

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

Minutes of the Planning Board Meeting –September 19, 2016

Chairman Jay Wilkinson called the meeting to order at 7:05 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 August 15, 2016 meeting minutes needed to be approved. Mrs. York has previously provided comments. Mrs. Wood and Ms. Phillips provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Mr. Wilkinson stated that there were no Public Hearings.

Subdivision Application

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

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 Duane Rabideau would be representing the applicant.

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 4 lots. Mr. Wilkinson stated that Lot 1 will be 48± acres and will encompass the existing house and improvements. Mr. Wilkinson stated that Lot 2 will be a 3.2± acre parcel, Lot 3 will be a 3.6± acre parcel and Lot 4 will be a 3.5± acre parcel. Mr. Wilkinson stated that the newly created Lots 2, 3 and 4 will be offered for sale.

Mr. Wilkinson stated that in 2008 the Planning Board received an application from Ray Ward to subdivide off some of the land. Mr. Wilkinson stated that he brought the map from that application to this meeting. Mr. Wilkinson stated that at that time, wetlands on the property had been an issue. Mr. Wilkinson stated that a site visit to the parcel revealed that there were significant wetlands on the property. Mr. Wilkinson stated that engineering review was also done and the comments from Mr. McNamara included the request for wetlands delineation. Mr. Wilkinson stated that Mr. McNamara did not believe that the 100 foot buffer to the wetlands could be achieved and the delineation was necessary. Mr. Wilkinson stated that the Board, as a practice, requires the 100 foot buffer area around the wetlands. Mr. Wilkinson stated that there is also a letter from the ECC in the file stating the same. Mr. Wilkinson stated that in 2010 the Board received a letter from Mr. Ward withdrawing the application.

Mr. Wilkinson stated that the newly proposed Lot 3 contains a note for obtaining a DEC permit to disturb the wetlands.

Ms. Szurek inquired if there were affidavits on file for all of the property owners.

Dave Bogardus, the applicant's representative, provided the Board with a revised affidavit including all property owners.

Pre-application Conferences

Mr. Wilkinson stated that Eric Fisher was coming to speak to the Board about his interest in doing a lot line change with his neighbor for property he would like to purchase.

Zoning Report

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

Correspondence.

Mr. Wilkinson stated that the application for Charlton Oil has been placed on hold. Mr. Wilkinson stated that there is a letter from the ECC dated September 12, 2016 for everyone to review.

Town Board Liaison

Mr. Grasso was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Ms. Szurek. All were in favor. Agenda meeting closed at 7:23 p.m.

BUSINESS MEETING

Opened at 7:33 p.m. with the Pledge of Allegiance.

Minutes

Mr. Wilkinson made a motion to approve the draft of the August 15, 2016 meeting minutes with changes incorporated. Mr. Gardner seconded the motion. All were in favor. Mr. Kadlecek and Mrs. Wood recused themselves from the vote.

PUBLIC HEARINGS

None.

SUBDIVISION APPLICATIONS

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

Mr. Wilkinson stated, as discussed in the agenda meeting, 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. Rabideau appeared before the Board.

Mr. Rabideau provided a drawing for the Board to review.

Mr. Rabideau stated that this is a proposal for a 3 lot subdivision of 2115 Route 67, which is located on the south side of Route 67. Mr. Rabideau stated that the location is 1500 feet east of Cook Road. Mr. Rabideau stated that they would like to subdivide the 18.4 acre parcel into 3 lots. Mr. Rabideau stated that Lot 1 will be the existing house and outbuildings and will be 11.9 acres. Mr. Rabideau stated that Lot 2 will be 2.2 acres and Lot 3 will be 4.3 acres. Mr. Rabideau stated that Lots 2 and 3 will share the existing curb cut on Route 67 with a small ingress/egress easement on Lot 3 to facilitate a driveway for Lot 2. Mr. Rabideau stated that the DEC wetlands have been validated by DEC and their proposal has

no impacts to the wetlands or the 100 foot buffer area. Mr. Rabideau stated that the new lots will have on site wells and septic systems.

Mrs. Wood inquired if perk tests had been done on the lots.

Mr. Rabideau stated no, they would be done at the time of application for a building permit.

Mr. Wilkinson stated that the new zoning does not require the perk tests prior to subdivision; however, upon discussions with the Town Board liaison and the Board's counsel, it is at the discretion of the Planning Board if the perk tests will be required. Mr. Wilkinson stated that the Board would like perk tests done on all the new proposed lots as part of the subdivision.

Mr. Rabideau stated that he was not aware the Board would be requiring them but he will do them.

Mr. Wilkinson inquired where the septic location was going to be.

Mr. Rabideau stated they would be located in the hay field area and should perk fine.

Mr. Wilkinson stated that the shared driveway was a good idea.

Mr. Wilkinson asked that the distance to Cook Road be added to the drawings since the map is lacking the overall tract to the subdivision. Mr. Wilkinson stated that the requirement is listed on page 12 of the subdivision regulations number 2 a & b. Mr. Wilkinson stated that the drawing meets the scale requirement and only lacks in relationship to the nearest corner.

Mr. Wilkinson read from the subdivision regulations.

Mr. Rabideau inquired if the Board was looking for the number to be added to the drawing.

Mr. Wilkinson stated yes.

Mr. Wilkinson asked the Board if the building envelope should be placed on the drawing on Lot 3 to lock down the location since there are wetlands on the property.

The Board agreed.

Mr. Gardner inquired what happens to the wetland.

Mr. Wilkinson stated that the left side of the wetlands stays with the existing house on Lot 1 and a little remaining wetlands will be on Lot 3. Mr. Wilkinson stated that locking down the building envelope resolves any issues so that when the buyers come in for a building permit, the house location is already locked down.

Mr. Rabideau reviewed the building envelope for Lot 3 on the drawings with the Board.

Ms. Szurek inquired how long the driveway for Lot 2 was.

Mr. Rabideau stated 240-250 feet.

Mr. Wilkinson stated that there is a discrepancy with the numbers on the subdivision application part 1 "size of the property". Mr. Wilkinson in asked Mr. Rabideau to correct it and initial.

Mr. Wilkinson asked Mr. Keniry if the affidavit submitted for Ms. Lee was valid as it contained her married name and the application is in her maiden name.

Mr. Keniry stated that it was fine.

Mr. Wilkinson stated that the Board has requested that the building envelope be placed on Lot 3 and the distance to Cook Road be added to the drawing. Mr. Wilkinson stated that the application also needs a revision. Mr. Wilkinson stated that once those items are done the application will be complete.

Mr. Mitchell inquired as to the width of the shared driveway.

Mr. Rabideau stated that is was about 20 feet and big enough for a tractor.

Mrs. Wood inquired if there would be an easement.

Mr. Rabideau stated that the deeds will be set up with an easement to Lot 2 and clarify the easement through Lot 3. Mr. Rabideau stated that Lot 3 would be subject to an ingress/egress easement.

Mr. Keniry stated that Lot 3 has the burden of the easement for the benefit of Lot 2.

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

Ms. Phillips made the motion to schedule the Public Hearing for October 17, 2016 at 7:30 p.m. Mrs. Wood seconded the motion. All were in favor.

Mr. Rabideau stated that he would make the changes to the drawings and resubmit them.

Mrs. York will forward the revised drawings to the County Planning board and Mr. McNamara upon receipt.

Ward/Northeast (225.-1-15.1)

Mr. Bogardus appeared before the Board.

Mr. Wilkinson stated that this is a proposal for a subdivision of a 59± acre parcel to create 4 lots. Mr. Wilkinson stated that Lot 1 will be 48± acres and will encompass the existing house and improvements. Mr. Wilkinson stated that Lot 2 will be a 3.2± acre parcel, Lot 3 will be a 3.6± acre parcel and Lot 4 will be a 3.5± acre parcel. Mr. Wilkinson stated that the newly created Lots 2, 3 and 4 will be offered for sale.

Mr. Bogardus stated that he is representing the Wards in their application for subdivision. Mr. Bogardus stated that the property is located on the south side of Route 67 and has frontage on Route 67 and Maple Avenue. Mr. Bogardus stated that this parcel is 59 acres and is encompassed by brush, woodlands, wetlands and a fish pond. The applicants also use the property for gardening and wood cutting. Mr. Bogardus stated that there is currently a single family home and outbuildings on the property. Mr. Bogardus stated that they would like to create three new single family lots with one having frontage on Route 67 and the other two lots having frontage on Maple Avenue. Mr. Bogardus stated that there are already driveway culverts in these locations which were used in determining locations for the newly created lots. Mr. Bogardus stated that these will be AG lots and conform to meet all the zoning requirements. Mr. Bogardus stated that there are wetlands on the property and DEC has been to the site. Mr. Bogardus stated that the 100 foot adjacent area has no standing water. Mr. Bogardus stated that perk tests and test pits have been done and the soils will support a conventional system on Lot 4. Mr. Bogardus stated that Lots 2 and 3 require a shallow absorption trench system with fill. Mr. Bogardus stated that the note on Lot 3 requires a DEC disturbance permit to disturb the land within the 100 foot adjacent area for the driveway. Mr. Bogardus stated that there is no way to get a driveway in there without disturbing the adjacent area.

Mr. Wilkinson stated that the Board would like to see the building envelope on the drawing.

Mr. Mitchell inquired why not push Lot 3 back farther.

Mr. Bogardus stated that if they move back, the driveway will be longer which is a greater disturbance to the wetland.

Mr. Kadlecek inquired if the 100 foot buffer ran through the house on Lot 3.

Mr. Bogardus stated that you can build within the 100 foot adjacent area with a disturbance permit. Mr. Bogardus stated that there will not be a septic system there but a driveway and garage within the 100 foot adjacent area.

Mr. Wilkinson stated that from 2009 forward the Board has adopted a policy of not allowing building within 100 feet of a wetland. Mr. Wilkinson stated that this property has been before the Board before for a subdivision application.

Mr. Bogardus stated that he was not aware of the previous application.

Mr. Wilkinson stated that the Board also had a site visit. Mr. Wilkinson stated that there are a lot of letters in the file. Mr. Wilkinson stated that it appears that there has been a significant amount of filling into the wetlands. Mr. Wilkinson stated that there was a trailer set up with a deck and a shed.

Mr. Bogardus stated that DEC has claimed wetlands on Lot 3.

Mr. Wilkinson stated that the Board has considerable concern regarding the wetlands. Mr. Wilkinson read from the ECC letter of January 19, 2009. Mr. Wilkinson also showed the letter from Mr. McNamara.

Mr. Bogardus stated that they may have to eliminate Lot 3 from their proposal.

Mr. Wilkinson showed Mr. Bogardus the contents of the 2008 file and that Lot 3 was a contention for the Board then.

Mr. Gardner inquired if Lot 2 was located in a 100 year flood area.

Mr. Bogardus stated no.

Mr. Wilkinson stated that the proposal would be more agreeable if Lot 3 were removed.

Mr. Bogardus stated that he would bring this information back to the Wards and see what they would like to do.

Mrs. Wood stated that the application lists 2 other people.

Mr. Wilkinson stated that another affidavit was provided by Mr. Bogardus.

Mr. Bogardus stated that he would like to postpone the application to reconfigure the proposal into a three lot subdivision instead of 4.

Mr. Wilkinson stated that the Town of Charlton standard notes are required for the drawings. Mr. Wilkinson stated that the building envelope is also required and the curb cut note also needs revising.

Mr. Bogardus showed the building envelope on the drawing.

Mr. Wilkinson stated that the Board wants it clearly noted that the house has to remain within the setbacks so the buyer knows there is only one place to build.

Mr. Bogardus stated that they only have two options, push Lot 3 back and get a disturbance permit or eliminate it completely. Mr. Bogardus formally requested the application be put on hold to allow him to speak to the applicants.

PRE-APPLICATION CONFERENCE

Eric Fisher appeared before the Board.

Mr. Fisher stated that he lives on Swaggertown Road and would like to purchase a piece of property behind his lot from Carol Tinkham. Mr. Fisher reviewed the information he provided on the application and attachments. Mr. Fisher also provided a copy of the tax map that he explained to the Board.

Ms. Szurek asked that Mr. Fisher show his house location on the map.

Mr. Mitchell inquired as to the acreage of his parcel.

Mr. Fisher stated approximately 1.5 acres.

Ms. Szurek inquired as to the acreage of the Tinkham parcel.

Mr. Fisher said it was 28 acres and would be 27 acres after the lot line change.

Mr. Wilkinson inquired if Mr. Fisher had hired a surveyor.

Mr. Fisher stated that he is talking to some now.

Mr. Wilkinson stated that the information provided seems fine. Mr. Wilkinson stated that the requirements for filing the application are on the town website. Mr. Wilkinson reviewed the documents required and what the drawings needs to show.

Mrs. York stated that affidavits will be required for both of the sellers and Mr. Fisher's wife if they are not attending the meetings.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso stated that the Charlton Oil application is on hold at this point. Mr. Grasso stated that the Board hopes to receive a revised application.

Mr. Mitchell inquired if the 62 day time clock has started since there was a Public Hearing.

Mr. Grasso stated that the applicant has to respond to concerns before the application can proceed. Mr. Grasso stated that the site plan referral to the Planning Board may be a referral for comments or can be a formalized site plan review process. Mr. Grasso stated that they need to get through the use issues before they can proceed with the site plan review process.

Mr. Grasso stated that there was an open meeting last week for the proposed Cell Tower on the water tower. Mr. Grasso stated that many public concerns were raised at the hearing. Mr. Grasso stated that other sites are being investigated. Mr. Grasso stated that the former Crawford property behind Town Hall may be an option. Mr. Grasso stated that both sites were presented at the meeting. Mr. Grasso stated that the public comments pertained to the location on the water tower. Mr. Grasso stated that the Board has taken no further action and may not take action at the next meeting either to allow the applicants to go to another site. Mr. Grasso stated that any application would need a special exception use permit. Mr. Grasso stated that he does not know if the Town Board would retain the application or refer it to the ZBA.

Mr. Grasso stated that Stewarts is in talks to develop a new store at the corner of Route 67 and Route 147. Mr. Grasso stated that there has been no application yet.

Mr. Grasso stated that when projects come up on roads like Route 67, when access is available on a local road the Board should consider restricting access so development is not done on Route 67.

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

The meeting was adjourned at 9:08 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary