

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

Minutes of the Planning Board Meeting – April 15, 2013

Chairman Jay Wilkinson called the meeting to order at 7:07 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.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the March 18, 2013 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson, Mrs. Wood and Ms. Szurek provided changes. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

PUBLIC HEARINGS

Zak (246.12-1-27)

Mr. Wilkinson stated that the Public Hearing will be at 7:30 and deliberations on the application will follow. Mr. Wilkinson stated that this is a 2 lot subdivision on Charlton Road. Mr. Wilkinson stated that the ZBA approved the variance for the 6 foot shortage of road frontage. Mr. Wilkinson stated that at the March meeting, the Board took lead agency status and the application was forwarded to Mr. McNamara for review. Mr. Wilkinson stated that Mr. McNamara provided comments and it appears that all of his comments have been addressed.

LOT LINE CHANGE

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

Mr. Wilkinson stated that this is a continuing application for a lot line change. Mr. Wilkinson stated that Mr. Ramsey resides at 102 Jenkins Road which is located in the Town of Ballston. Mr. Wilkinson stated that Mr. Ramsey purchased the adjoining property at 106 Jenkins Road which is in the Town of Charlton. Mr. Wilkinson stated that the proposal is to take an acre off of 106 Jenkins Road and merge it with the property at 102 Jenkins Road in the Town of Ballston. Mr. Wilkinson stated that when the lot line change is completed, the property in the Town of Charlton will be reduced to about 2.3 acres and the applicant's property will increase to about 1.6 acres in the Town of Ballston. Mr. Wilkinson stated that at last month's meeting, the Board took lead agency status. Mr. Wilkinson stated that the Board waived the Public Hearing and the engineering review. Mr. Wilkinson stated that the Board needs to discuss whether or not to waive the application fee. Mr. Wilkinson stated that the application was forwarded to the County for review and approval has been received.

Subdivision Application and Lot Line Change

Smith/Northeast (226.-1-59 and 226.-1-60)

Mr. Wilkinson stated that the owners of 1289 and 1299 Peaceable Street are proposing a subdivision of their 24 acre parcel located at 1299 Peaceable Street to create one new building lot of 21 acres. Mr. Wilkinson stated that they are also requesting a lot line change for their 1289 Peaceable Street property. Mr. Wilkinson stated that change will increase the size of that property to 1.6 acres.

Pre-Application Conference

DeGraff/Sutton (223.-1-10.11)

Mr. Wilkinson stated that this is a conference to discuss a lot line change and a subdivision. Mr. Wilkinson stated that John Sutton, Esq. is representing the DeGraff family. Mr. Wilkinson stated that the property is located on Jersey Hill Road. Mr. Wilkinson stated that the proposal is to create a new building lot of 10 acres and lot line changes to increase parcels owned by Frank DeGraff and Kathy Cornell to about 10 acres.

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

Mr. Wilkinson stated that the applicants are proposing to purchase 4 acres behind their parcel from Matt and Emily 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 he would like to discuss the new proposed local law regarding solar panels. Mr. Wilkinson stated that the Town Board would like any input before the Public Hearing on April 29th. Mr. Wilkinson stated that Mr. Kadlecek has reviewed the proposal and will provide comments for the Planning Board to review.

Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. 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 March 18, 2013 minutes with change incorporated. Mrs. Wood seconded the motion. All were in favor.

PUBLIC HEARING (7:30 p.m.)

Zak (246.12-1-27)

Mr. Wilkinson stated that the Public Hearing Notice was published in the Daily Gazette on April 8, 2013 and the cards were mailed to the adjoining neighbors.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson opened the Public Hearing.

Mr. Wilkinson: There is a proposal before us for a two lot subdivision of Diane Zak's property and it is to create a building lot for a new single family home. A brief summary for the public, the total frontage of that property was 394.34 feet and it is a 6.4 acre parcel. The ZBA back on February 19th granted a variance for the property so the new parcel that is being created will have a road frontage of 194.34 feet. At our March meeting we took lead agency status and we forwarded the application to the Town Engineer. We have John Gay here from Northeast Land Consultants representing the applicants and he is going to give an overview of the proposal.

John Gay: Thank you Mr. Chairman. I would like to introduce Ken Lawrence and Diane Zak who are residents of the house that is kind of diagonally a little bit to the west and on the other side of Charlton Road. As the Chairman mentioned we have just a little under 6.5 acres on this parcel. The existing house is on the west side of the parcel and we would like to create a new lot on the east side. In doing so, each of these lots would be in excess of 3 acres. We have been through the Zoning Board of Appeals to get our variance there. In addition to that, we have worked with Mike McNamara, the Town Engineer, on the details that he has and additionally on the comment items made by the Board at the last meeting and we have addressed those. We have a final subdivision drawing in place at this point.

Mr. Wilkinson: Does anyone have any questions about this subdivision?

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

Public Hearing closed at 7:37 p.m.

SUBDIVISION APPLICATION

Zak (246.12-1-27)

Mr. Wilkinson stated that the Board took lead agency status in March. Mr. Wilkinson stated that the town engineer has reviewed this application and the Board has received his comments. Mr. Wilkinson stated that in Mr. McNamara's March 25th letter, there were five comments that were addressed in Mr. Gay's letter of April 8th. Mr. Wilkinson stated that the April 9th letter from Mr. McNamara stated that his comments have been satisfied. Mr. Wilkinson stated that there were some comments regarding the septic system. Mr. Wilkinson stated that Mr. McNamara has requested fill in front of the lot with a special note on the drawing. Mr. Wilkinson read the note Mr. McNamara requested be placed on the drawing.

Mr. Gay stated that was standard. Mr. Gay stated that Bob Gizzi has to approve the septic system when a person applies for a building permit so he will see the test being conducted.

Mr. Wilkinson asked if the drawing was the updated drawing.

Mr. Gay stated that he did not place the note on the drawing but will have it on the final drawing.

Mrs. Wood inquired if a note needed to be on the drawing indicating that the structure has to be approved by the Historic District Commission.

Mr. Wilkinson stated that a note could be added if the Board feels that is appropriate.

Mrs. Wood stated that she would like to see that. Mrs. Wood asked Mr. Keniry if the structure had to be approved by the Historic District Commission.

Mr. Keniry stated that his understanding is that the applicant has, as part of the permanent record, a letter from the Historic District Commission stating they have no objection to what has been proposed in connection with the subdivision. Mr. Keniry stated that with respect to what they may do with the structure, it is not really the Boards responsibility in terms of the subdivision itself. Mr. Keniry stated that the only item was to add a note to the drawing pertaining to the septic system.

Mrs. Wood inquired if Mr. Gizzi would be aware of that.

Mr. Keniry stated yes.

Mr. Wilkinson stated that Mr. Gizzi has also received a copy of the letter.

Ms. Szurek stated that there was a concern with blending the structure into the area. Ms. Szurek stated that the concern is about if the Historic District Commission wants the structure to look a certain way. Ms. Szurek inquired where that is noted and if it has to be noted.

Mr. Wilkinson stated that he believes that is not the Board's jurisdiction. Mr. Wilkinson stated that the Boards job is site plan and subdivision. Mr. Wilkinson stated that he is also concerned since that is the Historic District, but that is beyond what the Board has control over.

Mr. Keniry stated that the letter from the Historic District Commission speaks to the fact that they look forward to working with Diane and the new owners.

Mr. Wilkinson stated that at the last meeting there was concern about the septic system being located in the front of the property. Mr. Wilkinson stated that, as referenced in the letters between the town engineer and Mr. Gay, there are reasons for having the septic system in the front. Mr. Wilkinson stated that when the Board approves this application, it is also approving the septic system in the front yard.

Mrs. Wood stated that she feels comfortable with the engineer's comments.

Mr. Gay stated that it will be level since they are bringing in fill.

The Board completed the short EAF form.

Mr. Wilkinson stated that the Board has a complete application

Mr. Wilkinson made the motion to approve the Zak subdivision located at 767 Charlton Road as Resolution 2013-02 and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2013-02 was made.

Mr. Wilkinson reviewed the number of original mylars and copy requirements.

Mrs. York stated that the park fee of \$1,200.00 is now due.

Mr. Lawrence stated that he paid the \$600.00 engineering escrow.

Mr. Wilkinson stated that the park fee is a separate fee for each new lot created that has to be paid before the mylars could be signed.

Mr. Lawrence stated that he would take care of that.

LOT LINE CHANGE

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

Lee Ramsey appeared before the Board.

Mr. Wilkinson stated that the applicant came before the Board last month. Mr. Wilkinson stated that Mr. Ramsey resides at 102 Jenkins Road in the Town of Ballston. Mr. Wilkinson stated that Mr. Ramsey is proposing a lot line change with the property he also owns at 106 Jenkins Road in the Town of Charlton. Mr. Wilkinson stated that the proposed change will increase the size of 102 Jenkins Road by about an acre and decrease the 106 Jenkins Road from 3.3 acres to 2.3 acres. Mr. Wilkinson stated that the Board took lead agency status at the last meeting. Mr. Wilkinson stated that the Board waived the Public Hearing and engineering review. Mr. Wilkinson stated that the application was referred to the County Planning Board on March 11th and the Board received their approval on March 22nd. Mr. Wilkinson stated that the neighbor behind the property had raised some concerns by letter.

Mr. Ramsey stated that his surveyor made some minor adjustments to the drawing and added the contours. Mr. Ramsey presented one copy of the new drawing to the Board.

The Board reviewed the drawing.

Mr. Wilkinson stated that the contour lines have been added. Mr. Wilkinson stated that Mr. MacFarlane's concerns were addressed at the last meeting. Mr. Wilkinson stated that Mr. Ramsey provided information from his surveyor that answered Mr. MacFarlane's questions. Mr. Wilkinson stated that those concerns have been added to the map.

Mr. Wilkinson made a motion to waive the application fee. Mrs. Wood seconded the motion. All were in favor.

The Board completed the short EAF form.

Mr. Wilkinson made the motion to approve the Ramsey lot line change on 102 and 106 Jenkins Road as Resolution 2013-03 contingent upon contour lines being added to the drawing at 10 foot intervals and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2013-03 was made.

Mr. Wilkinson reviewed the number of original mylars and copy requirements.

SUBDIVISION APPLICATION AND LOT LINE CHANGE

Smith/Northeast (226.-1-59 and 226.-1-60)

Mr. Wilkinson stated that William and Carole Smith of 1289 and 1299 Peaceable Street are proposing a subdivision of their 24 acres to create one new building lot of 21 acres and a lot line change for 1289 Peaceable Street (lot 3 on maps) to increase that lot size to 1.6 acres.

Dave Bogardus from Northeast Land Survey appeared on behalf of the Smith's.

Mr. Bogardus stated that the Smith's own two pieces of property. Mr. Bogardus showed the properties on the drawing.

Mr. Bogardus stated that they would like to subdivide the larger parcel into two zoning conforming lots and a lot line adjustment on lot 3, which is now a 1.1 acre parcel, to increase the size to 1.6 acres. Mr. Bogardus stated that the lot is partially wooded and there is a field in front. Mr. Bogardus showed the location of the two single family homes and the out buildings. Mr. Bogardus stated that the frontage on Peaceable Street was 220 feet. Mr. Bogardus stated that the existing driveway site distance is good and exceeds standards in both directions. Mr. Bogardus stated that the lot will be a little over 21 acres and they tried to choose a house location which is demonstrated on the drawing. Mr. Bogardus stated that Mrs. York was very helpful and he was thankful for her help. Mr. Bogardus stated that he has used Charlton's standard notes. Mr. Bogardus stated that he has also included the septic design note. Mr. Bogardus stated that the new lot will be offered for sale.

Mrs. Wood inquired at present how many deeds did the Smith's have.

Mr. Bogardus stated two deeds.

Mrs. Wood inquired the age of the structure on Lot 3 and if there was an existing variance.

Mr. Bogardus stated that he did not know but could find out for the Board.

Mr. Wilkinson stated that prior to 1971 there was different zoning, but the Board was wondering how the structure got there.

Mr. Bogardus stated that he has provided the two deeds and they are labeled by SBL.

Ms. Szurek inquired if there were any wetlands.

Mr. Wilkinson stated no that the parcel was dry.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the action is an unlisted action with a negative declaration relative to SEQRA. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson asked for the curb cut note to be added to the drawing. Mr. Wilkinson stated that the zoning district is Ag and would like that added to the drawing. Mr. Wilkinson stated that perk tests will be required and the information needs to be added to the drawing.

Mr. Bogardus stated that the zoning district is noted in note 1.

Mr. Hodgkins inquired if the structure on Lot 2 was a barn and if it was a barn for livestock.

Mr. Wilkinson stated that it is a barn but does not house livestock.

Mr. Hodgkins inquired if the side setbacks were an issue.

Mr. Wilkinson stated that since the building is pre-existing, it is grandfathered in, however, the separation distances for the new house must be 100 feet.

Ms. Szurek inquired if there were stonewalls.

Mr. Bogardus stated no.

Mr. Wilkinson stated that the AG data statement is missing the Kwiatkowski farm across the street from the parcel. Mr. Wilkinson asked that it be added to the statement and resubmitted.

Mr. Wilkinson asked Mrs. York to forward the application to the County and Mr. McNamara for review. Mr. Wilkinson stated that when the new drawings with the perk information are provided, they can be forwarded. Mr. Wilkinson explained the engineering escrow.

Mrs. York stated that Bob Gizzi required 48 hours notice to witness a perk test.

Mr. Keniry stated that Mr. McNamara will have the specifications for the standard note for long driveways.

Mr. Wilkinson inquired if the Board wanted to schedule the Public Hearing.

Mr. Hodgkins inquired if there was a rush to subdivide.

Mr. Bogardus stated that they would like to put up a for sale sign as soon as possible but they are not under duress.

The Board agreed to schedule the Public Hearing.

Mr. Wilkinson made the motion to schedule the Public Hearing for May 20, 2013 at 7:30 p.m. Mr. Hodgkins seconded the motion. All were in favor.

Mr. Wilkinson reviewed the Public Hearing process.

Mrs. York provided the Public Hearing cards.

PRE-APPLICATION CONFERENCE

DeGraff/Sutton (223.-1-10.11)

John Sutton, Esq. appeared on behalf of the applicants.

Mr. Wilkinson stated that this is a subdivision and a lot line change on Jersey Hill Road. Mr. Wilkinson stated that the applicants are looking to create one 10 acre building lot.

Mr. Sutton stated that the applicants are Bob Cornell, Jeff Cornell and Frank DeGraff. Mr. Sutton stated that Bob and Frank own frontages on each of the parcels. Mr. Sutton stated that Marie owns the house close to Jersey Hill Road. Mr. Sutton showed the location on the map. Mr. Sutton stated that the proposal is to split the area of the farm to the east of Jersey Hill Road so that the northerly part is annexed to Bob and Kathy's house and the southerly part is annexed to Frank's house. Mr. Sutton stated that on the west side of the road there is a landlocked area there in the Town of Galway. Mr. Sutton stated that they have not made a decision as far as access for that area being an easement. Mr. Sutton stated that it will be annexed to the parcel that they are proposing to remain 14 acres. Mr. Sutton stated that the new parcel is to the south and they do realize the necessity for the perk test. Mr. Sutton stated that they will have the perk test done. Mr. Sutton stated that the wetlands have not been officially delineated. Mr. Sutton stated that they expect this is a requirement from the Board. Mr. Sutton inquired about the separation distance for the contour lines.

Mr. Wilkinson stated that the Zoning Ordinance states 5 feet but the Board likes to see them every 10 feet.

Mr. Wilkinson stated that the applicant has shown the proposed house location and the septic location. Mr. Wilkinson stated that the wetlands need to be delineated including the 100 foot buffer. Mr. Wilkinson stated that the Board needs a formal application with parts one and two completed, the short EAF form, AG Data Statement, deeds and the affidavit from the applicants allowing Mr. Sutton to act on their behalf.

Mr. Kadlecek inquired how the landlocked parcel was accessed.

Mr. Cornell stated through the original farm.

Mr. Kadlecek inquired as to the current use of the property.

Mr. Cornell stated that they do not use it.

Mr. Wilkinson inquired if there would always be access from the farm.

Mr. Cornell stated that yes they can access it.

Mr. Keniry inquired about the 50 foot easement.

Mr. Sutton stated that is what is being proposed. Mr. Sutton stated that there is a lack of worth for the parcel in Galway.

Mr. Keniry inquired if that parcel, with part of the other lands located in the Town of Galway, were part of lot 1.

Mr. Sutton stated no.

Mr. Keniry stated that although it is not being used, the Board has to be mindful of creating a landlocked parcel.

Mr. Wilkinson inquired how big the wetland was.

Mr. Cornell stated 25 acres.

Mr. Keniry inquired if that was number 63 on the site map.

Mr. Sutton stated correct.

Mr. Cornell stated that John Hornfeck owns it.

Mr. Wilkinson stated that the Town of Galway would need to be notified of this application.

Mr. Cornell stated that the property in Galway is not being separated.

Mr. Wilkinson stated that there will be an easement.

Mr. Sutton stated that the deed will reflect all of the property together with the easement.

Mr. Keniry offered some suggestions for the landlocked parcel.

Mr. Keniry explained the process for merging deeds.

Mr. Sutton stated that they will try to get the perk test done as soon as possible in order to submit all the information in time for the next meeting.

Mr. Keniry explained the requirements for 500 foot driveways in the Town of Charlton.

Mr. Wilkinson inquired if the Board could walk the property.

Mr. Sutton stated yes.

Mr. Wilkinson stated that once the application is on the agenda, the Board can schedule the site visit at the next meeting.

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

Mr. O'Connor appeared before the Board.

Mr. O'Connor stated that he resides at 259 Sweetman Road and is proposing purchasing the a piece of property behind his and merging it with his.

Mr. Wilkinson stated that the Subdivision Regulations provide guidance in completing the application and what documentation is required. Mr. Wilkinson stated that a survey needs to be completed showing the existing home and improvements and the existing well and septic locations. Mr. Wilkinson stated that the survey should also show the proposed new piece of property. Mr. Wilkinson stated that the application package includes a EAF form and AG data statement. Mr. Wilkinson stated that this is a couple month process. Mr. Wilkinson stated that the applicant could contact himself or Mrs. York if there were any questions.

Mr. O'Connor stated that Duane Rabideau would be doing the survey.

Mr. Wilkinson stated that the Board has worked with Mr. Rabideau many times and he knows Charlton's process and requirements.

Mr. O'Connor inquired as to the fees.

Mr. Wilkinson stated that with most lot line changes the Board waives the fees. Mr. Wilkinson stated that the application could be dropped off for Mrs. York and the Board could proceed from there. Mr. Wilkinson stated that 14 copies would need to be submitted.

Mr. Wilkinson stated that an affidavit would be required for Mr. Rabideau to appear before the Board. Mr. Wilkinson stated that documents would need to be submitted by May 6th for the May agenda.

Zoning Report

The Board reviewed the current report.

Correspondence

Mr. Wilkinson stated that the April conference was going to be on April 21-23. Mr. Wilkinson stated that some of the Board members would be attending.

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 9:05 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary