**Town of Charlton**

**Zoning Board of Appeals**

**Public Hearing Minutes and**

**Business Meeting Minutes**

**June 13, 2023**

Minutes of the Zoning Board of Appeals meeting held on June 13, 2023.

Chairman Jim Leupold called the meeting to order at 7:04 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 Kim Caron, 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 April 11, 2023 meeting need to be approved. Chairman Leupold stated that there are not enough board members present to vote. Minutes will be voted on at the next meeting.

Chairman Leupold stated that the meeting minutes from the May 9, 2023 meeting need to be approved. Chairman Leupold stated that there are not enough board members present to vote. Minutes will be voted on at the next meeting.

**Kondrat/Bogardus – Area Variance**

Dave Bogardus appeared before the Board.

Mrs. Caron read the legal notice published in the Dailly Gazette on June 2, 2023. Mrs. Caron stated that cards were mailed to the adjoining neighbors on June 1, 2023.

Dave Bogardus: This property is located in the RA district. The applicants own both of the parcels. One of the properties was the mother-in-law’s property. There is a large pond. Both lots meet the frontage requirements. The line to the pond is 20 feet but we are short on the 2-acre minimum. The lot will be 1.8 acres instead of the required 2 acres. No construction is planned on either property. This proposal is so that they can mow around the pond.

Chairman Leupold opened the hearing to the public.

No one from the public chose to speak.

Board member Taplin made the motion to close the public hearing. Board member Potts seconded the motion. All were in favor.

Mrs. Caron read the proposed resolution into the record.

Chairman Leupold asked that the pond be staked so that it is known where the lines are.

Mr. Bogardus stated that he would do that.

Board member Potts made the motion to approve the area variance for the Kondrat application. Board member Ellms seconded the motion. All were in favor.

**Johnson Application – Special Use Permit**

Tammy Johnson appeared before the board.

Mrs. Johnson stated that she is currently a dog trainer that trains dogs in their homes with her daughter. Mrs. Johnson stated that she would like to be able to do training and boarding at her home located at 912 Charlton Road. Mrs. Johnson stated that she has a lot of acreage. Mrs. Johnson stated that she feels that boarding dogs at home is less stressful for the dogs.

Mrs. Caron read a letter from Anne Varcasio in favor of the application.

Board member Potts asked if there would be kennels on the property.

Mrs. Johnson stated no that all of the dogs would be staying inside the home. Mrs. Johnson stated that she has enough room in her house to keep the dogs inside and separated.

Board member Potts inquired if there would be out door runs.

Mrs. Johnson stated no that they would be walking the boarded dogs on long leashes and her own dogs would be tethered outside.

Board member Potts stated per our zoning ordinance that the house meets the setback requirements for a kennel.

Board Attorney Craig stated that the only real criteria this application fits under is using the kennel requirements. Attorney Craig asked the applicant to expand on number of dogs, types of dogs and duration of boarding.

Mrs. Johnson stated that she has 4 dogs of her own and would like to be able to board 4 more dogs as well as expanding on the dog training.

Board Attorney Craig inquired if it would be longer than a week for boarding.

Mrs. Johnson stated that it would typically be 2-4 days and weekends. Mrs. Johnson stated that there would be the occasional week board. Mrs. Johnson stated that 8-10 dogs would be the maximum she could do in her house.

Board member Taplin inquired if there were other employees.

Mrs. Johnson stated that it is her and her daughter.

Board member Taplin inquired if there would be “dog daycare”.

Mrs. Johnson stated that there would be a small amounts in the day training program that would go home at the end of the training.

Board member Taplin inquired if there were specific breeds she trained.

Mrs. Johnson stated that it is mostly puppies of all breeds.

Board Attorney Craig inquired where 8 dogs would be in the home.

Mrs. Johnson stated that the main floor of her house is the dining room, kitchen and family room. Mrs. Johnson stated that the dogs would be in crates in the family room. Mrs. Johnson stated that she is looking to have a total of 12 dogs including her 4.

Board Attorney Craig inquired if there was any fenced property.

Mrs. Johnson stated no.

Board Attorney Craig inquired as to the distance to the closest neighbor.

Mrs. Johnson stated that they are located 750 feet off the road and her closest neighbor is Bruce Hodgkins.

Board Attorney Craig inquired about waste management.

Mrs. Johnson stated that it will be cleaned up and bagged and put in the trash.

Chairman Leupold inquired about the shared driveway.

Mrs. Johnson stated that it is a shared driveway with Bruce Hodgkins.

Chairman Leupold inquired where the Hodgkin house was located.

Mrs. Johnson stated that it is off to the side.

Board member Potts inquired about parking.

Mrs. Johnson stated that people use her circle driveway to drop off and pick up. Mrs. Johnson stated that she has room for 10 cars in front of their Morton building.

Board member Potts inquired if the training was one on one.

Mrs. Johnson stated it is usually one or two dogs in a session.

Board Attorney Craig stated that one of the zoning requirements for a kennel is air-conditioning.

Mrs. Johnson stated that they currently have window units and are looking into central air.

Board member Taplin inquired if there would be a sign.

Mrs. Johnson stated that there is currently a sign there which is why the zoning administrator contacted her to complete this process.

Board Attorney Craig inquired how long the applicant had been training dogs.

Mrs. Johnson stated that she has been doing this for 10 years.

Chairman Leupold stated that there are certain requirements for the sign.

Mrs. Johnson stated that the zoning administrator told her the sign is fine and meets the regulations.

Board Attorney Craig inquired if they check to see if the dog is licensed.

Mrs. Johnson stated that they check for licensing and vaccine records.

Board Attorney Craig inquired if the business was a DBA or LLC.

Mrs. Johnson stated LLC.

Board Attorney Craig requested a copy of the articles of organization.

Mrs. Johnson stated that she would provide that information.

Board member Potts made the motion to declare the Zoning Board of Appeals as lead agency for the purposes of SEQRA. Board member Taplin seconded the motion. All were in favor.

Board member Taplin made the motion to schedule the Public Hearing for July 11, 2023 at 7:00 p.m. Board member Potts seconded the motion. All were in favor.

**New Business**

Mrs. Caron stated that she received an application for an area variance to subdivide. Mrs. Caron provided copies of the application to the Board. Mrs. Caron stated that the application would be on the July agenda.

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

Meeting adjourned at 7:46 p.m.

Respectfully Submitted,

Kimberly A. Caron

Recording Secretary