

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

Minutes of the Planning Board Meeting –October 17, 2016

Chairman Jay Wilkinson called the meeting to order at 7:20 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Jack Kadlecek, Marilyn Phillips, Dawn Szurek, Bruce Gardner, 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 September 19, 2016 meeting minutes needed to be approved. Mrs. York has previously provided comments. Ms. Phillips provided a comment. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Lee/VanGuilder (225.-1-34)

Mr. Wilkinson stated that there would be a Public Hearing at 7:30 p.m.

Subdivision Application

Lee/Van Guilder (225.-1-34)

Mr. Wilkinson stated that there would be a Public Hearing at 7:30 p.m. Mr. Wilkinson stated that this is a proposal for a subdivision of an 18.4 acre parcel located on the south side of Route 67 to create 3 lots. Mr. Wilkinson stated that Lot 1 will be 11.9± acres and will encompass the existing house and improvements. Mr. Wilkinson stated that Lot 2 will be a 2.23± acre parcel and Lot 3 will be a 4.31± acre parcel. Mr. Wilkinson stated that the newly created Lots 2 and 3 will be offered for sale. Mr. Wilkinson stated that the Board took lead agency at the September meeting and also classified the subdivision as an unlisted action with a negative impact declaration relative to SEQRA. Mr. Wilkinson stated that the application has been referred to the County and comments have been received. Mr.

Wilkinson stated that the application was also referred to Mike McNamara and comments have been provided for review.

Ward/Northeast (225.-1-15.1)

Mr. Wilkinson stated that this is a proposal for a subdivision of a 59± acre parcel located on the south side of Route 67 to create 3 lots. Mr. Wilkinson stated that the original proposal was for a 4 lot subdivision. Mr. Wilkinson stated that after receiving feedback from the Board, the proposal was changed to 3 lots. Mr. Wilkinson stated that Lot 1 will be 51± acres and will encompass the existing house and improvements. Mr. Wilkinson stated that Lot 2 will be a 3.2± acre parcel and Lot 3 will be a 3.6± acre parcel. Mr. Wilkinson stated that the newly created Lots 2 and 3 will be offered for sale.

Mr. Wilkinson stated that the Board has received a revised drawing and the application has been revised to reflect the new proposal.

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 not present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:25 p.m.

BUSINESS MEETING

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

Minutes

Mr. Wilkinson made a motion to approve the draft of the September 29, 2016 meeting minutes with changes incorporated. Ms. Phillips seconded the motion. All were in favor.

PUBLIC HEARINGS

Lee/VanGuilder (225.-1-34)

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on October 7, 2016 and the adjoining neighbor notices were mailed on September 16, 2016.

Mr. Wilkinson opened the Public Hearing.

Duane Rabideau: I am Duane Rabideau from Van Guilder Associates here representing Laura Lee Linder in her request for a three lot subdivision located at 2115 Route 67 which is on the south side of Route 67. It's about 1500 feet east of Cook Road. What we are proposing to do is subdivide the 18 acre parcel into three lots. Lot 1 will be 11.9 acres and include the house and all existing improvements. Lot 2 will be the center lot on 2.3 acres for a new home. Lot 3 is the lot farthest to the east and will consist of 4.3 acres for a new home. Lots 2 and 3 will share an existing curb cut on Route 67. The NY DEC wetlands have been validated on the parcel and are shown in the grey areas. There is also a 100 foot adjacent area. The lots have been set up so that there is no disturbance to the wetlands or the 100 foot adjacent area. The two proposed new houses will have on site wells and septic systems.

Carolyn Setzer, 2112 Route 67: Straight across the street. I don't ask much of my neighbors. She said she was going to divide property into two lots and the houses would be set way back. My curiosity is Route 67 has become a speedway. It's absolutely terrible. I can't even get out of my driveway and I live across the street. My curiosity is coming out onto Route 67. How are they going to do it?

Jay Wilkinson: Duane, why don't you show her on the drawings.

Mr. Rabideau showed Mrs. Setzer the proposed driveway location for the new lots.

Jay Wilkinson: We have had subdivisions on Route 67 before and we do a shared driveway.

Duane: We are using an existing field drive. We are not adding any curb cuts and you can see in both directions.

From the floor: Three lots?

Jay Wilkinson: Yes, two new houses and one existing house. The two new lots will be offered up for sale.

Mr. Wilkinson made a motion to close the Public Hearing at 7:44 p.m. Mrs. Wood seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS**Lee/Van Guilder (225.-1-34)**

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that at the last meeting a revision was required to Part 1 of the application. Mr. Wilkinson stated that a new one has been submitted. Mr. Wilkinson stated that the Board has taken lead agency. Mr. Wilkinson stated that the County reply was no significant impact.

Mr. Wilkinson stated that the Board requested that the distance to Cook Road be shown on the map. Mr. Wilkinson stated that this has been done. Mr. Wilkinson stated that the Board also requested that Gary Heflin's name be added to the drawing which has been done.

Mr. Wilkinson stated that the revised drawings have been forwarded to the County and Mr. McNamara. Mr. Wilkinson stated that he would like to review the comment letter from Mr. McNamara.

Mr. Wilkinson stated that comment one pertains to the pre-existing, non-conforming use on the parcel of the house being too close to the road. Mr. Wilkinson referred to Mr. Keniry regarding comment one.

Mr. Keniry stated that there is no reason to address the non-conforming use because it is a pre-existing condition. Mr. Keniry stated that the applicant is not altering the use or exacerbating the pre-existing condition. Mr. Keniry stated that the Board will not be creating a non-compliant condition.

Mr. Wilkinson stated that comment two pertains to the minimum lot width requirement. Mr. Wilkinson stated that Mr. McNamara suggests moving the property line between Lots 1 and 2 if the Board is so inclined. Mr. Wilkinson stated that since the Lot 2 varies in width the Board can request this change.

Mr. Wilkinson polled the Board to see if the line should be moved or leave as is since the average minimum lot width is met.

The Board agreed to leave the property lines as is.

Mr. Wilkinson stated that comment three pertains to the perk test and test pit information.

Mr. Rabideau stated that he has the information and will put it on the drawing.

Mr. Wilkinson stated that comment four pertains to the bearing and distance information for the easement for the shared driveway between Lots 1 and 2 and that it should be added to the drawing. Mr. Wilkinson stated that this has been done.

Mr. Wilkinson stated that comment four also suggests seeking advice of counsel regarding whether a maintenance agreement between the parties should be required by the Town as it has in the past.

Mr. Keniry stated that it is highly recommended that this be addressed. Mr. Keniry stated that the applicant can address this with the new owners as it is in their best interest.

Mr. Rabideau stated that a note can be added to the drawing requiring a maintenance agreement to be produced.

Mr. Keniry stated that would be acceptable.

Mrs. Wood inquired if the lines were moved to the east and the driveways were paired instead of shared, if an easement would still be necessary.

Mr. Rabideau stated that even if the line is moved an easement would be necessary as they are trying to use the existing driveway.

Mrs. Wood stated that the line between Lots 2 and 3 could be moved towards the end to make the center of the driveway.

Mr. Rabideau stated that it would not be wide enough so that each person had their "own" driveway.

Mr. Wilkinson stated that the ECC letter raised concern for the shared driveway and ingress/egress concerns.

Mr. Mitchell inquired if the driveway fits two cars as it exists now.

Mr. Rabideau stated yes.

Mr. Mitchell stated that the line could be moved to the center of the driveway and the notes could reflect a maintenance agreement and no easement.

Mr. Rabideau approached the Board to look at the drawings.

Mr. Mitchell stated that the note could reflect a paired driveway where maintenance is the responsibility of both parties. Mr. Mitchell stated that the property line would be down the center of the driveway with both owning half the driveway.

Mrs. Wood stated that a maintenance agreement would not be required with paired driveways.

Mr. Rabideau stated that they would like to stick with the shared driveway.

Mr. Wilkinson stated that the Board would like to see side by side driveways.

Mr. Rabideau stated that would be ok.

Mr. Wilkinson stated that would address both Mr. McNamara's concerns and the ECC's concerns.

Mr. Wilkinson stated that comment five pertains to the requirement of a SWPPP and a Notice of Intent. Mr. Wilkinson stated that a note would need to be added to the drawing requiring the preparation of a SWPPP and a SPDES construction permit.

Mr. Rabideau stated that he would add a note to the drawing that the buyers will need to prepare a SWPPP and obtain a SPDES permit prior to application for building permit.

The Board discussed whose responsibility the SWPPP and SPDES permit is. The Board also discussed reducing the amount of disturbance negating the requirement for the SWPPP and SPDES permit.

The Board agreed that the note Mr. Rabideau suggested was acceptable.

Mr. Wilkinson stated that the note should also reflect that the buyer of the first lot has to do all of the initial filings. Mr. Wilkinson stated that the applicant would need to decide to reduce the area of disturbance to less than an acre or place the notes on the drawing.

Mr. Keniry suggested keeping the note simple. Mr. Keniry suggested "SWPPP and SPDES permit shall be obtained prior to issuance of building permit".

Mr. Rabideau stated that those requirements affect the salability and value of the lots.

Mr. Wilkinson stated that the applicant has two options. Mr. Wilkinson suggested conferring with the applicant and returning next month with a decision.

Mr. Wilkinson stated that comment six pertains to the wording of the curb cut note. Mr. Wilkinson stated that the note on the drawing must be the Town of Charlton's note.

Mr. Wilkinson stated that the Board will hear the applicant's decision at the next meeting. Mr. Wilkinson stated that the changes for next month are pairing the driveways, a decision of the SWPPP and SPDES requirement versus reducing the area of disturbance, deep test hole information be added to the drawing and a revised curb cut note. Mr. Wilkinson asked that 3 maps with revisions provided for Mr. Wilkinson, Mr. McNamara and Mr. Keniry.

Ward/Northeast (225.-1-15.1)

Mr. Bogardus appeared before the Board.

Mr. Wilkinson stated that this is a proposal for a subdivision at the corner of Maple Avenue and Route 67. Mr. Wilkinson stated that Dave Bogardus represents the three Ward brothers in their proposal. Mr. Wilkinson stated that at the last meeting the Board voiced concerns with Lot 3 being very wet with marginal area for a house and septic. Mr. Wilkinson stated that the applicant's representative is present with a revised plan to review.

Mr. Bogardus stated that after last month's meeting he went back to the applicants to come up with a new plan. Mr. Bogardus stated that they have changed the plan to reflect two newly created lots instead of three lots. Mr. Bogardus stated that they have eliminated the lot in the middle. Mr. Bogardus stated that eliminating this lot eliminated the wetland and soil problems. Mr. Bogardus stated that the building envelopes and proposed wells and septic systems have been shown. Mr. Bogardus stated that he has revised the narrative, application and accompanying papers to reflect their new proposal. Mr. Bogardus stated that he has also provided an affidavit from the three owners that has been notarized. Mr. Bogardus stated that the new drawings show all of the required information.

Mr. Wilkinson stated that a note on the drawing stating that Lot 2 would have no access to Route 67 would be agreeable.

Mr. Bogardus stated that he will put that note on the drawing.

Ms. Phillips stated that owners of 2041 Maple Avenue are listed differently on the drawing than the neighbor list provided.

Mr. Wilkinson stated that the parcel was sold and Marshall is the correct owner.

Mrs. Wood inquired about the 60 foot easement.

Mr. Bogardus stated that is to allow access to the wood lot in the back.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the action has been declared as an unlisted action with a negative impact declaration relative to SEQRA. Ms. Szurek seconded the motion. All were in favor.

Mr. Wilkinson made the motion to schedule the Public Hearing for November 21, 2016 at 7:30 p.m. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson stated that the only comment from the Board is to add a note to the drawing that the access for Lot 2 is limited to Maple Avenue.

Mr. Bogardus inquired if the Board would like smaller maps for the review process.

Mr. Wilkinson stated that 3 drawings to scale would be fine. Mr. Wilkinson stated that the revised drawings would be sent to Mr. McNamara and the County.

Mrs. York provided Public Hearing cards.

Mr. Kadlecek stated that the ECC letter pertains to the old plan. Mr. Kadlecek asked that comments be provided for the new drawings.

Marv Schorr, chairman of the ECC, stated that they would review it.

Mr. Wilkinson reviewed the letter from the ECC regarding the original plan and answered some of the comments.

PRE-APPLICATION CONFERENCE

None.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso joined the end of the meeting with a report.

Mr. Grasso stated that the application for Charlton Oil is still on hold. Mr. Grasso stated that a FOIL request has been submitted for information pertaining to the pre-application conference when Mr. Black and Mr. Wessel appeared.

Mr. Grasso stated that the Town Board has passed a resolution that the Board is no longer pursuing the Cell Tower lease for the water tower. Mr. Grasso stated that the Board expects to receive an application package from Verizon for the former Crawford property on Charlton Road.

Mr. Wilkinson updated Mr. Grasso on the meeting.

Mr. Wilkinson stated that he will plan the Christmas Party and pass the information to everyone.

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

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary