

**Town of Charlton  
Zoning Board of Appeals  
Business Meeting Minutes**

**November 13, 2013**

Minutes of the Zoning Board of Appeals – November 13, 2013

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, Ed Malis, Mark Chotkowski, Bob Van Vranken, Town Attorney and Kim Caron, Recording Secretary.

**Business Meeting**

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

Roll Call attendance was taken.

**Minutes**

Mr. Schermerhorn stated that the draft of the July 16, 2013 minutes needed to be approved. Mr. Schermerhorn inquired if there were any comments from the Board. There were no comments.

Mr. Schermerhorn made the motion to approve the draft of the May 22, 2013 meeting minutes. Mr. Malis seconded the motion. All were in favor.

**Amendment to Special Exception Area Variance**

**Maloney (256.12-1-21)**

Mr. Schermerhorn read the contents of the file into the record:

- application dated August 1, 2013
- Zoning Board of Appeals Resolution dated April 14, 2009
- narrative of amendment accompanying the application
- Town Board Resolution 138
- Survey map depicting the site plan of the Charlton Tavern Amended Exceptional Use Permit dated July 30, 2013
- picture with a rough sketch depicting the alterations to the lot line

- letter from Environmental Design Partnership, LLP dated October 13, 2013 to the Planning Board
- Planning Board letter dated November 5, 2013 to the Town Board
- Saratoga County Planning Board letter dated September 20, 2013 to the Planning Board.

Mr. Schermerhorn stated that the application is requesting an amendment to the Exceptional Use Permit granted on April 27, 2009 for the Charlton Tavern. Mr. Schermerhorn stated that the narrative submitted and the survey with the site plan was prepared by Van Gui8lder & Associates. Mr. Schermerhorn stated that the applicant would like to cut off a back corner portion of the existing property and convey it to the Taylors, who are the adjacent property owners. Mr. Schermerhorn stated that this requires a lot line adjustment from the original variance that was granted by the Town Board. Mr. Schermerhorn stated that the Town Board took purview of the application and jurisdiction. Mr. Schermerhorn stated that the role of the Zoning Board is to give an opinion to the Town Board so that they can take the next course of action.

Mr. Schermerhorn asked if there were any questions from the Board regarding the applicant's request.

Mr. Schermerhorn stated that the requirement of the Board under the Zoning Ordinance is to answer certain questions, which can be found in the Zoning Ordinance, Article 6 Section 3 "Area Variances".

Mr. Malis read the five criteria.

*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.*

No.

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

No.

*3. Whether the requested variance is substantial.*

No. It is a 4% reduction in lot size.

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

No.

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

It is self-created however, does not preclude the granting of the area variance.

Mr. Schermerhorn stated that Mr. Van Vranken has prepared a Resolution for this application.

Mr. Van Vranken read the Resolution into the record.

Mr. Schermerhorn made the motion to accept the Resolution as prepared. Mr. Malis seconded the motion. All were in favor.

**Business**

Mr. Schermerhorn stated that he asked Mr. Van Vranken to edit the Exceptional Use Application. Mr. Schermerhorn handed out the revised application to the Board for review and comment.

Mr. Schermerhorn made the motion to adjourn the meeting seconded by Mr. Chotkowski. All were in favor.

Meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary