

**Town of Charlton
Zoning Board of Appeals
Public Hearing Minutes and
Business Meeting Minutes**

April 20, 2011

Minutes of the Zoning Board of Appeals – April 20, 2011

Chairman Don Schermerhorn called the meeting to order at 7:00 p.m. at the Charlton Town Hall, 758 Charlton Road, Charlton, New York 12019.

Present: Don Schermerhorn, Chairman, Mark Chotkowski, Ed Malis, Audrey Ketchum, Robert E. Van Vranken, Town Attorney, and Kimberly Caron, Recording Secretary.

Business Meeting

Roll call attendance was taken.

Mr. Schermerhorn asked everyone to stand for the Pledge of Allegiance.

Mr. Schermerhorn stated that the February 15, 2011 minutes needed to be approved. Mr. Schermerhorn inquired if there were any comments from the Board. There were no additional comments.

Mr. Chotkowski made a motion to approve the draft of the February 15, 2011 minutes. Mrs. Ketchum seconded the motion. All were in favor. Mr. Malis abstained from the vote.

312 Stage Road, LLC/Ogle (247.-2-49)

Mr. Schermerhorn stated that this is continuing discussions for an Amendment to the Special Exception Permit which original application was heard at our February 15, 2011 meeting. Mr. Schermerhorn stated that the applicant withdrew the application dated December 15, 2010 and has submitted an amended application dated March 1, 2011. Mr. Schermerhorn read into the record the letter that accompanied the amended application dated March 4, 2011. Mr. Schermerhorn also read into the record a portion of the minutes from the April 13, 2010 Public Hearing pertaining to the original application for a Special Exception Permit. Mr. Schermerhorn further read into the record the Resolution granting the Special Exception Permit.

Mr. Ogle stated that the original application included a fence which his representative informed him that neither the Board nor the public was in favor of that. Mr. Ogle stated that his representative also informed him that the residents had many concerns about the garage

and the possibility of housing tractor trailers. Mr. Ogle stated that the new amended application has downsized the garage to a two car garage, or 24' x 28' building for vehicle parking, snow plow storage and lawn maintenance supplies. Mr. Ogle stated that since he has owned the property he has made many improvements including a new roof, installation of shutters around the building and 5 wooden areas used as access to the building have been re-stained. Mr. Ogle stated that he has also placed black mulch around the perimeter of the building, added 14 shrubs and plans to add more, cleaned the brush in the back area and trimmed the trees. Mr. Ogle stated that he does not let things run down. Mr. Ogle stated that he does not want to be in the position where he is purchasing things needed to maintain the property that would have to be left outside. Mr. Ogle stated that the garage would be for storage of things like everyone else puts in their garage.

Mr. Schermerhorn stated that the applicant attached a rendering of the proposed garage to the application and it has been reduced in size.

Mr. Ogle stated that he will keep the color the same as the building with the same roof color. Mr. Ogle stated that the intent is to keep the theme the same.

Mr. Schermerhorn inquired why the original application included a fence.

Mr. Ogle stated that they wanted to do it just to have it there. Mr. Ogle stated that they were not trying to hide anything.

Mr. Malis inquired if the picture attached to the application was a picture of the building he was proposing.

Mr. Ogle stated that it was not the exact building but the building would be along those lines.

Mr. Schermerhorn inquired if there would be a slab floor.

Mr. Ogle responded yes.

Mr. Schermerhorn referenced the Zoning Ordinance regarding the procedure for the process of this application citing page 51 Article 6 Section 4 Meetings. Mr. Schermerhorn stated that the vote would need to be a majority of the Board plus one which in the case tonight as there are only 4 Board members, the vote needs to be unanimous.

Mr. Malis made the motion to declare the Zoning Board of Appeals as lead agency for the purposes of SEQRA and that the action is an unlisted action with a finding of no significant environmental impact relative to SEQRA. Mr. Chotkowski seconded the motion. All were in favor.

Mr. Malis made the motion to approve the Amendment to the Special Exception Permit originally granted on April 13, 2010 to allow the placement of a 24' x 28' Garage. Mrs. Ketchum seconded the motion. Mr. Schermerhorn called for discussion to review the considerations of the "Special Exception to Designated Land Uses" criteria.

Mrs. Ketchum read the criteria:

A. Will not substantially endanger the health, safety, morals, or general welfare of the neighborhood, nor adversely affect the environment.

Agree.

B. Is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.

Agree.

C. That off-street parking spaces are adequate to handle expected public attendance.

Agree.

Mr. Van Vranken inquired if there would be any public events held there.

Mr. Ogle responded no.

D. That the neighborhood character and surrounding property values are not substantially endangered.

Agree

E. That exceptional use proposed will not cause undo traffic congestion or create a traffic hazard.

Agree

F. That the exceptional use proposed is of such a nature that the determination as to whether or not it is allowed should be considered by the Town Board.

Do not agree.

G. That the requirements of Section 6 (below) are met.

Agree.

Mr. Malis stated that he agrees with Mrs. Ketchum's assessment.

Mr. Chotkowski stated that he also agreed with the assessment as long as no commercial activities will take place in that garage.

Mr. Schermerhorn inquired if Mr. Chotkowski wanted to make that a condition of approval.

Mr. Chotkowski stated that it should be specified that any activity in that garage should be associated with Froland Transportation and not a second lessee.

Mr. Van Vranken stated that when the amendment is written, what the Board is approving is a storage building and the Board has the applicant's testimony to that.

Mr. Schermerhorn stated that he agrees with the use of a storage building and as to the criteria, he agrees with the Board.

Mr. Van Vranken stated that if you look at the amended application there is a new building there and that new building under the "professional building requirements", which is what we used as the criteria when we gave the original approval to Mr. Ogle last year, does require side and rear setbacks which this does not meet. However, in 1987 the site obtained several area variances. Mr. Van Vranken suggested that the resolution contain language with the awareness that the building does not meet all of the setback requirements and that the Board is approving variances to that. Mr. Van Vranken stated that the area variances previously approved and referenced in the resolution of last April carried through because there were no new buildings, they were just continuing by resolution. Mr. Van Vranken stated that because the Board is approving the addition of a building, it needs to be noted that the Board recognizes that the 24' x 28' proposed building does not meet those requirements. Mr. Van Vranken stated that the building is proposed at the back of the property and is consistent with the treatment of this parcel.

Roll call vote was taken:

Mr. Chotkowski: aye

Mr. Schermerhorn: aye

Mrs. Ketchum: aye

Mr. Malis: aye

Motion approved.

Mr. Schermerhorn stated that the applicant would receive a letter of approval.

Tiffany (256.10-2-3)

Mr. Schermerhorn stated that the Board would be having a Public Hearing on this application on April 26, 2011 at 7:30 p.m.

Mr. Chotkowski made a motion to adjourn. Mr. Malis seconded the motion. All were in favor.

Meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary