

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

Minutes of the Planning Board Meeting – January 16, 2012

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the Charlton Town Hall.

Present Planning Board: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Mark Hodgkins, Chris Mitchell, Marilyn Phillips, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Dawn Szurek joined the meeting at 7:15 p.m.

Present Zoning Board of Appeals: Don Schermerhorn, Chairman, Ed Malis, Mark Chotkowski, Chip Ellms and Robert Van Vranken, Zoning Board Attorney.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the November 21, 2011 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Ms. Phillips provided a comment. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Pickett (236.-1-28)

Mr. Wilkinson stated that the Planning Board and the Zoning Board of Appeals will be holding a joint Public Hearing on this application.

Subdivision Applications

Mr. Wilkinson stated that there were no subdivision applications at this time.

Pre-Application Conference

Pashley/Hensel (214.-1-9 and 214.-1-6.1)

Mr. Wilkinson stated that this application consists of two actions. Mr. Wilkinson stated that the applicant is requesting a lot line change to sell the existing shop building to the neighboring property owner. Mr. Wilkinson stated that the applicant is also looking to subdivide 654 Sweetman Road in which the frontage will be 185 feet which does not meet the requirement. Mr. Wilkinson stated that a referral to the ZBA for a variance would be suggested.

Mr. Wilkinson asked Mr. and Mrs. Pashley to approach the Board.

Mr. Wilkinson provided a copy of the tax map to review. Mr. Wilkinson asked the applicant to point out their proposal on the tax map.

Mr. Wilkinson stated that there is a 200 foot frontage requirement for subdivisions and the current proposal does not meet the requirements.

Mrs. Wood suggested getting a survey done to ensure that a variance is needed before proceeding.

Mr. Wilkinson clarified that the Board was requesting a whole parcel survey.

#### Site Plan Review

##### Pickett (236.-1-28)

Mr. Wilkinson stated that at the November meeting the Board requested additional information be provided in order to have the joint Public Hearing this evening. Mr. Wilkinson stated that all of the proper notices have been made. Mr. Wilkinson stated that the Board had asked Duane Rabideau to provide additional information and an update to the drawing. Mr. Wilkinson stated that when the information was received, it was forwarded to the County for their recommendations. Mr. Wilkinson stated that they replied with some comments which were forwarded on to Mr. McNamara. Mr. Wilkinson stated that Mr. McNamara has also provided additional comments. Mr. Wilkinson stated that he spoke to Mr. Rabideau to confirm his receipt of Mr. McNamara's comments. Mr. Wilkinson stated that Mr. Rabideau will address Mr. McNamara's comments tonight. Mr. Wilkinson stated that Mr. Rabideau inquired about the number of copies to provide for the meeting. Mr. Wilkinson stated that he asked for six copies.

The Board reviewed the comments from Mr. McNamara's letter of January 11, 2012. The Board agreed that:

Comment #1 Has been addressed.

Comment #2 The Board will request additional information

Comment #3 The Board will confirm that there will be no bathroom facilities

Comment #4 The Board will request additional information

Comment #5, #6 and #7 The Board will request additional information

Comment #8 There will be no stormwater management facilities needed for this project.

Lot Line Change

Caine/Dougherty (246.-4-1 and 246.4-23-241)

Mr. Wilkinson stated that the applicant resides at 763 Charlton Road and is proposing selling 7 acres behind his house to the neighbors.

Mr. Wilkinson stated that since this application was actually received in November is has already been referred to the county. Mr. Wilkinson stated that the County response provided no impact would be made.

Mr. Wilkinson stated that the Board is in receipt of a complete application. Mr. Wilkinson stated that there are a few minor changes that will need to be made to the drawings. Mr. Wilkinson stated that the source of water would need to be changed. Mr. Wilkinson stated that the right to farm note is missing. Mr. Wilkinson stated that the Board could move forward with the application.

Zoning Report

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

Correspondence

Mr. Wilkinson reminded everyone that the Planning and Zoning Conference was going to be on January 25, 2012.

Town Board Liaison

Mrs. Verola is present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecek. All were in favor. Agenda meeting closed at 7:30 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 November 21, 2011 minutes with changes incorporated. Mr. Kadlecek seconded the motion. All were in favor. Mrs. Wood abstained.

**PUBLIC HEARING**

**Pickett (236.-1-28)**

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson introduced the Planning Board members.

Don Schermerhorn, Chairman of the Zoning Board, introduced the Zoning Board members.

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on January 6, 2012.

Mr. Wilkinson stated that the Planning Board was reviewing the site plan process and the Zoning Board was reviewing the special exception permit process.

Duane Rabideau appeared before the Board.

Mr. Rabideau provided copies of the revised drawings.

Mr. Wilkinson inquired if the revised drawings included Mr. McNamara's comments.

Mr. Rabideau responded yes.

Mr. Wilkinson opened the Public Hearing.

Mr. Rabideau: I am Duane Rabideau from Van Guilder & Associates here tonight representing Carl Pickett in his request for a special exception use permit for a proposed gun shop. This will be a two part presentation. I'll be doing the site plan portion of it and Tom Peterson will be doing the business plan, things of that nature after I finish with the actual site plan portion. Basically the project is located at 4214 Jockey Street. It is on the east side of Jockey Street. What is being proposed is, this is Carl Pickett's residence, there is his house. These are a portion of his apple orchards. This is a storage shed. There is an existing storage shed right here. This building down here are the remains of an old barn. What the request is, is to convert this storage building into a gun repair and sales shop. We are trying to incorporate this building as the gun shop and we will be using the existing driveway that he has now. The improvements will consist of a proposed parking area for four vehicles right here. One of the spots will be handicapped accessible to meet the ADA requirements. Also part of this site plan process, because we are using the existing storage building and he still needs storage for his apple orchard operation part of the proposal is also to construct a new building right here. Part of this proposal with this parking area is to plant a couple of evergreen trees here to screen the parking area to minimize any visual impact from the road. Also part of the proposal is a proposed sign out by the front. It will be 3 x 5 and lit. As far as physical changes to the storage building on the outside, the only changes that are going to take place is to put one more door in the front so that this will be the actual door the public will enter the shop with. This map here, as far as the planning board is

concerned, is different from the one that you are reviewing. We took into consideration the comments provided by Mike McNamara from Environmental Design. What we did is that now the parking area is going to be paved to meet the ADA requirements. Also one of Mike's comments was that he thought it was too constrained for parking so we moved the parking away from the building so that there is better access into the parking area. Also he had a comment that the proposed building was to close so we actually moved that farther south by 7 feet so now there is enough room for turning radius' and things of that nature. We have addressed all of the environmental concerns. This is a New York State DEC wetland. The improvements that we are asking for are within the 100 foot adjacent area but DEC considered it a zone of occupancy and with that they felt that no permit was necessary. We have addressed the environmental concerns. I believe with this site plan that we have addressed all the concerns that were brought to our attention by the Planning Board also by the Town Engineer. At this point in time, Tom will speak as far as the operation of the gun shop and things of that nature.

Tom Peterson: Good evening. My name is Tom Peterson. I represent Carl Pickett in this application together with Duane Rabideau. First off I would like to thank the Boards for having a joint meeting. There are overlapping concerns and issues and it keeps us from a lot of back and forth. So thank you for being willing to do that. Carl lives at 4214 Jockey Street and that is the location of his proposed retail store. He operates a farm/apple orchard and added to that he would now operate the store. He anticipates very low volume. Mostly it would be sales of long guns, including used guns also hand guns and cleaning and repairing firearms. There will be ammunition on site for sale as well. There could be some other related sporting equipment but for the most part it is firearms related. He anticipates that most of his customers will be by appointment and that would be on a period of 9 to 5 Monday through Wednesday and 9 to 8 Thursday through Saturday with no hours on Sunday. He anticipates a local clientele. The estimate is less than 30 handguns, less than 50 long guns. There is 24 hour lighting. The handguns and ammunition and related items would be locked in cases as well as being locked up at night. There is a flood light and he resides next door. That is the business plan. So I would like to know what questions the Boards have.

Jay Wilkinson: From the way of security, what is the security going to be in the building? You are talking about lighting outside, are there going to be motion detectors inside? Is there going to be an alarm system?

Tom Peterson: At this point, the only thing that is planned is the outdoor floodlight; the building itself being locked and the cabinets inside would be locked.

Jay Wilkinson: It looks like on the front you are going to put a new door. Now we are seeing this for the first time tonight. The door when you look at the front of the building was on the right. That door will continue to be there?

Carl Pickett: Yes.

Jay Wilkinson: You are going to add a door on the left? Or is that where the parking is? You said you were going to add a door here?

Duane Rabideau: Yes. That will be for the public. This door is for Carl and employees.

Jay Wilkinson: So what happens to the large overhead door?

Carl Pickett: That's going to be made all steel.

Jay Wilkinson: But does it go away?

Carl Pickett: No it's going to stay there.

Jay Wilkinson: OK. Will there be any glass in it?

Carl Pickett: No glass. No windows in the building whatsoever.

Tom Peterson: The door is being replaced, the main entrance for the customers, so that it can be widened to be ADA compliant.

Connie Wood: What is going to happen to the sliding door that is on the south side of that existing building?

Carl Pickett: That will be, the wall will be put up inside where that door is. The door will remain but there is going to be a wall inside.

Connie Wood: Are there plans also to have the light that's on the back of that building restored? It is currently not functional.

Carl Pickett: I didn't realize. If it is I will fix it.

Connie Wood: I would think that it is a good idea to have the perimeter of the entire building fully lit for security purposes.

Carl Pickett: There is going to be a three way security system. It will be an entry to the property system, as soon as they come on the property it will go off inside the house. There is going to be an electronic system for disconnects on the doors. If somebody opens the door that will go off. And there will be a Time Warner system as well.

Connie Wood: What is the Time Warner system?

Carl Pickett: Sonic.

Connie Wood: A sonic system? Do mice set off sonic systems?

Carl Pickett: Any movement inside the building will set it off. The only problem I might have is if I get a mouse in there.

Connie Wood: I have had personal experience with that type of security system and I can tell you that, in the country, you will have more false alarms than you would care and the State police will get very tired of you.

John Kadlecek: Is there an automatic reference to any of the police agencies when your alarms go off?

Carl Pickett: Time Warner will handle that.

John Kadlecek: That goes to whom?

Carl Pickett: Time Warner.

John Kadlecek: Who will be the recipient of that information?

Carl Pickett: The sheriff's office probably and the state police.

Tom Peterson: We will discuss with Time Warner other options so that there aren't a constant stream of false alarms.

Connie Wood: My understanding is that the systems have not improved. I have not had experience in the last 15 years but had a tremendous number of false alarms with the system.

Tom Peterson: Thank you.

Jay Wilkinson: ZBA does anyone over there have any questions?

Mark Chotkowski: I have a question about the security on the guns. You said that they would be locked in cases, is that going to be a gun safe or a glass case?

Carl Pickett: Some may be in a gun safe type safe as well.

Mark Chotkowski: My next questions is you are taking an existing storage building and converting it into a commercial retail space. Is there any engineering or architectural surveys on what it's going to take to bring that building up to New York State level of codes?

Carl Pickett: I talked to the building inspector the other day about it. We discussed it a little bit but we didn't go beyond that.

Mark Chotkowski: So you have no engineering on whether the trusses are rated for the snow load.

Carl Pickett: We talked about that. That was a commercial building. It was an Agway building. It has been there since 1980 Mark, I don't think that...

Mark Chotkowski: I understand that. I would like to see an engineer or architect survey the building and have a set of specs drawn up on what it would take to bring that building up to code.

Chris Mitchell: Since 1980 all of the trusses in New York State have to be approved for snow load.

Carl Pickett: Yeah. I'm pretty sure that is true. At least a minimum of 90 pounds per foot.

Chris Mitchell: I think it is a little higher. With AG buildings, they have to be approved or they don't sell them.

Jay Wilkinson: Any other questions from Board members before I open the floor to the public?

Dawn Szurek: When we walked the property, where you had the parking area, and now this drawing that we are looking at, is that moved over?

Duane Rabideau: Yes. It is moved toward the road.

Dawn Szurek: If I recall there was access to get to that barn by the apple trees. Are you loosing that? It looked like you could drive a tractor through there to get to that other barn.

Carl Pickett: No.

Dawn Szurek: So you will just go over that parking area.

Carl Pickett: Yes.

Dawn Szurek: The lighting on the sign, you said was going to be illuminated but...

Duane Rabideau: Yes it is going to be down lit, 60 or 100 watt bulbs with no glare.

Dawn Szurek: 24 hour?

Carl Pickett: No. There is no sense having it on after work hours.

Don Schermerhorn: inaudible

Carl Pickett: That's the doorway in.

Don Schermerhorn: inaudible

Carl Pickett: I'm leaving the door there just for effect but it won't be functional.

Jay Wilkinson: I would like to open up the floor if anyone from the public would like to speak please come up and state your name and address for the record.

Tom Peterson: One thing that I didn't mention is that there is no firing range associated with the business.

Mark Chotkowski: Does that mean that there will not be any firing of guns inside the building?

Tom Peterson: Correct.

Alan Grattidge, 4228 Jockey Street: I am the immediate neighbor to the north so in this capacity tonight I am here as the neighbor. I guess a couple of the areas that we have concerns is again is there going to be any shooting associated with the business. If you buy a car you sometimes like to try it out before you actually pay for it. Again, if I come in there to buy a gun, I'd like to try it out. If you look at the site map there is a building very close to Mr. Pickett's property to the south and even the house to the south is pretty close. I am quite a ways to the north away but again our animals get really nervous if there is a lot of repetitious shooting. That certainly is a concern we had. A lot of times in the summer I know Carl's up at his camp. I'd just be concerned with a large amount of firearms that are in a building that if there is nobody home, again for security purposes, I mean everyone certainly has their own guns and everything but somebody knows that there are 80-100 guns in one spot might just have the ability to have the wrong type of people show up in the middle of the night. Those are kind of the things that are a concern to myself and my wife. That may be more for the ZBA but since this is a joint meeting I felt I should bring it up. Thank you.

Tom Peterson: I would just comment that we have put in our application, put in writing, that there is no firing of long guns or hand guns associated with this business any place on the property inside or out.

Connie Wood: What does that do about the traditional hunting that has gone on at Mr. Pickett's property in the past?

Tom Peterson: That will have no effect.

Connie Wood: I don't know how you determine what's traditional hunting from somebody practicing whether they are going to purchase a gun or not. If you are the neighbor you don't know how that shot is being directed.

Carl Pickett: There is no intention of having a customer go out in the yard and fire a gun. Inaudible.

Tom Peterson: Regarding the security concerns, Zack's is where I do my purchasing and his building is left unattended and the handguns are locked up in glass cases and the long guns are not locked up. It is the same sort of situation here inaudible.

Matt Staskowski, 2263 Route 67: I have known Carl for a long time. He is an upstanding gentleman. I just want to say I wish nothing but the best for him in getting this granted because I know I would like to see a new business in my town and somewhere I can go to have reliable service done on my guns because with where I work, it's not that far, but I don't have time to go places and get all this work done and I know that's really close to my house. I trust him and I would like to see this go through. I don't foresee any security problems. There is not a lot of crime in the area. I just think it would be a really good thing for the town if this went through and I would appreciate it. That's all.

Jay Wilkinson: Any further questions?

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

Public Hearing closed at 8:00 p.m.

### **SITE PLAN REVIEW**

#### **Pickett (236.-1-28)**

Mr. Wilkinson stated that he would like to review the letter from Mr. McNamara dated January 11, 2012.

Mr. Wilkinson stated that comment 1 pertained to the DEC wetlands and has been resolved.

Mr. Wilkinson stated that comment 2 pertained to the existing lighting.

Mr. Pickett stated that they have spoken to the ATF agent since the withdrawal of their application. Mr. Pickett stated that they will resubmit their application if town approval is received however, there are no lighting requirements associated with their application.

Mr. Wilkinson stated that there is some concern on the Board's part with the light on the back not working. Mr. Wilkinson stated that since it is such a rural area additional lighting should be considered.

Mr. Wilkinson stated that comment 3 pertained to restrooms and the applicant has confirmed to the Board that there are no proposed restrooms or cleaning facilities.

Mr. Pickett stated that there will be minimal cleaning chemicals used on site.

Mr. Peterson stated that pertaining to the lighting, there are currently lights in the front and the back of the building and they will also be placing lights on either side of the building so it will be lit on all four sides.

Mrs. Wood inquired what duration of the 24 hour cycle the applicant expects the lights to be functioning.

Mr. Peterson stated sundown to sunrise.

Mr. Wilkinson stated that comment 4 pertained to the proposed use hazardous chemicals generating extraordinary waste.

Mr. Pickett stated that there will be minimal chemicals used and that the chemicals he has to use in the apple orchard are much more hazardous.

Mr. Chotkowski inquired as to the kinds of chemicals that would be used.

Mr. Pickett stated that they would be everyday household products.

Mr. Wilkinson stated that retail businesses have different disposal practices than a household.

Mr. Wilkinson inquired if the applicant would be complying with the rules that apply to hazardous waste/materials in a retail business.

Mr. Pickett responded yes.

Mr. Wilkinson stated that comment 5 pertained to the parking area and the applicant has stated that the area will be paved and the suggestion of swapping spaces has been accepted and the spaces have been moved.

Mr. Wilkinson stated that comment 6 pertained to the distance between the parking area and the proposed storage building and based on the comment the storage building has since been moved south.

Mr. Wilkinson stated that comment 7 pertained to showing the floor elevations on the drawing for both buildings which has been done.

Mr. Wilkinson stated that comment 8 pertained to stormwater management facilities not being required for this project.

Ms. Szurek raised issue with the type of trees being planted as a screening.

Mr. Rabideau stated that they will put in whatever the board prefers.

Mr. Wilkinson asked that the existing well be shown on the drawing.

Mr. Rabideau stated that it is located in the basement.

Mr. Wilkinson stated that the requirement of 100 foot separation does not apply as it is a pre-existing condition and therefore grandfathered in.

Mr. Wilkinson stated that the Board will provide an opinion letter to the ZBA before their next meeting. Mr. Wilkinson stated that before the next meeting, the well location and the arrangement of the buildings will need to be shown on the drawing in order for the Board to see the bigger picture of what this project will look like architecturally. Mr. Wilkinson showed Mr. Rabideau what the Board is looking for in the Zoning Ordinance on page 112.

Ms. Szurek inquired if Mr. Pickett would be conducting apple sales in the storage building.

Mr. Pickett stated in the AG building and he would also like to put storage in there.

Mr. Wilkinson stated that the Board would write an opinion letter to the ZBA. Mr. Wilkinson stated if the ZBA approves the special exception permit than the applicant would be coming back to the Planning Board for site plan review.

Mr. Van Vranken stated that at the ZBA meeting next week, the Board will not be making a final decision. Mr. Van Vranken stated that there is additional information requested and there are a lot of pieces to the special exception permit.

Mr. Hodgkins inquired how a commercial operation could operate without restrooms.

Mr. Rabideau stated that if they are not serving food then restrooms are not required.

Mr. Hodgkins stated that he would also like to see an engineer or architects' approval of the existing building. Mr. Hodgkins stated that he would also like to know what happens if someone needs the restroom.

Mr. Peterson stated that they will look into it.

Bob Killeen appeared on behalf of the ECC. Mr. Gavin stated that the ECC did not have any concerns at this time, however, they had discussed the possibility of hazardous chemicals. Mr. Gavin stated that he would speak to Mr. Schorr.

The Board discussed the content of the referral letter to the ZBA. Mr. Keniry will draft a letter for Board review.

### **LOT LINE CHANGE**

**Caine/Dougherty (246.-4-1 and 246.4-23-241)**

Mr. Caine appeared before the Board.

Mr. Caine showed the Board the proposed drawing.

Mr. Wilkinson stated that the application was referred to the county and their response was no impact.

Mr. Caine thanked Mr. Wilkinson and Mrs. York for all of their assistance.

Mr. Caine showed the proposed lot line change. Mr. Caine stated that the plan is to sell the 7 acres to the Dougherty's who will join it to their land giving them 17 acres.

Mr. Wilkinson asked Mr. Caine to describe the 7 acres.

Mr. Caine stated that it is a vacant lot now. Mr. Caine showed the wetlands and the buffer. Mr. Caine stated that the Dougherty's have expressed that they will also keep it vacant as they want to increase their acreage. Mr. Caine stated that the lot is located on the edge of the historic boundary.

Mr. Wilkinson stated that the application was forwarded to the historic district and it does not fall within their district.

Mr. Wilkinson stated that the right to farm note needed to be added to the drawing.

Mr. Keniry stated that the Board cannot create a landlocked parcel. Mr. Keniry stated that it would need to be merged with the Dougherty's property. Mr. Keniry stated that would require an additional deed. Mr. Keniry stated that the Board could approve the application subject to deleting the line.

Mr. Mitchell stated that if the Dougherty's have any wells to show them on the drawing.

Mr. Caine stated that he will have to RTF note added, indicate public water, eliminate the line and merge the deeds and locate the wells of the Dougherty's.

Mr. Wilkinson made the motion that the Planning Board waive the engineering review, park fees and the Public Hearing. Mrs. Wood seconded the motion. All were in favor.

Mr. Mitchell made the motion to declare the Planning Board as lead agency for purposes of SEQRA and that the application be classified as an unlisted action with a negative impact declaration for SEQRA. Mrs. Wood seconded the motion. All were in favor.

The Board completed the EAF.

Mr. Wilkinson made the motion to approve the Caine Lot Line Change as resolution number 2012-01 contingent upon the following:

New map with east line between Caine parcel and Dougherty parcel be removed;

Change source of water to public;

Add RTF note;

Locate wells on Dougherty property; and

List RES/AG zoning

and authorize the chairman to sign the mylars. Mr. Kadlecek seconded the motion. All were in favor.

**Resolution 2012-01 was made.**

Mrs. York provided the filing instructions.

Mr. Wilkinson suggested having one map to review first before having multiple originals and copies made.

Mr. Kadlecek stated that the 62 day time clock to file the mylar begins tonight.

### **Zoning Report**

The Board reviewed the Zoning Report.

### **Town Board Liaison**

Mrs. Verola did not have a report.

### **Correspondence**

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

The meeting was adjourned at 9:55 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary