

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

Minutes of the Planning Board Meeting –January 19, 2015

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Dawn Szurek, Marilyn Phillips, Bruce Gardner, Richard Potts, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Chris Mitchell joined the meeting at 7:30 p.m. John Kadlecek joined the meeting at 8:00 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the November 17, 2014 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has previously provided comments. Mr. Wilkinson stated that the Deer Run resolution is incorrect and needs to be replaced with the correct resolution. Ms. Phillips provided comments. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Marsh/VanGuilder (245.-1-8.3, 8.11, 8.12)

Mr. Wilkinson stated that there will be a Public Hearing on this application.

Subdivision and Lot Line Change Applications

Pashley and Hensel and Humphry (214.-1-6.1 and 9)

Mr. Wilkinson stated that this is an application for a lot line change between neighbors. Mr. Wilkinson stated that the purpose of the lot line change is to make the Hensel property larger by $\frac{3}{4}$ acre and to include a 36 x 80 building. Mr. Wilkinson stated that this application went before the ZBA for a variance for the pond lot line setback and was approved. Mr. Wilkinson stated that at the November meeting the Board requested additional information be added to the drawings. Mr. Wilkinson stated that the information the Board requested has been added to the drawings. Mr. Wilkinson stated that the Board is in a position to move forward with the application.

Marsh/Van Guilder (245.-1-8.3, 8.11, 8.12)

Mr. Wilkinson stated that the applicant is proposing a subdivision of his 73 acre parcel which is located in both the Towns of Charlton and Glenville. Mr. Wilkinson stated that the applicant's representative, Duane Rabideau, came before the Board for a preapplication conference in September of 2013. Mr. Wilkinson stated that the original plan was for a 7 lot subdivision with 5 lots being in Glenville and 2 lots in Charlton. Mr. Wilkinson stated that the revised plan is now for a 6 lot subdivision with 4 new lots in Glenville and 2 new lots in Charlton. Mr. Wilkinson stated that the new plan also requests a lot line change with the Jaffe property taking 9 acres, two acres in Charlton and the rest in Glenville. Mr. Wilkinson stated that the Board provided comments on the design. Mr. Wilkinson stated that the Board needs to discuss the proposed house locations. Mr. Wilkinson stated that the Lot 1 proposal is fine. Mr. Wilkinson stated that the proposed house location for Lot 2 sits back 550 feet. Mr. Wilkinson stated that the Board needs to discuss the 100 foot buffer from the wetlands even if it is ACOE wetlands. Mr. Wilkinson stated that he would like to see a locked down house location and provide the zoning administrator with the location so he knows where the house has to go. Mr. Wilkinson stated that the Board has received comments from Mr. McNamara. Mr. Wilkinson stated that the new maps address Mr. McNamara's comments.

Desmond & Witherell/Van Guilder (246.-3-26.1)

Mr. Wilkinson stated that the applicant owns a 25+ acre parcel on the corner of Swaggertown and Charlton Roads. Mr. Wilkinson stated that the applicant is proposing a 3 lot subdivision placing the home and outbuildings on 13.9 acres and creating two new 5 plus acre building lots on Swaggertown Road. Mr. Wilkinson stated that Duane Rabideau is the applicant's representative. Mr. Wilkinson stated that at the November meeting the Board discussed that the two proposed new lots do not meet the mean lot width requirement. Mr. Wilkinson stated that has been corrected. Mr. Wilkinson stated that the application was not sent to the County or Mr. McNamara because it contained a non-conforming condition.

Heflin/Durst (255.-1-40.1, 41, 43.1, 43.2, 43.3) [Late addition to the agenda]

Mr. Wilkinson stated that in October, 2014, the Board granted an extension of conditional approval to 1/19/15. Mr. Wilkinson stated that there were issues with DEC and ACOE and the applicants had to create a mitigation area. Mr. Wilkinson stated that the Board has to grant a further extension if the Board feels that is warranted. Mr. Wilkinson stated that he has spoken to Mr. Durst and he will come before the Board this evening to request the extension. Mr. Wilkinson stated that DEC has signed off and the applicants are still waiting for ACOE and DOH to sign off.

Ellms

Mr. Wilkinson stated that he received a phone call from Bob Gizzi regarding the house being constructed on Charlton Road as a result of a previous subdivision. Mr. Wilkinson

stated that the applicants have put in a circular driveway. Mr. Wilkinson stated that the 2007 plan calls for only 1 driveway cut off of Charlton Road. Mr. Wilkinson stated that Mr. Gizzi has sent a letter to the applicant for clarification. The excavator has been in contact with Mr. Gizzi and explained that they went to the County for the second driveway cut and received approval from the County. Mr. Wilkinson stated that the Board would have to make a resolution accepting the circular driveway as part of the plan.

Pre-application Conferences

None.

Zoning Report

Mr. Wilkinson stated that the Board has received the reports for November and December for review.

Correspondence.

Mr. Wilkinson stated that the annual Planning Conference is 1/28/15.

Town Board Liaison

Mrs. Verola was not present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Ms. Szurek. All were in favor. Agenda meeting closed at 7:30 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 November 17, 2014 meeting minutes with changes incorporated. Ms. Phillips seconded the motion. All were in favor. Mr. Gardner and Mr. Potts abstained from the vote.

PUBLIC HEARING

Marsh/VanGuilder (245.-1-8.3, 8.11, 8.12)

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on 1/05/15 and adjoining neighbor notices were mailed on 12/29/14.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson opened the Public Hearing at 7:36 p.m.

Duane Rabideau: I am Duane Rabideau from VanGuilder Associates, here tonight representing Curtis Marsh in his request to subdivide a 73 acre parcel located at the corner of Charlton and Sacandaga Road, NYS Rt.147. The parcel is divided by the County line that runs diagonally through it and tonight we are here just for the portion that lies within the Town of Charlton, Saratoga County. The 73 acre parcel that we are subdividing, just to give an overall view, two parcels in Charlton and 4 parcels in Glenville, which we have gone through their process. As far as the Glenville portion, they have approved it. The mylars are in the Town for signing at this point in time. What we are requesting, the Charlton portion, we are subdividing and creating two lots. Lot 1, which is approximately 2.4 acres and Lot 2 which is a little bit over 8.8 acres. Also in this request is, we have these two lots and its divided by lands of Jaffe and this corner lot here. What they want to do is not create a lot but annex this approximately 9 acre parcel to the Lands of Jaffe. This one is split by the County line. From the last meeting, the Planning Board did request some changes. We did make those changes. We did add the tax id number, we added a couple proposed wells we forgot to put on, we added the improvements that were on the Jaffe parcel, we did add the 100 foot adjacent area along the wetlands and we did add a driveway note. I received a letter from Environmental Design and I believe we addressed their issues and comments. That is our request before the Board.

Jay Wilkinson: I'll open the floor up to anybody from the public that is here that has questions about this particular subdivision. If you do please come forward.

[No one came forward]

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

Public Hearing closed at 7:35 p.m.

SUBDIVISION AND LOT LINE CHANGE APPLICATIONS

Pashley and Hensel and Humphry (214.-1-6.1 and 9)

Mr. Pashley appeared before the Board.

Mr. Wilkinson stated that this is an application for a lot line change between neighbors. Mr. Wilkinson stated that the purpose of the lot line change is to make the Hensel property larger by $\frac{3}{4}$ acre and to include a 36 x 80 building. Mr. Wilkinson stated that this application went before the ZBA for a variance for the pond lot line setback and was granted approval. Mr. Wilkinson stated that at the last meeting the Board requested new drawings on a larger map with the following additions:

Tax map numbers to adjacent parcels;
Revision block;
Label zoning district;
Contour lines;
Scale for overview of property;
Standard notes; and
Pond location.

Mr. Wilkinson stated that all of the changes have been made. Mr. Wilkinson stated that the Board took lead agency and declared the action as unlisted at the November meeting. Mr. Wilkinson stated that the Board also waived the park fee, application fee, engineering review and Public Hearing. Mr. Wilkinson stated that the Board has received the County approval.

Mr. Pashley revised Part I of the EAF.

The Board completed Part II of the EAF.

Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson made the motion that the Planning Board approve the lot line change between Robert and Beverley Pashely, and James Hensel and Patti Humphrey on Sweetman Road as Resolution 2015-01 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion. All were in favor. Mr. Gardner and Mr. Potts abstained from the vote.

Resolution 2015-01 was made.

Mr. Wilkinson reviewed the mylar requirements.

Mrs. York provided filing instructions to the applicant.

Marsh/Van Guilder (245.-1-8.3, 8.11, 8.12)

Mr. Rabideau appeared before the Board.

Ms. Phillips questioned the two lot lines coming into Lot 2 being labeled 540, what was happening between the contour lines.

Mr. Rabideau stated that they plateau and showed the flat area on the drawing.

Ms. Phillips stated that the lower lines are not labeled and questioned if they were up or down.

Mr. Rabideau stated that was in the Town of Glenville.

Ms. Phillips inquired when the delineation was done for the ACOE wetlands.

Mr. Rabideau stated 2014.

Mr. Wilkinson stated that the Board took lead agency and declared the action unlisted at the November meeting. Mr. Wilkinson stated that Mr. McNamara has completed his review and the new maps address his questions. Mr. Wilkinson stated that the Board has received County approval.

The Board reviewed Mr. McNamara's comments.

Mr. Wilkinson stated that the well is shown on the drawing for the Burke property but the septic system is not shown. Mr. Wilkinson stated that he would like to see the septic system added to the drawing.

Mr. Rabideau stated that could be added.

Ms. Phillips stated that the turnaround is the same as on the previous map.

Mr. Wilkinson asked for the turnaround to be labeled.

Ms. Phillips inquired if it was really a turnaround.

Mr. Wilkinson stated that the turnaround needs to be labeled

Mr. Rabideau stated that he could deepen the turnaround. Mr. Rabideau stated that he could modify it and add 15 feet.

Mr. Wilkinson stated that the turnaround would have to be labeled and made larger.

Ms. Phillips inquired if Mr. McNamara would have to approve that.

Mr. Wilkinson stated that the new drawings should have the turnaround widened and labeled, and the Burke septic system location be shown.

Mr. Rabideau showed possible locations for the Burke septic system on the drawing.

The Board agreed that the existing barn is a pre-existing condition.

Mrs. York brought attention to Mr. McNamara's letter pertaining to the cross section of the driveway.

Mr. Wilkinson stated that the information would need to be added to the drawing.

The Board acknowledged the Jaffees were present at the meeting and have given Mr. Rabideau permission to speak on their behalf.

The Board agreed they would like to lock down the location of the house and improvements for Lot 2 since the lot is encumbered by a large wetland.

Mr. Rabideau stated that the lot meets the zoning requirements and the house can be placed where they want.

Mr. Wilkinson stated that the lot is limited by the wetland.

Mr. Rabideau stated that they have shown a building envelope on the drawing to give the owners flexibility.

Mr. Wilkinson stated that the Board would like to see the “proposed” changed to “house location” or some other term and draw it on the map.

Mr. Wilkinson stated that the changes to the drawing are as follows:
Show Burke septic system, add the driveway note and cross section language label and extend the turnaround, change “proposed” to “approved building envelope”.

Ms. Szurek asked that “Saratoga County” be added to the note for the Lands to be annexed to Jaffe.

The Board completed Part II of the EAF.

Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson stated that the Board has the right to invoke Local Law #1 which means that the drawings need to be signed and approved by a licensed professional engineer or architect.

The Board discussed why they were invoking Local Law #1.

Mr. Wilkinson made a motion to approve the subdivision of Marsh located at Charlton Road and Sacandaga Roads contingent upon: the map being signed by a licensed professional engineer or architect, the addition of the Burke septic system, adding “Saratoga County” to the notation of the Lands to be annexed to Jaffe, the addition of the driveway note and cross section language, the extension of the turnaround and label and the approved building envelope labeled for Lot 2, as Resolution 2015-02 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion. Ms. Phillips voted no. All remaining Board members were in favor.

Resolution 2015-02 was made.

Desmond & Witherell/Van Guilder (246.-3-26.1)

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that the new drawings provided address the issue of the mean lot width. Mr. Wilkinson stated that the Board took lead agency at the November meeting. Mr. Wilkinson stated that the application needs to be forwarded to the County Planning Board and Mr. McNamara for review.

Mr. Rabideau showed the Board, on the drawing, how the mean lot width was now met.

Mr. Rabideau stated that he also added the tax id numbers, the perk test and test pit information, proposed driveway locations and proposed house locations and added the sight distance information.

Ms. Phillips inquired if the parcel had access to public water.

Mr. Rabideau stated that the parcel is located in the water district and he was unsure if there was an onsite well.

Mr. Wilkinson stated that the Board would like the applicants plan for water by the next meeting.

Mrs. York stated that the application says private well.

Mr. Wilkinson made the motion to schedule the Public Hearing for 2/16 at 7:30 p.m. Mr. Kadleck seconded the motion. All were in favor.

Mrs. York provided the Public Hearing cards.

Mrs. York stated that she will forward the application to the County and Mr. McNamara for review.

Heflin/Durst (255.-1-40.1, 41, 43.1, 43.2, 43.3)

Mr. Wilkinson stated that the applicants have conditional approval that expires today.

Mr. Durst appeared before the Board.

Mr. Durst requested a 90 day extension to get final approvals from DEC and DOH.

Mr. Wilkinson made the motion to approve the applicants request for a 90 day extension (4/20/15) for conditional approval of Pine Hollow. Ms. Szurek seconded the motion. All were in favor.

Ellms

Mr. Durst appeared before the Board.

Mr. Durst stated that they finished building the house and decided that a circular driveway was more suitable for the property. Mr. Durst stated that they contacted Ted Serbalik of DOT and got approval for a second driveway cut.

Mr. Durst provided an as built drawing for the Board.

The Board agreed to accept the applicants request for the circular driveway citing that the County has already approved the second driveway cut.

Mr. Wilkinson made a motion to approve the new driveway location submitted for Josh and Sasha Presseisen at 488 Charlton Road. Mr. Mitchell seconded the motion. All were in favor.

PRE-APPLICATION CONFERENCE

None.

ZONING REPORT

The Board reviewed the reports.

CORRESPONDENCE

Mr. Wilkinson stated that the Planning Conference is 1/28/15

TOWN BOARD LIAISON

Mrs. Verola was not present.

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

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary