

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

Minutes of the Planning Board Meeting – July 15, 2013

Chairman Jay Wilkinson called the meeting to order at 7:10 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Dawn Szurek, Connie Wood, Mark Hodgkins, Chris Mitchell, Marilyn Phillips, 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 June 17, 2013 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has provided comments. Mr. Wilkinson, 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**

Vanderhorst/Northeast (224.-1-31.3)

Mr. Wilkinson stated that the Public Hearing will be at 7:30 and deliberations on the application will follow.

**SUBDIVISION AND LOT LINE CHANGE APPLICATIONS**

Mr. Wilkinson stated that this is the subdivision of a 6.5 acre parcel on Route 147 into two lots. Mr. Wilkinson stated that the applicant is represented by John Gay. Mr. Wilkinson stated that the Board took lead agency status and declared the action unlisted at the June meeting. Mr. Wilkinson stated that the application has been forwarded to Mr. McNamara and comments were provided. Mr. Wilkinson stated that the comments could be reviewed during deliberations. Mr. Wilkinson stated that the application was forwarded to the County Planning Board and approval was received. Mr. Wilkinson stated that the County did have a comment pertaining to the necessity for NYS DOT driveway permits for both lots. Mr. Wilkinson stated that the neighbor notices for the hearing were mailed on June 26, 2013.

Mr. Wilkinson stated that the Public Hearing Notice was published in the Daily Gazette on July 5, 2013.

Clute/Van Guilder (236.-1-39.111)

Mr. Wilkinson stated that this is an application for a subdivision of a 39+ acre parcel located at 1020 Packer Road, into 5 lots. Mr. Wilkinson stated that the proposed lots range from 2+ acres to one 30+ acre parcel. Mr. Wilkinson stated that Duane Rabideau would be representing the applicants. Mr. Wilkinson stated the the proposal for the 30+ acre lot is for a horse operation. Mr. Wilkinson stated that since this is a 5 lot subdivision, a full EAF review will be required.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the ZBA will be meeting tomorrow on the Smith application. Mr. Wilkinson read the Public Hearing notice from the ZBA. Mr. Wilkinson stated that the Board needs ZBA approval to move forward with the subdivision and lot line change.

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 7:22 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 June 17, 2013 minutes with changes incorporated. Mr. Kadlecek seconded the motion. All were in favor. Mr. Hodgkins abstained.

**PUBLIC HEARING (7:30 p.m.)**

**Vanderhorst/Northeast (224.-1-31.3)**

Mr. Wilkinson stated that this is a subdivision on Sacandaga Road of a 6+ acre parcel into 2 lots. Mr. Wilkinson stated that the Public Hearing Notice was published in the Daily

Gazette on July 5, 2013 and the cards were mailed to the adjoining neighbors on June 26, 2013. Mr. Wilkinson stated that the applicant is represented by John Gay who is present.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson opened the Public Hearing.

Mr. Gay: Thank you Mr. Chairman. The application is for a 2 lot subdivision on Route 147. The parcel is located north of Western and Eastern Avenues. The property belongs to Gary and Anne Vanderhorst. 12 years ago, the applicants subdivided a piece off for Kurt Vanderhorst, their son. The proposal is to take the remaining 6 acres and divide it equally into 2 lots. There is a slope from northwest to south east across the parcel. Borings and perk tests have been done and are adequate for a septic system. There is a piece of a wetland approximately 3 feet in the corner of the property. The 100 foot buffer is slightly into the property but does not harm development purposes. At the last meeting the Board asked for Kurt Vanderhorst's frontage to be added which is done. The Board also requested the location of the RA zoning code which is 700 feet back from the road. Our deepest lot is 460 feet. There was a question about ownership of the property across the street and as of today, RPS said the deed shown is the only one they have.

Mr. Wilkinson: Does anyone from the public have questions for the Board or the applicant's representative?

Mr. Wilkinson made the motion to close the Public Hearing. Mr. Kadlecek seconded the motion. All were in favor.

Public Hearing closed at 7:38 p.m.

## **SUBDIVISION APPLICATION AND LOT LINE CHANGES**

### **Vanderhorst/Northeast (224.-1-31.3)**

Mr. Wilkinson stated that the Board took lead agency at the June meeting. Mr. Wilkinson stated that he would like to review the letter from Mike McNamara dated July 2, 2013.

The Board reviewed the letter from Mike McNamara dated July 2, 2013.

The Board also reviewed the comment letter from the ECC, in which the main concern expressed was that the stream be protected during construction.

Mr. Kadlecek inquired if the applicant would be interested in moving the proposed driveways closer together. Mr. Kadlecek stated that for school bus purposes, having the driveways closer together would enable the bus to pick up at one location for both properties improving traffic flow.

Mr. Gay stated that from a design standpoint he agrees. Mr. Gay stated from a practicality standpoint, the lots are designed for custom homes and they do not want to dictate which end of the house the garage goes on. Mr. Gay stated that if the purchaser decides to put the garage on the south side of the property, then the driveway would be even farther than the 120 feet currently shown on the drawing. Mr. Gay stated that the building envelopes are for discussion purposes only. Mr. Gay stated that in this case, moving the driveways closer together does not work.

Mr. Kadlecik inquired if the applicant would consider it.

Mr. Gay stated that it has been discussed before and they do not want to constrain the potential purchasers.

Ms. Szurek stated that if the purchasers are parents they may consider that.

Mr. Gay stated that the lots are not being sold to a developer but will be sold to individuals.

Mr. Mitchell suggested a note be placed on the drawing that it is up to the property owners however making them aware of the request so they can look at it.

Mr. Gay stated that was fine.

Mrs. Wood inquired where the road out was located for the field.

Mr. Gay stated that it was located on Kurt's property.

Mr. Vanderhorst stated that it was off of Kurt's driveway.

Mr. Gay stated that he will put a note on the drawing that the driveways should be placed as close as possible but the final decision is that of the buyer of that lot.

Mr. Keniry suggested the following language for the note "best efforts to locate the driveways in a manner as close as possible to each other at the intersection with Route 147". Mr. Keniry stated that it would be at the discretion of the buyer and NYS.

The Board and the applicant agreed with the suggested language. Mr. Keniry will provide language in an email to all.

The Board completed the EAF

Mr. Wilkinson stated that the Board has a complete application and can move forward.

Ms. Szurek inquired if there was screening behind the house.

Mr. Wilkinson stated that it is screened already by the hedgerow that exists there now.

Mr. Vanderhorst stated that the screening will remain.

Mr. Wilkinson made the motion to approve the Vanderhorst subdivision as Resolution 2013-05 contingent upon the addition of a driveway note provided by Mr. Keniry and authorize the chairman to sign the mylars. Mr. Kadlecek seconded the motion. All were in favor.

**Resolution 2013-05 was made.**

Mr. Wilkinson reviewed the mylar requirements.

**Clute/Van Guilder (236.-1-39.111)**

Duane Rabideau appeared before the Board.

Mr. Wilkinson stated that this is an application for a 39 acre parcel to be subdivided into 5 lots located at 1020 Packer Road. Mr. Wilkinson stated that this will be a major subdivision.

Mr. Rabideau stated that the parcel is located on the north side of Packer Road. Mr. Rabideau stated that the proposal is to subdivide the 39 acres into 5 lots ranging from 2+ acres to one 30.5 acre parcel. Mr. Rabideau stated that Lots 1, 3 and 4 will be new lots of 2+ acres, Lot 2 will be the existing residence with barn consisting of 2+ acres and Lot 5 will be the remaining acreage of 30.5 acres. Mr. Rabideau stated that each lot will have individual well and septic systems. Mr. Rabideau stated that DEC has verified the wetlands and the 100 foot buffer area. Mr. Rabideau stated that the test pits and perk tests have been completed. Mr. Rabideau stated that the septic systems will be located in the front of the residences with the wells located on the other side.

Mr. Wilkinson stated that the barn located on Lot 2 is a non-compliant condition because the lot line intersects it.

Mr. Rabideau stated that the barn will be removed.

Mr. Wilkinson inquired when the barn would be removed. Mr. Wilkinson stated that the Board cannot approve the subdivision contingent upon the removal of the barn.

Mr. Clute stated that the buyer for the 30 acre lot is contingent upon the sale of one lot. Mr. Clute stated that once they sell one lot they can make the third lot compliant. Mr. Clute stated that due to financial constraints they cannot remove the barn now. Mr. Clute stated that once a buyer signs an agreement for the first lot and they get the money in the bank they can dispose of the barn.

Mr. Kadlecek stated that there are limitations on issuing building permits.

Mr. Clute stated that the main goal is to subdivide and sell Lot 1 to fix the financial burden.

Mr. Wilkinson asked Mr. Keniry if the application should be reduced to three new lots and then the applicants can come back to further subdivide.

Mr. Keniry stated that there cannot be lines drawn through structures. Mr. Keniry stated that the Board understands the applicant's intent however the Board cannot approve a non-compliant condition.

Mr. Rabideau inquired if the barn was to be removed prior to the issuance of a building permit.

Mr. Keniry stated that the problem is that the applicant cannot get the building permit because the Board has no jurisdiction to approve a plan with a non-conforming condition.

Mr. Wilkinson stated that when the Board forwards the application to the County Planning Board they are going to advise the same way.

Mrs. Wood suggested that the applicants wait on Lots 2 and 3 and proceed with a subdivision of 4 Lots. Mrs. Wood stated that the applicants could come back for the subdivision of Lot 2 after the barn is removed.

Mr. Keniry stated that would be acceptable.

Ms. Szurek suggested that the applicants contact a barn salvage company.

Mr. Wilkinson inquired if Lot 5 was going to be a horse lot. Mr. Wilkinson also inquired if there was going to be a riding arena or stable. Mr. Wilkinson stated that the parcel is located in the AG District. Mr. Wilkinson stated that the setback requirement is 150 feet on two sides, with one being 60 feet. Mr. Wilkinson stated that the proposed house only has 25 feet.

Mr. Rabideau stated that they can move the house back.

Mr. Wilkinson stated that there needs to be 60 feet on one side.

Mr. Rabideau stated that they can move the house to make it compliant.

Mr. Rabideau stated that he will provide a new drawing with the house on Lot 5 pushed back and eliminate the line on Lot 2 so that Lots 2 and 3 are Lot 2.

Mr. Keniry stated that there will be two applications, one for this subdivision and one for when the barn is removed to subdivide the new Lot 2 into two lots.

Mr. Rabideau stated that this will now be a minor subdivision.

Mr. Wilkinson stated correct.

Mr. Kadlecek inquired if the applicants would be interested in pairing driveways.

Mr. Rabideau stated that he is not sure but will look into it.

Mr. Rabideau inquired what the Board is requesting to move forward.

Mr. Wilkinson stated that the Board needs new drawings eliminating Lots 2 and 3 and renumbering the lots for a 4 lot subdivision. Mr. Wilkinson stated that the Board cannot forward the application to the County until a revised drawing has been received. Mr. Wilkinson stated that if the drawings were provided by August 5<sup>th</sup>, they could be forwarded to the County for review at their meeting of the 15<sup>th</sup>.

Mr. Rabideau stated that he would get a complete package to Mrs. York in time.

Mr. Wilkinson inquired if the test pit information was available.

Mr. Rabideau stated that they have been done but he does not have the documentation yet.

Mr. Wilkinson asked that the information also be placed on the drawing. Mr. Wilkinson stated that at the August meeting, if all of the information has been provided, the Board could schedule the Public Hearing for the September meeting.

Mr. Keniry asked that all of the applicants sign the application.

### **ZONING REPORT**

The Board reviewed the current report.

### **CORRESPONDENCE**

Discussed during Agenda meeting.

### **TOWN BOARD LIAISON**

Mrs. Verola was not present.

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

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary