

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

Minutes of the Planning Board Meeting –March 17, 2014

Chairman Jay Wilkinson called the meeting to order at 7:08 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Mike Armer, Dawn Szurek, Marilyn Phillips, Chris Mitchell, Tracy Bullett, Esq., Acting 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 February 17, 2014 meeting minutes needed to be approved. Mr. Wilkinson stated that 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

Mr. Wilkinson stated that there were no Public Hearings.

Subdivision Applications

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

Mr. Wilkinson stated that this application is on hold awaiting required perk tests. Mr. Wilkinson stated that the perk tests would be completed once the weather changes.

Montemorano (213.-1-10)

Mr. Wilkinson stated that this application is for the subdivision of a 49 acre parcel. Mr. Wilkinson stated that the applicants are proposing the subdivision to create one new lot for a future restaurant. Mr. Wilkinson stated that the new lot created will be 4.7 acres with 456 feet of frontage on Jockey Street. Mr. Wilkinson stated that, at the February meeting, the Board provided feedback to the applicants on the information submitted by Lansing Engineering. Mr. Wilkinson stated that the Board has received a new site plan map dated

February 18, 2014. Mr. Wilkinson stated that the Board will be reviewing the site plan map with Mr. Lansing. Mr. Wilkinson stated that Mr. McNamara has reviewed the new maps and has provided a comment letter. Mr. Wilkinson stated that the ECC has also provided a comment letter. Mr. Wilkinson stated that the Board can review the letters during the business meeting.

Mr. Armer stated that the letter from the ECC did not address environmental issues, rather, it commented on the proposed business for the property.

#### Lot Line Change

##### Charlton Tavern aka Maloney/Snyder (246.12-1-21 and 19.1)

Mr. Wilkinson stated that this application is on hold awaiting Town Board approval of the amended Special Exception Permit. Mr. Wilkinson stated that the Board is waiting for a cross easement between the General Store and the Tavern to be executed. Mr. Wilkinson stated that the Town Board will act once they receive an executed easement agreement.

#### Pre-Application Conference

##### Marsh – lands in Glenville and Charlton

Mr. Wilkinson stated that the applicant is represented by Duane Rabideau from Van Guilders & Associates. Mr. Wilkinson stated that this proposed application pertains to lands located on Charlton Road and Route 147, which is in both Schenectady County and Saratoga County. Mr. Wilkinson stated that new lots are being proposed in both Glenville and Charlton. Mr. Wilkinson stated that the Board has previously provided feedback at a pre-application conference in September of 2013.

#### Zoning Report

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

#### Correspondence

Mr. Wilkinson stated that there is a conference on March 31<sup>st</sup> and April 1<sup>st</sup> with the NY Planning Federation. Mr. Wilkinson stated that anyone interested in attending needs to get their registration to Mrs. York.

#### Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. All were in favor. Agenda meeting closed at 7:15 p.m.

## **BUSINESS MEETING**

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

### **Minutes**

Mrs. Wood made the motion to approve the draft of the February 17, 2014 minutes with change incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Armer and Mr. Mitchell abstained from the vote.

## **PUBLIC HEARING**

None.

## **SUBDIVISION APPLICATIONS**

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

Mr. Wilkinson stated that the application is on hold awaiting additional soil testing information witnessed by the Town and DOH to move forward.

### **Montemorano (213.-1-10)**

Scott Lansing appeared before the Board.

Mr. Wilkinson stated that the applicants are requesting to subdivide a 4.7 acre parcel from their 49 acre parcel located on Jockey Street for a future restaurant. Mr. Wilkinson stated that the new lot will have 456 feet of road frontage. Mr. Wilkinson stated that a new site plan map was provided with a revision date of February 18, 2014.

Mr. Lansing stated that their understanding of where they are in the process is that they are going for the subdivision first, then the special exception, then back before the Planning Board for the site plan review of the project. Mr. Lansing stated that at the last meeting there were several items identified that needed to be adjusted on the subdivision plan so that a Public Hearing could be scheduled. Mr. Lansing stated that they are of the understanding that the special exception public hearing will be held at the same time as the subdivision public hearing. Mr. Lansing stated that the first request of the Board was relative to the commercial building being shown on the subdivision plan. Mr. Lansing stated that they have added that to the plan. Mr. Lansing stated that the building envelopes and setbacks have also been added. Mr. Lansing stated that the outline for the septic system as well as the driveway and the parking area have also been added. Mr. Lansing stated that the outline of the pond has been shown on the existing portion as well as the septic and the well for the existing house to demonstrate that there is adequate separation distances. Mr. Lansing stated that the affidavits from the owners have been submitted per the Board's request. Mr.

Lansing stated that since their submission to the Board they have received comments from Mr. McNamara. Mr. Lansing stated that the first comment was relative to the special exception being required and that the plan in general meets the area requirements for the zoning for that parcel. Mr. Lansing stated that the second comment was relative to the septic system and the fact that it will require a SPDES permit from the NYSDEC. Mr. Lansing stated that as part of the DEC regulations, they do require 100% replacement area for the system and we have adequate area for that 100% replacement area. Mr. Lansing stated that it is downstream of the system and they can demonstrate that and show that on the site plan during the site plan review process. Mr. Lansing stated that the third comment was relative to percolation tests on the soils. Mr. Lansing stated that they do have some perk test data for the site. Mr. Lansing stated that the perk rates are high and they recognize that they will have to have a raised system for the parcel. Mr. Lansing stated that they would be placing fill on the site and the perk test for that soil would be in the 5-30 minute range. Mr. Lansing stated that the system would be built to the Town of Charlton specifications. Mr. Lansing stated that the fourth comment was relative to the lot line adjustment done in 2010. Mr. Lansing stated that he did not know the details of that, however, from Mr. McNamara's comments it appears the applicants own the parcel in two separate deeds. Mr. Lansing stated that they have addressed a majority of the comments and the remaining comments would be addressed during the site plan review and approval for the project. Mr. Lansing stated that he would like the Board to consider scheduling the Public Hearing for both the subdivision and the special exception.

Mr. Wilkinson inquired where the location was of the proposed 100% replacement area for the septic system.

Mr. Lansing stated that it would be located downstream. Mr. Lansing stated that a Charlton fill system is somewhat deceiving on the size and there is so much associated with that system as far as the shelves and the tapers that when you actually 100% replacement that system, it is only the size of the actual fields themselves because you have the same tapers and same shelves associated with that. Mr. Lansing showed the location on the drawing.

Mr. Wilkinson inquired if the beds in the front would be lost.

Mr. Lansing stated yes if they had to replace the system, they would lose the beds in front.

Mr. Wilkinson inquired if the storm water management area was also located there.

Mr. Lansing stated yes.

Mr. Armer stated that the physical square area of the septic does not look like it will fit.

Mr. Lansing explained on the drawing how the stormwater management area and the 100% replacement area would fit.

Mr. Armer inquired if the edge of the taper could go past the setback.

Mr. Lansing stated yes, tapers are not applicable to the setbacks.

Mr. Wilkinson stated that the concern of the town engineer and the Board is that the proposed lot has to prove, before being subdivided, that the property can perk and that it be less than 45 minutes per inch. Mr. Wilkinson stated that the requirement is Article 4 Section 3b of the Zoning Ordinance which requires that percolation rate. Mr. Wilkinson inquired if there was data showing the required percolation rate.

Mr. Lansing stated that the soils on site are above the 45 minutes. Mr. Lansing stated that they have spoken to DOH and they are accepting of the applicant bringing in fill to create an area where a septic system can be constructed. Mr. Lansing stated that the applicants would not want to move forward with the cost of importing a tremendous amount of fill without some sort of idea that the special exception and the subdivision would be something that the Town would entertain. Mr. Lansing stated that the applicants are more than willing to bring in the fill but they would like to get past the point of having a special exception in place. Mr. Lansing stated that they envisioned this being something that can be a condition of site plan approval that the soils would need to be in place to meet the Town's requirements. Mr. Lansing stated that they are very confident that they can meet the Town's requirements once the fill is imported and put in place.

Mr. Wilkinson stated that this is a subdivision. Mr. Wilkinson stated that the site plan will come after the Board has been instructed by the ZBA to do that. Mr. Wilkinson stated that if they refer to the section of the Zoning Ordinance that Mr. McNamara has cited, Section 3b Article 4, it states that any such lot having a percolation test greater than 45 minutes cannot be subdivided and cannot use a septic system for waste disposal. Mr. Wilkinson stated that the Board is not sure how to proceed without having the proposed lot meet the percolation requirement.

The Board reviewed the percolation requirements.

Mr. Wilkinson stated that the Planning Board attorney will confer with the Town Attorney and contact the applicants.

### **LOT LINE CHANGE**

#### **Charlton Tavern aka Maloney/Snyder (246.12-1-21 and 19.1)**

Mr. Wilkinson stated that the Board is waiting for the Town Board to act.

## **Pre-Application Conference**

### **Lands of Marsh**

Duane Rabideau appeared before the Board.

Mr. Rabideau stated that he appeared in September of 2013 with a proposal that the Board provided feedback on. Mr. Rabideau stated that sheet 3 of the package he provided the Board has the proposal he came before the Board with in September of 2013. Mr. Rabideau stated that proposal has them only creating one new lot in Charlton. Mr. Rabideau stated that Lot 2 was divided by Glenville and Charlton. Mr. Rabideau stated that they went to the Town of Glenville with that same proposal. Mr. Rabideau stated that the Town of Glenville wanted to see Lot 6 and Lot 5 with frontage on Route 147. Mr. Rabideau stated that another requirement of Glenville is 300 foot of road frontage. Mr. Rabideau stated that since they have public water that runs along Route 147, the frontage can go down to 200 feet. Mr. Rabideau stated that Lot 5 on the old plan now has frontage on Route 147 on the new plan. Mr. Rabideau stated that the new plan meets the town of Glenville's requirements of both lots fronting on Route 147 and take the frontage in the Charlton area out. Mr. Rabideau stated that they are now proposing to create 3 new lots in Charlton. Mr. Rabideau stated that Lot 1 will consist of approximately 2.4 acres and Lot 2 will consist of approximately 8.7 acres in the Town of Charlton.

Mr. Wilkinson inquired what the frontage would be on Lot 3, on Charlton Road in the Town of Charlton.

Mr. Rabideau stated that sheet 2 has the three lots in Charlton highlighted. Mr. Rabideau stated that the Lots are 1, 2 and 3.

Mr. Wilkinson stated that the County line goes right through Lot 3. Mr. Wilkinson inquired how much land was in Saratoga County from the Charlton line on Lot 3.

Mr. Rabideau stated about 1.5 acres. Mr. Rabideau stated that the intent is to have the house on the Town of Glenville side.

Mr. Wilkinson inquired if there was 200 feet of frontage there.

Mr. Rabideau stated yes. Mr. Rabideau stated that the town line goes through both. Mr. Rabideau stated that the change is making Lot 1 into 2 lots.

Ms. Szurek inquired what the remaining buildable area on Lot 1 is.

Mr. Rabideau stated about 1.5 acres that is outside the wetland and the 100 foot adjacent area.

Mrs. Wood inquired if perk tests had been done on any of the lands.

Mr. Rabideau stated no. Mr. Rabideau stated that they are trying to get a concept in place first, and then they can start placing where the septic systems are going to go.

Mr. Rabideau reviewed the drawings with the Board.

Mr. Wilkinson stated that the Board would like to see the building envelopes for all lots with setbacks, the proposed well, septic and driveway locations.

Ms. Philips inquired if having a house on Lot 2 behind another house met Glenville's requirements.

Mr. Rabideau stated that was not one of their comments from their pre-application conference.

Mr. Armer inquired if Lot 6 would have a septic system that fits.

Mr. Rabideau stated yes, in Glenville, it would be a standard system.

Ms. Szurek inquired if the fields were being farmed.

Mr. Rabideau stated that it had been a few years since the lands were farmed.

Mr. Mitchell inquired if all of the wetlands were ACOE.

Mr. Rabideau stated that the wetlands were all federal wetlands. Mr. Rabideau provided a map showing the DEC wetland areas.

Mr. Rabideau stated that they have another pre-application conference in Glenville scheduled for April. Mr. Rabideau also distributed colored maps of the proposed plan.

Mr. Wilkinson stated that the Board's feedback at this point is that the Board would like to see the building envelopes for all lots with setbacks, the proposed well, septic and driveway locations. Mr. Wilkinson stated that the Board would like to see it demonstrated that everything will fit and perk.

Mr. Rabideau stated that they are working on that now for their meeting with Glenville.

Mr. Wilkinson stated that the driveway for Lot 2 will be over 500 feet. Mr. Wilkinson stated that it will require a note on the drawing and built to the Charlton specifications for long driveways.

Ms. Szurek inquired if they were trying to get as many lots as possible.

Mr. Rabideau stated no, that they feel the new Lot 2 is a more desirable lot since it is more secluded. Mr. Rabideau stated that there is vegetation between the proposed house here and the proposed house in the back. Mr. Rabideau stated that the parcel could have a maximum of 8 lots. Mr. Rabideau stated that they had to deal with environmental constraints and utilize the upland areas as much as possible. Mr. Rabideau stated that it is a unique subdivision in the sense that each lot has its own characteristics.

Mrs. Wood raised concern for the driveway locations for Lots 6 and 7.

Mr. Rabideau stated that they have checked that.

Ms. Phillips inquired how the long driveways requirements were met on a shared driveway.

Mr. Rabideau stated that there would be a turnaround for each house at 100 feet from each house.

Mr. Armer inquired about contour lines.

Mr. Rabideau explained the topography of the land.

Mrs. Wood inquired if they would be doing perk tests on Lot 3 for both town requirements.

Mr. Rabideau stated that he was not sure.

Mr. Wilkinson stated that the lot will need to meet Charlton's percolation rates.

Mr. Rabideau stated that they will have to demonstrate that in both towns.

Mrs. Wood asked for an affidavit from Mr. Marsh for the file.

Mr. Wilkinson stated that the Zoning Ordinance, page 113, appendix B-5, #3, paragraph A. cites the requirements the applicant will need to meet to proceed. Mr. Wilkinson stated that more particularly, "the final site plan shall be prepared by a licensed professional engineer/architect regularly engaged in this type of work when so specified by the Planning Board". Mr. Wilkinson stated that since there is going to be a SWPPP, wetlands delineation, 3 lots in Charlton, it is appropriate for the Board to invoke that.

The Board concurred with invoking that requirement of having a professional engineer review the SWPPP.

Mr. Rabideau stated that they are aware of the requirement. Mr. Rabideau stated that once they meet with Glenville they will go ahead and prepare the subdivision, SWPPP, septic and everything else required.

Mr. Wilkinson stated that the Board will await the requested information.

**ZONING REPORT**

The Board reviewed the reports for February.

**CORRESPONDENCE**

Mr. Wilkinson reminded the Board of the conference on March 31<sup>st</sup> and April 1<sup>st</sup> with the NY Planning Federation. Mr. Wilkinson stated that there were registration forms available.

**TOWN BOARD LIAISON**

Mrs. Verola did not have a report.

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

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary