

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

Minutes of the Planning Board Meeting –April 18, 2016

Chairman Jay Wilkinson called the meeting to order at 7:25 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Jack Kadlecek, Marilyn Phillips, Bruce Gardner, Chris Mitchell, Jonathan Riedinger, Alternate, Bill Keniry, Esq., Planning Board Attorney and Susan York, Planning Board Clerk.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the March 21, 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.

Public Hearings

Marra/Carnevali (223.-1-23)

Mr. Wilkinson stated that this is a subdivision on Jolly Road. Mr. Wilkinson stated that the parcel is approximately 72 acres. Mr. Wilkinson stated that the proposal is to create two new 5 acre building lots and leave 61 acres with the original farm house and outbuildings. Mr. Wilkinson stated that the Board took lead agency at the March meeting and determined the proposed subdivision to be an unlisted action under SEQRA with a negative impact declaration relative to the environment. Mr. Wilkinson stated that the Public Hearing is scheduled for tonight at 7:30 p.m.

Mr. Wilkinson stated that the Board identified some issues with the map at the March meeting. Mr. Wilkinson stated that the Board has received new maps.

Subdivision and Lot Line Change ApplicationsMarra/Carnevali (223.-1-23)Katz/Burke (245.-1-8.11 and 7)

Mr. Wilkinson stated that Mark Katz is requesting a lot line adjustment between the land he purchased at 955A Charlton Road and the neighbor Elizabeth Burke. Mr. Wilkinson stated that Mr. Katz is proposing to give .36 acres to Elizabeth Burke from the lands of 955A Charlton Road. Mr. Wilkinson stated that this was from the Marsh subdivision done back in January, 2015. Mr. Wilkinson stated that the lot was funny shaped because of the existing barn on the Burke property. Mr. Wilkinson stated that the Board proposed that there be more of a buffer there but since it was a pre-existing condition the applicant was not willing to do that. Mr. Wilkinson stated that Mr. Katz would like to correct that situation. Mr. Wilkinson stated that 955A Charlton Road will have 2 acres and meet the minimum lot size but it will give some additional land around the barn.

Pre-application Conferences

None.

Zoning Report

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

Correspondence.

Mr. Wilkinson stated that the New York State Planning conference is being held on April 17-April 19 at the Gideon Putnam Resort. Mr. Wilkinson stated that Mr. Kadlecek, Mrs. Wood and Mr. Gardner attended today's sessions and can provide feedback for the Board.

Mr. Wilkinson stated that the Board received a letter from CBRE regarding the antennas on the Charlton Water Tower. Mr. Wilkinson stated that everyone has received a copy of the update letter.

Mr. Wilkinson stated that on May 16-18, 2016 the NYS Floodplain and Stormwater Managers Association is holding meeting sessions. Mr. Wilkinson stated that if anyone is interested to let him know.

Town Board Liaison

Mr. Grasso was present

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:29 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 March 21, 2016 meeting minutes with changes incorporated. Mr. Mitchell seconded the motion. All were in favor.

PUBLIC HEARINGS (7:30 p.m.)

Marra/Carnevali (223.-1-23)

Mr. Wilkinson stated that the property is located on Jolly Road. Mr. Wilkinson stated that a legal notice was placed in the Daily Gazette on April 8, 2016. Mr. Wilkinson stated that neighbor notices were also mailed on March 28, 2016.

Mr. Wilkinson reviewed the procedure for the Public Hearing.

Mr. Wilkinson opened the Public Hearing.

Frank Marra: My name is Frank Marra. I live at 72 Jolly Road. We have 72 acres and a little over 2,000 feet of road frontage and I'd like to cut off two 5 acre building lots on the southern end of my property. Each one of those lots has a little over 500 feet of road frontage.

Jay Wilkinson: You are going to use onsite well and septic system, correct?

Frank Marra: Yes, absolutely. And I am undecided, I may build a house in the one lot myself cause our farmhouse is 200 years old. I may build a house there and may sell the other lot. I am not really sure at this point.

Jay Wilkinson: Do you have a location that you are thinking of on the house? One of the things that we want to see is that there is a building envelope. I know that 5 acres is a large lot but where do you propose as a building envelope and where are the driveways going to be and that type of thing.

Frank Marra: Sure. Basically looking at both of the lots I would more than likely center the houses, looking at the land and the way the property is situated to give whoever lives there as much privacy as possible. Yeah, basically they are more or less centered in the property and maybe a little closer to the front end of the property to shorten the driveway.

Jay Wilkinson: Does anyone on the Board have any questions before we allow the public to speak? We should wait until the other portion. If anyone from the public would like to comment on the proposed application before us this is the time.

Susan St. Amour, 2215 Potter Road, Amsterdam: I am the niece of Gene Snowicz who resides at 31 Jolly Road, Amsterdam, New York, whose land is adjacent to Mr. Marra's. We were advised that the Town of Charlton had scheduled a Public Hearing regarding minor subdivision of the Frank Marra Land. We are here to discuss pertinent issues and the impact of building the two houses. We are concerned about the ability to continue to have agricultural activities and we would like to know the number of subdivisions that would be allowed on Frank Marra land. He currently has two subdivisions but we would be interested to know if there would be additional subdivisions made on the property and we are also interested in the septic system design for the installation of the homes. Since we live in an area that's laden with bedrock it is extremely prolific and the land has crevices in it so we are seriously concerned about the water contamination for human consumption, livestock and wilderness and hope to minimize any potential risk of water contamination I have photo's if you wish to look at them showing the abundance of the bedrock and if you wish to look at them I can present them to you now.

Jay Wilkinson: Sure. We would like to see those. You can put them here in the middle and we can show them up and down.

Susan St. Amour: Should I explain the pictures?

Jay Wilkinson: Sure.

Susan St. Amour: Ok. There is a rock ridge that runs across the land from Western Avenue down to Route 67 so this happens to be a picture of the bedrock that's very prevalent in the area on Route 67. And you can see the crevices that I spoke of. This is also the bedrock that I believe had to be blasted into so that they could create the highway on 67. This happens to be a shot of my uncle's property on Jolly Road and across the road is where one of the subdivisions is. Its located across from trenches that my uncle has on his property. Those were silo trenches. This is the path that the bedrock takes on my uncle's property that goes to the back of his property where he has his barn and it is very close to the surface. The soil depth is very shallow because of the excessive bedrock in the area. You can see how close to the surface this is. This happens to be in front of his garage which is closer to the road. These are the two trenches which are situated across from the proposed building lot. I just took this picture; the trenches are here, just to show the slope and the elevation in attempt to show the elevation how the road elevation drops or diminishes toward my uncle's property. Again you can see I attempted to take a picture to show the decrease in the elevation as the road goes toward Western Avenue. Again, a picture of the trenches which are located exactly across from the subdivision. The slope of the land from across the road to my uncle's property. Now this slope, there is a culvert on this side of the property, that goes diagonally from across the road to my uncles property and there is runoff that goes down the road and this is where my uncle's well happens to be. So we were concerned because of the

sloping of the land and the design of the proposition if there would be any possible risk of runoff or water coming down toward the well on his property. This happens to be the culvert on my uncle's property and across the road is the other part of the culvert that would drain the water from the subdivision down the side of the road and across the culvert which would go directly onto my uncle's property the way the culvert was engineered. Again, I took this just to show this happens to be one of the subdivisions and you can see the slope that is created onto my uncle's property. This is behind my uncle's property. It shows you the bedrock and how close it is to the surface of the land. Its exposed and its very abundant. This happens to be a sink hole, or crevice in the land. Again, you can see the excessive amount of bedrock on my uncle's property. This happens to be his well. In one of the pictures I'd shown you where it was in proximity to the road. Extreme, severe crevices in the bedrock which could have a potential to have water run through them. Again, the extreme amount of bedrock that is prevalent in the area. This is a close picture of the bedrock and you can see the cracks and lines in it. Some of them run rather deep. The back of the property. Again, bedrock. Like I said it is very abundant in the area and it runs right through my uncle's property. This happens to be behind a machine shed and the water from the deep crevices has created this depth in the ground right behind the machine shed which shows you where the path of water will run and create erosion. The hardness of the bedrock. Again, the erosion has created deep pockets behind the buildings on my uncle's property and the water has created like a course of flow that will run directly through his property. If this is how severe it really is it is affected the foundation of the shed. These are just basically more pictures oh and then the trench where he keeps silage, the whole bottom portion of the trench is bedrock which is very close to the road. This is one of the subdivisions and the sloping of the subdivision which we're concerned about the impact it would have if there is any runoff or failure in the septic design that could pose severe problem for water source. Trenches again which are located across from where the building site is going to be and my uncle is agriculturally active and this is just one of the activities that the trench would be used for. Now this is at the other end of my uncle's property. I showed you in the beginning where the rock ledge was on Route 67. This is Jolly Road where Western Avenue meets and again you will see the extreme amount of bedrock up there. They tell me a ridge runs from Western Avenue, down Jolly Road behind Frank Marra's property and goes right to the (inaudible) on 67. They say it's a rock ledge. Again, at the top of Jolly Road, you can see the extreme amount of bedrock and the size of it. And I also had a picture where the water couldn't even penetrate through the area. This is at the top of Jolly Road and Western Avenue, so the water has a tendency just to lie on top of the bedrock. It was just a pool of water. So that is an environmental concern as well. And then, of course, more of the bedrock. So as I mentioned before we are concerned with the topography of the land and the amount of bedrock and the depth of the soil and how it would affect my uncle's property.

Jack Kadlecek: In a real heavy rain, an inch or two a day/mo., kind of rain, do you see water coming from the property across the street onto your uncle's property?

Susan asked Eugene Snowicz.

Eugene Snowicz: It crosses Jolly Road and hits the stream and goes past our pond, if that's what you are talking about.

Susan St. Amour: No. It does run it runs down the driveway. The water does run down the driveway.

Eugene Snowicz: It also (inaudible) and it goes on Dave Wood's property where the cows would have to drink water out of that stream.

Susan St. Amour: We were talking about the water coming and affecting your property from across the road. It does because of the slope that you can see in the pictures. It runs down the driveway and like I said, his well is in that vicinity. That is what we are concerned about.

Jay Wilkinson: That's the kind of information that we would like the public to give us.

Susan St. Amour: And if it would be at all possible for somebody to come and walk the land so my uncle could show you what aspects he wants to bring to your attention and what he is concerned about.

Jack Kadlecek: I think we should.

Jay Wilkinson: We are getting a little bit ahead of ourselves but yes, we usually do a site visit. I would probably be asking Mr. Marra if we could do that at some point and we could coordinate it and look at his property and then come across the street and look at yours at the same time.

Susan St. Amour: That would be wonderful. That would be appreciated.

Jack Kadlecek: Thank you.

Jay Wilkinson: Thank you very much. Does anyone else have something that they would like to say about the proposed subdivision?

Mark Katz, 511 Charlton Road: I think it looks like a nice subdivision. It's a very large piece of land, 5 acre lots, plenty of room. It's off a 72 acre parcel; there is plenty of land still left for farming. He definitely has the right to subdivide. Water is usually really good in bedrock. Once you get in the rock, the wells are really good in the bedrock usually. They blasted for that Stewarts up on 29 and if he is willing to blast and spend a little extra money that is usually not a problem. He can meet the separations between well and septic systems. Like I said, still has plenty of room. I think if it meets all the requirements it's a no brainer. It should not take months and months to get subdivisions done. If he meets the setbacks and the land requirements of five acre minimum, it just keeps costing the owners more money to keep coming back. Like he said he is willing to keep a house for himself maybe, even if he doesn't he has the right to sell.

Jay Wilkinson: Yes.

Mark Katz: That's all I wanted to say.

Jay Wilkinson: Anyone else care to speak?

Frank Marra: I think the perk tests kind of speaks for itself as far as how well the property actually drains and evaporates. It was anywhere from 7 minutes to 15 minutes max. I don't think that is a real issue. Right now the way the leach field is proposed, and this is just something that there is no real plan to build there right now, so they were just kind of drawn off the five acres. If there was a big concern, the leach field could easily be moved to the back of the property or to the side. One of her statements saying that there was standing water up near 67 near Jolly Road, if you look at the wetlands map that is actually wetlands up in that corner of 67 and Jolly Road and that is why there is water laying there. There is absolutely no wetlands on this property and it drains quite well.

Susan St. Amour: Concerning the percolation or perk test. The perk test measures the rate at which the soil absorbs the water and determines the capability of the soil to transport pollutants away from the drain field but it does not take into consideration permeability. It does not take into consideration the soils ability to filter the pollutants which is permeability. I think that is a consideration in addition to the perk test that I think it is also extremely significant.

Frank Marra: Can I say something else?

Jay Wilkinson: This is not a debate. This is just to get the information out from the public that we are going to go back and look at. Just so everybody in the audience knows, we are not for or against the property; we are just gathering information at this point.

Frank Marra: Absolutely. I just want to express my feeling about this. Eugene's house is actually not across from that southern building lot it is actually diagonal. So his well is probably well over 500 feet from anywhere on there.

Eugene Snowicz: No it is not.

Frank Marra: Well if we move the wheat field its got to be 300-400 feet away. It is quite a ways. My feeling is that this is simply, and I understand that, Eugene has lived there his whole life. He doesn't want a house across the street or diagonally from him or development. It's nice for it to be quiet but in my mind that doesn't justify. I meet all the requirements of the subdivision and I think this is just a ploy not to have the land developed and keep it more rural.

Susan St. Amour: Your conclusion is inaccurate. My uncle's concern is not about building houses, he is concerned about his ability to continue his agricultural activities and the

possible contamination of a water source which is a serious issue. I don't believe Mr. Marra is accurate when he says my uncle doesn't wish to have houses built on the property. I really do not think that's why we were here for. We were here for what I mentioned in my previous conversation. It's the water, the quality of water. Once water is contaminated it is extremely difficult to try to get the water back to its natural state. Its unhealthy for the environment, its unhealthy for human consumption, livestock, wildlife. That is the point that I want to make. It's not like we are trying to prevent Mr. Marra from building, we are just concerned about how we are personally going to be impacted by the quality of the water. That's what I wanted to reiterate or repeat and bring to your attention. Thank you.

Jay Wilkinson: One last time. Does anyone else want to speak?

Mr. Wilkinson made a motion to close the Public Hearing seconded by Mrs. Wood. All were in favor.

Public Hearing closed at 8:00 p.m.

SUBDIVISION APPLICATIONS

Marra/Carnevali (223.-1-23)

Frank Marra appeared before the Board.

Mrs. Wood stated that she received a telephone call from Mr. Snowicz to discuss this application. Mrs. Wood stated that she encouraged Mr. Snowicz to attend the meeting and speak to his concerns. Mrs. Wood stated that Mr. Snowicz did not mention any opposition to having the houses built. Mrs. Wood stated that his concerns were about water quality since he has experienced prior contamination from a previous house that was built that is now falling down.

Mr. Wilkinson asked the Board to present any questions they have about the new drawings presented.

Mr. Gardner stated that there are two notes on the drawing pertaining to the perk tests. Mr. Gardner asked which test was the most recent and the date of the test.

Mr. Marra showed on the drawing the test that was done by Northeast Land Surveyors two years ago. Mr. Marra stated that the other test was done by Richard Nolan a few weeks ago.

Mr. Gardner inquired if the same holes were used.

Mr. Marra stated no that the other lot was tested.

Mr. Wilkinson asked that the older test information be removed from the drawing just leaving the current information.

Ms. Phillips inquired if two perk tests had been done on the middle lot.

Mr. Marra stated that there are two perk holes.

Mr. Wilkinson inquired if the zoning administrator had been present for both tests.

Mr. Marra stated yes.

Mr. Wilkinson stated that the perk tests need to be done within a certain number of feet from the proposed septic area.

Mr. Marra stated that the land surveyor made a mistake on the proposed location. Mr. Marra stated that he questioned why the leech field was not located where the perk tests had been done. Mr. Marra stated that his surveyor is aware of that change and it will be made on the next drawing.

Mr. Mitchell acknowledged a letter from National Grid confirming an easement.

Mr. Wilkinson stated that he brought an example of the scale required for the drawings showing the remaining lands. Mr. Wilkinson reviewed pages 13 and 14 of the subdivision regulations.

Mr. Wilkinson requested that the versions of the maps be merged together. Mr. Wilkinson reviewed the "Schrader" maps with Mr. Marra to show what the Board is requesting. Mr. Wilkinson stated that a cover sheet will be required for two page maps. Mr. Wilkinson stated that the surveyor could contact him with any questions.

Mr. Marra stated that the surveyor used 200 feet per inch on the drawings.

Mr. Mitchell stated that the parcel is located in the AG District. Mr. Mitchell stated that there is no guarantee that someone won't bring in livestock to that pit silo that is across from the new proposed lot on the west side of the parcel.

Mr. Marra stated that he was aware.

The Board and the applicant scheduled a tentative walk of the property for 4/30 at 10:00.

The Board and Mr. Snowicz scheduled a tentative walk of his property for 4/30 after 10:00.

Mr. Wilkinson stated that the application has not been sent to the Town Engineer or the County Planning Board yet. Mr. Wilkinson stated that the two maps would be sent to both. Mr. Wilkinson stated that the engineer will review the maps and send a letter requesting funding for the escrow account. Mr. Wilkinson stated that the engineer will also visit the property.

Mrs. Wood stated that the County meets this week and will not be able to do a MOU since the parcel is located in the AG District. Mrs. Wood stated that the application would need to be discussed at the next meeting.

Mr. Wilkinson stated that the Board will wait for the engineer's comments and the County Planning Board comments before proceeding.

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

Mark Katz appeared before the Board.

Mr. Wilkinson stated that this property was subdivided in January of 2015. Mr. Wilkinson stated that it was the Marsh subdivision on Charlton Road and the land goes along Route 147. Mr. Wilkinson stated that there were a couple lots in Charlton and the rest of the lots were located in Glenville.

Mr. Katz brought the drawing to the Board.

Mr. Wilkinson stated that a lot line adjustment is the same as a subdivision and all of the requirements for a subdivision will be required.

Mr. Katz stated that he lives at 511 Charlton and is a developer/builder. Mr. Katz stated that he owns Katz Excavating and Construction which had bought Lots 1 and 2 of the Marsh subdivision. Mr. Katz stated that the addresses are now 955A and 955B of Charlton Road. Mr. Katz stated that he is building a new home on Lot 1 and, in the process of building the home, the neighbors approached him about a lot line adjustment. Mr. Katz stated that the corner of the Burke's barn is located on his property line.

Mr. Wilkinson stated that it was a pre-existing condition and the Board asked Mr. Marsh to take care of that during the subdivision process. Mr. Wilkinson stated that Mr. Marsh refused to correct the lot line at that time and the Board could not force him to since it was a pre-existing condition.

Mr. Katz stated that he would like to give the Burke's a portion of the property as long as they covered the expense to do it. Mr. Katz stated that as long as he could still meet the 2 acre requirements he would get the same price for the house whether it was 2 acres or 2.4 acres.

Mr. Katz stated that he meets all the requirements for the setbacks for the well and septic system. Mr. Katz stated that it is pretty simple. Mr. Katz stated that he would like to have this completed before he sells the house to avoid future problems.

Mr. Wilkinson stated that the line would be moving 65 feet from the corner of the barn.

Mr. Katz stated that the tree line is there.

Mr. Kadlecek inquired if the lot would still meet the 200 foot average width.

Mr. Katz stated that he still meets that.

Mr. Wilkinson stated that it may not meet the mean lot width of 200 feet.

Mr. Katz stated that he cannot take land from the other lot because of the wetlands and the required setback from them.

Mr. Wilkinson stated that the application would have to go to the ZBA for a variance to fall short of the 200 foot requirement of the mean lot width.

Mr. Katz stated that he does not want to go to the ZBA.

Mr. Wilkinson suggested getting land from the Burke's in the front of the property and giving back land in the back.

Mr. Keniry stated that would be a matter to discuss privately between the parties.

Mr. Katz stated that he will have his surveyor meet the 200 mean lot width requirement.

Mr. Wilkinson stated that there are other issues to discuss. Mr. Wilkinson stated that the map needs to show the house, setbacks, well location and septic locations. Mr. Wilkinson stated that the maps have to show both new lots and the Burke lot. Mr. Wilkinson stated that the drawing needs the standard notes including the curb cut note, well note and the wetland notes. Mr. Wilkinson stated that the signature block is missing and Mr. Rabideau needs to resign and stamp the drawings.

Mr. Katz inquired if the application needed to be referred to the County.

Mr. Keniry stated that since the property borders Glenville, the Board has to request a referral.

Mr. Wilkinson stated that he would expect that the County would issue a MOU.

Mr. Wilkinson made a motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the proposed action is unlisted under SEQRA with a negative impact declaration relative to the environmental impact of the Katz lot line change on Charlton Road. Mr. Riedinger seconded the motion. All were in favor.

Mr. Wilkinson made the motion to waive the application fee, park fees, engineering review and Public Hearing. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson stated that the Board may be in a position to approve the application next month if all of the requested information is received.

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 9:48 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary