

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

Minutes of the Planning Board Meeting – January 21, 2013

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

Present: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Mark Hodgkins, Mike Armer, Chris Mitchell, Dawn Szurek, Marilyn Phillips, Bill Keniry, Esq., Planning Board Attorney and Susan York, Planning Board Clerk.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

**LOT LINE CHANGE**

**Maloney/Snyder (246.1201-21 and 19.1)**

Mr. Wilkinson stated that this a lot line change. Mr. Wilkinson stated that application involves a tiny wedge of land that Mr. Maloney will convey to Ms. Snyder. Mr. Wilkinson stated that Ms. Snyder has been taking care of the piece of land for a number of years. Mr. Wilkinson stated that there is a sale pending. Mr. Wilkinson stated that this transfer has been intended for years.

Mr. Wilkinson stated that he did review all of the information provided and had thought this would be a straight-forward lot line change. Mr. Wilkinson stated that the drawing is lacking Charlton's standards notes, contour lines at 10 feet, the Zoning District, the tax parcel ID number and the locations for the Charlton Tavern's well and septic systems. Mr. Wilkinson stated that he believes, from having seen the Tavern's maps before, that the septic is located in the back. Mr. Wilkinson stated that he contacted Mr. Rabideau and informed him of the required information for the drawing. Mr. Wilkinson stated that the application has been forwarded to the Historic District Committee and the County Planning Board in January to expedite the application. Mr. Wilkinson asked Mr. Rabideau to prepare the drawing according to the requirements they have followed before. Mr. Wilkinson stated that Mr. Rabideau would be bringing three copies of the drawing.

Mr. Armer inquired as to the applicant's intentions.

Mr. Wilkinson stated that the Snyder's have been maintaining the piece of land for over 10 years and were under the impression that they owned the piece of land. Mr. Wilkinson stated that Mr. Maloney was not aware that he even owned the piece until the new maps were done after the Tavern fire.

Mr. Keniry inquired if this lot line change impacts the site plan review, special exception permit granted and area variance granted to Mr. Maloney.

Mr. Keniry stated that there was consideration of setbacks when the Tavern was granted the variances. Mr. Keniry suggested asking the applicant if the change impacts those variances. Mr. Keniry stated that the Board could not create a non-conforming lot.

Mr. Mitchell stated that there was the issue with the dumpster being back in that area.

Mr. Wilkinson stated that he remembers a stream running through there. Mr. Wilkinson stated that the wetland map does not show it. Mr. Wilkinson stated that Mr. Rabideau will research that.

Mr. Keniry stated that the Planning Board does not have the power to deviate from a granted variance. Mr. Keniry suggested getting the ZBA's approval to avoid any potential impact to a granted variance.

Mrs. Wood inquired if there would be a deed merger.

Mr. Keniry stated that is a question for the applicant. Mr. Keniry stated that it would need to be merged into the deed. Mr. Keniry stated that he assumes the title to the triangle piece is to be merged in the deed. Mr. Keniry stated that the piece can't hang out there; the dotted line would have to be wiped out. Mr. Keniry stated that lot line changes are still subdivisions.

#### Route 67 Café

Mr. Wilkinson stated that he received a call in December from one of the Town Council members looking to schedule a meeting with himself and the ZBA chairman to move the project along. Mr. Wilkinson stated that the applicant was looking to get a guarantee that a fourth usage would be granted to the property. Mr. Wilkinson stated that Mr. Schermerhorn and he met with Mr. Van Vranken. Mr. Wilkinson stated that no new information had been presented. Mr. Wilkinson stated that Mr. McNamara had previously provided a list of issues to be addressed. Mr. Wilkinson stated that both Boards came to the conclusion that no guarantees could be given. Mr. Wilkinson stated that Mr. Van Vranken was going to reach out to Mr. Wasserman's attorney and advise him of the process and what was required to move forward. Mr. Wilkinson stated that he has not heard from the applicant.

Minutes

Mr. Wilkinson stated that the draft of the November 19, 2012 meeting minutes needed to be approved. Mr. Wilkinson stated that there was one comment 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 no Public Hearings.

Subdivision Applications

Mr. Wilkinson stated that there are no Subdivision Applications.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the annual Planning and Zoning Conference is on Wednesday, January 30, 2013.

Mr. Wilkinson stated that April 21-23 is the NYS Planning Federation Conference at the Gideon Putnam Hotel in Saratoga Springs.

Town Board Liaison

Mrs. Verola was not 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 November 19, 2012 minutes with change incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Hodgkins, Mr. Armer and Mrs. Wood abstained.

**LOT LINE CHANGE**

**Maloney/Snyder (246.12-1-21 and 19.1)**

Mr. Wilkinson gave a brief recap of the application.

Mr. Rabideau distributed new drawings and photos of the piece of land in question.

Mr. Rabideau explained the photos. Mr. Rabideau stated that Mr. Maloney was shocked to discover that he owned the piece of land to be conveyed. Mr. Rabideau stated that Mr. Maloney initiated the offer to convey to Ms. Snyder. Mr. Rabideau stated that the Snyder's have been maintaining the piece of land for years. Mr. Rabideau stated that the septic for the Tavern is located far from the piece of land. Mr. Rabideau stated that the goal is to make the title fit the occupation to resolve for the sale of the Snyder parcel.

Mr. Armer inquired if there was going to be two deeds

Mr. Rabideau stated that it would be up to the attorneys to modify the deeds.

Mr. Keniry cited a deed as an example.

Mr. Rabideau stated that the Snyder well is located in the front. Mr. Rabideau showed the location on the drawing. Mr. Rabideau stated that the Tavern is on public water.

Mrs. Wood commented on having two separate deeds for the Snyder parcels.

Mr. Rabideau stated that Ms. Snyder owns a second stand alone lot. Mr. Rabideau stated that it is not clear but he assumes that the second parcel is part of the sale.

Mrs. Wood stated that it would be cleaner to merge the two Snyder deeds.

Mr. Wilkinson stated that the Tavern underwent site plan review with the ZBA. Mr. Wilkinson stated that the variances need to be reviewed before proceeding. Mr. Wilkinson stated that the Board cannot create a condition that goes against a variance previously granted.

Mr. Wilkinson asked Mr. Keniry to review the specifics about the placement of the Tavern dumpster.

Mr. Keniry stated that the Board recognizes that the Tavern was given a special exception permit and variances. Mr. Keniry stated that the Board cannot create non-conforming conditions. Mr. Keniry stated that the Board cannot jeopardize a prior approval.

Mr. Keniry inquired if the Tavern discharges water to the Snyder property.

Mr. Rabideau stated that there is a basin in the back, where the cedar trees form a berm, where the area is slightly wet. Mr. Rabideau stated that it is not wet from water from the Tavern but runoff that flows down from Maple Avenue.

Mr. Wilkinson stated that the Board needs to hold off for a month and let the ZBA review the variances granted to the Maloney parcel.

Mr. Wilkinson stated that the Board could not move forward and take lead agency at this time.

Mr. Mitchell inquired if this would create a hardship for the Snyder's.

Mr. Rabideau stated that he did not know.

Mr. Wilkinson stated that the Board needs to hear from the ZBA before proceeding.

Mr. Wilkinson stated that he would draft a letter to the ZBA requesting information before the next Planning Board meeting.

Mr. Rabideau inquired if the ZBA needed to pass on the impact or just offer an opinion as to the impact to the special use.

Mr. Keniry stated that the ZBA needs to determine their next action.

Mr. Wilkinson stated that the Board needs to get answers to the questions presented tonight. Mr. Wilkinson stated that he will obtain copies of the variances granted to the Tavern and pass them on to Mr. Rabideau.

Mr. Wilkinson made a motion to enter Executive Session, seconded by Mr. Mitchell. All were in favor. The Board entered into Executive Session at 8:00 p.m.

Mr. Wilkinson made a motion to close the Executive Session, seconded by Mr. Mitchell. All were in favor. Executive Session closed at 8:30.

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

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary