**Town of Charlton**

**Zoning Board of Appeals**

**Business Meeting Minutes**

**and Public Hearing Minutes**

**April 12, 2022**

Minutes of the Zoning Board of Appeals meeting held on April 12, 2022.

Chairman Jim Leupold 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: Jim Leupold, Chairman, Rick Potts, Dave Taplin, Jim Craig, Esq., Town Attorney and Laurie Kruppenbacher, Acting 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 March 8, 2022 meeting need to be approved. Board member Taplin made the motion to approve the March 8, 2021 minutes. Board member Potts seconded the motion. All were in favor.

**Joseph Bonitatibus – KORE Development**

**Public Hearing (7:05 p.m.)**

Luigi Palleschi from ABD Engineering appeared before the Board.

Mrs. Kruppenbacher read the Public Hearing notice that was published in the Daily Gazette on April 2, 2022. Notices to adjoining neighbors were mailed on April 1, 2022.

Board Attorney Craig stated that for clarification, the Lot numbers have been reversed. Attorney Craig stated that Lot 1 needs a variance of 42.75 feet and Lot 2 has 200 feet of frontage.

Chairman Leupold opened the Public Hearing.

Luigi Palleschi: Good evening, I am Luigi Palleschi with ABD Engineers. We were here before this board last time proposing a two lot subdivision. We had agreed to keep Lot 2 at the 200 foot minimum frontage and the remainder is 157.25 feet so we will be asking for a variance on the frontage on Lot 2. The acreage for Lot 1 is 7.2+ and the area for Lot 2 is 2.1+ acres. As you can see both lot areas meet the minimum area requirement for zoning. The setbacks that are shown also are conforming to where we are proposing the homes. Each of these lots are proposed with a private well for each lot as well as a private septic system. Both parcels are large enough to accommodate both the well and the septic system including the separation distances between the two meeting the state health department requirements. Having the lots the way we have them configured and several discussions with this board in such a way that this house even though it is set further back would not be positioned behind the house behind Lot 2. The way it is right now is set up similar with those along Swaggertown Road so it is in character. There a couple estate lots that are set back and that is what we are trying to create here as well as a one up front which is similar to some of the other homes. The frontage we are requesting a variance for is larger than some of the lots that currently exist on Swaggertown. We did receive a variance last time I believe it was for 175 feet and unfortunately the tax maps were incorrect when we were here prior to the final survey. After doing the final survey we found out that there was an error in the tax map and these are the real numbers now that we are back here for a variance.

Chairman Leupold: So when you did the new survey, where was the extra land shortened. There was a road frontage that was in question. We had two different amounts when you first came for the application. I thought that it was a larger width even though it would still need a variance it became smaller.

Luigi Palleschi: The map said that there was 375 feet of frontage however when we competed our survey we actually had to chase the deed. This deed wasn’t laying out with what we shot in the field so we had to follow deeds from further up and work our way back and when we put all the other deeds together this is what was left. Come to find out, I don’t know when the tax map was done; I don’t know if someone miswrote the number because it was actually the reverse of that, it was 357.

Chairman Leupold: So it had nothing to do with repositioning any of the pins or anything it’s just that the numbers were wrong. It’s not going to effect the next door neighbor.

Luigi Palleschi: Yes if we were going to stick with our original numbers we would have to have an agreement with the neighbors to do a lot line adjustment.

Chairman Leupold: The hearing is now open to the public if anyone has any questions or anything they would like to address.

There was a question from the audience that was not captured by the recording.

Board member Potts made the motion to close the Public Hearing seconded by Board member Taplin. Public Hearing closed at 7:15 p.m.

**Joseph Bonitatibus – KORE Development Deliberations**

Chairman Leupold stated that the applicant initially wanted to put four houses on the property which would not have required a variance from the Zoning Board. Chairman Leupold stated that this plan is the lesser of two evils as far as jam packing a lot of houses. Chairman Leupold stated that a cul de sac would have had to be created and the applicant does have enough property to do that. Chairman Leupold stated that the applicant agreed to just do a two lot subdivision instead and not try to put a house behind a house.

Mr. Palleschi had a conversation with a member of the audience regarding the 7 acre lot has enough acreage for horses but not enough road frontage.

Chairman Leupold read the proposed Resolution granting the variance into the record.

Board member Taplin made the motion to accept the Resolution as written. Board member Potts seconded the motion. All were in favor.

**Norman Ward, et. al**

Dave Bogardus of Northeast Land Survey & Development Consultants, P.C. appeared before the board.

Mr. Bogardus stated that the property is located at 2049 Route 67. Mr. Bogardus stated that there has already been several subdivisions of the property and several of the lots have sold. Mr. Bogardus stated that there are a lot of wetlands on the property which have been authenticated by DEC. Mr. Bogardus stated that they tried to subdivide that lot but the Planning Board could not approve it because of the wetlands. Mr. Bogardus stated that Mr. Ward is a disabled army veteran and is planning to sell the farm property, split the money with his brothers and move to Florida. Mr. Bogardus stated that they are proposing a three lot subdivision with the remaining acreage at 2049 Route 67. Mr. Bogardus stated that they will require frontage variances for both of the newly proposed lots. Mr. Bogardus stated that the proposed driveway locations are shown on the map with one being a long driveway, over 300 feet that would come out onto Maple Avenue. Mr. Bogardus stated that the existing pond will stay with the farm.

Board member Potts inquired about the wetland lot.

Mr. Bogardus stated that this lot was annexed to one of the previously subdivided lots by a lot line adjustment.

Mr. Bogardus pointed out all of the wetlands and stated that the perc tests would be completed for planning board.

Board member Potts stated that he would like to see the building envelopes so that there is not a house behind a house situation.

Mr. Bogardus showed the existing house locations on the drawings.

Chairman Leupold questioned the location of the driveway.

Mr. Bogardus stated that the driveway is existing and has been there for many years.

Board Attorney Craig stated that the frontage variance request for the proposed Lot 1A-1.3 is 69% and that the frontage request for the proposed Lot 1A-1.2 is 35%.

Board member Taplin stated that those were significant variance requests.

Board Attorney Craig inquired if there was any thought given to the long road frontage.

Board member Potts stated that if the lots were configured differently they might not need such a significant variance.

The Board requested that the applicant reconfigure their proposal so that the frontage variance requests are not so substantial. The Board agreed that this is a self-created situation.

The Board and the applicant discussed other options for their proposal. The Board requested that the applicant return next month with a proposal that does not require such substantial variances.

**New Business**

There was no new business.

The application for the former Route 67 Café will be having a Public Hearing with the Town Board on April 25, 2022.

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

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Kimberly A. Caron

Recording Secretary