

Town of Charlton
ZONING BOARD OF APPEALS
RESOLUTION NO 2023-02
June 13, 2023

RESOLUTION OF ZONING BOARD OF APPEALS
APPROVING AREA VARIANCE FOR KONDRAT PROPERTY LOCATED AT
2304 & 2306 ROUTE 67 IN THE TOWN OF CHARLTON

MOVED BY: Rick Butts

SECOND BY: Dave Taphin

WHEREAS, David Bogardus, PLS, of Northeast Land Survey & Land Development Consultants, P.C., on behalf of applicants Paul Kondrat and Margaret Kondrat, did present for approval pursuant to Section 267 of the Town Law, an application for an Area Variance on lot acreage to allow the property owners to adjust the boundary lines between properties located at 2304 and 2306 Route 67 both owned by Paul and Margaret Kondrat, to allow for maintenance, access, and account for variations in water levels to the pond so as to not impact the adjoining parcel. The application presented was dated March 30, 2023, with a proposed Site map/old survey, current deeds of record, current survey, and 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 June 13, 2023, as is required by law, and considered public input and all of the relevant facts, circumstances and subject matter concerning the Area Variance application, and further received and considered the comments and recommendations provided by the Town Planning Board on the matter.

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 lot line adjustment, as the variance will hardly be noticeable at all from the street, and will provided the needed buffer between the division line of the

properties and the shore line of the existing pond, and thus bring the pond lot closer with existing standards, subject to the condition(s) below.

b. The benefit/subdivision cannot be achieved by some other method or manner.

c. The requested area variance is minimal to provide the needed buffer and access to the pond from the pond parcel.

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

e. The difficulty was not entirely 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. Here the applicant is requesting relief that will allow the owner of the one lot to maintain the pond without having to cross over into the other parcel, correcting a current non-conforming condition with the pond lot.

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

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 bringing the pond lot into a more confirming condition, while causing a minor non-conformance in the other lot by way of a 6% variance in acreage from the required minimal acreage of 2.00 acres, still generally consistent with the character of the neighborhood.

d. Approval constitutes the minimum variance deemed necessary and adequate, and actually brings the pond parcel closer in compliance to that which is currently set by Code allowing for access and maintenance without having to cross over to the other parcel.

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 lot line adjustment increasing the pond lot to 2.851 acres from its current 2.731 acres and decreasing the other lot from 2.001 acres to 1.881 acres (a minimal 6% variance from the required 2.00 acre minimum), which will not even be noticeable. This will bring the pond lot more into compliance in regards to providing a buffer and full access for maintenance to the pond without having to cross over into the other parcel. The benefit to the pond lot outweighs the minimal area variance required to the other lot.

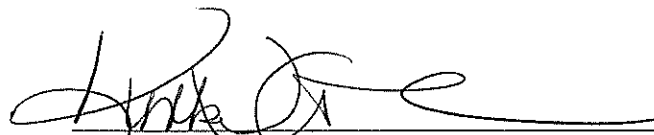
b. all other specifications and requirements needed and necessary to meet those conditions provided in the plans and map that were provided to the Zoning Board, and all other conditions as set forth in the record of the meetings.

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

Charlton:

	Ayes	Noes
Chairman Jim Leupold	<u>✓</u>	_____
Member Chip Ellms - <i>Absent</i>	_____	_____
Member Richard Potts	<u>✓</u>	_____
Member Nate Keenan - <i>Absent</i>	_____	_____
Member David Taplin	<u>✓</u>	_____
Dated: June <u>13</u> , 2023		

I, Kimberly A. Caron, Clerk of the Zoning Board of Appeals for the 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