

TOWN OF CHARLTON
ZONING BOARD OF APPEALS
APPLICATION AND APPEAL
(Special Use. / Variance)

Case Number: _____ Date of Application: _____ Tax Map No: 246.-3-26.11

1. APPLICANT

Name: Megan Miraglia, JC Quirin, Kathleen Cork

Address: 833 Swaggertown Rd

Charlton, NY 12019

Phone: (513) 207-6119 (Megan)

2. LOCATION OF PROPERTY:

Address: 833 Swaggertown Rd

Charlton, NY 12019

CURRENT ZONING: Residential _____ Res/ Agri X Agricultural _____

3. TYPE OF APPLICATION: (Check One)

- Variance: Use _____ Area X _____
- Interpretation of Zoning Ordinance or Map: _____
(Cite Sections for Interpretation)
- Special Use
Permit: _____ Other: _____

4. PROJECT DESCRIPTION:

Construction of a stand-alone accessory dwelling unit (ADU) for the permanent residence of Kathleen Cork. The home will utilize the same street address and utilities as the primary home, with an appearance consistent with the property and Charlton Hamlet.

5. REQUIRED MATERIALS: Applicant must provide 12 copies of the following:

- Completed Application
- Site Plan showing area of concern; additions, extensions, etc., including dimensions.
- Section of Tax Map showing surrounding lots.
- Names and addresses of neighboring property owners.

For Variance: One lot on each side, the lot directly across, and one lot on each side of it, and the lot to the rear, and one lot on each side of it.

For Special Use Permit: 1500 or 2500 feet. (See Zoning Regulations) (ZBAAPL1)

6. USE VARIANCE

Not applicable.

7. AREA VARIANCE - *The Zoning Board Of Appeals is required to balance these two elements in granting of variances: (1) The benefit to the applicant from the variance and (2) the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were to be granted. The provision sets forth five factors for the board to consider in balancing these interests:*

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

This variance has no anticipated negative effects to neighbors or the Charlton community. The ADU will serve solely as a personal residence for one family member, sharing an address and utilities with the existing home. The structure will replace an existing dilapidated, modern (~1980) garage with little visual appeal or use, nestled between large outbuildings. The ADU will only be visible from Swaggertown Rd, with 180 ft of frontage including trees and a small orchard.

The unit will be professionally designed by architects in a style consistent and compatible with the historic Charlton Hamlet, enhancing the property visually and leaving little to no impact after initial construction.

2. Whether the benefit sought by the applicant can be achieved by some other feasible method other than the variance.

The ADU is being constructed as a primary residence for our mother/mother-in-law, Kathleen Cork. Previous options explored include: finding a nearby home (current situation, but unsustainable); sharing the primary home (not possible due to lack of accessibility); connected addition to the primary home (not possible due to location/structure/historic nature); and converting an existing historic barn/garage into a residence (we interviewed 6 contractors and determined the project was not feasible and cost-prohibitive). The remaining option is building a new structure on our 13+ acre property.

3. Whether the requested variance is substantial.

The ADU will have an anticipated size between 900 sq ft and 1,200 sq ft, on the current footprint of an existing garage and shed. The home will be ranch style, with a potential half-story loft space, not exceeding the height of the buildings surrounding it.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

This variance has no anticipated adverse effects on the physical or environmental conditions of the neighborhood. Since moving here, we have worked hard to sustainably steward our home and farm, growing food, composting, planting trees and a riparian buffer for the wetland, and cleaning

up the property. We had our septic system and leach field completely replaced in 2022 with additional capacity included in anticipation of potentially increased usage.

5. Whether the alleged difficulty was self created, (that will not necessarily preclude the granting of the area variance.)

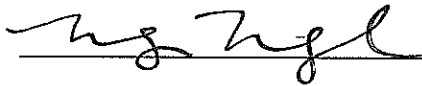
Since moving to Charlton in 2021, we encouraged our mother/mother-in-law, Kathleen Cork, to relocate to the area as we build roots here and grow our family. After moving here from Minnesota in 2022, she purchased a home in Glenville, but health challenges have made accessibility, driving, and property maintenance a challenge making remaining there not feasible.

Kathleen's presence on our property will be of enormous benefit to our family - ensuring Kathleen's ability to live independently and safely for years to come, as well as help provide love and care for our newborn daughter. We are committed to finding a way for her to join us on our property.

8. **INTERPRETATION SUBMISSION REQUIREMENTS** - Explain the nature of the requested interpretation:

Not applicable.

9. **CERTIFICATION:** I hereby affirm and say that all the above statements and the statements contained in the attached submission are true to the best of my knowledge and belief:



11-02-2023

(Signature of applicant)

(Date)

(ZBAAPL2)

Short Environmental Assessment Form

Part 1 - Project Information

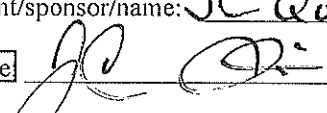
Instructions for Completing

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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 833 Swaggertown In-Law Unit			
Project Location (describe, and attach a location map): The structure will replace an existing garage building at 833 Swaggertown Rd in Charlton, NY (Saratoga County, Tax ID 246.-3-26.			
Brief Description of Proposed Action: This project is for construction of a detached accessory dwelling unit (ADU) for the permanent residence of Kathleen Cork (mother/mother-in-law of existing home/property owners). The ADU will be single-occupancy, with an anticipated size between 900 sq ft and 1,200 sq ft; it will be on the current footprint of a dilapidated free-standing garage (1980s construction) and shed, situated between two existing outbuildings. Water & electricity will come from main house, and it will share existing septic.			
Name of Applicant or Sponsor: Megan Miraglia, JC Quirin, Kathleen Cork		Telephone: 513-207-6119 E-Mail: megan.miraglia@gmail.com	
Address: 833 Swaggertown Rd			
City/PO: Charlton		State: NY	Zip Code: 12019
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: Town of Charlton, area variance			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			13.66 acres
b. Total acreage to be physically disturbed?			0.034 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			13.66 acres
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input type="checkbox"/> Commercial</div> <div style="width: 50%;"><input type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div>			

5. Is the proposed action,	NO	YES	N/A
a. <u>A permitted use under the zoning regulations?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. <u>Consistent with the adopted comprehensive plan?</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u>	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	NO	YES	
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. <u>Does the proposed action meet or exceed the state energy code requirements?</u>	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. <u>Will the proposed action connect to an existing public/private water supply?</u>	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. <u>Will the proposed action connect to existing wastewater utilities?</u>	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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. <u>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?</u>	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 type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>JC QUERIN</u> Date: <u>2023-11-03</u>		
Signature: <u></u> Title: _____		

Town of Charlton
Application for Variance - List of Neighboring Property Owners

In order for a Preliminary Application for a variance 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 subject property. Tax Map Numbers, Names, and Addresses are required.

Owner MEGAN MIRAGLIA &
S.C. QUIRIN

Applicant MEGAN MIRAGLIA,
S.C. QUIRIN, KATHLEEN CORK

Tax Map # (s) on request for subdivision

Tax Map #	Name (s)	Address
246.-2-9	JOYCE & GAIL HARKNESS	794 CHARLTON RD
246.-1-23	CATHIE JO & MELIVOS BRUN	4001 SOCKET ST
246.-1-24	SUSAN & ADRIAN PERREGAUX	810 CHARLTON RD
246.-3-26.12	PAULA & ERIC WUNDERLICH	821 SWAGGERTOWN RD
246.-3-34	CHARLES ALSDORF	828 SWAGGERTOWN RD
246.12-1-1	JEAN OTTEIGNON	798 CHARLTON RD
246.12-1-42	PHYLLIS & ROBERT KILEEN	791 CHARLTON RD
246.-3-25	CHRISTINE BUHLINGER & GLENN HUNGER	819 CHARLTON RD

Signature of
Preparer

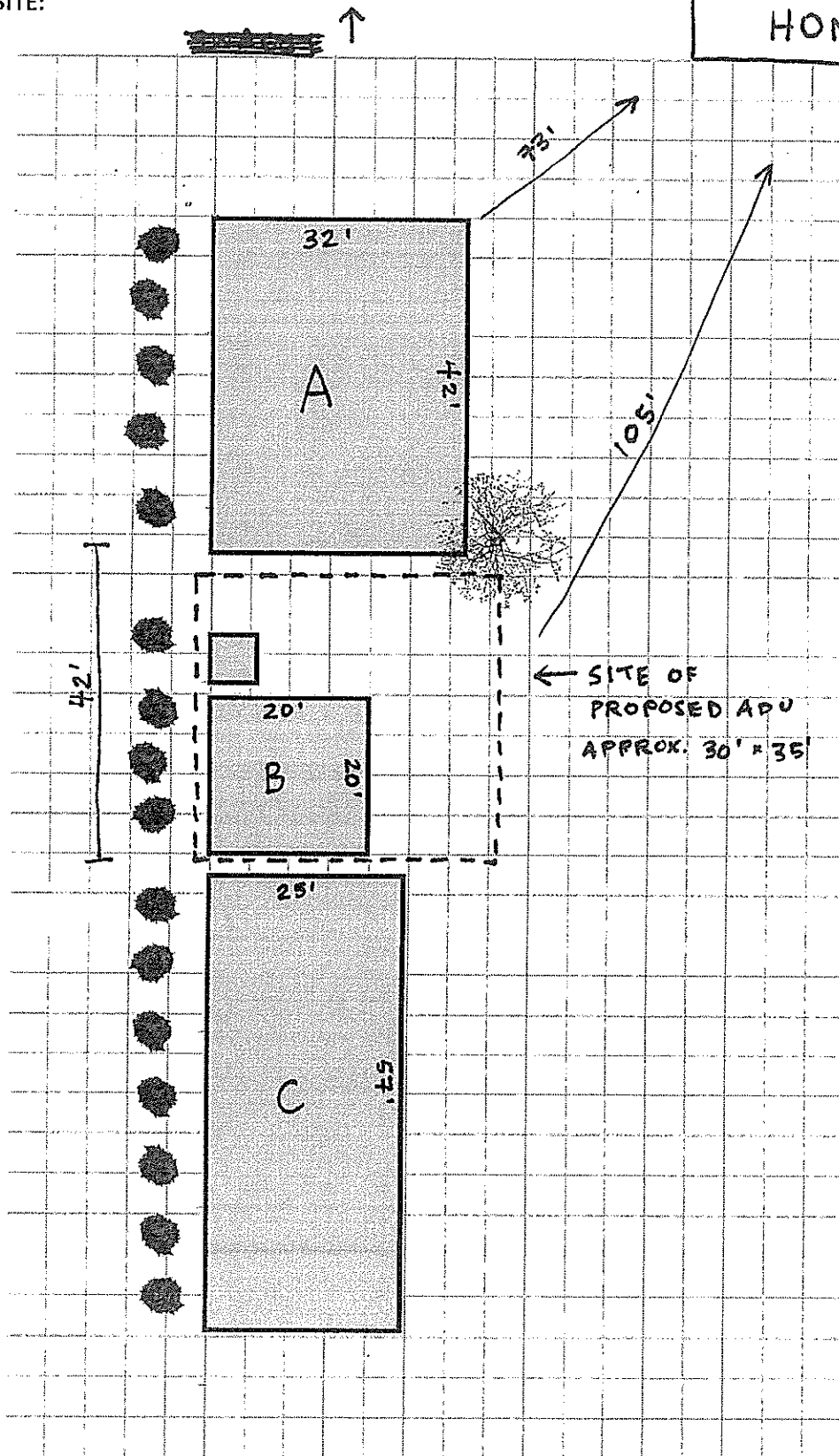


Date 2023-11-03

PROJECT SITE:

CHARLTON RD

HOME

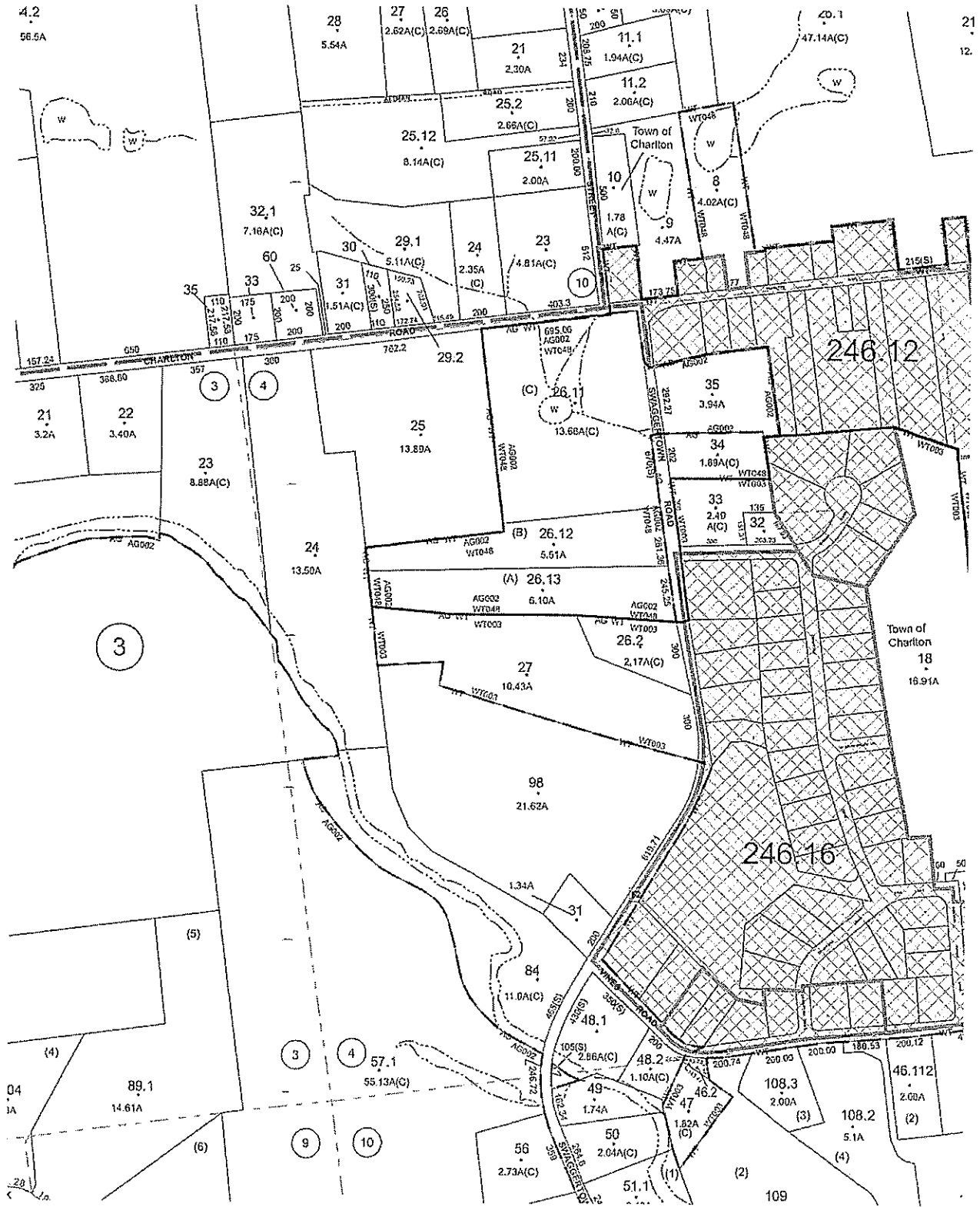


TOWN OF CHARLTON ZONING BOARD OF APPEALS

Area Variance Application

833 Swaggertown Rd

TAX MAP:



TOWN OF CHARLTON ZONING BOARD OF APPEALS
Area Variance Application
833 Swaggertown Rd

BEFORE:



AFTER:

example structure pending architectural design



AFFIDAVIT TO BE COMPLETED BY OWNER

STATE OF NEW YORK)

)ss:

COUNTY OF SARATOGA)


JC QUIRIN &

MEGAN MIRAGLIA, being duly sworn, deposes and says that he/she is the owner of the real property known as 833 SWAGGERTOWN RD, which property is herewith submitted to the Town Zoning Board of Appeals of the Town of Charlton, New York, for variance approval, pursuant to the Town Law of the State of New York and other statutes and ordinances in such cases made and provided.

JC QUIRIN

That deponent has authorized MEGAN MIRAGLIA, to appear on his/her behalf in order to make application for variance approval and to obtain all approvals relating thereto. Deponent states that, from his/her actual knowledge, all of the information 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 Zoning Board of Appeals for approval of the aforesaid variance request.

Signed



Sworn to before me this 3 day of November, 2023

Mandy M. Mattice
Notary Public

MANDY M. MATTICE
Notary Public, State of New York
Qualified in Saratoga County
Registration No. 01MA6418823
Commission Expires June 21, 2025