

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

**May 12, 2015**

Minutes of the Zoning Board of Appeals – May 12, 2015

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, Al Smith, Bob Van Vranken, Town Attorney and Kim Caron, Recording Secretary. Chip Ellms joined the meeting at 7:15 p.m.

**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 October 21, 2014 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 October 21, 2014 meeting minutes. Mr. Smith seconded the motion. All were in favor.

**Public Hearing**

**Henry (256.10-2-59)**

Mr. Schermerhorn stated that the applicant, Jeff Henry, is looking for an area variance for a proposed attached garage to the existing residence.

Mr. Schermerhorn opened the Public Hearing at 7:05 p.m.

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

-application received 4/24/15;

-SEQR Short Environmental Assessment Form dated 4/24/15;

- Public Hearing Legal Notice, published 05/02/15 (read into the record);
- Reference: Zoning Ordinance dated 11/13/2000, Schedule Table IV-2, reference Residential Zone, "Minimum Yard Dimensions-Total Two Sides (40')";
- Applicants project description (read into the record), including list of adjacent property owners;
- Reduced Site Survey (no date);
- Setback Details.

Mr. Schermerhorn read the application summary he prepared for the Board members.

Mr. Schermerhorn stated that the full survey is dated 3/23/15 and certified by J. Christopher Foss of Ferguson & Foss, Professional Land Surveyors, PC, including the tax map number.

Mr. Schermerhorn asked the applicant to present his project.

Jeff Henry: Thank you. I am Jeff Henry. I would like to build a garage. Before I moved in, I bought the property from my uncle, the existing garage was converted into a family room. I have lived there for 21+ years. I bought the property 12 years ago when I came into some money. I sold my company from College, I maintained machinery. The company I work for now, I have sold machinery to and they bought out the last of the machinery. It was the old Curtiss Lumber site. I would like to take the money and improve the house and get a garage built. I've got plenty of room. I spend a lot of time on the yard and the upkeep. Over the last 3 years I have put in \$45-50K in upkeep and countless hours. I had the engineer plot the proposed garage on the survey. I plan to hire a contractor to do the work. I want to put a gable end on the house so it looks like it was built that way. It won't be big and gaudy. It would be nice to have a garage. I came to the Town to get a shed on the property. It looks nice, I didn't cut any corners. It's a nice shed. I have lived there 20 years without a garage and it would be nice to have one.

Mr. Schermerhorn closed the Public Hearing at 7:13 p.m.

### **Deliberations**

Mr. Chotkowski asked if the surveyor visited the site.

Mr. Henry stated yes.

Mr. Chotkowski asked why there wasn't a bilco door on the print.

Mr. Henry stated that he did not know. Mr. Henry stated that the door was put in by his uncle years ago and he did not know that one needed to be there.

Mr. Chotkowski stated that the proposed garage would be jutting closer to the road than the house. Mr. Chotkowski stated that he drove through the entire area and did not see any other houses like that. Mr. Chotkowski stated that he is concerned with setting a precedent.

Mr. Chotkowski asked if a personal door could be put on the corner having the entrance on the other side of the garage making the garage even with the front of the house. Mr. Chotkowski stated that this is a self-created issue. Mr. Chotkowski stated that he sees two different issues, frontage to the road and distance to the side lot. Mr. Chotkowski stated that the bilco door is not a show stopper since it was put on years ago. Mr. Chotkowski stated that the frontage is a bigger concern. Mr. Chotkowski stated that the bilco door is a non-issue but it should be noted that the survey doesn't actually match what is there.

Mr. Schermerhorn stated that the proposed garage would extend 7 feet beyond the house line.

Mr. Smith stated that it would be feasible to bring the line back to the house line.

Mr. Henry stated that it was feasible however, he was hoping to access the house and garage from where it is shown. Mr. Henry stated that it would make it nicer for living there but it is possible. Mr. Henry stated that he thinks it is closer than 40 feet because there is still plenty of parking for two cars even before the proposed garage.

Mr. Schermerhorn asked if there was an entrance within the garage to the house.

Mr. Henry stated yes.

Mr. Schermerhorn asked if there was an exterior door that could be accessed while a car was in the garage.

Mr. Henry stated that his intention was to get into the house without traveling through the family room. Mr. Henry stated that he wanted a door that led into the house on the far end so they are not walking through the family room. Mr. Henry stated that he is willing to do what the Board wants but it would be great if he didn't have to change his plan.

Mr. Schermerhorn asked the Board if there were any further questions.

Mr. Smith stated that the house line was his only concern.

Mr. Schermerhorn stated that to meet the combined side lot setback of 40 feet, 5 feet is still needed.

Mr. Van Vranken stated that this is a pre-existing house. Mr. Van Vranken stated that the setback could be addressed in the resolution.

Mr. Schermerhorn stated that if the setback is 36 feet there is still a need for an area variance for the side line and the front line. Mr. Schermerhorn stated that he is also concerned with setting a precedent. Mr. Schermerhorn inquired if it would be a hardship if the proposed garage is accomplishable if the same front line of the house is maintained.

Mr. Henry stated no.

Mr. Schermerhorn made a motion to approve the application of Jeffrey R. Henry for an area variance with respect to the required two sideline setback totals from 40.0 feet to 35.1 feet and the proposed garage having dimensions of 20 x 34 feet be relocated so that the front of the garage facing DeGraff Lane would be a continuation of the frontage of the current residence and would have a setback from DeGraff Lane of 36.2 feet.

Discussion:

Mr. Schermerhorn read the 5 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.

Mr. Smith voted 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.

Mr. Ellms made a motion to approve the application of Jeffrey R. Henry for an area variance with respect to the required two sideline setback totals from 40.0 feet to 35.1 feet and the proposed garage having dimensions of 20 x 34 feet be relocated so that the front of the garage facing DeGraff Lane would be a continuation of the frontage of the current residence and would have a setback from DeGraff Lane of 36.2 feet.

Mr. Chotkowski seconded the motion.

Roll Call vote was taken:

Mr. Schermerhorn – yes

Mr. Chotkowski – yes

Mr. Smith – yes

Mr. Ellms - yes

Motion passed. Area variance granted.

Mr. Schermerhorn stated that Mr. Van Vranken will prepare the resolution.

### **New Business**

Mr. Schermerhorn stated that he expects Van Guilder to file an application for the June 9<sup>th</sup> meeting.

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

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary