

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

May 22, 2013

Minutes of the Zoning Board of Appeals – May 22, 2013

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

Present: Don Schermerhorn, Chairman, Ed Malis, Mark Chotkowski, Al Smith, Kurt Vanderhorst, Bob Van Vranken, Town Attorney and Kim Caron, Recording Secretary. Joe Marchesiello (alternate) was also present in the audience.

Business Meeting

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

Roll Call attendance was taken.

Doepel 2013-03

Mr. Schermerhorn read the legal notice published May 10, 2013 into the record.

Mr. Schermerhorn stated that the applicant is George Doepel and the application is dated May 2, 2013. Mr. Schermerhorn stated that the applicant is looking for an area variance to construct a proposed addition to his current residence in which the addition will exceed the side lot setback requirements.

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

- application dated 5/2/13;
- survey dated 1/5/00;
- list of adjacent property owners;
- property map from Saratoga GIS;
- copy of the subdivision application with the Planning Board;
- letter from the Planning Board with their recommendations. (letter was read into record)

Mr. Schermerhorn stated that the Board requested feedback from the ECC but nothing has been received.

Mr. Schermerhorn stated that the applicant has provided a rendering of the proposed addition this evening.

Mr. Van Vranken stated that the survey map has a revision dated of 4/19/13 showing the proposed addition.

Mr. Vanderhorst made a motion to close the business meeting, seconded by Mr. Chotkowski. Roll call vote was taken. All were in favor

PUBLIC HEARING

Doepel

Mr. Schermerhorn stated that the applicant, George Doepel is present.

Mr. Schermerhorn opened the Public Hearing.

Mr. Doepel: I don't have anything to say at this point. I am waiting for approval to build the addition.

Mr. Schermerhorn: Ok.

Mr. Chotkowski made the motion to close the Public Hearing seconded by Mr. Vanderhorst. All were in favor.

Public Hearing closed at 7:10 p.m.

Business

Mr. Schermerhorn stated that the draft of the February 19, 2013 minutes needed to be approved. Mr. Schermerhorn inquired if there were any comments from the Board. There were no comments.

Mr. Chotkowski made the motion to approve the draft of the February 19, 2013 meeting minutes. Mr. Smith seconded the motion. All were in favor. Mr. Malis and Mr. Vanderhorst abstained from the vote.

Doepel Discussions

Mr. Schermerhorn stated that there is a protocol that the Board has to follow in terms of questions that the Board has to answer relative to the application for the area variance.

Mr. Malis asked for clarification of the request.

Mr. Schermerhorn stated that this is a 6 foot variance. Mr. Schermerhorn stated that the setback is currently 21.2± feet. Mr. Schermerhorn stated that the proposed addition reduces the setback to 15.2 ± feet. Mr. Schermerhorn stated that the request is for a 6 foot variance from the lot line.

Mr. Malis stated that he was under the impression that for a corner lot, the front setback is the same on both sides.

Mr. Van Vranken stated that the way the lot is positioned on the survey, it appears to have one front and one side. Mr. Van Vranken stated that it does not appear that there are two front lots. Mr. Van Vranken stated that there is no access to Anthony Drive, just to Hillview Lane. Mr. Van Vranken stated that the applicant is correct in asking for a side lot variance. Mr. Van Vranken stated that, according to John Gay's survey, there are two side lots, 18.76 on the north side of the house and 15.2 on the south side of the proposed new addition. Mr. Van Vranken stated that added together is roughly 34 feet which is the 6 feet lacking which has been mentioned. Mr. Van Vranken stated that, although this is a pre-existing lot, the frontage is 34 feet rather than the 40 feet required. Mr. Van Vranken suggested that the Board consider an area variance for the frontage also. Mr. Van Vranken stated that according to the variance, the requirements are that the front setback is 40 feet and the two side lots have to total 40 feet with one side having to be 15 feet. Mr. Van Vranken stated that this parcel has two side setbacks that are over 15, however, the total is lacking by 6 feet.

Mr. Chotkowski read from the Zoning Ordinance on page 27 pertaining to corner lots.

The Board determined that the house was built in 1952, which precedes the Zoning Ordinance.

Mr. Chotkowski inquired if there was a Town water main located in the vicinity of the parcel, if so, the locations compared to the house, the property line and the road and does the Town still have the ROW.

Mr. Schermerhorn stated that the drawing does not show a water main.

The Board discussed the possible issues if a water main was located in the vicinity of the proposed addition.

Mr. Vanderhorst inquired if there was a fire hydrant on Anthony Drive.

Mr. Doepel stated no, he believes that it is in the opposite side of the road.

Mr. Malis inquired why the addition was 6 feet more to the left than the right.

Mr. Doepel stated that he wanted a 24 x 24 addition and that anything other would exceed the kitchen windows and be too close to the septic.

Mr. Malis made a motion to declare the Zoning Board of Appeals as lead agency status for the purposes of SEQRA and that the action is an unlisted action with a negative declaration relative to SEQRA. Mr. Vanderhorst seconded the motion. All were in favor.

Mr. Malis made the motion to approve the area variance for 6 Hillview Lane as requested. Mr. Vanderhorst seconded the vote.

Mr. Schermerhorn asked for discussion of the 5 criteria.

Mr. Schermerhorn 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.

Yes.

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).

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

Roll call vote was taken:

Mr. Chotkowski – aye

Mr. Malis - aye

Mr. Smith – aye

Mr. Vanderhorst – aye

Mr. Schermerhorn – aye

Area Variance Granted.

Mr. Schermerhorn stated that written notice of the Board's determinations will be available within the next 7 days.

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

Meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary