

**Town of Charlton
Planning Board Minutes
758 Charlton Road
Charlton, New York 12019**

Minutes of the Planning Board Meeting –May 16, 2016

Chairman Jay Wilkinson called the meeting to order at 7:10 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Jack Kadlecek, Bruce Gardner, Dawn Szurek, Chris Mitchell, Jonathan Riedinger, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the April 18, 2016 meeting minutes needed to be approved. Mrs. York has previously provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Mr. Wilkinson stated that the draft of the April 30, 2016 site visit minutes needed to be approved. No comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

None.

Subdivision Applications

Marra/Carnevali (223.-1-23)

Mr. Wilkinson stated that this is an application for a subdivision of a 72± acre lot on the east side of Jolly Road. Mr. Wilkinson stated that the applicant would like to subdivide three lots with the existing house and improvements on 61 acres, and create two new building lots of 5± acres each for future sale. Mr. Wilkinson stated that at the March meeting the Board took lead agency status and declared a negative declaration relative to SEQRA. Mr. Wilkinson stated that the Public Hearing was held on April 18, 2016. Mr. Wilkinson stated that there was quite a discussion with the neighbor, Eugene Snowicz and his niece Susan St. Amour. Mr. Wilkinson stated that most of the comments from the hearing pertained to the

condition of Mr. Snowicz's property from water runoff from the neighboring properties. Mr. Wilkinson stated that the Board conducted a site visit of the Marra property and the Snowicz property. Mr. Wilkinson stated that the application has been forwarded to the County Planning Board and Mike McNamara, Town Engineer. Mr. Wilkinson stated that the Board has not received comments from the County Planning Board because they meet after the Planning Board meets. Mr. Wilkinson stated that Mr. McNamara has sent a detailed letter dated 5/3/16 with his comments and concerns. Mr. Wilkinson stated that he would like to review the letter from Mr. McNamara during the business meeting. Mr. Wilkinson stated that new drawings have been received. Mr. Wilkinson stated that the new maps answer most of the comments from Mr. McNamara's letter.

Katz/Burke (245.-1-8.11 and 7)

Mr. Wilkinson stated that the applicant is looking for a lot line adjustment between his property located at 955A Charlton Road and the property belonging to Elizabeth Burke at 955 Charlton Road. Mr. Wilkinson stated that the parcel located at 955A was part of the Marsh subdivision that the Board granted. Mr. Wilkinson stated that the eastern most lot created had the corner of the Burke's barn located on the lot line. Mr. Wilkinson stated that because the barn was a pre-existing non-conforming condition, the Board could not require the lot line be moved. Mr. Wilkinson stated that the drawing provided for the lot line adjustment has the line being moved the entire length of the property. Mr. Wilkinson stated that this created issues with meeting the mean lot width requirement due to the unusual shape of the lot and the existing wetlands. Mr. Wilkinson stated that the applicant went back and had his surveyor move the lot line at the corner of the property and now the mean lot width requirement has been met.

Mr. Wilkinson stated that the Board is in a position to move forward.

Pre-application Conferences

None.

Zoning Report

Mr. Wilkinson stated that the Board has received the report for review.

Correspondence.

None.

Town Board Liaison

Mr. Grasso was present

Mr. Wilkinson stated that the Board would like to move agenda item 4.b. ahead of 4.a. because the Board is in a position to act on that application and finish rather quickly.

Mr. Marra had no objection.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. All were in favor. Agenda meeting closed at 7:30 p.m.

BUSINESS MEETING

Opened at 7:30 p.m. with the Pledge of Allegiance.

Minutes

Mrs. Wood made a motion to approve the draft of the April 18, 2016 meeting minutes with changes incorporated. Mr. Riedinger seconded the motion. All were in favor. Ms. Szurek abstained from the vote.

Mrs. Wood made a motion to approve the draft of the April 30, 2016 site visit minutes. Mr. Kadlec seconded the motion. All were in favor. Ms. Szurek abstained from the vote.

PUBLIC HEARINGS

None.

SUBDIVISION APPLICATIONS and LOT LINE CHANGES

Katz/Burke (245.-1-8.11 and 7)

Mark Katz appeared before the Board.

Mr. Wilkinson stated that the Board has received new maps revising the lot lines to meet the mean lot width requirement.

Mr. Katz stated that he moved the line 31± feet which is roughly .10 of an acre.

Mr. Burke was present and acknowledged receiving a copy of the revised drawing.

Mr. Wilkinson stated that the maps have been revised to meet the mean lot width requirement. Mr. Wilkinson asked that the notes be revised to include the Town of Charlton's standard note language.

Mr. Wilkinson stated that the Board took lead agency, waived all fees, the Public Hearing and engineering review. Mr. Wilkinson stated that the application was forwarded to the

County Planning Board and approval was granted under a Memorandum of Understanding from the County.

The Board completed the short EAF form.

Mr. Wilkinson asked Mr. Katz to make a revision to the acreage amount on the application and initial the change.

Mr. Wilkinson made a motion to approve the Katz/Burke lot line adjustment on Charlton Road contingent upon the curb cut note and wetland note revisions as Resolution 2016-01 and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2016-01 was made.

Marra/Carnevali (223.-1-23)

Frank Marra appeared before the Board.

Mr. Wilkinson stated that the Board, together with Mr. McNamara, had a site visit at the property on April 30, 2016. Mr. Wilkinson stated that a site visit was also conducted on the Snowicz property.

Mr. Wilkinson stated that Mr. McNamara has provided a comment letter dated May 3, 2016. Mr. Wilkinson stated that a new drawing has also been provided by the applicant.

Mr. Wilkinson stated that the Board cannot move forward with the application without County Planning Board approval. Mr. Wilkinson stated that they meet Thursday and the application will be discussed. Mr. Wilkinson stated that the application has to be discussed at a meeting because the property is located in a State Agricultural District. Mr. Wilkinson explained why the prior application the Board discussed received an MOU from the County.

Mr. Wilkinson stated that they would like to review the letter from Mr. McNamara. Mr. Wilkinson stated that comment 1 pertained to the SEQRA form submitted being out of date. Mr. Wilkinson gave Mr. Marra the correct form and asked that he complete it.

Mr. Wilkinson stated that comment 2 pertained to the format of the drawings submitted. Mr. Wilkinson read the map requirements from the subdivision regulations. Mr. Wilkinson stated that the drawings can be left as is as long as a cover sheet is added, or a larger drawing be submitted on one sheet. Mr. Wilkinson gave Mr. Marra a copy of a previously filed subdivision map to show what the requirements are for a drawing on one sheet.

Mr. Wilkinson stated that comment 3 pertained to the soil test information being added to the drawings. Mr. Wilkinson stated that the information has been added by revision date 5/11/16.

Mr. Wilkinson stated that comment 4 pertained to the requirement of additional perk tests before a building permit would be issued that must be witnessed by the Town's Zoning Officer. Mr. Wilkinson suggested adding this information as note 10 on the drawing.

Mrs. Wood stated that it should be emphasized that a shallow alternative system would be needed there.

Mr. Keniry stated that the current note on the drawing for the septic system can be amended to include wording that a shallow fill system may be utilized in connection with the site conditions.

Ms. Szurek questioned why the test hole on parcel 2 was not where the septic system is going to be located.

Mr. Wilkinson stated that the criteria for the Planning Board is different from the Zoning Requirements. Mr. Wilkinson stated that a test will have to be done before a building permit can be obtained and it has to be witnessed by Mr. Gizzi.

Mr. Wilkinson stated that the Board would like to see wording added to the current note that "A shallow fill system as discussed in NYS DOH Administrative Rules and Regulations design standard 10NYCRR Appendix 75-A-8(c)".

Mr. Wilkinson stated that comment 5 pertained to sight distance concerns. Mr. Wilkinson stated that note 9 has been added to the drawing satisfying this comment.

Mr. Wilkinson stated that comment 6 pertained to the National Grid power lines that bisect the two proposed new lots. Mr. Wilkinson stated that note 8 has been added to the drawing to satisfy this comment.

Mrs. Wood stated that note 1 is incorrect since this information has been provided.

Mr. Marra stated that the easement was recorded in 1937 and he will have the note revised to reflect the recording information.

Mr. Wilkinson stated that comment 7 pertained to the concerns raised regarding the Snowicz property. Mr. Wilkinson stated that the arc setback that Mr. McNamara requested has been put on the drawing. Mr. Wilkinson stated that the Board is happy with Mr. McNamara's suggestions for the additional protection of the Snowicz well.

Ms. Szurek read from the Zoning Ordinance where it pertains to the responsibility not to endanger a neighbor's existing well. Ms. Szurek stated that they should do everything possible as to not create a health hazard.

Mrs. Wood inquired if the septic system could be moved more northerly.

Ms. Szurek stated that the farther away it is, the better.

Mr. Mitchell asked the applicant if he would be willing to move the setback farther than 160 feet.

Mr. Marra stated that it could be moved a little. Mr. Marra stated that the best place is in the center and back a little to the north.

Mr. Wilkinson stated that a 200 foot setback off the southern property line for the setback would make the line run parallel.

Mr. Marra stated that he could do the arc setback Mr. McNamara suggested and the 200 feet the Board would like to see.

Mr. Gardner asked Mr. Marra to show the well locations on the drawing.

The Board requested that the applicant maintain the arc setback and add a 200 foot setback to the drawing.

Mr. Snowicz and Susan St. Amour came to look at the drawings and the setbacks to his well.

Mr. Wilkinson explained that Mr. Marra does not have to agree to the Board's request but has agreed to what the Board has asked for.

Mr. Wilkinson stated that the Board has requested a revision to the septic note, 1 drawing or a cover page with the number of sheets, and the septic setback of 200 feet.

Mr. Wilkinson stated that the Board has to await County approval before acting on the application.

Mr. Wilkinson stated that someone would call Mr. Marra once the letter from the County has been received. Mr. Wilkinson stated that the Board would need 1 drawing with all of the requested changes for the next meeting to make sure that they are complete.

PRE-APPLICATION CONFERENCE

None.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso has no report.

Mr. Wilkinson made a motion to adjourn the meeting. Mrs. Wood seconded the motion. All were in favor.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary