

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

Minutes of the Planning Board Meeting – February 18, 2013

Chairman Jay Wilkinson called the meeting to order at 7:05 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Mark Hodgkins, Dawn Szurek, Chris Mitchell, Marilyn Phillips, Tracey Bullet, Esq., Acting 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 January 21, 2013 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Ms. Szurek and Ms. Phillips 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 no Public Hearings this evening.

**LOT LINE CHANGE**

Maloney/Snyder (246.1201-21 and 19.1)

Mr. Wilkinson stated that this application is on hold until next month.

Schweizer (223.-1-20.112 and 223.-1-21.1)

Mr. Wilkinson stated that the applicant wants to do a lot line adjustment between two properties that he already owns. Mr. Wilkinson read the synopsis that accompanied the application. Mr. Wilkinson stated that the proposed change is on properties located on DeGraff Road. Mr. Wilkinson stated that the proposed changes reflect the applicants desire to leave their current home with sufficient property for their heirs to dispose of and to maintain the current land usage of allowing two farmers to continue farming the land in

addition to developing a woodland management plan. Mr. Wilkinson stated that there is also a driveway easement that is involved with the property. Mr. Wilkinson stated that the Board can hear the applicant's presentation and ask questions. Mr. Wilkinson stated that the application can be forwarded to the County for their review. Mr. Wilkinson stated that there is an existing variance that no one has been able to locate. Mr. Wilkinson stated that the variance is from the early 1990's.

#### Subdivision Applications

##### Zak (246.12-1-27)

Mr. Wilkinson stated that the applicant is proposing a subdivision of her Charlton Road property into two lots to create a building lot for a new single family home. Mr. Wilkinson stated that the total frontage of this property is 394 feet with 6 acres. Mr. Wilkinson stated that this application is also on the agenda as a referral from ZBA. Mr. Wilkinson stated that the Board cannot act but if the applicant is present, they can present the project and the Board could ask questions. Mr. Wilkinson stated that the Board has to wait for the ZBA to act before proceeding.

#### ZBA Referrals

##### Sevinsky

Mr. Wilkinson stated that this application was on the agenda however, the applicants withdrew their application after the Town Board made the determination that the ZBA did not have jurisdiction.

##### Zak (246.12-1-27)

Mr. Wilkinson stated that, as discussed, this applicant is requesting an area variance from the ZBA for their shortage of frontage.

Mr. Wilkinson read the proposed letter for the ZBA in favor of the variance.

#### Route 67 Café

Mr. Wilkinson stated that on January 28, 2013 he sent a letter to the applicant regarding his intentions to proceed. Mr. Wilkinson stated that he has not received a response.

Mrs. York stated that Mr. Wasserman has not paid the balance of his escrow account.

Mr. Mitchell inquired when the extension expired.

Mr. Wilkinson stated that March 1<sup>st</sup> is the deadline.

Mr. Wilkinson stated that the Board can act on this application tonight.

Mr. Wilkinson provided the Board members with a draft letter to the ZBA.

#### Pre-Application Conference

O'Connor/Schmidt (237.-1-41.114 and 237.-1-70.11)

Mr. Wilkinson stated that the applicants want to purchase 4 acres from Matt Schmidt and would like some input before they complete their application.

#### Zoning Report

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

#### Correspondence

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

Mr. Wilkinson stated that at the end of the meeting, the Board members could discuss the lessons learned from this year's conference.

#### 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 the motion to approve the draft of the January 21, 2013 minutes with change incorporated. Mr. Kadlecek seconded the motion. All were in favor.

**LOT LINE CHANGE**

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

Mr. Wilkinson stated that this application is on hold until next month.

**Schweizer (223.-1-20.112 and 223.-1-21.1)**

Mr. Schweizer appeared before the Board. Mr. Schweizer stated that he is requesting a lot line change between his two properties. Mr. Schweizer stated that one parcel fronts on DeGraff road and the other fronts on Route 67. Mr. Schweizer stated that the total acreage is 215+ acres. Mr. Schweizer stated that their desire is to leave the current home with 22 acres for their heirs and leave the rest for farmland.

Mr. Schweizer showed both parcels on the drawing. Mr. Schweizer showed which areas were farmland. Mr. Schweizer also showed the proposed area for the forest lot.

Mr. Wilkinson stated that the Zoning District needed to be changed to the AG district. Mr. Wilkinson stated that the standard notes are all correct.

Mr. Schweizer showed the Board the line that will disappear with the lot line change.

Ms. Bullet stated that there were no problems with the driveway easement.

Ms. Szurek inquired where the line by the house was going to be.

Mr. Schweizer stated that the house would be with the 22 acres and the rest would go with the other parcel. Mr. Schweizer showed his intentions on the drawing.

Mr. Mitchell inquired about the field in the front.

Mr. Schweizer stated that it would all go with the big lot. Mr. Schweizer stated that the 40 foot right of way could be used by A, B or C parcels.

Mr. Wilkinson stated that the Board is researching the ZBA approval for the variances granted to the parcel.

Mr. Wilkinson 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 declaration relative to SEQRA. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson made the motion to waive the application and engineering fees, the park fee and the Public Hearing on the Schweizer lot line change. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson asked Mrs. York to forward the application to the County. Mr. Wilkinson stated that the ZBA clerk would work on finding a copy of the variances.

**Zak (246.12-1-27)**

Mr. Wilkinson stated that this is a two lot subdivision. Mr. Wilkinson stated that the Board needs to wait for ZBA decision to proceed with the subdivision. Mr. Wilkinson asked the applicant for an overview.

John Gay appeared on behalf of the applicant.

Mr. Gay stated that the applicant would like to split her 6.464 acre parcel into two lots. Mr. Gay stated that they are aware that they are missing 5 feet for two lots each with 200 feet of frontage. Mr. Gay stated that the house dated back to the early 1800's with additions done over the years. Mr. Gay stated that only the western part of the lot has been used by the applicant. Mr. Gay stated that they got a survey done showing the boundary lines and topographical information for the front part of the property. Mr. Gay stated that the back of the property has DEC wetlands. Mr. Gay showed the differences in the parcel from its creation in the late 1700's, early 1800's to now. Mr. Gay showed the neighboring properties on the drawing. Mr. Gay stated that there is public water there. Mr. Gay stated that they did soil borings and perk tests for the septic. Mr. Gay stated that a build up system would be required. Mr. Gay stated that he has spoken to Mr. McNamara about using fill as long as there is a freeze, thaw cycle before the septic is put in. Mr. Gay stated that their intention is to fill in front and bring it to road elevation. Mr. Gay stated that he has done some research and of the 18 parcels on the Southside only 4 are complaint at 200 feet and of the 17 north side parcels only 4 are compliant. Mr. Gay stated that they are aware that they are in the Historic District and must be compliant with the commission.

Mr. Wilkinson stated that the drawing captures what the Board wants. Mr. Wilkinson stated that since this parcel is lacking frontage, ZBA area variance approval is required. Mr. Wilkinson stated that Board can move forward after ZBA determination.

**ZBA Referrals**

**Zak (246.12-1-27)**

Mr. Wilkinson drafted a letter in support of the applicants request for an area variance. Mr. Wilkinson polled the Board members for their position. All Board members agreed to send the proposed draft letter to the ZBA.

Mr. Wilkinson stated that he would forward the letter to the ZBA for their meeting tomorrow night.

**Route 67 Café**

Mr. Wilkinson reviewed his proposed letter to the ZBA with the Board.

Mr. Wilkinson made the motion to make a negative recommendation to the ZBA for the Route 67 Café site plan review and forward the proposed draft letter. Mr. Kadlecsek seconded the motion. All were in favor. Mr. Mitchell abstained from the vote.

**Pre-Application Conference**

**O'Connor/Schmidt (237.-1-41.114 and 237.-1-70.11)**

No one appeared for this conference.

**Zoning Report**

The Board reviewed the current report.

**Correspondence**

Mr. Wilkinson stated that anyone interested in the April conference must sign up by April 1<sup>st</sup>.

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

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary