

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

Minutes of the Planning Board Meeting –November 17, 2014

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, Chris Mitchell, Dawn Szurek, Marilyn Phillips, 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 October 20, 2014 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has previously provided comments. Mrs. Wood, Ms. Phillips and Ms. Szurek provided comments. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Leschen (225.-1-6.1)

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

Subdivision and Lot Line Change Applications

Leschen (225-1-6.1)

Mr. Wilkinson stated that this is a proposed subdivision of 73+ acres on Cook Road. Mr. Wilkinson stated that the applicant is requesting to subdivide out the existing farmhouse and 3 acres of land to sell and the remaining 70 acres will be farmed by Smith Bros. Farm. Mr. Wilkinson stated that the application has been reviewed by the County and Mr. McNamara and the Board has received comments from both. Mr. Wilkinson stated that the Board is in a position to move forward with the application.

Mrs. York stated that the Board needs new maps.

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 it was granted. 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.

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 acre building lots on Swaggertown Road. Mr. Wilkinson stated that Duane Rabideau is the applicant's representative.

Ms. Szurek stated that she is a neighboring property owner.

Deer Run Phase 3 Final Approval (246.-3-100.1)

Mr. Wilkinson stated that the Board had granted conditional approval for Phase III of this subdivision. Mr. Wilkinson stated that the applicant was last before the Board in February, 2014. Mr. Wilkinson stated that soil sampling was the only outstanding issue. Mr. Wilkinson stated that the latest drawing has the soil information and has been reviewed by Mr. McNamara. Mr. Wilkinson stated that Mr. McNamara did not have any issues. Mr. Wilkinson stated that the Board can close out the application as all open items have been addressed. Mr. Wilkinson stated that the Board has to complete the SEQRA process.

Pre-application Conferences

None.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that there will be a Public Hearing on December 1, 2014 to discuss the proposed changes to the Zoning Ordinance. Mr. Wilkinson stated that everyone has reviewed the draft letter he provided and it has been sent to the Town Board.

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 Mr. Kadlecsek. 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 October 20, 2014 meeting minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor.

PUBLIC HEARING

Leschen (225.-1-6.1)

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on 11/05/14 and adjoining neighbor notices were mailed on 10/28/14.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson opened the Public Hearing at 7:35 p.m.

Cynthia Leschen: I am Cynthia Leschen. My father passed away in January and I inherited the property. I would like to subdivide 3 acres off of the 73 acres which will include the house and sell it. The remaining land will continue to be farmland.

Jay Wilkinson: The 3 acres will include the house and the outbuildings?

Cynthia Leschen: Yes, the house, shed, wood-burning furnace and the machine barn.
Jay Wilkinson: At this time I will open it up to the public if anyone has a question. This would be your opportunity to ask.

No one came forward.

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

Public Hearing closed at 7:38 p.m.

SUBDIVISION AND LOT LINE CHANGE APPLICATIONS

Leschen (225.-1-6.1)

Mr. Mitchell abstained from deliberations.

Cynthia Leschen appeared before the Board.

Ms. Leschen stated that she had all of the information the Board requested added to the drawing. Ms. Leschen stated that the outbuilding has been labeled as "Machine shed", the contour lines have been added to the drawing and the location of the septic has been added.

Mr. Wilkinson stated that the Board sent the application to Mr. McNamara and the County Planning Board for review. Mr. Wilkinson stated that the response letter from Mr. McNamara did not identify concerns that would preclude the Board from moving forward with the application. Mr. Wilkinson read the letter from Mr. McNamara dated 11/5/14. Mr. Wilkinson stated that the County reply was no significant countywide or intercommunity impact. Mr. Wilkinson stated that the Board took lead agency and declared the action as unlisted with a negative declaration relative to environmental impact at the October meeting. Mr. Wilkinson inquired if the standard notes were on the drawing.

Ms. Leschen showed the standard notes on the drawing.

The Board completed the Environmental Assessment form.

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

Ms. Phillips inquired as to the location of the septic.

Mr. Wilkinson showed the location on the drawing.

Mr. Wilkinson made a motion to approve the Leschen subdivision located at 2204 Cook Road as Resolution 2014-09 and authorize the chairman to sign the mylars. Mr. Kadlecek seconded the motion. All were in favor.

Resolution 2014-09 was made.

Mr. Wilkinson reviewed the requirements for the number of mylars required.

Mrs. York provided filing instructions.

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

Mr. Pashley appeared before the Board.

Mr. Humiston, land surveyor, also appeared before the Board.

Mr. Pashley provided the Board with a copy of the proposed Right of Way agreement.

Mr. Wilkinson stated that the concerns of the Board were new drawings, which have been provided, a revision block, tax map parcel numbers of the affected parcels, the zoning district and the site statistics, standard notes, driveway easement and the scale, all of which have been done. Mr. Wilkinson stated that contour lines still need to be added to the drawing.

Mr. Humiston stated that he will add those on the inset drawing.

The Board reviewed the driveway agreement.

Mrs. Wood stated that the Board's concern is for future owners.

Mr. Humiston stated they have access now through historical use and it is not limited. Mr. Humiston stated that when you put the access in writing you put limits on it.

Mr. Keniry stated that he is fine with the proposed driveway agreement.

Mrs. Wood inquired if the property line would be removed and all of the land will be placed on one deed.

Mr. Humiston stated yes.

Mr. Keniry asked Mr. Humiston to show the right of way on the drawing.

Mr. Wilkinson asked that the entire pond be shown on the drawing.

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

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

Mr. Wilkinson stated that the application would be forwarded to the County for review.

Ms. Szurek inquired if the County would want to know the locations of the well and septic.

Mr. Wilkinson stated that before the application is sent to the County the contour lines, entire pond location and the septic and well locations should be added to the drawing so that an accurate drawing is sent for review.

Mr. Humiston stated that they would get the changes made and new maps to the Board. Four copies were agreed to: 1 for the County, 1 for Mr. Wilkinson, 1 for the Town Hall and 1 to share at the January meeting.

Ms. Phillips stated that the EAF was not complete.

The applicant completed the EAF form.

Mr. Wilkinson inquired if the deed right of way was needed before approval.

Mr. Keniry stated that it could be a condition of approval. Mr. Keniry asked the applicant to depict what is being conveyed accurately.

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

Mr. Rabideau appeared before the Board.

Mr. Rabideau stated that he was last before the Board in September, 2013 for a preapplication conference. Mr. Rabideau stated that the parcel is 72.9 acres. Mr. Rabideau stated that the proposal is to subdivide the 72.9 acres into 4 new lots in the Town of Glenville and 2 new lots in the Town of Charlton. Mr. Rabideau stated that they have changed their original plan of 8 lots to 6 lots.

Mr. Wilkinson inquired if there was a neighbor that was buying property.

Mr. Rabideau stated that the original proposal had a corner piece of 9.5 acres that was going to be two separate lots and will now be annexed to a neighbor and will not be a building lot. Mr. Rabideau stated that he was before the Glenville Planning Board on Monday and they have set their Public Hearing and would like to hear Charlton's issues.

Mr. Wilkinson asked if anything changed on the proposed lots for the Town of Charlton.

Mr. Rabideau stated that Lot 3 was ½ in both Towns but it has been taken off the table as a building lot. Mr. Rabideau stated that the two lots in Charlton would be 2.5 acres and 8.5

acres at the Schenectady/Saratoga part of the County line and both Charlton lots are 10% in the Town of Charlton.

Ms. Szurek inquired if Lot 2 had a diagonal property line.

Mr. Rabideau stated yes because they are following the County Line.

Mr. Mitchell inquired if the proposal was for two new lots in Charlton and a lot line change.

Mr. Rabideau stated yes.

Ms. Phillips asked for the locations of the wells for the new lots be shown.

Mr. Rabideau stated that he would add them to the drawing.

Ms. Szurek inquired if the lot line was going to be acquired as a separate lot or merge the deed with the existing deed.

Mr. Rabideau stated that the intention is to add it to their parcel.

Mr. Mitchell stated that the well and septic locations on the existing lot, for which is being done, need to be shown.

Mr. Wilkinson asked that the Jaffe house be shown with their existing well and septic locations shown, and any outbuildings be shown.

Mr. Wilkinson inquired if Lot 2 was a house behind a house because of the wetlands and not being able to meet the setbacks.

Mr. Rabideau stated yes.

Ms. Phillips inquired if the dash line included the 100 foot buffer.

Mr. Rabideau stated that the dash line was ACOE wetlands.

Ms. Phillips asked that the 100 foot buffer be shown.

Ms. Phillips inquired, on Lot 2, the distance from the closest boundary line to the drain field.

Mr. Rabideau stated that the requirement is 10 feet for state wetlands.

Mrs. Wood stated that Lot 2 may require the long driveway note.

Mr. Rabideau stated that they will use the Town's note.

Ms. Phillips inquired if there would be a turnaround.

Mr. Rabideau stated yes.

Mrs. Wood inquired if, on Lot 1, there was enough space between the well and septic.

Mr. Rabideau stated yes.

Ms. Philips inquired where the well was for Lot 2.

Mr. Rabideau stated that it would be located in the front of the house.

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

Mr. Wilkinson stated that once the changes were made to the drawing and received they could be forward to the County and Mr. McNamara for review.

Ms. Szurek stated that she would like the drawing to also reflect the lot line change.

Mr. Wilkinson made a motion to schedule the Public Hearing for January 19, 2015 at 7:30 p.m. Ms. Szurek seconded the motion. All were in favor.

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

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that the Board would need affidavits from all property owners.

Mr. Rabideau provided an affidavit from Janet Desmond.

Mr. Wilkinson stated that the proposal is to create two new building lots on Swaggertown Road of about 5 acres each and the last lot will be the existing house and outbuildings on a 13.9 acre parcel.

Mr. Rabideau stated that the wetlands are located on Lot 3. Mr. Rabideau provided copies of an aerial photo of the parcel.

Mr. Wilkinson inquired if the perk test information was on the drawing.

Mr. Rabideau stated that the perk tests were done after the maps were done but the information will be added.

Mrs. Wood inquired if the lots met the mean lot width requirement. Mrs. Wood inquired as to the frontage for Lots 1 and 2.

Mr. Rabideau stated that the frontage for Lot 1 was 240 feet and the frontage for Lot 2 is 235 feet.

Mr. Wilkinson stated that if Lot 1 has a frontage of 240 feet and only 127 feet in back, the lot does not meet the requirement. Mr. Wilkinson read from the Zoning Ordinance.

Mr. Rabideau stated that they may have to shift the lines to the north.

The Board provided suggestions to reconfigure the plan to meet the mean lot width requirement on both lots.

Mr. Wilkinson requested that the tax parcel id numbers be added to the drawing.

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

Mr. Wilkinson requested the sight distances for the locations of the proposed driveways.

Deer Run Phase 3 Final Approval (246.-3-100.1)

Mr. Wilkinson stated that the applicant has requested final approval for Phase 3 of the subdivision.

Mr. Wilkinson stated that the applicant was last before the Board in February requesting conditional approval. Mr. Wilkinson stated that the Board requested soil test information before approvals were granted. Mr. Wilkinson stated that the latest submittal from the applicant has the soil test information. Mr. Wilkinson stated that the information has been reviewed by Mr. McNamara and his 11/6 letter states that all of his concerns have been addressed. Mr. Wilkinson stated that the DOH witnessed the soil tests.

Dave Ingalls appeared before the Board.

Mr. Ingalls stated that they went out with DOH and did the perk and soil tests for all 15 Lots in Phase III. Mr. Ingalls stated that the road will be named Cosgrove Road. Mr. Ingalls stated that they have added sheet 6 which is the details for the septic's which has been reviewed and approved by DOH. Mr. Ingalls stated that the lots will have conventional septic's filled and stabilized with no additional fill required. Mr. Ingalls stated that the total subdivision was 48 lots, 24 lots in Phase 1, 9 lots in Phase II and 15 lots in Phase III. Mr. Ingalls stated that they have worked through the technical comments with Mr. McNamara. Mr. Ingalls stated that SEQRA was done in 1991 and reaffirmed with Phase II approval.

Mr. Mitchell inquired if there was going to be a HOA and open space.

Mr. Ingalls stated yes. Mr. Ingalls stated that there is 85 acres of open space.

Mrs. Wood inquired as to the public access to the open space.

Mr. Ingalls showed the public access on the drawing.

Mr. Keniry stated that the town has an easement but no ownership of the land.

Mr. Ingalls stated that the access to the public land is via an easement to the town for public access.

Mr. Keniry read from the first amendment to the agreement with the Planning Board and the Town of Charlton dated 6/25/10 pertaining to the public access.

Mr. Keniry stated that the applicant's counsel and representative are aware of their requirements for the open space. Mr. Keniry stated that if the Board is concerned it can be made part of the conditional approval.

Mr. Wilkinson stated that a full EAF was submitted with Phase III which is different from Phase II. Mr. Wilkinson stated that the full EAF done on 3/23/11 says it is for Phases II and III only. Mr. Wilkinson inquired if the Board was required to have another full EAF and complete Part II.

Mr. Keniry stated that Part I is signed and dated 1/24/14 and the copy says Phase III. Mr. Keniry stated that what was submitted was intended to relate to Phase III. Mr. Keniry stated that the Board can have the representative reaffirm the accuracy of the answers and the Board can move on to Part II.

Mr. Ingalls stated that Part I shows the original SEQRA of 1991 which is still valid since there has been no changes or large impacts that would change the original findings.

Mr. Keniry read from the 2011 minutes pertaining to SEQRA.

The applicant revised and initialed Part I of the EAF.

The Board completed Part II of the EAF.

The Board reviewed the Resolution prepared by Mr. Keniry.

Mrs. Wood read the Resolution into the record.

WHEREAS, a subdivision application dated November 18, 2013, was received on December 24, 2013, by the Planning Board for a Subdivision entitled Deer Run Subdivision – Phase III, and

WHEREAS, it is the intent of the applicant to subdivide a total area of 15.78 acres of real property containing a total of 15 new lots, and

WHEREAS, at the February 18, 2014 Planning Board meeting, the application was classified as an unlisted action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and the Planning Board declared itself lead agency, and

WHEREAS, a public hearing was held regarding the application on February 18, 2014, and

WHEREAS, the Saratoga County Planning Board approved the application on February 20, 2014, and

WHEREAS, the Town of Charlton Planning Board to date has received no objections from any other governmental agencies with respect to the Planning Board's lead agency status.

THEREFORE NOW BE IT RESOLVED that the Planning Board of the Town of Charlton hereby accepts the Long-Form Environmental Assessment Form submitted by the applicant, and be it further,

RESOLVED, that the Planning Board has carefully reviewed the Long-Form Environmental Assessment Form submitted by the applicant and the application pursuant to 6 N.Y.C.R.R § 617.7(c), as well as considered comments received from any involved agencies and the public regarding the application. Based on the foregoing, the Planning Board has thoroughly analyzed the potential relevant areas of environmental concern, and be it further,

RESOLVED, that the Planning Board of the Town of Charlton, acting as Lead Agency and after careful consideration, finds that application will have no significant adverse impacts on the environment in accordance with New York State Environmental Quality Review Act, Article 8, and in particular, pursuant to the criteria found at 6 N.Y.C.R.R § 617.7(b). The Planning Board thus makes a Negative Declaration pursuant to the New York State Environmental Quality Review Act, and be it further,

RESOLVED, that the application for Subdivision Approval for the Deer Run Subdivision – Phase III, prepared by the Applicant, dated November 18, 2013, be and is approved subject to the following modifications and conditions, and that the Planning Board Chairman be and is authorized to endorse this Board's approval of said project upon compliance by the Applicant with the additional requirements as outlined herein:

1. Subdivision approval is subject to all requirements of the Zoning Ordinance and any further reasonable requirements of the Town designated engineer including but not limited to those stated in his letters to the Planning Board Chairman dated, January 13, 2014, and February 14, 2014 regarding modifications to the application.
2. Applicant shall be responsible for, and a letter of credit shall be delivered in a form acceptable to the Town Attorney, Planning Board Chairman, and the Town designated engineer, to insure, the proper installation and maintenance of all public improvements and related costs and expenses, including but not limited to roadways, water mains, and sediment and erosion control measures, and the maintenance and flushing of water mains as the Town may deem necessary in its sole discretion. The amount of the letter of credit shall be determined by the Town designated engineer.
3. No letter of credit shall be released or reduced until all performance is complete and all of the conditions are met to the satisfaction of the Town Attorney, Planning Board Chairman, and the Town designated engineer.
4. Applicant shall deliver to the Town Attorney a fully executed Escrow Agreement in form and substance satisfactory to the Town designated engineer and Town Attorney, relative to all public improvements.
5. The dedication and acceptance of all public improvements shall be completed in accord with direction of the Town designated engineer and Town Attorney.
6. Applicant shall prepare and file a public access easement over the 14.9 +/- acre area near the Alplaus Kill in form and substance satisfactory to the Town Attorney, Planning Board Chairman, and the Town designated engineer, as described in that certain First Amendment to Agreement made the 25th of June, 2010 by and between the Town of Charlton, Capitol Real Estate, Inc., and Bordeau Builders, Inc.

Dated: November ____, 2014
Charlton, New York

Jay Wilkinson, Chairman

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

Mr. Wilkinson made the motion to approve the Deer Run Phase III subdivision with the following conditions:

- 1 Subdivision approval is subject to all requirements of the Zoning Ordinance and any further reasonable requirements of the Town designated engineer including but not limited to those stated in his letters to the Planning Board Chairman dated, January 13, 2014, and February 14, 2014 regarding modifications to the application.

- 2 Applicant shall be responsible for, and a letter of credit shall be delivered in a form acceptable to the Town Attorney, Planning Board Chairman, and the Town designated engineer, to insure, the proper installation and maintenance of all public improvements and related costs and expenses, including but not limited to roadways, water mains, and sediment and erosion control measures, and the maintenance and flushing of water mains as the Town may deem necessary in its sole discretion. The amount of the letter of credit shall be determined by the Town designated engineer.
- 3 No letter of credit shall be released or reduced until all performance is complete and all of the conditions are met to the satisfaction of the Town Attorney, Planning Board Chairman, and the Town designated engineer.
- 4 Applicant shall deliver to the Town Attorney a fully executed Escrow Agreement in form and substance satisfactory to the Town designated engineer and Town Attorney, relative to all public improvements.
- 5 The dedication and acceptance of all public improvements shall be completed in accord with direction of the Town designated engineer and Town Attorney.
- 6 Applicant shall prepare and file a public access easement over the 14.9 +/- acre area near the Alplaus Kill in form and substance satisfactory to the Town Attorney, Planning Board Chairman, and the Town designated engineer, as described in that certain First Amendment to Agreement made the 25th of June, 2010 by and between the Town of Charlton, Capitol Real Estate, Inc., and Bordeau Builders, Inc.

And authorize the chairman to sign the mylars as Resolution 2014-10.

Discussions:

Mr. Ingalls stated that number 1 has already been completed.

Mr. Keniry stated yes that is complete.

Mr. Ingalls inquired as to the escrow account being in addition to the letter of credit.

Mr. Keniry stated that could be worked out between the attorneys.

Mrs. Wood seconded the motion. All were in favor.

Resolution 2014-10 was made.

The board discussed the 62 day clock and extending it now.

Mr. Ingalls requested that the extension be made to April 20, 2015.

The Board agreed to the extension.

Mrs. Wood made a motion to give the applicants an extension to April 20, 2015. Ms. Szurek seconded the motion. All were in favor,

PRE-APPLICATION CONFERENCE

None.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

Mr. Wilkinson stated that there will be a Public Hearing on 12/1 to discuss the proposed changes to the Zoning Ordinance. Mr. Wilkinson stated that the Board has sent a letter to the Town Board with comments.

TOWN BOARD LIAISON

Mrs. Verola was not present.

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

The meeting was adjourned at 10:25 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary