

Town of Charlton  
ZONING BOARD OF APPEALS  
RESOLUTION NO 2023-04,  
September 12, 2023

RESOLUTION OF ZONING BOARD OF APPEALS  
APPROVING AREA VARIANCE FOR SARGENT/MEILUNAS PROPERTY  
LOCATED AT 6 OLD ROUTE 67

MOVED BY: Dave Taplin

SECOND BY: Chip Ellis

**WHEREAS, Melanie Meilunas and David Sargent**, did present for approval pursuant to Section 267 of the Town Law, an application for an approximate twenty-six and forty-eight tenths (26.48) foot road frontage Area Variance to subdivide off two lots from their 25.43 acre parcel, with a proposed Lot 2 of 3.95 acres and a proposed Lot 3 of 5.17 acres for the purposes of building single family homes at each of the proposed lots for their children, where the proposed Lot 3 will only have 173.52 feet of road frontage, in the Town of Charlton, dated May 5, 2023, with a proposed Site map/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 September 12, 2023, as is required by law, and after consideration of the relevant facts, circumstances and subject matter concerning the Area Variance application, including comments and recommendations provided by the Town Planning Board as well as those from the County Planning Board.

**NOW, THEREFORE, BE IT RESOLVED**, that 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 of twenty-six and forty-eight tenths (26.48) feet along Rocky Ridge Road representing a variance of 13.24%, as the variance will hardly be noticeable, the Lot 3 property only being accessed from Rocky Ridge Road.

b. The benefit/subdivision cannot be properly achieved by any other reasonable method or manner.

c. The requested area variance is minimal, approximately 13.24% of the required 200 feet, is essentially not noticeable by sight, buffered, and cannot be achieved any other way that still allows for the best use of the parcels.

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 alleged difficulty, namely the deficient frontage, however was self created.

**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.**

**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 (2) buildable lots and homes constructed in a location and manner generally consistent with the character of the neighborhood, and for the use by the applicant's family.

d. Approval constitutes the minimum variance deemed necessary and adequate for the purposes sought.

**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 twenty-six and forty-eight tenths (26.48) feet, representing a 173.52 feet frontage requirement on Rocky Ridge Road for Lot #3 as set forth on the map provided, rather than the required 200 feet as set by Town Code, with a minimum 200 feet of road frontage for Lot 2;

- 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 to prohibit such, so as to preserve the rural character of the Town and as part of the safe, orderly and efficient use of land and development within the Town.
- c. No further subdivision of the 3 parcels shall be allowed in the future that require any kind of area variance.
- d. all other specifications and requirements needed and necessary to meet those conditions disclosed in the plans that were provided to the Zoning Board, and all other conditions as set forth in the record of the meetings, as well as all requirements and conditions of the Town and State Code;

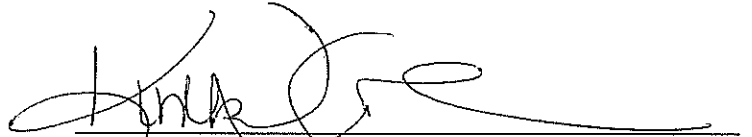
e. Receipt of comment letters from Saratoga County Planning Board & the Town of Charlton Planning Board.

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

Charlton:

	Ayes	Noes
Chairman Jim Leupold	<u>✓</u>	___
Member Chip Elms	<u>✓</u>	___
Member Richard Potts	<u>✓</u>	___
Member Nate Keenan - Absent	___	___
Member David Taplin	<u>✓</u>	___
Dated: September 12, 2023		

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.



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