackstone from ABD Engineering appeared before the Board.

Mr. Blackstone stated that Mr. Palleschi had a conflict, and he was there in his place. Mr. Blackstone stated that the application has been resubmitted for an additional variance. Mr. Blackstone stated that Mr. Palleschi had relied on the tax maps when the original drawings were completed which were incorrect resulting in the incorrect frontage for the parcel. Mr. Blackstone stated that once the survey was completed, they realized that the total frontage was only 357.25 feet where the tax maps showed closer to 370 feet. Mr. Blackstone stated that they are seeking a variance for Lot 2 of 42.75 feet and Lot 1 will stay at 200 feet. Mr. Blackstone stated that no positioning adjustments would need to be made to the proposed locations of the buildings, wells, and septic systems. Mr. Blackstone stated that with the exception of the frontage revision the rest remains the same.

Chairman Leupold questioned the dotted line going to the back lot.

Mr. Blackstone stated that was to mark the building envelope concept.

Board Attorney Craig stated that during the original application process the Board made the applicant aware that the town does not approve subdivisions where there is a house behind a house. Board Attorney Craig stated that the Board wants to make sure that is not going to happen.

Mr. Blackstone stated that they expect that to be a planning board request and do not have a problem with adding a note to the drawing stating that.

Board Attorney Craig stated that the original variance request was a 12.5% reduction to the requirements and the new request is a 21.4% reduction to the requirements.

Mr. Blackstone agreed.

Board Attorney Craig stated that this is a difference of 8.9% from the original request.

Board Member Potts inquired what the original approval was.

Board Attorney Craig stated that the Board approved Lot 2 having approximately 175 feet of frontage and Lot 1 having approximately 200 feet of frontage.

Chairman Leupold questioned the two circles that intersect on the drawings.

Mr. Blackstone stated that those are reference points for showing that the proposed wells and the proposed septic systems meet the required setbacks to each other. Mr. Blackstone highlighted the areas on the map for the board to see.

There was some confusion as to the separation distances between the proposed well and septic locations. Board member Taplin requested that the 100-foot separation distance be shown on the drawings.

Board member Keenan inquired if there would need to be another public hearing for the revised application.

Board Attorney Craig stated that the board must conduct another one.

Board Attorney Craig stated that the planning board has requested the ZBA’s determination of the approximate frontage variance that was originally granted. Board Attorney Craig stated that the resolution read “approximately 175 feet” for the frontage for Lot 2. Board Attorney Craig stated that the board can do a letter to the planning board clarifying that the 175 feet approval is not equal to the actual 157.25 feet that they now have after the survey was completed. Board Attorney Craig stated that the letter should inform the planning board that the ZBA has requested that the applicant resubmit their application requesting a variance of 42.75 feet for the frontage requirement on Lot 2. Board Attorney Craig stated that the board would also need a motion to schedule the public hearing for next month.

Board member Potts reminded the board that the survey was requested from the applicant back in August and is just seeing it for the first time now in March.

Chairman Leupold inquired if new pins would be placed on the property.

Mr. Blackstone stated that they will wait for the planning board to make their decision then they will finalize the pin location. Mr. Blackstone showed the proposed 7 points that would have the pins once approval was received from the planning board.

Chairman Leupold inquired if there were any temporary pins at this time.

Mr. Blackstone stated that they have a couple “working” points located now.

Board member Potts made the motion to schedule the public hearing for Tuesday, April 12, 2022 at 7:05 p.m. Board member Keenan seconded the motion. All were in favor.

**Town Board Referral for Comments**

Board Attorney Craig stated that the Town Board would be retaining jurisdiction of the Special Exception Use Permit for Conrad Bernard to re-open the former Route 67 Café. Board Attorney Craig stated that the Town Board has requested comments from the boards on the application that was submitted. Board Attorney Craig stated that property had been abandoned for a while and the new owners are looking to move forward with re-opening the café. Board Attorney Craig stated that not much information was submitted, and the property may need variances to operate. Board Attorney Craig stated that there is not enough information submitted at this point to determine what variances, if any, would be required.

Board member Potts stated that the Zoning Ordinance has a list of requirements for Special Exception Use Permits under Article 7.

The Board discussed drafting a letter to the town board with comments including concern with the applicant’s responses to questions 10 and 11 of the short form EAF.

Board member Taplin made a motion for Mrs. Caron and Chairman Leupold to draft a letter to the town board. Board member Keenan seconded the motion. All were in favor.

**New Business**

There was no new business.

Board member Potts made the motion to adjourn, seconded by Board member Taplin. All were in favor.

Meeting adjourned at 7:37 p.m.

Respectfully Submitted,

Kimberly A. Caron

Recording Secretary