

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

Minutes of the Planning Board Meeting – November 18, 2013

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

Present: Jay Wilkinson, Chairman, John Kadlecsek, Connie Wood, Dawn Szurek, Mark Hodgkins, Mike Armer, Chris Mitchell, 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 October 21, 2013 meeting minutes needed to be approved. Mrs. York has 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.

SITE PLAN REVIEW, SPECIAL USE PERMIT, AND LOT LINE CHANGE

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

Mr. Wilkinson stated that the ZBA met on November 12th and passed a Resolution. Mr. Wilkinson stated that the application has been referred back to the Town Board since they are the lead agency. Mr. Wilkinson stated that the Board cannot move forward with the lot line change until the Town Board acts on the application to amend the Tavern's Exceptional Use permit.

SUBDIVISION APPLICATIONS

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

Mr. Wilkinson stated that Mr. McNamara's comment letter of November 6, 2013 has been reviewed. Mr. Wilkinson stated that Mr. McNamara and Mr. Lansing have been in contact

to discuss the remaining issues. Mr. Wilkinson stated that Mr. McNamara is present to discuss the remaining issues. Mr. Wilkinson stated that Mr. McNamara, Mr. Morgan and Mr. Emerich have been in contact also to discuss the remaining issues.

Mr. McNamara stated that they have worked out the details that are agreeable to everyone.

Schmidt/Schweizer (224.-1-46.31)

Mr. Wilkinson stated that this application was not on the agenda but will be added.

Mr. Wilkinson stated that the applicant is looking to subdivide some land that has frontage on Route 147 and Route 67. Mr. Wilkinson stated that the parcel is 33 acres. Mr. Wilkinson stated that the applicant's proposal is to create two 2.5 acre new lots with frontage on Route 67. Mr. Wilkinson stated that the application can be forwarded to the County and to Mr. McNamara to start the process.

Pre-Application Conference

Maloney/The Charlton Tavern

Mr. Wilkinson stated that the applicant has expressed a desire to convert the furniture shop across from the Tavern to the Charlton Tavern Annex which will be a banquet facility to hold events. Mr. Wilkinson stated that the facility would seat up to 140 people. Mr. Wilkinson stated that the applicant is looking for feedback from the Planning Board. Mr. Wilkinson stated that he explained that the Planning Board could only look at the project in regards to the site. Mr. Wilkinson stated that the applicant would need another Special Exception Use permit from the Town Board or the ZBA. Mr. Wilkinson stated that the applicant's representative, John Gay, would be making a brief presentation of their intentions.

Zoning Report

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

Correspondence

Mr. Wilkinson stated Bordeau Builders/Deer Run Subdivision will be submitting plans to continue with Phase III of their subdivision. Mr. Wilkinson stated that the Board will request 5 full sets of plans for review.

Mr. Wilkinson stated that the new EAF form was used in the application for the Schmidt subdivision.

Mr. Wilkinson stated that the annual Planning Conference is January 29, 2014.

Mr. Wilkinson stated that the Christmas party will be on December 7, 2013 at 6:00 p.m. at the Turf Tavern.

Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecsek. 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 the motion to approve the draft of the October 21, 2013 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Armer abstained.

SITE PLAN REVIEW, SPECIAL USE PERMIT AND LOT LINE CHANGE

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

Mr. Wilkinson stated that this application is on hold pending Town Board approval of the Amendment to the Special Exceptional Use Permit.

SUBDIVISION APPLICATION AND LOT LINE CHANGES

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 a letter dated November 18, 2013 addressing the remaining issues with a revised plan.

Mr. Lansing stated that they have been working with the Board for a very long time to get to the point of where the application stands now. Mr. Lansing stated that from the last meeting there were outstanding comments from Mr. McNamara and those comments have been addressed and revised plans were provided. Mr. Lansing stated that subsequent to those comments they did receive the latest comment from Mr. McNamara to which their November 18, 2013 letter addresses those 11 comments. Mr. Lansing stated that most of the comments were technical in nature. Mr. Lansing stated that comment #6 required discussions relative to water main crossing of Crooked Street and the exact location of that crossing. Mr. Lansing stated that they have a meeting with Mr. Morgan, Water

Superintendent and Mr. Emerich, Highway Supervisor and Mr. McNamara, and were able to work out what works for the Highway Department, the Water Department, the Town Engineer and the applicant. Mr. Lansing stated that the plans have been revised accordingly. Mr. Lansing stated that they feel that they have addressed all of the Town's comments and the Town Engineer's comments, and would like to receive final approval.

Mr. Wilkinson inquired if Mr. McNamara had a set of the new drawings with changes discussed.

Mr. Lansing stated yes.

Mr. Wilkinson asked for submittal of those plans for the Planning Board and the file.

Mr. Lansing stated that copies would be dropped off to Town Hall tomorrow morning.

Mr. McNamara stated that he is ok with everything that has been submitted.

Mr. Wilkinson asked Mr. Emerich if the road width of 11 foot drive lane and 2 foot shoulders was acceptable.

Mr. Emerich stated that they are at 26 feet and he is ok with that.

Mr. Wilkinson stated that on May 21, 2012 the Planning Board granted preliminary approval for the 23 lot cluster development on approximately 89 acres. Mr. Wilkinson stated that the Public Hearing was held on June 18, 2012. Mr. Wilkinson stated that the applicants asked that the Board put the application on hold until the Town Board acted on the application for the proposed Water District Extension project. Mr. Wilkinson stated that the extension of the water district for this development was granted by the Town Board at its August 12, 2013 meeting. Mr. Wilkinson stated that the applicants then requested the Planning Board continue deliberations for final subdivision approval. Mr. Wilkinson stated that Mr. McNamara provided comments in a letter dated November 4, 2013 summarizing items that needed to be resolved for final approval. Mr. Wilkinson stated that those items have been taken care of by Lansing Engineering, and Mr. McNamara is present and has stated that he is satisfied.

Mr. Wilkinson stated that at the May 21, 2012 meeting, the Planning Board took lead agency status for the purposes of SEQRA and determined that this action is a Type I Action with a negative impact declaration. Mr. Wilkinson stated that the Board completed the full EAF form on May 21, 2012. Mr. Wilkinson stated that the application was forwarded to the County for review and their reply was received on June 25, 2012 which contained one comment "The Town should consider having a note added to the final plat map that Lots 1 and 2 will only have access from the new road way. By not allowing additional curb cuts along the County Highway will help maintain public safety and continue to allow the County Highway to function properly". Mr. Wilkinson stated that that comment was based on an old map. Mr. Wilkinson stated that the new plans now have a buffer and additional

changes have been made to the drawing which makes the County's comment moot. Mr. Wilkinson stated that the SWPPP was received on September 24, 2013 and was reviewed by Mr. McNamara on September 27, 2013. Mr. Wilkinson stated that Mr. McNamara provided a comment letter accepting the SWPPP.

Mr. Wilkinson stated that he would like to see a note added to the drawing that the only access to Lot 2 will be from the new road.

Mr. Lansing stated he would add that note.

Mrs. Wood inquired as to the proposed name of the new road.

Mr. Lansing stated Pine Hollow Road.

The Board completed Part II of the full EAF.

Mrs. Wood asked for clarification of the lot numbers on the drawing.

Mr. Lansing stated that the DOH numbers are those basically numbered 1-23 and the US Postal 911 numbers are based off of addresses left and right, odd and even. Mr. Lansing stated that both numbers are on the drawings.

Mr. Wilkinson stated that the application is complete.

Mr. Wilkinson made the motion to close the SEQRA application form as completed by the Board. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson made the motion to approve the Heflin/Durst Residential Cluster Subdivision on the west side of Swaggertown Road across from Crooked Street subject to the following modifications and conditions, and that the Planning Board Chairman be and is authorized to endorse this Board's approval of said project upon compliance by the Applicant with the additional requirements as outlined herein:

1. Subdivision approval is subject to all requirements of the Zoning Ordinance and any further reasonable requirements of the Town Engineer including but not limited to those stated in his letter dated, November 6, 2013.
2. Applicant shall be responsible for, and a letter of credit shall be delivered in a form acceptable to the Town Attorney and the Town Engineer, to insure the proper installation and maintenance of all public improvements and related costs and expenses, including but not limited to roadways, water mains, and sediment and erosion control measures, including but not limited to the maintenance and flushing of water mains as the Town may deem necessary in its sole discretion. The amount of the letter of credit shall be determined by the Town Engineer.
3. No letter of credit shall be released or reduced until all performance is complete and all of the conditions are met to the satisfaction of the Town Engineer and Town Attorney.
4. Applicant shall deliver to the Town Attorney a fully executed Escrow Agreement in form and substance satisfactory to the Town Engineer and Town Attorney, relative to all public improvements.

5. The dedication and acceptance of all public improvements shall be completed in accord with direction of the Town Engineer and Town Attorney.
6. Applicant shall form and organize a Homeowners' Association ("HOA") pursuant to the laws of the state of New York, prior to the issuance of any building permits.
7. The HOA must be formed and operating prior to issuance of any certificates of occupancy.
8. The Applicant and the HOA shall deliver to the Town Engineer a fully executed Stormwater Maintenance Agreement in form and substance satisfactory to the Town Engineer and the Town Attorney.
9. Lot two (2) shall not have ingress and egress access to Swaggertown Road.

as Resolution 2013-09 and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2013-09 was made.

Schmidt/Schweizer (224.-1-46.31)

Mr. Wilkinson stated that the applicant is proposing two new lots with frontage on Route 67. Mr. Wilkinson stated that the parcel is 33.6 acres. Mr. Wilkinson stated that the two new lots will each be approximately 2.5 acres in size. Mr. Wilkinson stated that the applicant is represented by David Schweizer.

Mr. Schweizer showed Route 67 and Route 147 on the drawing. Mr. Schweizer stated that 1200 feet down at the bottom of the hill there is an open field just prior to an existing home along the Alplaus Kill. Mr. Schweizer stated that they are proposing to split the field into two equal lots.

Mr. Wilkinson inquired if Lot 1 was the corner of the Schmidt property.

Mr. Schweizer stated yes, the northwest corner coming east.

Ms. Szurek inquired where the existing houses were located.

Mr. Schweizer showed the existing houses and improvements on the drawing.

Mr. Mitchell inquired what the remaining width would be.

Mr. Schweizer stated that there is a 40 foot right of way leaving another 40 feet.

Mr. Wilkinson inquired if the applicant would be agreeable to a note on the drawing of no further development of the remaining 28 acres.

Mr. Schweizer stated that it would be counterproductive to develop that area. Mr. Schweizer stated that the applicant will be ok with the note.

Mr. Wilkinson inquired if test pits were done.

Mr. Schweizer showed the location of the test pits. Mr. Schweizer provided the report for the perk tests. Mr. Schweizer stated that he has already provided a copy to Mr. McNamara.

Mr. Armer inquired about the original lot line adjustment done in 2002.

Mr. Schweizer showed the original lot line adjustment and access points on the drawing.

Mr. Wilkinson inquired if the parcel on the drawing labeled "other lands of Schmidt" was a separate parcel.

Mr. Schweizer stated yes.

Mr. Wilkinson asked where that parcel got its frontage from.

Mr. Schweizer showed where it gets frontage from and stated that the mailing address is Route 147. Mr. Schweizer stated that the 40 foot was considered frontage when this was considered a building lot.

Mr. Wilkinson stated that one parcel cannot use frontage from a parcel with a different SBL number.

The Board reviewed the drawings for clarification purposes.

Ms. Szurek asked for SBL numbers, existing houses and improvement locations, and the existing pond be shown on the drawing.

Mr. Wilkinson asked that a note be added pertaining to no further subdivision be added to the drawing.

Mr. Schweizer provided the ACOE map to the Board and Mr. McNamara.

Mr. Wilkinson asked that the zoning district also be added to the drawing.

Mr. Wilkinson stated that once revised drawings are received they will be forwarded to Mr. McNamara and the County Planning Board for review.

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

Mr. Wilkinson stated that if all the requested information is provided that the Public Hearing can be set at the January meeting.

Pre-Application Conference

Maloney/The Charlton Tavern

Mr. Wilkinson stated that Mr. Maloney asked for a conference with the Board to discuss their proposal to convert the Village Shop into a banquet facility.

Mr. Maloney read his letter to Mr. Wilkinson dated October 23, 2013.

Mr. Gay stated that the building's condition, without the furniture store there, will be another deteriorating building that is not salvageable. Mr. Gay stated that at this point, the building is salvageable.

Mr. Gay showed proposed drawings to the Board together with binders of information.

Mr. Gay stated that the plan is to leave the building just the way it is now but fix it where it needs fixing.

Mr. Gay stated that the binders contain old pictures of the area. Mr. Gay gave a brief history of the parcel and explained some of the pictures.

Mr. Gay pointed out different features of the proposed building that coincide with the original buildings character and history.

Mr. Gay stated that they would like to use some of the adjacent lands of the Historical Society. Mr. Gay stated that they have spoken to the Historical Society about their plans for the project and are looking for their input as this project progresses.

Mr. Gay stated that the entrance to the building will be located where the parking lot exists now between the furniture store and Ethel's house. Mr. Gay stated that they understand that this project will require all kinds of considerations from all of the various Boards in the Town. Mr. Gay stated that they are aware that they will not be conforming to the current zoning regulations.

Mr. Gay stated that the cooking will still be done at the Tavern and delivered to the facility. Mr. Gay stated that the east end of the building will have a bridal area for the bridal party before a reception. Mr. Gay stated that the building will be open inside and with two stories.

Mrs. Wood inquired what would happen to Ethel's home.

Mr. Gay stated that the house would be torn down.

Mr. Gay stated that they are in the early stages of a site plan. Mr. Gay explained the site plan before the Board.

Mr. Gay stated that the new part of the building will match similar things on the old building. Mr. Gay stated that parking scenarios include Ethel's land and a formal parking lot at the School House. Mr. Gay stated that there would be period lighting. Mr. Gay showed the wooded areas on the drawing.

Mr. Gay stated that they feel this makes sense for the community and for Mike and Susan's business. Mr. Gay stated that they have had to turn away venues due to the size or the Tavern has to be shut down to regular customers in order to accommodate them.

Mr. Gay stated that they are looking for feedback from the Planning Board.

Mr. Gay stated that they have had ACOE on the parcel for wetlands determination.

Mrs. Wood inquired to the number of people the facility will hold.

Mr. Gay stated 145.

Ms. Szurek inquired if there was public water.

Mr. Gay stated that the property is in the Water District.

Mr. Maloney stated that the interior of the proposed facility would be post and beam. Mr. Maloney stated that the annex would be all exposed with kings and queens beams and rafters. Mr. Maloney stated that it will be a barn setting except for the windows on the north side. Mr. Maloney explained the proposed window scheme for the building.

Mr. Gay stated that the post and beams will act as a support for the brick walls.

Ms. Szurek inquired as to the proposed septic location.

Mr. Gay stated that the preliminary investigation places it around the location of Ethel's house.

Mr. Maloney stated that they would like to have 2 to 3 parties per week.

Mr. Kadlecik inquired if they took into consideration having enough parking spaces for both locations.

Mr. Maloney stated yes.

Mr. Mitchell inquired as to the proposed number of parking spaces on Ethel's lot.

Mr. Gay stated that all together 75 parking spaces including the parking at the School House lot.

Mr. Gay stated that they are looking into having valet parking.

The Board and the applicant discussed the number of people the facility will hold.

Ms. Szurek inquired if changes would be required to the kitchen to accommodate the new facility.

Mr. Maloney stated that they would have to modify the kitchen.

Mr. Kadlecek suggested looking into preparing the SWPPP now.

Mrs. Wood inquired if the parking area would be paved.

Mr. Maloney stated no.

Ms. Szurek inquired about signs.

Mr. Wilkinson stated that in the Zoning Ordinance, pages 110 and 111 detail the information that the Planning Board will need for the proposed project.

ZONING REPORT

The Board reviewed the current report.

CORRESPONDENCE

Discussed during the agenda meeting.

TOWN BOARD LIAISON

Mrs. Verola had no report.

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

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary