

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

Minutes of the Planning Board Meeting –June 16, 2014

Chairman Jay Wilkinson called the meeting to order at 7:15 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Dawn Szurek, Marilyn Phillips, Chris Mitchell, 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 March 17, 2014 meeting minutes, the draft of the May 19, 2014 meeting minutes and the draft of the June 4, 2014 Workshop minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has previously provided comments. Ms. Phillips provided comments on the June 4, 2014 workshop minutes. 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

Mr. Wilkinson stated that there were no subdivision applications.

Lot Line Changes

Maloney/Taylor (246.12-1-21 and 19.1)

Mr. Wilkinson stated that the Board has received a Resolution from the Town Board enabling the Planning Board to move forward on the lot line change. Mr. Wilkinson stated that in January 2013, the Planning Board received an application for a lot line adjustment between property owners Mike Maloney, The Charlton Tavern located at 745 Charlton Road

and Pamela Snyder, 501 Stage Road. Mr. Wilkinson stated that since the Tavern is operated under an Exceptional Use Permit, the Planning Board could not move forward until the Exceptional Use Permit that the Tavern operates under was amended by the Town Board, which was the lead agency. Mr. Wilkinson stated that on October 12, 2013 the Town Board passed Resolution #38 acknowledging the receipt of the Special Exception application from Mike Maloney. Mr. Wilkinson stated that the Planning Board was asked to perform a site plan review and the ZBA was asked to review the application. Mr. Wilkinson stated that the ZBA passed a Resolution approving the lot line change on November 13, 2013. Mr. Wilkinson stated that the Board has received a revised site plan from the applicants' consultants dated December 27, 2013. Mr. Wilkinson stated that the latest revision addresses the identified issues that the Planning Board pointed out in its November 5, 2013 letter to the Town Board. Mr. Wilkinson stated that on May 27, 2014 the Town Board passed a Resolution amending the Special Exception Use Permit granted by the Town Board to Mike Maloney and the Charlton Tavern and regarding the site known as 745 Charlton Road. Mr. Wilkinson stated that the Planning Board is now ready to move forward with the lot line change.

Szerszanowicz (236.-1-41.11 and 41.12)

Mr. Wilkinson stated that the parcels are located on Maple Avenue. Mr. Wilkinson stated that this is a proposed lot line change by two adjoining parcels that the applicant owns on Maple Avenue. Mr. Wilkinson stated that the purpose of the lot line change is to retain acreage from Lot B to add to Lot A, which is the applicant's residence, and sell the home on Lot B with 2 acres. Mr. Wilkinson stated that at the May meeting the Board took lead agency status and identified the action as unlisted. Mr. Wilkinson stated that the map was missing standard notes and there were concerns with deeds supplied. Mr. Wilkinson stated that both of those issues have been corrected by new maps provided. Mr. Wilkinson stated that the Board has received County response and can move forward with the application.

LaPatra (247.-2-20.22 and 20.211)

Mr. Wilkinson stated that the applicants are proposing a lot line adjustment between two parcels they own on Stage Road. Mr. Wilkinson stated that the purpose of the lot line change is to correct a current problem affecting access to the residence that they live in. Mr. Wilkinson stated that the driveway to the residence at 330 Stage Road is located in the adjoining parcel. Mr. Wilkinson stated that the proposed lot line change will correct this problem and equalize road frontages for both parcels.

Zoning Report

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

Correspondence

Mr. Wilkinson acknowledged receipt of the Town Board resolution #112, dated May 27, 2014 to amend the Charlton Tavern's Exceptional Use Permit. Mr. Wilkinson also acknowledged receipt of the ZBA Resolution granting an Exceptional Use Permit to Gadsden & Culpeper American Heritage Shoppe, LTD.

Referral to Zoning Board of Appeals

Mr. Wilkinson stated that he spoke with Robert Pashley about his proposed lot line change. Mr. Wilkinson stated that himself and Mark Chotkowski from the ZBA went to the parcel and explained what the Board was looking for. Mr. Wilkinson stated that Mr. Pashley would be applying to the ZBA for relief.

Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. 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 March 17, 2014 minutes with change incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Sell abstained from the vote.

Mr. Wilkinson stated that there were not enough Board members present that attended last month's meeting to approve the meeting minutes. Mr. Wilkinson stated that the Board could approve the minutes next month.

Mr. Wilkinson made the motion to approve the draft of the June 4, 2014 workshop minutes with change incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Sell and Mr. Mitchell abstained from the vote.

PUBLIC HEARING

None.

SUBDIVISION APPLICATIONS

None.

LOT LINE CHANGES

Maloney/Taylor (246.12-1-21 and 19.1)

Mr. Wilkinson stated that the Town Board has acted on the Special Exception Use Permit.

Mr. Rabideau appeared before the Board. Mr. Rabideau stated that the application is for a lot line adjustment between the Charlton Tavern and Mr. Taylor. Mr. Rabideau stated that they have received a Resolution from the Town Board for the Exceptional Use Permit. Mr. Rabideau stated that the highlighted area on the drawing represents the proposal. Mr. Rabideau stated that the southeast corner, 1100 square feet, is the area that is currently maintained by Mr. Taylor as it is not used at all by Mr. Maloney. Mr. Rabideau stated that since Mr. Maloney is not using the area, he has agreed to adjust the line so that that piece can be annexed to Mr. Taylor's parcel.

Mr. Keniry inquired if SEQRA was completed by the Town Board.

Mr. Rabideau stated yes.

Mr. Wilkinson stated that the Public Hearing was held on October 21, 2013.

Mr. Wilkinson made the motion to waive the engineering review and park fees for this application. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson stated that the County Planning Board issued an approval letter dated January 17, 2013.

Ms. Szurek inquired about some of the language in the ZBA Resolution.

Mr. Keniry stated that the intent is that the ZBA passed and granted relief that the applicant requested.

Mrs. Wood asked for a copy of the Town Board Resolution that was made a part of the May 27, 2014 Resolution.

Mr. Wilkinson read from the November 13, 2013 ZBA Resolution.

Mr. Keniry stated that the application started at the Planning Board with a lot line change application. Mr. Keniry stated that the application prompted questions about the original 2009 approval. Mr. Keniry stated that the applicant then had to go back to the Town Board for an amended Special Exception Permit. Mr. Keniry stated that the other Boards

recognize that the Planning Board has the power. Mr. Keniry stated that the other Boards provided relief for the non-compliant conditions.

Mr. Wilkinson made a motion that the Planning Board approved the lot line change between Michael Maloney, The Charlton Tavern and Lee Taylor as Resolution 2014-03 and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson stated that at the Public Hearing, Mr. Taylor's attorney had agreed to merge all of the pieces once this application was approved. Mr. Wilkinson stated that he would be interested to know if that was still the intent.

Szerszanowicz (236.-1-41.11 and 41.12)

Mr. Wilkinson stated that this is an application for a lot line change on Maple Avenue. Mr. Wilkinson stated that the applicant is looking to retain acreage from Lot B to add to Lot A and sell the home on Lot B with 2 acres.

Mr. Rabideau appeared before the Board representing the applicant.

Mr. Wilkinson stated that at the last meeting the Board requested additional data. Mr. Wilkinson stated that the new information provided clarifies the acreage and how all of the deeds add up. Mr. Wilkinson stated that the Board requested contour lines and standard notes be added to the drawings, which has been done.

Mr. Rabideau stated that Mr. Kadlecek has inquired about the shed at the last meeting. Mr. Rabideau stated that they have torn down the shed. Mr. Rabideau showed the prior location on the drawing.

Ms. Szurek inquired about the tax parcel id number for the Lot B.

Mr. Rabideau stated that the number will be changed due to the lot line change and the county will issue that upon receipt of the approved drawings.

Mr. Wilkinson stated that the Board took lead agency status and declared the action as unlisted for purposes of SEQRA at the last meeting. Mr. Wilkinson stated that the application was sent to the County Planning Board and they issued a MOU citing no county wide impact.

The Board completed the short form EAF. The Board and the applicant's representative discussed question #15.

Mr. Wilkinson made the motion to waive engineering review, park fees, application fees and a Public Hearing for the lot line change at 2182 and 2186 Maple Avenue. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson made the motion to approve the lot line adjustment at 2182 and 2186 Maple Avenue as Resolution 2014-04 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion. All were in favor.

LaPatra (247.-2-20.22 and 20.211)

Mr. Wilkinson stated that this application is for a parcel located at 330 Stage Road.

Andy LaPatra appeared before the Board.

Mr. LaPatra stated that they would like to move the lot line from the one lot that is a back lot. Mr. LaPatra stated that the main property with the existing house was acquired in 1981. Mr. LaPatra stated that the remainder of the property was owned by his mother and father in law. Mr. LaPatra stated that in 1989 the inlaws decided to sell the property and they cut another piece off which was acquired by himself in 1989. Mr. LaPatra stated that was the piece that included the driveway which has always been the only access to the house and is located on another piece of property. Mr. LaPatra stated that he would like to get his property in order. Mr. LaPatra stated that they would like to clean up the lots by bringing the lot line over and cutting it down the middle. Mr. LaPatra stated that the change does not impact the amount of area for either parcel. Mr. LaPatra stated that the frontage is changing slightly but they are not changing the acreage of the parcels. Mr. LaPatra stated that moving the line also puts the storage barn on the other parcel.

Ms. Szurek inquired if the building was a garage or storage barn.

Mr. LaPatra stated that it is a garage that stores his tractor.

Mr. Wilkinson inquired if an AG Data Statement was filed.

Mrs. York stated that it should not be required because the parcel is not located in AG District 2.

Mr. Wilkinson stated that the application has to be referred to the County Planning Board for review.

Ms. Szurek requested that the current tax id numbers for the parcels to be added to the drawing.

Mr. Keniry requested that the existing tax map numbers be added to the deed reference column.

Mr. Wilkinson requested contour lines be added every 10 feet. Mr. Wilkinson stated that the additions to the drawing can be made at a later time after county review to cut costs in case they require any additional information.

Mr. Sell pointed out the tax id numbers under the deed reference section of the drawing.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA. Mrs. Wood seconded the motion. All were in favor.

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

The Board questioned the short form EAF that was submitted.

Mr. LaPatra stated that some of the answers were automatically checked on the online form.

Mr. Keniry stated that supplemental information can be received by the Board due to defaulted answers.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

Addressed in the Agenda meeting.

TOWN BOARD LIAISON

Mrs. Verola did not have a report.

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

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary