

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

Minutes of the Planning Board Meeting –February 17, 2014

Chairman Jay Wilkinson called the meeting to order at 7:10 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Dawn Szurek, Marilyn Phillips, Tracy Bullett, Esq., Acting Planning Board Attorney, Mike McNamara, Town Engineer, 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 January 20, 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 are two Public Hearings. Mr. Wilkinson stated that the Schmidt Public Hearing will be at 7:30 and the Deer Run Public Hearing will be at 7:45.

Subdivision Applications

Schmidt/Schweizer (224.-1-46.31)

Mr. Wilkinson stated that the applicant is proposing a subdivision of a 33 acre parcel with frontage on Route 147 and Route 67. Mr. Wilkinson stated that the proposal is to create two new lots with frontages on Route 67. Mr. Wilkinson stated that both new lots will be about 2.5 acres. Mr. Wilkinson stated that there will be a Public Hearing at 7:30. Mr. Wilkinson stated that the Board received comments from Mr. McNamara on December 11, 2013. Mr. Wilkinson stated that the Board also received comments from the Saratoga County Planning Board. Mr. Wilkinson stated that the Board has received revised maps incorporating the comments from the January meeting.

Deer Run Phase 3 Final Approval (246.12-1-100.1)

Mr. Wilkinson stated that the Board has received a final subdivision application for Phase 3 for the Deer Run Subdivision. Mr. Wilkinson stated that there will be a Public Hearing at 7:45. Mr. Wilkinson stated that Dave Ingalls will be present. Mr. Wilkinson stated that the applicant has responded to Mr. McNamara's comments and provided revised plans dated January 24, 2014. Mr. Wilkinson stated that Mr. McNamara has provided a response to the January 24, 2014 letter and revised plans in a letter dated February 14, 2014. Mr. Wilkinson stated that most of the remaining issues are technical in nature. Mr. Wilkinson stated that he has asked Mr. McNamara to be present to answer any questions there may be.

Mr. McNamara stated that he does not think the applicant will have any objection to the requests made in his letter of February 14, 2014.

Mr. Wilkinson stated that the applicant requested conditional approval at the last meeting. Mr. Wilkinson stated that since septic information and soil tests are required, conditional approval would be premature. Mr. Wilkinson stated that he would like to see soil test data and have Mr. McNamara review that data before any approvals are granted.

Mr. Wilkinson stated that the file needs a new affidavit from all owners allowing Mr. Ingalls to act on their behalf and copy of the deed. Mr. Wilkinson stated that the Board also needs to take lead agency for Phase 3.

Montemorano (213.-1-10)

Mr. Wilkinson stated that this is an application for a subdivision of the 49 acre Montemorano property on Jockey Street to create a building lot for a future restaurant. Mr. Wilkinson stated that the new lot will be 4.7 acres and will have 456 feet of frontage on Jockey street. Mr. Wilkinson stated that Scott Lansing will be representing the applicants and will be present to provide an overview of the subdivision.

Mr. Wilkinson stated that the Board is only looking at the subdivision at this time.

Mr. Wilkinson stated that an informational presentation was made to the ZBA back in October of 2013 for the proposed restaurant. Mr. Wilkinson stated that the ZBA recommended that the property be subdivided off so that the Special Exception Permit only runs on the parcel with the restaurant instead of the entire 49 acre parcel. Mr. Wilkinson stated that the Planning Board and the ZBA will hold a joint Public Hearing in the future. Mr. Wilkinson stated that the ZBA will request that the Planning Board conduct the site plan review however, that will come at a later time.

Davidson

Mr. Wilkinson stated that he received a call from Mr. Davidson regarding a proposed subdivision of a two acre lot for his daughter on the old Grabo property that he has

purchased. Mr. Wilkinson stated that he met with Mr. Davidson and reviewed a sketch plan. Mr. Wilkinson stated that it looks straightforward. Mr. Wilkinson stated that Mr. Davidson would not be present since he would be out of town. Mr. Wilkinson stated that they will be submitting information for the April meeting.

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

None.

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 and April 1st with the NY Planning Federation.

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 7:30 p.m.

BUSINESS MEETING

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

Minutes

Mr. Wilkinson made the motion to approve the draft of the January 20, 2014 minutes with change incorporated. Mrs. Wood seconded the motion. All were in favor.

PUBLIC HEARING (7:30)

Schmidt/Schweizer (224.-1-46.31)

Mr. Wilkinson stated that there is a Public Hearing scheduled for this application of lands owned by Walter Schmidt situated at 2313 NYS Route 147 and the south side of Route 67. Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on February 7, 2014. Mr. Wilkinson stated that the adjoining land owner notices were mailed on January 27, 2014.

Mr. Wilkinson opened the Public Hearing at 7:33 p.m.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Schweizer appeared before the Board.

Dave Schweizer: We've got an irregular piece of property with frontage on Route 147 (Sacandaga Road) and also frontage on Route 67 (Amsterdam Road). There is over 200 feet of frontage for each proposed lot and they would be just over 3 acres, 3.5 on Lot 1 and Lot 2 would be 2.5. This would leave a 40 foot entrance to the property on Route 67 still maintaining the original frontage on Route 147. We have done perk tests and pit tests. A normal system appears to work for Charlton except for Lot 2, that would require additional sand to be put on top of the soil. That is basically what we are talking about. Any questions?

Jay Wilkinson: Is there anyone present from the public that has any questions about this particular subdivision?

Dave Schweizer: This is the Schmidt subdivision on Route 67.

Jay Wilkinson: Any adjoining land owners?

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

Public Hearing closed at 7:37 p.m.

PUBLIC HEARING (7:45)

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

Mr. Wilkinson stated that this is a subdivision of lands known as Deer Run Subdivision Phase 3. Mr. Wilkinson stated that the Public Notice was published in the Daily Gazette on February 7, 2014. Mr. Wilkinson stated that the adjoining land owner notices were mailed on February 1, 2014.

Mr. Wilkinson opened the Public Hearing at 7:45 p.m.

Mr. Wilkinson reviewed the Public Hearing process.

Dave Ingalls appeared before the Board.

Dave Ingalls: Dave Ingalls, Ingalls and Associates, representing Bordeau Builders relative to the application for Phase 3, the final phase for the Deer Run Subdivision. This project has been around awhile as some of the Board members know, since 1993. Then we came back in 2007, basically, we updated the plans at that point for all of the phases to be in compliance with the new stormwater regulations. We also had some wetlands on the site that we had to design around. We actually eliminated Lot 25, one of the building lots in Phase 1, it's blackened out. We spent a lot of time updating the project. We were back in 2011 for Phase 2 of the subdivision for final approval. Again, we are here tonight, if you can follow my pointer, this is Phase 3 here, comprised of 15 building lots ranging in size from slightly greater than ½ an acre to approximately 2 acres. The acreage of that area is about 16 acres in terms of the building lot areas. The total site is 132 acres and change. Again, Phase 3 would be about 16 acres. One of the key features, as you can see, as part of the subdivision, is all of this green, about 85 acres which is contained in the HOA. Something we spoke of at the last meeting, there is actually a public access easement along the northern portion of the HOA that will allow the residents and public to come back to the Alplaus Kill. We have received some comments from Mike McNamara and we responded to those in our letter dated January 24, 2014. Those were the first round of comments and then we did receive a letter Friday from Mike as well. I don't know if the Board has that one yet dated February 14th. Mike and I discussed these comments and we are considering most of these really just housekeeping items again. Probably the biggest one would be the condition of approval relative to the septic systems in that we will require percolation tests and test pits once we can get on the ground. Now this time of year, we really can't do too much in terms of any testing on any of these septic areas in Phase 3. There has been substantial fill placed as part of working the soils and working the cuts and fills as part of the other phases. There has been some soil filling which would be tested in Phase 3. Other than that, the existing water line on Deer Run, which connects down from Crooked Street up to Swaggertown Road, that is stubbed at the two entrance points to Phase 3 which is Cosgrove Street. We also have updated the plans, you can't see it on this plan, but, on the plans, we have a turn off now or a pull off for the kiosk. That was one of our topics of discussion at the last meeting. We have basically an area that will allow up to two cars to pull off simultaneously, about a 40 foot turnoff 10 or 12 feet wide, that will get the car out of the travel lane and then they would walk over to the kiosk to pick up the mail. We did include some updated applications to make them consistent with the applicant's name and address. We actually filled out one of those fancy new long EAF's for you as well. So we are here tonight looking for a reaffirmation of the original SEQRA negative declaration as well as an approval conditioned upon any necessary approvals with DOH and the Town relative to finalizing the septic soil testing.

Jay Wilkinson: Right now we are just giving an overview to the public to see if they have any comments and then we will address those other things in our business portion and deliberations after we close the Public Hearing.

Dave Ingalls: Ok.

Jay Wilkinson: Is there anyone from the public that would like to ask questions of the Board or the applicant's representative?

Steve Ziganto, 761 Swaggertown Road: I would like to see the map. My only question would be on the terms of any public services? I'm on the other side of Swaggertown at 761, in terms of water or gas, any services like that with this expansion be available in my residence?

Jay Wilkinson: I am not aware of any services going across the street.

Dave Ingalls: No. All of the water connections have been installed as part of the original Phase 1 requirement of a connection from Crooked Street, and actually even further down there was an extension along Crooked Street and the extension was part of the water district all along the main road which is Deer Run out to Swaggertown Road. So that would be the extent of those improvements. There were stubs left for this Phase so nothing is proposed to go further.

Steve Ziganto: Ok. I know that the hearing isn't covering Pine Hollow, but that is also going in so my other question is related to that.

Jay Wilkinson: We had a Public Hearing for Pine Hollow back in 2013.

Sue York: The Public Hearing was held on June 18, 2012.

Kevin Bearce, 788 Swaggertown Road: You mentioned a right of way on the northern boundary of this to get to the Alplaus. Is that something that is going to be cut and maintained or is that just people walking through the woods?

Mike McNamara: Right now the Town has requested an easement so that at some point in the future if they want to put some kind of park in there they could but there aren't any plans to do anything right now.

Kevin Bearce: My property butts up along the Alplaus and I was just curious.

Connie Wood: Does that mean that the land then, when you use the term easement, does that mean that it is not owned by the Town, it is continued to be owned by the HOA?

Mike McNamara: Correct. It is not owned by the Town.

Dave Ingalls: The Town has an easement over approximately 15 acres of the HOA lands.

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

Public Hearing closed at 7:56 p.m.

SUBDIVISION APPLICATIONS

Schmidt/Schweizer (224.-1-46.31)

Mr. Wilkinson stated that the applicant is proposing a subdivision of a 33 acre parcel with frontage on Route 147 and Route 67. Mr. Wilkinson stated that the proposal is to create two new lots with frontages on Route 67. Mr. Wilkinson stated that both new lots will be about 2.5 acres. Mr. Wilkinson stated that the Board received comments from Mr. McNamara dated December 11, 2013. Mr. Wilkinson stated that the Board also received County approval. Mr. Wilkinson stated that there was an email from Mike Valentine with additional comments. Mr. Wilkinson stated that the Board and the applicants worked through the comments and new drawings were provided. Mr. Wilkinson stated that the Board has taken lead agency and declared the action as unlisted with a negative declaration relative to SEQRA. Mr. Wilkinson stated that at the last meeting the Board requested contour lines be added to the drawing at 10 foot intervals. Mr. Wilkinson stated that has been done but on the subdivided lots only. Mr. Wilkinson stated that there was a question from County Planning regarding sight distances for the proposed driveways. Mr. Wilkinson stated that Mr. Valentine requested the sight distances for the two proposed driveways be shown on the plan.

The Board discussed clarifying the wording for the driveways.

The Board and the applicant agreed to adding to the drawing the wording “paired driveways shall be placed along the common property line between Lots 1 and 2 and share a common curb cut”.

The Board reviewed Part 1 of the EAF and made changes with the applicant, who initialed the changes on the Town file copy.

The Board completed Part 2 of the EAF.

Mr. Wilkinson made the motion to approve the Walter G. Schmidt residential 3 lot subdivision of 224.-1-46.31 contingent upon the note on the drawing indicating the driveway location be changed to read “paired driveways shall be placed along the common property line between Lots 1 and 2 and share a common curb cut” and authorize the chairman to sign the mylars. Mr. Kadlecek seconded the motion. All were in favor.

Resolution 2014-01 was made.

Mr. Wilkinson reviewed the number of drawings and copies required.

Mrs. York advised that park fees of \$1,200.00 for each lot were due.

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

Dave Ingalls, from Ingalls & Associates, appeared before the Board.

Mr. Wilkinson stated that additional soil testing witnessed by the Town and DOH are required to move forward.

Mr. Wilkinson stated that the Board agrees that most of the remaining comments are technical in nature and are a matter of housekeeping.

Mr. Wilkinson stated that the Board understands that the applicant is seeking conditional approval this evening. Mr. Wilkinson stated that before the application can move forward, there is testing that has to be done. Mr. Wilkinson stated that he agrees with comment #9 in Mr. McNamara's February 14th letter regarding the additional testing that is required before moving forward. Mr. Wilkinson stated that since additional information is needed on the soil testing, he does not feel comfortable granting conditional approval at this time based on the previous test information knowing that the septic systems may have to be modified based on future testing. Mr. Wilkinson stated that additional tests need to be witnessed by the DOH and the Town Zoning Administrator. Mr. Wilkinson proposed that the Board wait until the testing has been completed and the results for the lots have been submitted to the Town Engineer and await his comments so the Board can also review the information before proceeding.

Mrs. Wood agrees.

Mr. Kadlecek agrees.

Ms. Phillips agrees.

Ms. Szurek agrees.

Mr. Wilkinson stated that the Board has agreed to wait for the requested information before proceeding with approval.

Mr. Ingalls stated that he has provided an updated application and a SEQRA long form.

Mr. Wilkinson stated that the Board needs an affidavit on file allowing him to act on behalf of the applicants.

Mr. Wilkinson stated that the Board needs to take lead agency for Phase 3 of the subdivision, the affidavit from the owners, revised plans and response from the County Planning Board.

Mrs. Bullett stated that the 62 day clock starts today and suggested that the applicant's representative and the Board agree to an extension.

The Board and the applicant's representative, Dave Ingalls, agreed to extend the requirement to act on this application until the June 16, 2014 meeting.

Mrs. Wood 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 for the Deer Run Phase 3 subdivision. Mr. Kadlecsek seconded the motion. All were in favor.

Mr. Kadlecsek inquired what the mailbox kiosks are going to look like and are they going to be easily plowable.

Mr. Ingalls stated that the kiosk was already installed as part of the Phase 1 subdivision. Mr. Ingalls stated that the kiosk at Swaggertown Road is the Phase 1 and 2 kiosk. Mr. Ingalls showed the location on the drawing. Mr. Ingalls stated that they are providing a pull off so that the resident can pull off and park and use the connecting sidewalk to get to the kiosk.

Mrs. Wood inquired if clearing the snow was part of the HOA.

Mr. Ingalls stated that yes. Mr. Ingalls stated that the initial agreement is that the highway department will plow the turnoff if they are able.

Mrs. Wood inquired if Lot 25 existed.

Mr. Ingalls stated that Lot 25 does exist, however, it is not buildable due to wetlands.

Mrs. Wood inquired if there were 48 lots instead of 49.

Mr. Ingalls stated that there is still 49 lots but one lot is not buildable. Mr. Ingalls stated that the lot was created in Phase 1.

Mrs. Wood inquired who owned that lot.

Mr. Ingalls stated that he believes Bordeau owns that lot.

Mrs. Wood inquired who carries the liability on the public access easement.

Mrs. Bullet stated that the HOA has general liability.

Montemorano (213.-1-10)

Scott Lansing appeared before the Board.

Mr. Wilkinson stated that the applicants are requesting to subdivide a 5 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. Lansing stated that they are before the Board to create a parcel for a restaurant. Mr. Lansing stated that they are also applying for a Special Exception for this use and that it is a permitted use for the parcel. Mr. Lansing stated that as part of that project, they would like to subdivide out a piece for the restaurant. Mr. Lansing showed the parcel on the drawing and explained the drawing. Mr. Lansing stated that the subdivision is their primary objective for this evening.

Mr. Lansing stated that the overall parcel is 49.2 acres and they are proposing a 4.74 acre parcel to be subdivided out of the front portion of the parcel. Mr. Lansing stated that the Special Exception will be for a proposed Italian Restaurant. Mr. Lansing stated that the focus will be on farm fresh fruits and vegetables. Mr. Lansing stated that it will be geared towards locally grown and obtained fruits and vegetables. Mr. Lansing stated that the restaurant itself will be approximately 3000 square feet. Mr. Lansing stated that they are proposing covered porches on various sides of the restaurant to take advantage of the views surrounding the area. Mr. Lansing stated that around the restaurant there would be raised beds for the grown fruits and vegetables on the site in a combination of both raised and regular beds. Mr. Lansing stated that there are proposed walking paths around the various beds so that patrons of the restaurant could visit the actual food that they will be consuming with their orders. Mr. Lansing stated that there is a wooded area in the back portion. Mr. Lansing stated that the homestead is located towards the north and there are farm fields surrounding the area. Mr. Lansing stated that access will be off of Jockey street coming in to a parking area with 40 parking stalls. Mr. Lansing stated that there will be sidewalks ADA accessible into the restaurant itself. Mr. Lansing stated that the dumpster would be located in the back portion of the parcel. Mr. Lansing stated that as far as water, storm and sewer, they are proposing an individual well, the septic system would be Charlton fill type system and the stormwater would be in the front portion of the parcel. Mr. Lansing stated that there is a small sign proposed in the entrance way to the restaurant. Mr. Lansing stated that they would like to get the Public Hearing scheduled for the next meeting so that they can advance with the subdivision.

Mr. Wilkinson stated that the ZBA has jurisdiction on this application. Mr. Wilkinson stated that their feedback from their 2013 meeting was that the ZBA wanted the subdivision of the parcel first so that the Special Exception Use permit goes with a smaller parcel instead of the 49 acre parcel.

Mr. Wilkinson stated that the Public Hearing cannot be set yet because the drawing needs more information. Mr. Wilkinson stated that the application and drawing also needs to go to

the County Planning Board for their input and to Mike McNamara for his input. Mr. Wilkinson stated that there is not enough information for the Board to set the hearing. Mr. Wilkinson stated that there is not enough information to send to the County. Mr. Wilkinson stated that the County is meeting on Thursday and they require submission two weeks prior to their meeting.

Mr. Wilkinson stated that the Board would like to see more information on the drawing. Mr. Wilkinson stated that pages 13-15 of the Zoning Ordinance itemizes the information needed on the drawing.

Mr. Wilkinson suggested reviewing the Schmidt maps for what the Board is looking for.

The Board agreed that they would like to see the dimensions to the existing improvements on the parcel, the existing well and septic locations and the pond shown on the drawings.

Mr. Wilkinson stated that the Board needs an affidavit from the Montemorano's allowing Mr. Lansing to act on their behalf in case they are not present for all meetings.

Mr. Wilkinson stated that if the requested information is submitted for next month's meeting then the Public Hearing can be set at the March meeting.

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.

ZONING REPORT

The Board reviewed the reports for January.

CORRESPONDENCE

The Board discussed the conference.

The Board reviewed the new SEQRA form and the online process for completing it.

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

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 9:45 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary