

**TOWN OF CHARLTON
TOWN BOARD**

LEGAL NOTICE

PLEASE TAKE NOTICE, that the Town Board, together with the presence of the Town Planning Board and Town Zoning Board of Appeals of the Town of Charlton, Saratoga County, New York, will meet to conduct a public hearing at the Charlton Town Hall, 758 Charlton Road in said Town of Charlton, County of Saratoga, New York on the **22nd day of August, 2016 at 6:30 p.m.** for the purpose of hearing all persons regarding the following matter:

The Town Board will be considering the application of Leonard C. Wessell, Jr. based on Article VII of the Town of Charlton Zoning Ordinance entitled **Special Exception To Designated Land Uses** for an amendment to a current **Exceptional Use Permit** for property located at 154 Crane Street and now to include 151 Crane Street, Town of Charlton, Saratoga County, New York.

The Town Board will be the board of primary jurisdiction with respect to the exceptional use permit application, while the Town Planning Board and Town Zoning Board of Appeals will provide advisory opinions to the Town Board with respect to each board's separate evaluations and consideration of the Wessell application. Such Planning and Zoning Board recommendations will be submitted to the Town Board regarding this matter.

Dated: August 8, 2016
Charlton, New York

Alan Grattidge, Supervisor
Town of Charlton Town Board



TOWN OF CHARLTON
ZONING BOARD OF APPEALS
APPLICATION AND APPEAL
(SPECIAL USE/VARIANCE)

Case Number: _____ Date: _____ Tax Map # 246.-3-14 & 15

1. APPLICANT **OWNER (IF DIFFERENT)**

NAME: <u>Leonard C. Wessell</u>	NAME: _____
ADDRESS: <u>2 Florence Avenue</u> <u>Charlton, N.Y. 12019</u>	ADDRESS: _____
PHONE: <u>518 - 365 - 9978</u>	PHONE: _____

2. LOCATION OF PROPERTY

ADDRESS: 151 & 154 Crane Street, Scotia, N.Y. 12302

CURRENT ZONING: RESIDENTIAL _____ RES/AGRI AGRICULTURAL _____

3. TYPE OF APPLICATION: (CHECK ONE)

- VARIANCE: USE AREA SET BACK VARIANCE
- INTERPRETATION OF ZONING ORDINANCE OR MAP: ARTICLE VII - Special Exceptions
o (CITE SECTIONS FOR INTERPRETATIONS)
- SPECIAL USE PERMIT: OTHER _____

4. PROJECT DESCRIPTION:

Applicant owns 151 & 154 Crane Street. 154 Crane St. contains existing wood frame building and parking area for a trucking business. 151 Crane St. contains an existing collapsed house and a wood frame garage. Applicant proposes to demolish the house and combine both parcels into one and operate the trucking business for fuel and material delivery.

5. REQUIRED MATERIALS: APPLICANT MUST PROVIDE 6 COPIES OF THE FOLLOWING FOR ZONING OR IF NECESSARY 12 COPIES FOR THE PLANNING BOARD.

- COMPLETED APPLICATION
 - SITE PLAN SHOWING AREA OF CONCERN; ADDITIONS, EXTENSIONS, ETC., INCLUDING DIMENSIONS
 - SECTION OF TAX MAP SHOWING SURROUNDING LOTS
 - NAMES & ADDRESSES OF NEIGHBORING PROPERTY OWNERS.
- FOR VARIANCE: TWO ON EACH SIDE, TO THE REAR, AND ACROSS THE STREET
FOR SPECIAL USE PERMIT: 1500 OR 2500 FEET. (SEE ZONING REGULATIONS)

- RETURN APPLICATION TO ZONING OFFICE FOR REVIEW

6. **USE VARIANCE-** Note: The Zoning Board of Appeals is without authority to issue a USE VARIANCE unless the applicant can demonstrate that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; The applicant and employees (5-7) rely on this business for financial stability. Oil delivery is seasonal and material trucking allows for year round income.

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; This property historically has been used for business purposes.

Charlton does not have a commercial business zone.

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and Variance will allow site improvements, which will enhance the character of the neighborhood.

4. That the alleged hardship has not been self-created. This hardship is not self-created. The applicant intended to continue to use the property as it has been in the past as the business grew.

7. **AREA VARIANCE** - The Zoning Board Of Appeals is required to balance these two elements in granting of variances: (1) The benefit to the applicant from the variance and (2) the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were to be granted. The provision sets forth five factors for the board to consider in balancing these interests:

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.

Variance will allow improvements to enhance the character of neighborhood.

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

These are existing conditions. Would have to relocate the business.

3. Whether the requested variance is substantial.

This request is not substantial. It will be more compliant with the current zoning.

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

Variance will improve physical and environmental conditions.

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

This difficulty was not self created. These are pre-existing difficulties.

8. **INTERPRETATION SUBMISSION REQUIREMENTS** - Explain the nature of the requested interpretation:

9. **CERTIFICATION:** I hereby dispose and say that all the above statements and the statements contained in the attached submission are true to the best of my knowledge and belief:

Duane J. Halideau (As Agent)
(Signature of applicant)

7/8/16
(Date)

(ZBAAPL2)