

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

Minutes of the Planning Board Meeting –September 15, 2014

Chairman Jay Wilkinson called the meeting to order at 7:07 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Chris Mitchell, Dawn Szurek, Marilyn Phillips, Bryan Sell, 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 18, 2014 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has previously provided comments. Ms. Phillips previously provided comments. Mr. Wilkinson and Ms. Szurek 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.

Lot Line Change

Wolf/Potts (213.-1-7.1 and 225.-1-60.12)

Mr. Wilkinson stated that the applicant is Richard Potts of 25 Featherbed Lane. Mr. Wilkinson stated that the applicant is proposing a lot line change with his neighbor and adjoining property owner, Helmut Wolf. Mr. Wilkinson stated that the proposed lot line change will convey 27 acres to Richard Potts from Mr. Wolf. Mr. Wilkinson stated that at the August meeting the Board identified the drawing was missing required information, such as standard notes, contour lines, a block for the chairman to sign, the zoning district, the tax parcel ID, the setbacks and locations of the existing well and septic systems to the existing home. Mr. Wilkinson stated that new maps have been submitted and all of the required information is now present. Mr. Wilkinson stated that the new map and application was

forwarded to the County. Mr. Wilkinson stated that there has been no official reply from the County. Mr. Wilkinson stated that the Board cannot act on this application until the County reply has been received.

Mr. Wilkinson stated that the Board took lead agency status last month and declared the action as unlisted with a negative declaration. Mr. Wilkinson stated that the Board also waived the application fee, engineering review, park fee and the Public Hearing. Mr. Wilkinson stated that the Board needs County reply to proceed. Mr. Wilkinson stated that the Board can review the new maps with the applicant, complete the EAF and proceed next month with determination.

Subdivision Applications

Ellms/Northeast (237.-1-33.1)

Mr. Wilkinson stated that the Board received an application from Sally Ellms on Charlton Road proposing a subdivision of 56 acres on the north side of Charlton Road into two parcels. Mr. Wilkinson stated that the proposed action will create one new building lot of 2+ acres for a single family home. Mr. Wilkinson stated that the applicant is represented by Dave Bogardus of Northeast Land Development.

Mr. Wilkinson stated that the drawing has perk test information on the bottom. Mr. Wilkinson stated that the numbers are higher than the requirement for the Town of Charlton. Mr. Wilkinson stated that water dropped 1" in 55 minutes. Mr. Wilkinson stated that he advised Mr. Bogardus that with the current perk test information the Board would not be able to move forward with the subdivision because it is greater than the requirement. Mr. Wilkinson stated that Mr. Bogardus was going to take more soil samples. Mr. Wilkinson stated that he received a message from Mr. Bogardus that they would be at the meeting with an acceptable perk rate.

Mr. Wilkinson stated that the Board could take lead agency status and refer the application to Mr. McNamara and the County.

Ms. Szurek inquired if there was a question about the minimum lot width because of the shape of the lot.

Mr. Wilkinson stated yes. Mr. Wilkinson stated that the proposed new lot is 416 feet across the front. Mr. Wilkinson stated that he ran the numbers and it appears to fit but he did advise Mr. McNamara of that concern for his review.

Pre-application Conferences

Mr. Wilkinson stated that there were no pre-application conferences.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the Board has received a draft of the revised Zoning Ordinance.

Mr. Wilkinson stated that there is an email update from Scott Lansing on the Heflin/Durst project.

Mr. Keniry stated that he has spoken to Mr. Lansing and received a reply via email, copies of which he distributed to the Planning Board. Mr. Keniry stated that at this point the applicant is actively pursuing what is needed to complete their project.

The Board discussed the Heflin/Durst project and the deadlines missed.

Mr. Keniry stated that the Planning Board has identified to the applicant that there is an issue of non-compliance. Mr. Keniry stated that the applicant is actively pursuing the project. Mr. Keniry stated that it is the Board's decision as to whether or not to reach out to the applicant and also accept that the applicant has been actively pursuing completion of their project.

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

Minutes

Mr. Wilkinson made a motion to approve the draft of the August 18, 2014 meeting minutes with changes incorporated. Ms. Phillips seconded the motion. All were in favor.

LOT LINE CHANGE

Wolf/Potts (213.01-7.1 and 225.-1-60.12)

Richard Potts appeared before the Board.

Mr. Wilkinson stated that the new drawing addressed all of the concerns from the August meeting. Mr. Wilkinson stated that the Board likes the widened access point. Mr. Wilkinson stated that the Board wanted contour lines added, which has been done. Mr. Wilkinson stated that the approximate location of the septic system has been added and the standard notes were also added. Mr. Wilkinson stated that the signature block for the chairman to sign has been added to the drawing.

Ms. Szurek inquired what the small building in the back of the lot was.

Mr. Potts stated that it was an old garage used by the former owner. Mr. Potts stated that it is used for storage.

Mr. Wilkinson stated that at the last meeting the Board took lead agency and waived the fees, engineering review and the Public Hearing.

The Board completed the short form EAF.

Mr. Wilkinson stated that the application has been referred to the County Planning Board for review. Mr. Wilkinson stated that the Board received an email that determination would be emailed today for tonight's meeting. Mr. Wilkinson stated that a reply was not received in time for this meeting. Mr. Wilkinson stated that the Board cannot act until County reply has been received.

Mr. Keniry stated that the Board has the requirement to protect the integrity of the action by waiting for an official reply from the County Planning Board. Mr. Keniry stated that without a County reply, the Board is not in a position to act.

Mr. Wilkinson stated that upon a poll of the Board, the vote will be that of approval once the Board is able to act.

Mr. Potts stated that he already got a rate extension for one month, two weeks ago.

Mr. Keniry stated that the Board does not expect County denial and the closing can take place.

Mr. Wilkinson stated that Mrs. York can contact the applicant once a County reply has been received.

Mrs. York stated that she will forward the email from the County to the applicant.

SUBDIVISION APPLICATIONS

Ellms/Northeast (237.-1-33.1)

Mr. Wilkinson stated that the applicant, Sally Ellms, is proposing a subdivision of 56 acres she owns on the north side of Charlton Road into two parcels. Mr. Wilkinson stated that the proposed action will create one new building lot of about 2 acres for a new single family home. Mr. Wilkinson stated that Northeast Land Survey and Development represents the applicant.

Dave Bogardus appeared before the Board.

Mr. Bogardus stated that this is a minor subdivision of 56 acres of farmland located at 468 Charlton Road. Mr. Bogardus stated that the applicant is cutting out a 2 acre lot in the RA zone. Mr. Bogardus stated that the proposed lot is about 2 acres with 416 feet of frontage adjacent to the subdivided lot of 2007, which belongs to the applicant's daughter. Mr. Bogardus stated that a topographic survey has been done. Mr. Bogardus stated that there are wetlands located at the very back of the property which will not be disturbed. Mr. Bogardus stated that the proposed lot is triangular in shape. Mr. Bogardus stated that soil tests and perk tests have been done. Mr. Bogardus stated that the original perk tests were taken at the rear of the property and the new tests have been done in the front of the property.

Mr. Bogardus provided the Board with new maps with the new perk test information and soils data.

Mr. Bogardus stated that the results of the new perk tests are acceptable and indicate a shallow fill system will work. Mr. Bogardus stated that when they apply for their building permit they will conduct more soil investigating. Mr. Bogardus stated that the lots sight distance exceeds the requirements.

Mr. Wilkinson inquired about the minimum lot width being 200 feet.

Mr. Bogardus stated that the building line is at 65 feet and the frontage is 416 feet. Mr. Bogardus stated that they will be in excess of 300 feet at the border line.

Mr. Wilkinson stated that Charlton's requirement is for the total length of the lot.

Mr. Keniry stated that the Board is looking for the mean lot width.

Mr. Bogardus stated that the mean lot width should be 208 feet. Mr. Bogardus stated that Mr. Ellms wanted the parcel to be 20 feet away from the existing driveway.

Mr. Wilkinson stated that the drawings have all of the required information.

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

Mr. Wilkinson stated that the application and drawing will be referred to the town engineer and the County Planning Board for review.

Mr. Wilkinson made the motion to schedule the Public Hearing for October 20, 2014 at 7:30 p.m. Mr. Mitchell seconded the motion. All were in favor.

Mrs. York provided the applicant with Public Hearing cards.

Mrs. York requested more maps for the members who were not present.

Mr. Bogardus stated that he would mail more drawings in a couple of days.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

The Board discussed the draft of the Zoning Ordinance changes and Local Law 3 of 2006 pertaining to outdoor solid fuel burning furnaces.

Mr. Wilkinson asked for comments from the Board to be sent to him directly.

TOWN BOARD LIAISON

Mrs. Verola was not present.

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

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary