

## **NARRATIVE DESCRIPTION**

### **2 Lot Minor Subdivision**

#### **720 Swaggertown Road**

The applicant, Kore Development (Joseph Bonititabus) is proposing to subdivide 720 Swaggertown Road, a 9.25-acre parcel into two (2) new lots, (2.07± acres and 7.18± acres) for construction of two (2) new single-family dwellings, one on each lot. The existing land is currently vacant with open fields and existing driveway curb cut on Swaggertown Road.

The existing parcel is zoned Residential Agriculture. Private wells and septic systems are proposed for each lot. Neighboring lot to the North is Lands N/F Glover (Tax Map # 256.-1-70), to the East by Lands N/F Muir (Tax Map # 256.-1-8) and Lands N/F Spurgas (Tax Map # 256.-1-86.1), to the west by Lands N/F Cianfarani (Tax Map # 256.-1-67) and Lands N/F mile (Tax Map # 256.-1-68).

Prior to this subdivision, current parcel had an existing single-family home that burned down. A variance was granted by ZBA for lot frontage on Lot 1, August 10, 2021. The applicant is requesting to proceed with subdivision approval.

**TOWN OF CHARLTON**  
**SUBDIVISION APPLICATION FORM - PART 1**

Information about the property as it now exists

Property owner(s): Joseph Bonitatibus - KORE Development, LLC (as listed on the deed)

Owner's address: 2114 Morrow Avenue, Niskayuna, NY 12309

Address of proposed subdivision (if different from owner's address): 720 Swaggertown Road, Schenectady, NY 12302

Owner's phone number: 518-928-8556 Email: joseph@koredevelopment.com

Applicant name (if different from the owner): \_\_\_\_\_  
(if the applicant is a party with a purchase agreement, include a copy of the purchase agreement)

Applicant address: \_\_\_\_\_

Applicant phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Consultant name/address: Luigi A. Palleschi, P.E., ABD Engineers, LLP

Consultant phone number: 518-377-0315 Email: luigi@abdeng.com

Tax map number(s): 256.-1-69 Size of property (acres): 9.25±  
(include block and lot numbers if available)

Road frontage (feet): 357.25 on (name of road): 720 Swaggertown Road, Schenectady, NY 12302

Road frontage (feet): \_\_\_\_\_ on (name of road): \_\_\_\_\_

Distance to nearest intersection (feet): \_\_\_\_\_ Name of cross street: \_\_\_\_\_

Zoning district: Residential \_\_\_\_\_ Residential/Agricultural X Agricultural \_\_\_\_\_

Does property have:

Agricultural Exemption: Y or ☒ N Conservation Easement: Y or ☒ N Special Use Permit: Y or ☒ N Variance ☒ Y or N  
(if yes to any of the above, please provide permit/variance number, date of issuance, and stipulations)

Variance granted by the Zoning Board of Appeals on August 10, 2021

Area of (acres): State Wetlands: N/A Federal wetlands: N/A Flood Plain: N/A  
(if this information is not known now, it will have to be obtained before the final plan will be complete)

Stream name(s) and classification(s): N/A

Was this property the result of a subdivision within the last 15 years? Y or ☒ N

If yes, when and by whom: \_\_\_\_\_

Describe current uses of the property: Single family residence

**TOWN OF CHARLTON**  
**SUBDIVISION APPLICATION FORM - PART 2**

**Information about the proposed subdivision**

Purpose of proposed subdivision: Subdivide 9.88± acres into 2 single family residential lots with separate wells and septic systems.

Lot #1 is proposed as 2.07± Acres and Lot #2 as 7.18± Acres. All proposed lots will conform to the required lot area.

Number of proposed lots: 2 (application fee is \$300 per new lot created - see review guide)

Size of minimum proposed lot (acres): 2 Minimum road frontage of proposed lot (feet): 157.25±

Are new roads proposed? No if yes, how long (feet): \_\_\_\_\_

Proposed source of potable water: Private well

Proposed method of sewage disposal: Private septic system

Does the proposed subdivision comply with Zoning Ordinance Requirements for all lots?: Yes, variance granted

Consult the Review Guide for material which must accompany this application. A list of required material is found under Step 2 - Preliminary Application.

SIGNATURE OF APPLICANT:  DATE: January 6, 2022

Print name: \_\_\_\_\_

**PLANNING BOARD USE ONLY**

Date application received by Town: 1-11-22 Amount of application fee paid \$ 300

Signature of Town Official accepting fee: Brenda

# Short Environmental Assessment Form

## Part 1 - Project Information

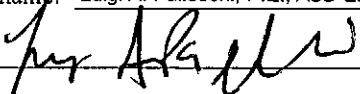
### Instructions for Completing

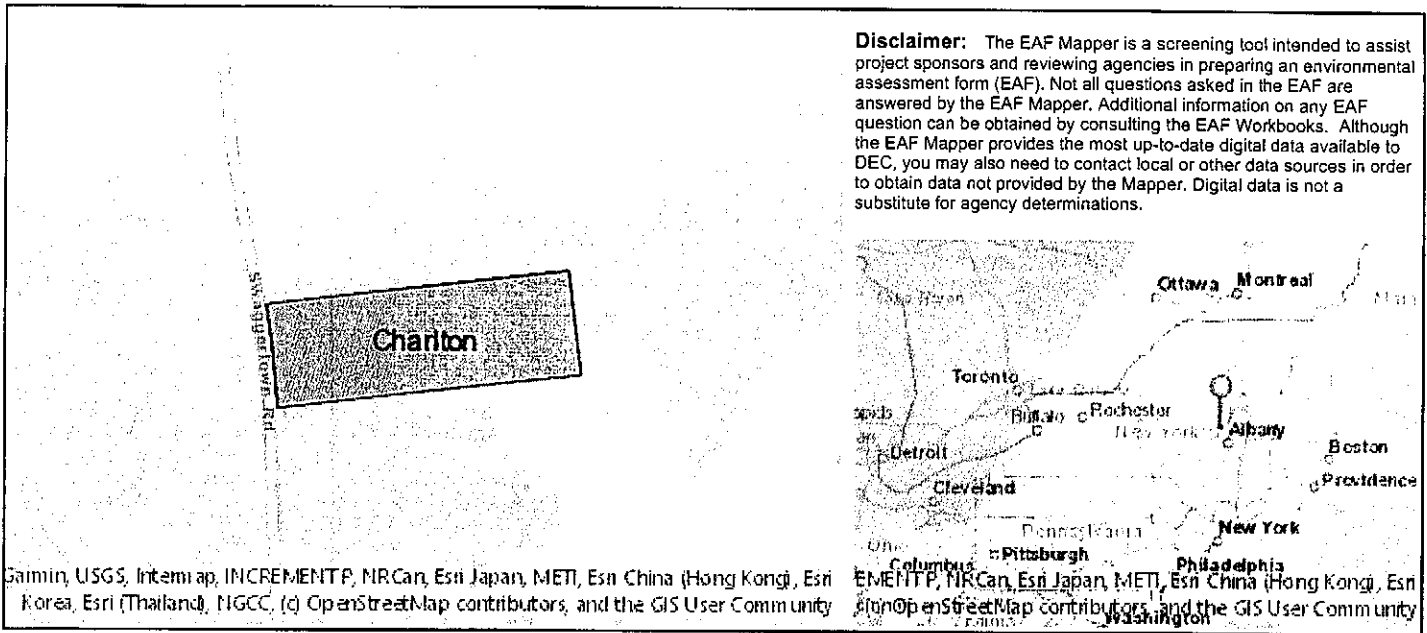
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 2 Lot Minor Subdivision			
Project Location (describe, and attach a location map): 720 Swaggertown Road, Schenectady, NY 12302			
Brief Description of Proposed Action: Subdivide 9.88± acre into 3 single-family residential lots with separate wells and septic. Lot #1 is proposed as 2.07± Acres and Lot #2 as 7.18± Acres. All proposed lots will conform to the required lot area.			
Name of Applicant or Sponsor: KORE Development, LLC - Joseph Bonitalbus		Telephone: 518-928-8556	
		E-Mail: joseph@koredevelopment.com	
Address: 2114 Morrow Avenue			
City/PO: Niskayuna		State: NY	Zip Code: 12309
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Charlton Planning Board and Building Permit			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? <span style="float: right;">9.25± acres</span> b. Total acreage to be physically disturbed? <span style="float: right;">1.95± acres</span> c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">9.25± acres</span>			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: NYS Building Codes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: Private Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: Private Septic System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Luigi A. Palleschi, P.E., ABD Engineers, LLP</u> Date: <u>September 1, 2021</u>		
Signature: <u></u> Title: <u>Professional Engineer</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

**Town of Charlton**  
**Application for Subdivision - List of Neighboring Property Owners**

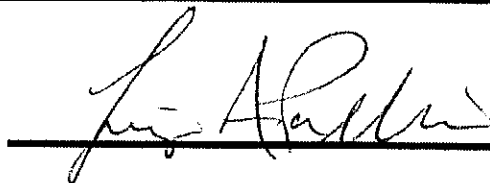
In order for a Preliminary Application for a subdivision to be considered complete, a list is required that details all owners of property that are contiguous, adjacent to, or across an established road from the proposed boundaries of the subdivision. Tax Map Numbers, Names, and Addresses are required. Include all active farms within 1,500 feet for a minor subdivision or within 2,500 feet for a major subdivision. Property Class numbers in the 100 series indicate farms and crop land.

Joseph Bonitatibus - KORE Development, LLC  
Owner \_\_\_\_\_ Applicant Same

**Tax Map # (s) on request for subdivision**

Tax Map #	Property Class	Name (s)	Address
255.-1-33	210	David A. Caruso	723 Swaggertown Road Scotia, NY 12302
255.-1-31.22		Michael De Santis	717 Swaggertown Road Scotia, NY 12302
255.-1-51	210	Barbara A. Desantis c/o Janinie Deyo	22 Thelma Street Albany, NY 12205
256.-1-68	210	Jon A. Miles	9 Beechwood Trail Burnt Hills, NY 12027
256.-1-67	240	Giovanni M. Cianfarani	716 Swaggertown Road Scotia, NY 12302
256.-1-70		Beverly A. Glover	724 Swaggertown Road Scotia, NY 12302
256.-1-85	240	Jeremy R. Muir Jennifer L. Muir	36 Komar Drive Charlton, NY 12019
256.-1-86.1		Deborah L. Spurgas	40 Komar Drive Charlton, NY 12019

Signature of  
Preparer



date

5/21/2021



## AGRICULTURAL DATA STATEMENT AND CONTROL FORM

Town of Charlton Tax Parcel No. 256.- 1- 69  
(section) - (block) - (lot)

Consolidated Agricultural District No. 1 or 2 Street Name Swaggertown Road  
(circle)

**NOTE:** Section 283-a of the Town Law (effective July 1, 1993) requires that any application for a Special Permit, Site Plan Approval, Use Variance or Subdivision Approval **on property within an Agricultural District containing a farm operation, OR on property with boundaries within five hundred (500) feet of a farm operation that is located in an Agricultural District**, include an Agricultural Data Statement. **ALL** applications requiring an Agricultural Data Statement must be referred to the Saratoga County Planning Board in accordance with amended section 239-m and 239-n of the General Municipal Law (effective July 1, 1993).

### **Part I: Agricultural Data Statement**

Name of Applicant Kore Development, LLC

Mailing Address 2114 Morrow Avenue, Niskayuna, NY 12309

Description of Project 2 lot minor subdivision. Lot 1, 2.07± acres and Lot 2, 7.18± acres. Both  
with private wells and septic systems.

Names and addresses of those owners of land within Consolidated Agricultural District No. \_\_\_\_\_ that contain farm operations AND are located within five hundred (500) feet of the project property:

1. None
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Attach to this form a copy of a tax map showing the site of the proposed project relative to the locations of farm operations identified above. Farm Operations are defined as “...the land used in agricultural production, farm buildings, equipment and farm residential buildings” according to Section 301, Article 25 AA of the Agricultural and Markets Law.

**Part II: Submission and Evaluation** (to be completed by Municipal Review Agency)

Type of Submission (Check appropriate type)

Use Variance \_\_\_\_ Special Use Permit \_\_\_\_ Site Plan Review \_\_\_\_ Subdivision Review X

Municipal Review Authority (Check appropriate agency)

Zoning Board of Appeals \_\_\_\_ Planning Board X Town Board \_\_\_\_

**Part III: Notice Provision** (to be completed by Municipal Review Agency)

Consistent with Section 283-a(3) of the Town Law, written notice of the application described in Part I has been provided to the owners of land identified in the Agricultural Data Statement.

Date Notice Mailed N/A

**Part IV: Notice to County Planning Board** (to be completed by Municipal Review Agency)

Consistent with Section 283-a(5) of the Town Law, the Clerk of the Municipal Review Authority identified in Part II must refer all applications requiring an Agricultural Data Statement to the County Planning Board.

Date Referred to County Planning Board \_\_\_\_\_

Use Agricultural Data Statement Referral Form

**NOTICE**

Regarding Disclosure Notice to Prospective Purchasers

As of July 1, 1999:

1. **When any purchase and sale contract is presented** for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following:

*"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."*

- 1a. Such disclosure notice shall be signed by the prospective grantor and grantee prior to the sale, purchase or exchange of such real property.
2. Receipt of such disclosure notice shall be recorded on a property transfer report form prescribed by the state board of real property services as provided for in section three hundred thirty-three of the real property law.

**AFFIDAVIT TO BE COMPLETED BY OWNER**

STATE OF NEW YORK )

COUNTY OF Schenectady )ss:

Joseph Borzittabus, being duly sworn, deposes and says that he/she is the owner and/or developer of the real property subdivision known as 720 Swaggettown Rd which subdivision is herewith submitted to the Town Planning Board of the Town of Charlton, New York, for its approval, pursuant to the Town Law of the State of New York and other statutes and ordinances in such cases made and provided.

That deponent has authorized ABO Engineers, LLC, to appear on his/her behalf in order to make application for subdivision approval and to obtain all approvals relating thereto.

Deponent states that, from his/her actual knowledge, the map or plan as submitted herewith is true and correct in every detail and correctly sets forth the owners of adjoining lands.

That this affidavit is made as an inducement to the Town of Charlton Planning Board for approval of the aforesaid subdivision plat.

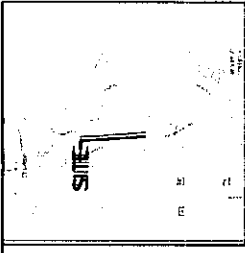
Signed John R. [Signature]

Sworn to before me this

23<sup>rd</sup> day of January, 2022

[Signature]  
Notary Public

GIA L. NEALON  
Notary Public, State of New York  
Registration #01NE6367062  
Qualified In Schenectady County  
Commission Expires Nov. 13, 2025



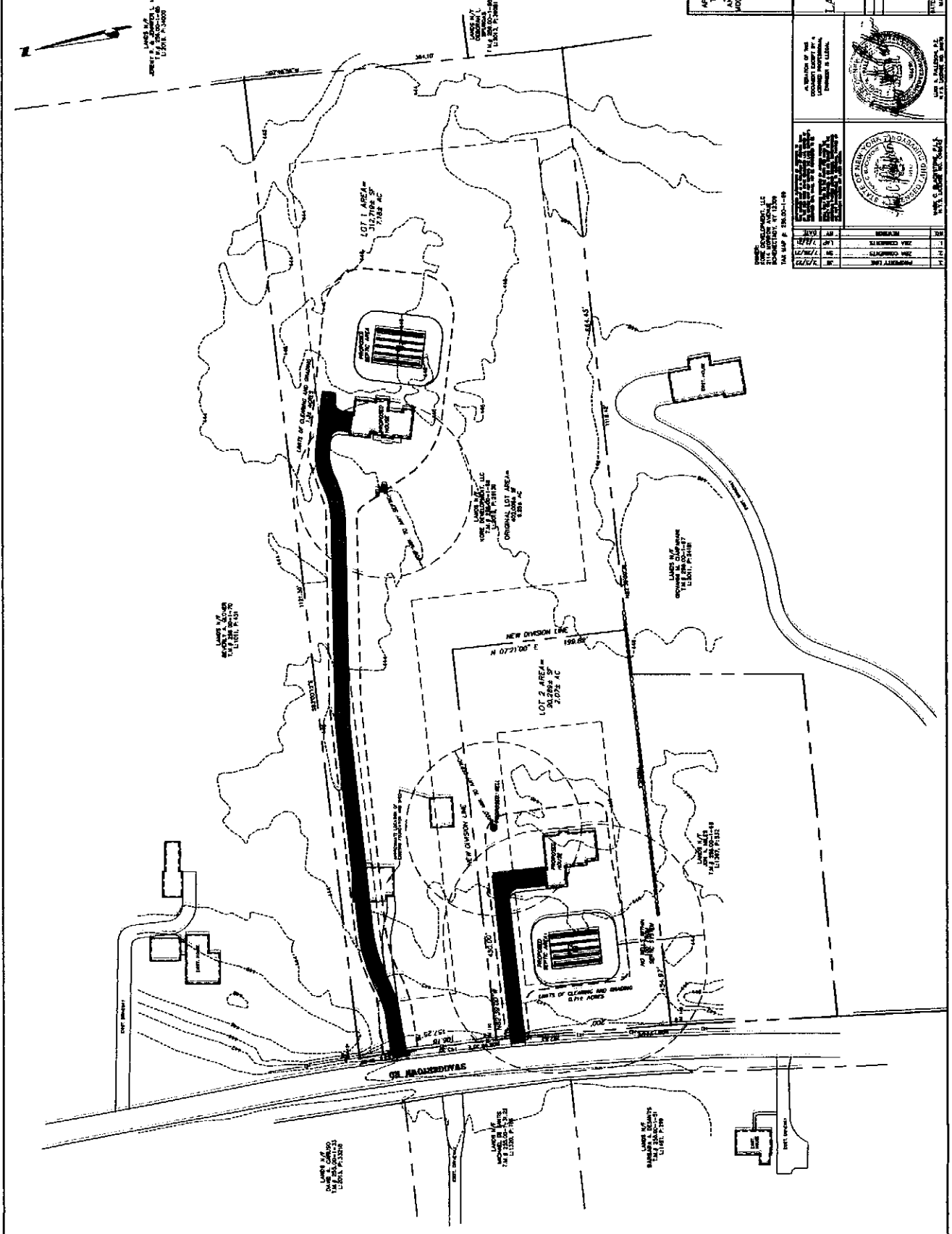
SITE LOCATION

1. BASE MAPS, INCLUDING PLAT MAPS, RECORD MAPS, AND AERIAL PHOTOGRAPHS, HAVE BEEN REVIEWED AND FOUND TO BE CORRECT AND ACCURATE.
2. THE PLANNED SUBDIVISION, INCLUDING THE PROPOSED LOT LINES, HAS BEEN PREPARED BY THE ENGINEER, WHO HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE PROPOSED LOT LINES ARE CORRECT AND ACCURATE.
3. THE PROPOSED LOT LINES HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF CHARLESTON, NEW YORK, AND THE REQUIREMENTS OF THE STATE OF NEW YORK.
4. THE PROPOSED LOT LINES HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF CHARLESTON, NEW YORK, AND THE REQUIREMENTS OF THE STATE OF NEW YORK.
5. THE PROPOSED LOT LINES HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF CHARLESTON, NEW YORK, AND THE REQUIREMENTS OF THE STATE OF NEW YORK.
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9. THE PROPOSED LOT LINES HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF CHARLESTON, NEW YORK, AND THE REQUIREMENTS OF THE STATE OF NEW YORK.
10. THE PROPOSED LOT LINES HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN OF CHARLESTON, NEW YORK, AND THE REQUIREMENTS OF THE STATE OF NEW YORK.

THE TOWN OF CHARLESTON PLANNING BOARD HAS REVIEWED THE PROPOSED SUBDIVISION PLAN AND HAS FOUND THAT THE PROPOSED LOT LINES ARE CORRECT AND ACCURATE. THE BOARD HAS APPROVED THE PROPOSED SUBDIVISION PLAN AND HAS RECOMMENDED THAT THE TOWN OF CHARLESTON, NEW YORK, SHOULD GRANT THE SUBDIVISION MAP TO THE ENGINEER, WHO HAS PREPARED THE PLAN.

2 LOT MINOR SUBDIVISION PLAN  
LANDS N/F KORE DEVELOPMENT, LLC  
70 SWANGETOWN ROAD  
CHARLESTON, NEW YORK 13611

DATE: MAY 18, 2021  
SCALE: 1" = 80'  
SHEET: 1 OF 1



DATE	SCALE	SHEET	OF
MAY 18, 2021	1" = 80'	1	1

DATE	SCALE	SHEET	OF
MAY 18, 2021	1" = 80'	1	1

DATE	SCALE	SHEET	OF
MAY 18, 2021	1" = 80'	1	1

DATE	SCALE	SHEET	OF
MAY 18, 2021	1" = 80'	1	1

DATE	SCALE	SHEET	OF
MAY 18, 2021	1" = 80'	1	1

Town of Charlton  
ZONING BOARD OF APPEALS  
RESOLUTION NO 2021-04,  
August 10, 2021

**RESOLUTION OF ZONING BOARD OF APPEALS  
APPROVING AREA VARIANCE FOR BONITATIBUS PROPERTY LOCATED AT  
720 SWAGGERTOWN ROAD**

MOVED BY: Chip Ellms

SECOND BY: Rick Potts

**WHEREAS, Joseph Bonitatibus – KORE Development**, did present for approval pursuant to Section 267 of the Town Law, a revised application for an Area Variance on road frontage requesting approximate 165 feet road frontage for Lot 1 and 210 feet road frontage for Lot 2 in subdividing a 9.88 acre lot for the purposes of building two (2) single family residential homes, at 720 Swaggertown Road, in the Town of Charlton, dated July 2, 2021, with a proposed Site map/old survey, Section of Tax Map showing surrounding lots, and names and addresses of neighboring property owners, and

**WHEREAS**, the Zoning Board of Appeals set, advertised for, and conducted a Public Hearing on August 10, 2021, as is required by law, and considered all of the relevant facts, circumstances and subject matter concerning the Area Variance application.

**NOW, THEREFORE, BE IT RESOLVED**, that, after careful review and consideration, the aforesaid application for an Area Variance be and the same is hereby approved upon the applicants' compliance with the submission requirements and with the following modifications/conditions, if any:

The Zoning Board of Appeals considered the following:

1. **In its consideration of area variances, the Board of Appeals shall take into account the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.**
  - a. There will be no undesirable change in the health, welfare and character of the neighborhood by virtue of the rather minimal road frontage variance for Lot 1 of approximately 175 feet and for Lot 2 of approximately 200 feet (slight difference from what the applicant was originally requesting), as the variance will hardly be noticeable, subject to the condition(s) below.
  - b. The benefit/subdivision cannot be properly achieved by some other method or manner.

c. The requested area variance is minimal, approximately 12.5% of the required 200 feet, and cannot be achieved any other way that still allows for the best use of the parcels, while still keeping the subdivision parcel number to a minimum.

d. The physical and environmental conditions in the neighborhood will not be adversely impacted by grant of the variance, subject to the conditions below.

e. The difficulty was not entirely self-created, as the current zoning allows for up to 4 lots and this variance request will require only two (2) lots, thus preserving more of the rural charm and character of the neighborhood, and mitigating visual and traffic concerns associated with a larger number of lots.

**2. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.** Here the applicant requested a variance from 200 to 165 feet, however, the Board, after due consideration and discussion with the applicant, reduced the variance, by requiring the frontage to be a minimum of approximately 175 feet rather than the requested 165 feet.

**3. The Board finds that the variance should be granted for all of the foregoing, as well as because:**

a. Subject to the condition(s) below, approval will cause no detriment to the health, safety and welfare of the community.

b. Approval will benefit the applicants without significant detriment to the community and neighborhood.

c. Approval will result in two buildable lots and homes constructed in a location and manner generally consistent with the character of the neighborhood.

d. Approval constitutes the minimum variance deemed necessary and adequate.

**4. The Board finds the area variance to be a Type II action under SEQR, already pre-determined to have no significant adverse impact on the environment, and thus no further SEQR review is warranted or required.**

**5. The following conditions of approval are imposed:**

a. the variance shall be a maximum of approximately 25 feet, representing for Lot 1, an approximate 175 foot road frontage requirement on the roadway, and for Lot 2, a 200 foot frontage requirement on the roadway, rather than the required 200 feet as set by Town Code

for both. This reduces the requested variance from 17.5% to 12.5%, representing the minimum variance necessary and needed.

b. The applicant shall not be allowed to create a ‘house behind a house” situation, and thus, in accordance with Town Subdivision Regulations, Design and Construction Standards, any new construction will be limited and restricted accordingly.

c. all other specifications and requirements needed and necessary to meet those conditions provided in the plans that were provided to the Zoning Board, and all other conditions as set forth in the record of the meetings.

**Now, Therefore Be It Resolved** by the Zoning Board of Appeals of the Town of  
Charlton:

	Ayes	Noes
Chairman Jim Leupold <u>  X  </u>	<u>          </u>	
Member Chip Elms	<u>  X  </u>	<u>          </u>
Member Richard Potts <u>  X  </u>		
Member Nate Keenan <u>  X  </u>		
Member David Taplin <u>          </u>	<u>          </u>	
Dated: August 10, 2021		

I, Kimberly A. Caron, Clerk of the Zoning Board of Appeals for Town of Charlton do hereby certify that the attached Resolution is a true and accurate copy of the original on file at the office of the Town Clerk of the Town of Charlton, 758 Charlton Road, Ballston Lake, New York, 12019.

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Kimberly A. Caron, Clerk, Zoning Board of Appeals  
Town of Charlton