

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

Minutes of the Planning Board Meeting –October 20, 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 September 15, 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

Ellms/Northeast (237.-1-33.1)

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

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 September meeting, the applicant provided new maps with the requested information included. Mr. Wilkinson stated that the application had been forwarded to the County for review but their response was not received in time to act at the September meeting. Mr. Wilkinson stated that the Board took lead agency and declared the action as unlisted as well as waived the engineering review, fees and the Public Hearing. Mr. Wilkinson stated that

the Board has received County approval and is in a position to act on the application at the Business meeting.

#### Subdivision Applications

##### Ellms/Northeast (237.-1-33.1)

Mr. Wilkinson stated that the Board took lead agency at the September meeting. Mr. Wilkinson stated that the application was referred to the County and approval was received today. Mr. Wilkinson stated that Mr. McNamara has also reviewed the project. Mr. Wilkinson stated that the Board could deliberate after the Public Hearing and move forward with the application.

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

Mr. Wilkinson stated that the Board requested that Mr. Keniry send the applicant a letter requesting a status update. Mr. Wilkinson stated that mylars need to be signed within 62 days of approval and that time has passed. Mr. Wilkinson stated that the Board received a letter from Mr. Lansing dated October 9, 2014. Mr. Wilkinson stated that the applicant is looking for a 12 month extension that will be retroactive from 1/19/14 to 1/19/15.

##### 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.

#### Pre-application Conferences

##### Wolf (213.-1-7.1)

Mr. Wilkinson stated that the applicant is looking for feedback on their proposal of subdividing their property to create one new building lot of 32 acres.

#### Zoning Report

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

#### Correspondence

Mr. Wilkinson stated that the NYPF conference will be at the Sagamore on April 12-14, 2015.

Mr. Wilkinson stated that Joe Grasso will be present to discuss the draft of the revised Zoning Ordinance and feedback from the Planning Board.

Town Board Liaison

Mrs. Verola was not present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecek. 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 September 15, 2014 meeting minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor. Mrs. Wood and Mr. Kadlecek abstained from the vote.

**PUBLIC HEARING****Ellms/Northeast (237.-1-33.1)**

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on 10/10/14 and adjoining neighbor notices were mailed on 9/19/14.

Mr. Wilkinson reviewed the Public Hearing process.

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

Dave Bogardus: I am David Bogardus from Northeast Land Survey. I'll put this map up and then I'll go up to the podium and get the microphone. This is a subdivision at 468 Charlton Road, lands of Sally Ellms and Sally is in the audience tonight along with Chip. They have a 56 acre parcel of land and they wish to subdivide just a little over 2 acres out of that 56 acres to create a new single family lot. The property is an open area with some small trees on it. It is adjacent to the one that was done a number of years ago, another residential lot that was cut out of that parcel. It is in the RA district. The lot that we are proposing meets all of the zoning regulations in regard to frontage, lot widths, setbacks and area. We have done a deep test pit with an excavator. We have done a number of percolation tests on the project and we have turned that in to the engineer for review. The percolation tests meet the minimum standards. Sight distance on Charlton Road exceeds the AASHTO standards for intersection sight distance and stopping distance along the highway. I believe that is really it in a nutshell. I'll take any questions. I should note that there is a DEC wetland at the rear of the property. What we are proposing, we have shown the 100 foot buffer on that wetland and what we are proposing doesn't go anywhere's near encroaching upon the wetland area. We have demonstrated on the survey map a proposed house, proposed septic for

demonstration purposes to show that we can meet all the requirements for wetland setbacks, separation well to septic and property lines setbacks.

Jay Wilkinson: At this time I will open it up to the public if anyone has a questions. This would be your opportunity to ask.

[No one came forward]

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

Public Hearing closed at 7:40 p.m.

### **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 applicant is proposing a lot line change with his adjoining neighbor, Mr. Wolf. Mr. Wilkinson stated that the proposed change will convey 27 acres to Mr. Potts. Mr. Wilkinson stated that new maps were provided at the September meeting. Mr. Wilkinson stated that the Board was waiting for County approval to proceed with acting on the application and that has been received. Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson made the motion to approve the Potts/Wolf lot line adjustment on Featherbed Lane and authorize the chairman to sign the drawings as Resolution 2014-07. Mrs. Wood seconded the motion. All were in favor.

**Resolution 2014-07 was made.**

Mr. Wilkinson reviewed the filing requirements with the applicant.

Mrs. York provided the applicant with the filing instructions.

### **SUBDIVISION APPLICATIONS**

#### **Ellms/Northeast (237.-1-33.1)**

Dave Bogardus appeared before the Board.

Mr. Wilkinson stated that at the September meeting the Board took lead agency status and declared the action as unlisted under SEQRA with a negative declaration. Mr. Wilkinson stated that the application was sent to Mr. McNamara and comments were provided. Mr.

Wilkinson stated that Mr. McNamara didn't have any concerns that would preclude the Board from moving forward with the subdivision.

Mrs. Wood inquired which parcel has been issued a building permit.

Mr. Wilkinson stated that in 2007 there was a subdivision.

Mr. Ellms stated that the oldest daughter is next door and the middle daughter is moving back from Rochester to build a house.

The Board completed the EAF.

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

Mr. Wilkinson made a motion to approve the subdivision of Sally D. Ellms property at Charlton Road and the Board authorizes the chairman to sign the drawings as Resolution 2014-08. Mrs. Wood seconded the motion. All were in favor.

**Resolution 2014-08 was made.**

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

Scott Lansing appeared before the Board.

Mr. Lansing provided the Board with an affidavit from Mr. Durst.

Mr. Wilkinson stated that the Board reached out to the applicant for a status update and received a letter in response. Mr. Wilkinson stated that the applicant is requesting a twelve month extension retroactive 1/19/14-1/19/15.

Mr. Lansing stated that they were not aware of the 62 day clock. Mr. Lansing stated that they have been working diligently on the project. Mr. Lansing stated that they are awaiting the permit from ACOE. Mr. Lansing stated that once they receive that permit, they will need the DOH to sign and stamp the plans.

The Board agreed to the extension.

Mr. Wilkinson made a motion that the Planning Board approves a 12 month extension of conditional approval of the Heflin/Durst cluster subdivision on Swaggertown Road retroactive to 1/19/14 to 1/19/15. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson asked that the applicant keep the Board informed of their status once all the sign off's are received.

Mr. Wilkinson stated that a large mitigation area was put in. Mr. Wilkinson inquired how that affects the original subdivision.

Mr. Lansing showed the mitigation area, which falls on the HOA lot, on the drawings. Mr. Lansing stated that there was 10,000 square feet of mitigation areas.

Mr. Wilkinson polled the Board to see if the applicant should come back before the Board with final drawings or just sign as they have already been approved.

Mr. Lansing stated that a map of the mitigation area is included with the ACOE permit because it is required.

Mr. Wilkinson raised concern that the original motion was in 2013 and if mylars aren't signed until 2015, could there be legal issues.

Mr. Keniry stated that the only distinction in this instance is that the ACOE required the applicant to install a mitigation area prior to the permit issuance. Mr. Keniry stated that there is no indication that the plan has changed. Mr. Keniry stated that he believes that when the mylars come forward that they will be consistent with what the Board approved.

Mr. Lansing stated that is the case.

The Board agreed that the mylars will be signed when presented.

**Leschen (225.-1-6.1)**

Mr. Wilkinson stated that the applicant is proposing a subdivision of a 73 acre parcel on Cook Road to place an existing home on the property on its own parcel of approximately 3 acres for future sale. Mr. Wilkinson stated that the remaining lands will continue to be farmed.

Cynthia Leschen appeared before the Board.

Ms. Leschen stated that she inherited a piece of land when her father passed away in January. Ms. Leschen stated that the property is part of Smith Bros. Farms. Ms. Leschen stated that there is an existing house on the parcel. Ms. Leschen stated that she would like to keep the land within the family. Ms. Leschen stated that her plan is to subdivide the house on Cook Road and sell it to a family member. Ms. Leschen stated that she would like the parcel to be 3 acres to include the septic. Ms. Leschen stated that the remaining lands will remain farmland.

Mr. Wilkinson stated that the drawing is missing the standard notes and the location of the septic system. Mr. Wilkinson inquired as to the existing barn on the property.

Mrs. Leschen stated that it is a shed not a barn and it only has three walls and a roof.

Mr. Wilkinson requested that the building be labeled “shed”.

Ms. Phillips stated that the drawing does not have contour lines.

Mr. Wilkinson requested contour lines be added to the drawing at 10 foot intervals.

Ms. Szurek inquired if there were any wetlands.

Ms. Leschen stated that there were none in the subdivision area.

Mrs. York inquired if the house was sold to someone other than family if the machines would be removed from the shed.

Ms. Leschen stated yes there were only two or three things in the shed.

Mr. Wilkinson stated that the application is not complete as the box for “located in the AG area” was not checked. Mrs. Leschen marked the box and initialed the application.

Ms. Leschen stated that she had a verbal agreement with a family member to purchase the house and lot once subdivided.

Mrs. York provided the applicant with the standard notes.

Mr. Wilkinson made a motion to declare the Planning Board as lead agency status and that the action is classified as an unlisted action with a negative declaration relative to SEQRA. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson stated that the clerk will forward the application to the County Planning Board and the town engineer for review.

Mr. Wilkinson made a motion to schedule the Public Hearing for November 17, 2014 at 7:30 p.m. Ms. Szurek seconded the motion. All were in favor.

Mr. Wilkinson suggested waiting to make changes to the drawing until engineering review was complete to make all the requested changes at once.

### **PRE-APPLICATION CONFERENCE**

#### **Wolf (213.-1-7.1)**

Jennifer Wolf appeared before the Board.

Mrs. Wolf stated that they are looking to subdivide off 32 acres for a building lot. Mrs. Wolf stated that they have shown the building envelope. Mrs. Wolf stated that there is a

road leading in to the parcel but it is very wet. Mrs. Wolf stated that a new driveway will need to be put in.

Mr. Wilkinson provided the regulations for long driveways. Mr. Wilkinson stated that the standard notes will also be provided. Mr. Wilkinson showed the applicant the Ellms map for an idea of what the Board is looking for on the drawing. Mr. Wilkinson stated that the Board is looking for contour lines every 10 feet, driveway length, standard notes, driveway note if over 500 feet, signature block, site location plan, building envelope and perk test information.

Mr. Mitchell stated that a DEC crossing permit will be required to cross a wetland. Mr. Mitchell stated that if ACOE, there is no permit required. Mr. Mitchell stated that the wetlands should be delineated.

Mrs. Wood advised the applicant of the fees associated with a subdivision.

### **ZONING REPORT**

The Board reviewed the report.

### **CORRESPONDENCE**

The Board and Mr. Grasso discussed the draft of the Zoning Ordinance changes and the feedback from the Planning Board.

### **TOWN BOARD LIAISON**

Mrs. Verola was not present.

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

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary