

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

Minutes of the Planning Board Meeting – March 18, 2013

Chairman Jay Wilkinson called the meeting to order at 7:13 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Mark Hodgkins, Dawn Szurek, Connie Wood, Marilyn Phillips, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Chris Mitchell joined the meeting at 7:30 p.m.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

**Minutes**

Mr. Wilkinson stated that the draft of the February 18, 2013 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York 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** (246.12-1-21 and 19.1)

Mr. Rabideau was present.

Mr. Wilkinson stated that there has been no new information submitted. Mr. Wilkinson stated that the Board needs Town Board direction at this time. Mr. Wilkinson stated that the Board cannot act at this time.

Mr. Wilkinson stated that there are some discrepancies on the current site plan that were not addressed when the Charlton Tavern was built. Mr. Wilkinson stated that the retention pond for storm water is not there. Mr. Wilkinson stated that direction from the Bob Van Vranken,

both Town Board and Zoning Board of Appeals Attorney, was needed to bring it back to Planning Board. Mr. Wilkinson stated that the Board approves site plans. Mr. Wilkinson stated that the lot line change cannot occur at this time as it will further anger the situation.

Mr. Rabideau stated that he does not have anything new at this time. Mr. Rabideau stated that they will get the Special Exception issues done before coming back to the Planning Board.

Mr. Keniry stated that the position of the Board is twofold. Mr. Keniry stated that the Board is looking for some understanding of the applicant's intentions for the entirety of the site. Mr. Keniry stated that the Board is not comfortable acting in a manner that would be creating a non-conforming condition or aggravating circumstances with respect to existing variances on the existing site plan. Mr. Keniry stated that the applicant can pursue the relief with regards to the existing variance and site plan and that the lot line adjustment can be addressed simultaneously. Mr. Keniry stated that since the site visit revealed that there may be some non-compliant conditions on the parcel that relate to the area that the lot line adjustment is proposed, the Board needs to wait for determination from the ZBA and the Town Attorney as well as the applicants intentions.

Mr. Wilkinson stated that the Town Board is the lead agency on the Tavern project. Mr. Wilkinson stated that the applicant needs to go back to the Town Board with the changes. Mr. Wilkinson stated that the Town Board will request the Planning Board to review the changes and then the lot line change can be done at that time.

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 stated that the proposed change is on properties located on DeGraff Road and Route 67. Mr. Wilkinson stated that the proposed changes reflect the applicant's 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.

Ramsey (247.-1-37 in Charlton and 247.-1-19 in Ballston)

Mr. Wilkinson stated that this is an application for a lot line change for two parcels located in the Town of Charlton and the Town of Ballston. Mr. Wilkinson stated that 102 Jenkins Road is the parcel in Ballston and the proposed change is to increase that lot by 0.977 of an acre and to decrease the other parcel in the Town of Charlton from 3.3 acres to 2.3 acres.

### Subdivision Applications

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

Mr. Wilkinson stated that John Gay is present to represent the applicant. 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 at the last meeting the applicant's representative gave an overview of the proposal. Mr. Wilkinson stated that the Board could not act due to the application also being in front of the ZBA for an area variance. Mr. Wilkinson stated that the ZBA granted the variance at their February meeting. Mr. Wilkinson stated that the newly created parcel will have a frontage of 194.34 feet.

#### Pre-Application Conference

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

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

#### Clute (236-1-39.111)

Mr. Wilkinson stated that the applicants are looking for feedback on their proposal to create a 5 lot subdivision of their lands. Mr. Wilkinson stated that the applicants are represented by Deb Herrin.

#### 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.

#### 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 February 18, 2013 minutes with change incorporated. Ms. Szurek 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 with the existing home and the other fronts on Route 67 and is farmed. 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. Wilkinson stated that it has been noted that the Zoning District needs to be changed to the AG district on the map. Mr. Wilkinson stated that the other standard notes are all correct.

Mr. Wilkinson stated that the existing variances on the property have not been found among the records. Mr. Wilkinson stated that the minutes from the meeting approving the variance were found. Mr. Wilkinson read from the minutes.

Mr. Schweizer stated that the variance was granted.

Mr. Keniry stated that the minutes are good evidence of the variance approval.

Mr. Wilkinson stated that at the last meeting the Board took lead agency and waived the park fee, application fee, engineering review and Public Hearing.

The Board completed the EAF form.

Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson made a motion to approve the Schweizer lot line change as resolution 2013-01, contingent on the zoning district being changed to AG and authorize the chairman to sign the mylars. Mr. Kadlecsek seconded the motion. All were in favor.

**Resolution 2013-01 was made.**

Mr. Wilkinson stated that the application was previously forwarded to the County Planning Board and their response was approval.

**Ramsey (247.-1-37 in Charlton and 247.-1-19)**

Lee Ramsey appeared before the Board. Mr. Ramsey posted his drawing for the Board to review.

Mr. Wilkinson stated that the applicant owns the two properties at 102 and 106 Jenkins Road. Mr. Wilkinson stated that one parcel is in the Town of Charlton and the other is in the Town of Ballston. Mr. Wilkinson stated that the applicant would like to do a lot line change between those parcels to increase the lot size of 102 Jenkins Road which is the applicant's residence. Mr. Wilkinson inquired if the applicant's intention was to sell the other property.

Mr. Ramsey responded yes.

Mr. Wilkinson stated that there is a letter from Mr. MacFarlane, which is the neighbor to the rear of the property. Mr. Wilkinson stated that the letter was in the Board's mailbox this evening.

Mr. Ramsey stated that he has seen the letter. Mr. Ramsey stated that his surveyor has answered Mr. MacFarlane's questions. Mr. Ramsey stated that he lives at 102 Jenkins Road. Mr. Ramsey stated that he purchased the property at 106 Jenkins Road which is in the Town of Charlton. Mr. Ramsey stated that he would like to take an acre to add to his property. Mr. Ramsey stated that he purchased the home and it has not been lived in for about 5 years but he has been trying to clean it up. Mr. Ramsey stated that he already tore down the garage since it was already falling down. Mr. Ramsey stated that he would like to sell the house and have an acre for himself. Mr. Ramsey stated that he is aware of Mr. MacFarlane's questions. Mr. Ramsey stated that he has some information to answer those questions. Mr. Ramsey distributed a letter from William Thompson, Surveyor to the Board members.

Mr. Wilkinson inquired if the letter was in reply to Mr. MacFarlane's questions.

Mr. Ramsey stated that Mr. MacFarlane is going off of maps with nothing to compare it with. Mr. Ramsey stated that his surveyor answered the questions.

Mr. Keniry inquired if the resultant acreage on the parcel the applicant was retaining was 2.320 acres.

Mr. Ramsey responded that the 2.320 acres would be what is left after the lot line change.

Mr. Keniry stated that the resultant acreage has been pinned down. Mr. Keniry stated that it is his understanding that the applicant will then merge the 0.977 of an acre acres with the existing deed that pertains to the single family residence at tax map number 247.-1-19 to create one parcel.

Mr. Ramsey stated correct. Mr. Ramsey stated that he would like more property and more of a buffer on that side of the property because the property line is only 10 feet from his garage.

Mr. Keniry stated that in terms of looking at the gross acreage and looking at this in terms of whether or not conditions are complaint or not, unless the Board members find otherwise, it looks like the result of the application is that it will not create any non-conforming conditions.

Mr. Wilkinson asked the Board if there were any questions for the applicant.

Ms. Szurek inquired why the line comes down straight then goes off into an angle.

Mr. Ramsey stated that he wanted more road frontage. Mr. Ramsey stated that he would only have gotten 60 feet if he continued with a straight line. Mr. Ramsey stated that he wanted more road frontage because the property goes at an angle.

Mr. Wilkinson stated that for usual practices, the Board would not require engineering review. Mr. Wilkinson inquired if the Board felt this application needed to be forwarded to the Town Engineer for review.

Mr. Mitchell stated that he does not feel that is warranted.

Ms. Szurek stated that the proposal makes sense but as far as mowing, there could someday be a dispute.

Mr. Ramsey stated that the proposal makes the house look like it fits. Mr. Ramsey stated that they could plant trees as a buffer.

Mrs. Wood stated that she does not feel it needs to go to Mr. McNamara.

Mr. Kadlecek stated that all of the questions seem to be answered reasonably well and does not see what is accomplished by sending it to Mr. McNamara.

Mr. Hodgkins inquired if there were any plans to put improvements or structures like a pool.

Mr. Ramsey stated that he may put a shed on down the road. Mr. Ramsey stated that he already has a pool.

Mr. Hodgkins inquired what the contour of the land was since there were no contour lines shown.

Mr. Ramsey stated that there is sloping towards the road.

Mr. Wilkinson asked that contour lines be shown on the drawing.

Mr. Wilkinson made a motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the proposed action is an unlisted action with a negative impact declaration relative to the environment for the Ramsey lot line change at 102 and 106 Jenkins Road. Mr. Kadlecek seconded the motion. All were in favor.

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

Mr. Wilkinson stated that the application was referred to the County on March 4<sup>th</sup>. Mr. Wilkinson stated that the Board needs their response to act any further.

Mrs. York stated that the application is on their agenda for Thursday.

Mr. Wilkinson stated that the Board will have County response next month. Mr. Wilkinson stated that the Board needs to notify the Town of Ballston. Mr. Wilkinson stated that there will need to be two places to sign on the mylars, one for each Town's chairman. Mr. Wilkinson stated that the Board would also like to see the contour lines. Mr. Wilkinson stated that the standard notes are correct. Mr. Wilkinson stated that the Board could move forward at next month's meeting.

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

John Gay appeared on behalf of the applicant.

Mr. Gay stated that they went before the ZBA and received a positive result. Mr. Gay stated that they are back for subdivision approval. Mr. Gay stated that the objective is to have two lots each consisting of 3.2 acres. Mr. Gay stated that the parcel with the house will have 200 feet of frontage and the newly created parcel will have 194.5 feet of frontage. Mr. Gay showed where the drainage for the parcels was located on the drawing. Mr. Gay stated that the applicant's intent to keep their parcel open. Mr. Gay stated that they received a letter from the Historic District Commission in favor of their plan. Mr. Gay stated that the large lots are an asset to the downtown section of the village.

Mr. Wilkinson asked if the applicant would be willing to add a note to the drawing that the ditch will remain open.

Mr. Gay stated that was fine. Mr. Gay stated that the County is dependent upon that drainage pipe.

Mrs. Wood inquired why the septic was located in the front of the new parcel.

Mr. Gay stated that the property slopes off the road southerly. Mr. Gay stated that to bring it up to the road level, they have to put in 4 feet of fill in the front yard making it the ideal spot for the septic. Mr. Gay stated that to locate it in the back would require more fill and be more costly. Mr. Gay stated that the public water is also located in the front.

Mrs. Wood stated that the Board likes to see septic systems located in the rear where possible. Mrs. Wood stated that built up systems are not attractive in the front of a property.

Mr. Gay stated that they will bring in fill so that they have a level uphill run to the house.

Mrs. Wood inquired if the fill would accommodate a lawn.

Mr. Gay stated yes. Mr. Gay stated that the state requires that you put in a fill that is compatible with the underlying fill. Mr. Gay stated that in this case, that is a Charlton loam type fill, which is excellent for growing grass.

Mrs. Wood stated that the concern is with the aesthetics and a proper functioning septic system.

Mr. Hodgkins inquired if it was going to look flat from the road.

Mr. Gay stated yes.

Mr. Mitchell stated that with the contour the way it is, it is favorable to put the septic in front.

Ms. Szurek inquired as to the appearance of the new house, when is that presented to the Historic District Commission.

Mr. Gay stated that when the lot is sold and the design comes forward, the Zoning Administrator has to approve the plans and make sure that they are compliant with the architectural style of the village.

Ms. Szurek inquired if a note needed to be added to the drawing about that.

Mr. Wilkinson stated no.

Mr. Wilkinson made a motion to schedule the Public Hearing for April 15, 2013 at 7:30 p.m. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson asked Mrs. York to forward the application to Mr. McNamara. Mr. Wilkinson stated that Mr. McNamara would send a letter to the applicant advising the fee for the escrow account.

Mr. Wilkinson made a motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the proposed action is an unlisted action with a negative impact declaration relative to the environment for the Zak subdivision on Charlton Road. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson asked for the note to be placed on the drawing regarding the ditch.

Mrs. York provided the Public Hearing cards to the applicant's representative.

Mr. Keniry inquired if the application had been forwarded to the County.

Mr. Wilkinson stated that the application was referred on March 11<sup>th</sup> and is on Thursday's agenda.

### **Pre-Application Conference**

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

No one appeared for this application.

#### **Clute (236.-1-39.111)**

Phil and Robert Clute appeared with their representative Deb Herrin.

Ann Copp, Esq. is present representing the proposed purchasers of the proposed 20 acre parcel.

Bob Clute distributed copies of a revised sketch plan to the Board. Mr. Clute stated that there are 4 pins on the map indicated by the legend. Mr. Clute stated that the red is the four existing pins. Mr. Clute stated that the property to the left, to the right and to the rear has been surveyed. Mr. Clute stated that to his knowledge the parcel has not been surveyed by itself. Mr. Clute stated that the pins that are existing are from the bordering parcels surveys. Mr. Clute stated that they have measured from pin to pin. Mr. Clute stated that the dimensions across the front are approximate divisions for lots. Mr. Clute stated that the potential buyer is looking for 300 feet of frontage and the acreage in the rear. Mr. Clute stated that they have tried to stay with the existing natural boundaries. Mr. Clute stated that the two stone wall fences are indicated in brown. Mr. Clute stated that the orange lines indicate approximate lot divisions. Mr. Clute stated that the frontage across the front is approximately 1120 feet. Mr. Clute stated that starting from the right, there is a 300 foot lot, a 200 foot lot, a 200 foot lot, D lot is the existing lot with the existing house and garage and some outbuildings and then there is some property on the left hand side which faces Packer

Road, which is denoted as 210 feet of frontage. Mr. Clute stated that the acreages are assumed calculations based on dimensions noted on the drawing.

Mrs. Wood inquired if this was all of the property on the deed.

Mr. Clute stated that yes.

Mrs. Wood inquired if the property labeled 123 was originally the parcel.

Mr. Clute stated yes.

Mrs. Wood inquired if that was subdivided off 5-6 years ago.

Mrs. Herrin stated no that was a lot line adjustment.

Mr. Clute stated that lot 123 was given to his brother 15 years ago when he got lot 39.2

Mrs. Wood stated that it was subdivided 15 years ago.

Mr. Clute stated yes.

Mr. Mitchell stated that this would be a major subdivision.

Mrs. Herrin inquired as to the process.

Mr. Keniry stated that this is a major subdivision. Mr. Keniry stated that the applicants should follow the subdivision regulations. Mr. Keniry stated that there may be additional engineering required. Mr. Keniry stated that the applicant's engineer will prepare and certify the maps. Mr. Keniry stated then the applicant will establish an escrow account to enable Mr. McNamara to review the drawings. Mr. Keniry stated that the Board cannot estimate in terms of costs.

Mr. Keniry explained the importance of engineering because the tax maps are not reliable.

Mr. Mitchell inquired about the 20 acre parcel.

Mrs. Herrin stated that parcel A would be the horse farm. Mrs. Herin stated that lot D is the existing house and would not go on the market until Phil and Robert are gone.

Mr. Clute stated that they are doing this to eliminate debt.

Mrs. Herrin inquired about park fees.

Mr. Wilkinson stated that the fee is \$1,200.00 for each new lot. Mr. Wilkinson stated that there is also the engineering escrow, perk tests and soil samples that will be required.

Ms. Herrin inquired if perk tests would be required on all of the lots.

Mr. Wilkinson stated yes, to be buildable lots they each need perk tests. Mr. Wilkinson stated that the Zoning Administrator needs to be present and needs 48 hours notice in advance.

Mrs. Wood asked that the existing well and septic for the existing house be located on the drawing.

Mr. Wilkinson stated that the dimensions from the pond to the lot line also needs to be shown. Mr. Wilkinson stated that contour lines every 10 feet also need to be shown.

Mrs. Wood inquired where the existing barn was located.

Mr. Clute stated that it is on lot B and C and needs to be demolished.

Mr. Keniry stated that the drawing needs to depict the existing improvements and proposed location for the house on lot A. Mr. Keniry stated that there are further requirements for driveways over 500 feet long.

Ms. Herrin stated that they have contacted DEC because there is a wetland.

Mr. Kadlec asked for permission for the Board to walk the property.

Mr. Clute stated that would be fine but they would like to be present.

Mrs. Wood commented that the long form EAF will be required for this major subdivision.

Mr. Wilkinson stated that the Board would like to see the proposed house location and the ability to meet the setbacks, well location, and septic location, perk test information, 100 foot buffer to the wetland, etc.

Mr. Wilkinson stated that a special exception permit would be required for a horse boarding operation. Mr. Wilkinson referred the applicant's perspective buyers to page 55 of the Zoning Ordinance.

Mr. Wilkinson stated that the time frame from application to approval is about 3 months.

### **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>.

**Town Board Liaison**

Mrs. Verola had no report.

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

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary