

**Town of Charlton
Planning Board Minutes
and Joint Public Hearing Minutes
with the Zoning Board of Appeals
758 Charlton Road
Charlton, New York 12019**

Minutes of the Planning Board Meeting – October 21, 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, Connie Wood, Dawn Szurek, Mark Hodgkins, Chris Mitchell, Marilyn Phillips, Bill Keniry, Esq., Planning Board Attorney, Mike McNamara, Town Engineer, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

Present Zoning Board of Appeals members: Don Schermerhorn, Chairman, Ed Malis, Kurt Vanderhorst, Mark Chotkowski, Joe Marchesiello and Chip Ellms.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the August 19, 2013 meeting minutes needed to be approved. Mr. Wilkinson stated that the minutes could not be approved last month for lack of voting members. Mr. Wilkinson stated that the draft of the September 16, 2013 meeting minutes needed to be approved. Mrs. York has provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on both sets of minutes during the Business Meeting.

PUBLIC HEARINGS

Mr. Wilkinson stated that there would be a joint Public Hearing with the Zoning Board of Appeals on the Maloney application.

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 Zoning Board of Appeals has requested that the Planning Board conduct a site plan review of the proposed amendments to the original Special Use Permit. Mr. Wilkinson stated that the issues are the “as built” design versus the design

approved. Mr. Wilkinson stated that the Planning Board will provide the ZBA with a letter of findings.

SUBDIVISION APPLICATIONS

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

Mr. Wilkinson stated that this is a proposed subdivision on Packer Road. Mr. Wilkinson stated that the proposal is for a 4 Lot subdivision. Mr. Wilkinson stated that Jenn Brewster and James Ziobrowski are the applicants. Mr. Wilkinson stated that the parcel is 39 acres. Mr. Wilkinson stated that the 4 proposed lots will have acreage ranging from 2 acres to one 30+ acre parcel. Mr. Wilkinson stated that the Board took lead agency status at the August meeting and declared the action unlisted with a negative declaration relative to SEQRA. Mr. Wilkinson stated that Mr. McNamara has provided comments. Mr. Wilkinson stated that County Planning Board approval has been received dated August 15, 2013. Mr. Wilkinson stated that the Board received new maps at the September meeting. Mr. Wilkinson stated that it was determined at the September meeting that this would eventually become a 5 lot subdivision as the homestead lot will eventually be divided. Mr. Wilkinson stated that the Board has requested a SWPPP and full EAF be provided. Mr. Wilkinson stated that the SWPPP has been received and reviewed by Mr. McNamara who has provided written approval. Mr. Wilkinson stated that Mr. Gizzi would need to sign off. Mr. Wilkinson stated that the Board has a full EAF to review.

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

Mr. Wilkinson stated that the Planning Board granted preliminary approval on May 21, 2012 for a 23 lot cluster subdivision on an 89 acre parcel. Mr. Wilkinson stated that the Public Hearing was on January 18, 2012. Mr. Wilkinson stated that the project had been on hold awaiting water district extension approval from the Town Board. Mr. Wilkinson stated that the Town Board granted the water district extension on August 12, 2013. Mr. Wilkinson stated that per Mr. McNamara's April 30, 2012 letter, there were several issues to resolve. Mr. Wilkinson stated that new information was received from the applicant resolving most of Mr. McNamara's comments. Mr. Wilkinson stated that Mr. McNamara has provided comments to the new information presented dated October 16, 2013. Mr. Wilkinson stated that Mr. McNamara is present. Mr. Wilkinson stated that Mr. Lansing has provided a response to Mr. McNamara's letter dated October 21, 2013. Mr. Wilkinson stated that there are 3 significant issues remaining that will be discussed during the business meeting.

Zoning Report

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

Correspondence

Mr. Wilkinson stated there is a new EAF document for the Board to review. Mr. Wilkinson stated that the document is similar to the one the Board currently uses.

Mr. Keniry stated that the Board should review the form. Mr. Keniry stated that one of the differences is a focus more on the magnitude of the project in terms of acreage. Mr. Keniry stated that there is also some new language. Mr. Keniry stated that DEC has provided a FAQ section on their website for general questions about the new form. Mr. Keniry stated that he can answer any specific questions anyone may have.

Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Ms. Szurek. 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 August 19, 2013 minutes with change incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Hodgkins abstained.

Mr. Wilkinson made the motion to approve the draft of the September 16, 2013 minutes with change incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Mitchell and Mrs. Wood abstained.

PUBLIC HEARING (7:30 P.M.)

Charlton Tavern aka Maloney/Snyder (46.12-1-21 and 19.1)

Mr. Wilkinson stated that the Public Notice was published in the Daily Gazette on October 11, 2013. Mr. Wilkinson stated that the adjacent landowner notices were mailed on October 9, 2013.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson opened the Public Hearing.

Duane Rabideau: I am Duane Rabideau from Van Guilder and Associates here tonight representing Mike Maloney, owner of the Charlton Tavern which is requesting consideration to amend his Exceptional Use Permit that was granted in April of 2009. The maps I have

here, this is the “as built” conditions that exist now and this is the approved site plan for the rebuilding of the Tavern. There are two components to this Public Hearing tonight. The first one is related to the revised site plan for the Tavern in the rear portion of the parcel relating to the parking configuration, dumpster location and the retention area. The second component is requesting an amendment to the area variance so that a rear portion of the Tavern parcel can be annexed to lands of Taylor. We start off with the proposed site plan for parking. The configuration that we had was set up so that there was parking in the center and along the easterly edge of the parcel and along the rear. In that configuration we were able to put in 25 cars. Now since the Tavern has been opened for basically 4 years, the parking has gone back to the way it has always been done by the local patrons. Saturday night I was there, just counting cars and seeing how they were parking. I counted 33 cars, plus there was room for 4 more. The historical parking habits of the patrons of the Tavern, they seem to know how to get the cars in actually more efficiently than the layout that we had proposed. The advantage of that is it keeps the issue, it was a big concern of the Planning Board to keep parking off Charlton Road, which I think it has effectively done. Mike also uses the parking lot by the furniture store. The second component is the dumpster location. On the original plan we had two dumpsters here, one on the General Store parcel and one on the Tavern parcel. It seemed like a decent spot for them. In all actuality, the dumpster ended up being built here in back of the septic area. Through watching what is going on out there, that does seem to be a better location for it. The biggest two items are that it opens up more parking and also the biggest issue is it helps facilitate the snow removal for the Tavern. That seems to work quite well there. The other component is the retention area. On the plan we had a potential area in this area however it ended up in back of the dumpster area. The question came up was that actually effective and actually it has been working very well. Most of the water that goes in there, all the roof drainage from the Tavern is piped into that and that has taken a tremendous amount of water from draining down the parking area. That works very well. Mike has monitored it and it has been able to take all the flows through the storms especially in the summer during the thunderstorms. The second component of the special exception is requesting an area variance that was granted for the Tavern. The area variance granted on the space with the red line, that is the Tavern parcel. This is the General Store parcel. What is being requested is to cut off the southeast triangle of the parcel. The line that determines that cutoff is at the bottom of the bank of the parking area and everything within the area that is to go to Taylor is lawn area that has been maintained by the previous land owner. When Mike discovered his corner was down there he was very surprised at that. He will never use that space. That piece he wants to annex it to Taylor. It has no functional value for the Tavern. It seems like a logical request before the Boards. We did receive a letter from EDP, the Town Engineer. There are items in here that need to be looked at by the Zoning Board of Appeals and also by Mr. Gizzi. Also in this request, as far as using the basement of the Tavern for anything, there will be no activity in the basement. There has been some, but that has been taken care of. The only activity in the basement would be for storage. Mike is very aware of that. That is our request before the Boards tonight.

Jay Wilkinson: Anyone from the public care to ask questions for Mr. Rabideau or concerns?

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

Public Hearing closed at 7:44 p.m.

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 on January 13, 2013 the Planning Board received a lot line application from Mr. Maloney and the previous owner of 501 Stage Road, Mrs. Snyder. Mr. Wilkinson stated that the Planning Board could not move forward on the application until the Special Exception Permit is amended by the Town Board, who originally granted the permit. Mr. Wilkinson stated that the Town Board has referred the application to the Zoning Board. Mr. Wilkinson stated that the Zoning Board has requested that the Planning Board conduct a site plan review of the revised SEP. Mr. Wilkinson stated that the Planning Board requested Mr. McNamara review of the "as built" project versus the approved project. Mr. Wilkinson stated that Mr. McNamara issued a letter dated October 18, 2013 describing the deficiencies.

Mr. Wilkinson stated that he would like to review the October 18, 2013 letter from Mr. McNamara.

Mr. Wilkinson inquired why the parking lot was not built as designed.

Mr. Rabideau stated that the parking spaces in the center of the lot would impede traffic flow.

Mr. Wilkinson inquired how that was known if it was never built that way.

Mr. Rabideau stated that, as you go down, the parking area opens up in the center. Mr. Rabideau stated that the historical ways of parking from patrons who frequent the restaurant continued and contributed to the way it is now. Mr. Rabideau stated that the SEP configuration only allowed for 25 cars. Mr. Rabideau stated that on a Saturday evening, there are up to 33 cars and it is not packed together.

Mr. Wilkinson stated that if that is a more efficient way then the applicant should have come to the Board for an amendment. Mr. Wilkinson stated that the parking dividers and the lighting from the SEP also did not get put in.

Mr. Wilkinson inquired about the dumpster enclosure for the General Store's dumpster and the location of the Tavern's dumpster.

Mr. Rabideau stated that as pertains to the General Store, the store has changed hands and the dumpster is no longer shared. Mr. Rabideau stated that the Tavern dumpster is located

in a better location for snow removal purposes. Mr. Rabideau stated that the enclosure does not have a door in the front, however, it does not affect the aesthetics of the area. Mr. Rabideau stated that he is not sure why there are no doors on the front. Mr. Rabideau stated that the location of the dumpster now is better for the restaurant. Mr. Rabideau stated that he understands that the Planning Board wants the location better for the neighbors. Mr. Rabideau stated that the plantings they put in are starting to fill in the area as screening.

Gil Bliss, 504 Stage Road, stated that they get woken up Monday mornings between 6:30-7:30 am when the dumpster gets picked up. Mr. Bliss stated that they are also woken up at 11:00 p.m. when the staff takes the garbage out. Mr. Bliss stated that it does not matter where the dumpster is placed as it will still draw the neighborhood cats.

Lee Taylor, 501 Stage Road, stated that he would like to see the dumpster located farther away from his property, however, he purchased the property knowing where the dumpster was located. Mr. Taylor stated that locating it further away would be helpful in terms of smell especially in the hot summer. Mr. Taylor stated that if the lot line change is granted then he would like to put up a fence.

Ethel Maloney, 748 Charlton Road, stated that they did plant trees there.

Gil Bliss, 504 Stage Road, inquired how patrons are supposed to know where to park.

Mr. Wilkinson stated that in the original plan that was approved, an isle was supposed to be placed down the center with timber dividers to stop you, striping on the stone and light poles to direct people where to park.

Mr. Wilkinson stated that the setbacks approved by the Zoning Board are marginally less than granted. Mr. Wilkinson stated that the Zoning Board may have to amend their variance resolution to account for the existing setbacks.

Mr. Wilkinson inquired about the propane tank.

Mr. Rabideau stated that it was the General Store's and has been moved.

Ms. Szurek inquired if the handicapped parking spaces were gravel or paved.

Gil Bliss, 504 State Road, stated that it was gravel.

Mr. Rabideau stated that they were not required to pave.

Mr. Wilkinson stated that the ADA parking spaces are located farther away than originally approved. Mr. Wilkinson stated that the Zoning Board would have to review that.

Mr. Rabideau stated that because the grade flattens out there, it was not the best place to put those spaces. Mr. Rabideau stated that the Tavern does get a lot of elderly patrons and no

one has complained about the location of the parking spaces. Mr. Rabideau stated that they would like to leave it as is.

Mr. Wilkinson inquired about the stormwater retention and the proposed french drain.

Mr. Rabideau stated that there are no drainage or erosion issues at this time. Mr. Rabideau stated that the retention basin in the back has the roof drains tied into it which now takes a substantial amount of water out of the equation that used to run down the parking lot. Mr. Rabideau stated that the water drains along the wetland corridor and goes into the Dougherty pond. Mr. Rabideau stated that it is a natural drainage way for surface drainage or sub-surface drainage. Mr. Rabideau stated that since there have been no erosion problems in the past 4 years, they would like to remove the french drain from the proposed revised plan. Mr. Rabideau stated that the object of the french drain is to catch the summertime thunderstorms which have high values of water coming down and running down the parking lot.

Mr. Taylor stated that the area is wet but usually clears up quick. Mr. Taylor stated that there is one spot on the northern side of the parcel where there is some erosion.

Mr. Kadlecsek stated that at the last site visit there was no visual depressed area to act as a detention area. Mr. Kadlecsek inquired if anything was done to the site since that visit.

Mr. Rabideau stated no, in lieu of the depression they have proposed the french drain.

Mr. Kadlecsek stated that the retention area was part of the approved SEP. Mr. Kadlecsek inquired when the french drain was put in.

Mr. Rabideau stated that it is not in, it is proposed and will be put in upon approval.

Mr. Kadlecsek asked that Mr. Rabideau would provide the Board with the details of the french drain.

Ms. Szurek inquired if he the location of the french drain was by the dumpster.

Mr. Rabideau stated that it would be part of the parking lot.

Ms. Szurek inquired if ice formed on it.

Mr. Rabideau stated yes, but it will be in the area that they pack the snow into.

Mr. Schermerhorn stated that Mr. McNamara's letter mentions in two places, encroachment on to the Dougherty property. Mr. Schermerhorn asked for further clarification.

Mr. McNamara stated that the dumpster at the end of the property is over the property line and the propane tank had been located right up to the property line.

Mr. Rabideau stated that the dumpster is located on the gravel fairly close to the west property line.

Mr. Schermerhorn inquired about the runoff onto the Taylor property.

Mr. Taylor stated that there is flooding in summer and the whole backyard of the property is wet but goes away fairly quickly.

Mr. Rabideau stated that there was also an email from Mr. McNamara regarding encroachment of the stones. Mr. Rabideau stated that Mr. Maloney will make sure that is not done in the future.

Mr. Chotkowski asked for stakes or flags to be placed on the property showing the existing lot and where the proposed lot line change will be.

Mr. Chotkowski inquired if the lot line change would take 1000 square feet from the Tavern parcel.

Mr. Rabideau stated yes.

Mr. Chotkowski stated that is roughly 5% of the square footage of that lot.

Mr. Rabideau stated that was correct. Mr. Rabideau stated that in functionality and practicality, that has never been part of the Tavern operation.

Mr. Chotkowski inquired if the Tavern wants to put parking lot lights in, do they come back before both Boards again.

Mr. Rabideau stated that there are lights in the septic areas.

Mr. Chotkowski inquired if that was something that was deviated from the original drawings.

Mr. Rabideau stated that was correct. Mr. Rabideau stated that they did not put the center island in the parking lot.

Mr. Chotkowski stated that there is a second parcel on the Taylor property approximately 45 x 110. Mr. Chotkowski inquired if that parcel was part of the lot line change.

Mr. Wilkinson stated no.

Richard Jacobson stated that he was the attorney for Mr. Taylor. Mr. Jacobson stated that they would be willing to merge all of the properties upon approval of the lot line change.

Mr. Mitchell stated that a parking lot without dividers is easier for delivery trucks to get through. Mr. Mitchell inquired if there had been any formal complaints or accidents in the parking lot.

Mr. Rabideau stated no.

Mr. Wilkinson stated that the Board needs to send a letter to the ZBA with recommendations.

Mr. Schermerhorn stated that he has scheduled a meeting for November 12, 2013 to make a determination. [Was held November 13, 2013]

Mr. Kadlecek stated that he would like to see the french drain details before providing the ZBA with findings.

The Board raised concern with ice freezing on the french drain.

The Board agreed that the french drain details need to be provided as an attachment to the Board's findings.

Mr. Wilkinson stated that the Board's letter should also include the proposed lot line change. Mr. Wilkinson stated that the Board should comment on the french drain once details are received, including a maintenance plan. Mr. Wilkinson stated that the Board would also like to see the dumpster closer to the Tavern.

Mr. Wilkinson stated that Mr. Gizzi needs to review the ADA parking spaces to see if it meets the requirements.

Mr. Grattidge stated that the Town Board is the acting Board that issued the Special Exception Use Permit. Mr. Grattidge stated that the Town Board has asked the Planning Board to address the site plan review and the lot line change. Mr. Grattidge suggested that with the lot line change, the lands of Taylor are merged into one deed to clear up the issue of three separate parcels. Mr. Grattidge stated that the ZBA will be dealing with any variance issues.

Mr. Wilkinson stated that the Planning Board will provide comments to the Town Board and the ZBA.

SUBDIVISION APPLICATION AND LOT LINE CHANGES

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

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that this is a proposed subdivision on Packer Road. Mr. Wilkinson stated that the proposal is for a 4 Lot subdivision. Mr. Wilkinson stated that Jenn Brewster and James Ziobrowski are the applicants. Mr. Wilkinson stated that the parcel is 39 acres. Mr. Wilkinson stated that the 4 proposed lots will have acreage ranging from 2 acres to one 30+ acre horse parcel. Mr. Wilkinson stated that this is a major subdivision which requires a full EAF. Mr. Wilkinson stated that at the last meeting a SWPPP was provided and is acceptable. Mr. Wilkinson stated that the document needs signatures.

Mr. Kadlecek stated that the owner of the land is Janet Clute. Mr. Kadlecek stated that Ms. Clute has authorized Van Guildler and Associates to represent her in this action. Mr. Kadlecek inquired who would be signing the notice of intent.

Mr. Lansing stated that his firm prepared the SWPPP. Mr. Lansing stated that DEC allows for one SWPPP for one individual parcel. Mr. Lansing stated that the owner of the lot will solicit coverage by signing the Notice of Intent. Mr. Lansing stated that the owners of each individual lot will sign the Notice of Intent for their lot, and each lot will follow suit until a Notice of Determination is filed. Mr. Lansing stated that they can insure that the Notice of Intent is signed and filed correctly for the first disturbance.

Mr. McNamara stated that the Notice of Intent is signed and filed when they are ready to disturb the land.

Mr. Wilkinson stated that the Board took lead agency in August. Mr. Wilkinson stated that Mr. McNamara has reviewed the plans and provided comments which have been addressed. Mr. Wilkinson stated that the County has reviewed the application and provided approval. Mr. Wilkinson stated that the proposed SWPPP has also been accepted.

The Board completed a full EAF and provided corrections to Mr. Rabideau.

Mr. Rabideau stated that he will make the requested changes.

The Board completed Part II of the EAF.

Mrs. Wood suggested adding the driveway note to the drawing for driveways over 500 feet long.

Mrs. Wood made the motion to declare the action as an unlisted action with a negative declaration relative to SEQRA. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson made the motion to approve the Clute 4 lot subdivision on Packer Road contingent upon a revised full EAF with revisions discussed in deliberations with changes to pages 1, 5, 6, 7 and 8, the addition of the driveway note for driveways over 500 feet and authorize the chairman to sign as Resolution 2013-08. Mr. Mitchell seconded the motion. All were in favor.

Resolution 2013-08 was made.

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 October 21, 2013 in response to Mr. McNamara's letter.

Mr. Wilkinson stated that there are some major issues to discuss.

Mr. Lansing stated that the two major issues pertain to a mailbox kiosk being added to the entrance of the subdivision. Mr. Lansing stated that they have added that to the drawing in the HOA area as you enter the subdivision.

Mr. Lansing stated that the other issue pertains to the road width. Mr. Lansing stated that he has spoken to Mr. Emerich, Highway Superintendent, who has asked for 13 foot width for the roads.

Mr. Lansing stated that they are looking for final approval contingent upon the remaining two issues.

Mr. Emerich stated that the roads in the Deer Run subdivision are very narrow. Mr. Emerich stated that it is a headache to plow the roads and they cannot use the wing in that subdivision. Mr. Emerich stated that he would like to see 13 foot lanes with 1 foot wings on each side.

Mr. Mitchell, Mr. Hodgkins, Mrs. Wood and Mr. Wilkinson also agreed.

Ms. Szurek stated that wider roads are more attractive and safer to residents who are walkers.

Mr. Emerich stated that the absolute narrowest he will agree to is 12 foot lanes with 1 foot wings.

Mr. Kadlecek stated that he agrees.

The Board, the applicant and the Highway Superintendent discussed the road widths in the Town.

Mr. Wilkinson stated that since the new information was presented tonight, the Town Engineer has not been able to review the information. Mr. Wilkinson stated that he would like to see Mr. McNamara's comments before issuing approval.

Mr. Lansing stated that they have addressed all of the comments and would like conditional approval.

Mr. Wilkinson stated that he would like to see revised plans for Mr. Emerich and the Water Superintendent, John Morgan to review.

Mr. Wilkinson polled the Board about conditional approval:

Mr. Kadlecek: no conditional

Mrs. Wood: no conditional

Mr. Hodgkins: no conditional

Ms. Szurek: no conditional

Ms. Phillips: no conditional

Mr. McNamara stated that all of the technical in nature comments have been addressed. Mr. McNamara stated that the only remaining issues are the mailbox kiosk and the road width.

Mr. Wilkinson stated that he would like revised plans for Mr. Emerich and Mr. Morgan to review. Mr. Wilkinson stated that at the next meeting the Board could complete the full EAF and possibly vote.

The Board agreed.

The Home Owners Association was briefly discussed. Mr. Lansing stated that final approval is needed before it will be set up. Mr. Keniry stated that it does not need Town involvement.

ZONING REPORT

The Board reviewed the current report.

CORRESPONDENCE

The Board discussed the Christmas Party.

TOWN BOARD LIAISON

Mrs. Verola had no report.

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

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary