

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

Minutes of the Planning Board Meeting ó March 19, 2012

Chairman Jay Wilkinson called the meeting to order at 7:15 p.m. at the Charlton Town Hall.

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

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the February 20, 2012 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Cyphers (247.-1-53)

Mr. Wilkinson stated that there would be a Public Hearing on the Cyphers Subdivision.

Subdivisions and Lot Line Change

Cyphers (247.-1-53)

Mr. Wilkinson stated that this is a subdivision on Valentine Road. Mr. Wilkinson stated that this is a two lot minor subdivision of a 125 acre property. Mr. Wilkinson stated that the plan is to subdivide the 125 acre lot into two single family lots. Mr. Wilkinson stated that Lot 1 will be 115 acres with the existing house and improvements and Lot 2 will be 10 acres and front on Sweetman Road and use the existing driveway. Mr. Wilkinson stated that there will be an ingress/egress and utility easement within Lot 2 which will be granted to Lot 1.

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Mr. Wilkinson stated that at the last meeting the Board requested a copy of the bridge Certification and a letter has been provided. Mr. Wilkinson stated that the Board requested a scale be added to the drawing and that has been done.

Mr. Wilkinson stated that Mr. McNamara has reviewed the application and provided comments. Mr. Wilkinson stated that the application has been referred to the County Planning Board and the application was approved at their last meeting.

Palmer/Cotter (247.-1-29.111 and 237.-1-72)

Mr. Wilkinson stated that this is a lot line adjustment between neighbors. Mr. Wilkinson stated that the Cotters are purchasing approximately 6 acres from Mrs. Palmer. Mr. Wilkinson stated that of the 6 acres the Cotters are purchasing, 5.4 acres are in the Town of Ballston and .6 acres are located in the Town of Charlton.

Mr. Wilkinson stated that after the pre-application conference, the application was referred to the County Planning Board and approval has been received.

Hall Estate/Finkle (236.-1-55.112 and 236.-1-55.111)

Mr. Wilkinson stated that this is a subdivision of a 14+ acre parcel that fronts on Jockey Street and Packer Road. Mr. Wilkinson stated that the proposal is to create two parcels, one lot of approximately 5.5 acres which will front on Packer Road and one lot of approximately 8.6 acres which will front on Jockey Street. Mr. Wilkinson stated that the applicant is also requesting a lot line change between the common line of his property and the Hall Estate. Mr. Wilkinson stated that Mr. McNamara has reviewed the application and provided comments. Mr. Wilkinson stated that this application was also forwarded to the County Planning Board and approval has been received.

Mr. Wilkinson inquired how the Board completes Part II of the EAF since there are two actions.

Mr. Keniry stated that one form would be completed for the totality of both actions.

Site Plan Review and Special Exception for Permitted Use

Pickett (236.-1-28)

Mr. Wilkinson stated that this is a referral from the ZBA. Mr. Wilkinson stated that the Public Hearing was held on January 16th. Mr. Wilkinson stated that the applicant's consultant has provided the Board with new drawings that address the comments the Board had at the February meeting. Mr. Wilkinson stated that Mr. McNamara has also reviewed the new drawings and provided comments.

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In February meeting the Board requested additional information and changes to the site plan and documentation of the restrooms that they are not required. Mr. Wilkinson stated that based on information that has been provided at the ZBA meetings and documentation from the Town Zoning Administrator, Bob Gizzi, and his interpretation of the Building Code, none are required. Mr. Wilkinson stated that Tom Peterson, the applicant's attorney, has also provided the Board with his view of restrooms not being required based on the NYS Building Code.

Mr. Wilkinson stated that the only remaining issue is the DEC approval or permit requirements for the revised plans of the larger building. Mr. Wilkinson stated that the Board needs to know if the DEC considers this new building is within the Zone of Occupancy or if a permit will be required.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the Board received a "thank you" letter Don Marshall from the Charlton School for Girls. Mr. Wilkinson read the letter.

Town Board Liaison

Mrs. Verola was not present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecsek. 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 February 20, 2012 minutes with changes incorporated. Mr. Kadlecsek seconded the motion. All were in favor. Mr. Hodgkins abstained.

PUBLIC HEARING

Cyphers (247.-1-53)

Mr. Wilkinson reviewed the Public Hearing process.



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Public Hearing notice was published in the Daily Gazette on 5/09/12.

Mr. Wilkinson opened the Public Hearing.

Duane Rabideau: I am here tonight to represent Glen Cyphers in his request to subdivide his 125 acre parcel of land which fronts on Valentine Road and Sweetman Road, into two parcels. Basically we are creating a 10 acre parcel on Sweetman Road. This 10 acre parcel is right here. The north line of the parcel would be just north of the existing driveway that goes from Sweetman Road all the way through to Valentine Road. It is going to be 10 acres, approximately 600 feet along Sweetman Road and about 700 feet deep. It is set up so that the house is going to be positioned in the existing pit, the gravel pit that is back here, and they are going to be utilizing the existing gravel drive that runs through the parcel. The reason we are doing that is to minimize the streetscape so that this will stay as woods and they will use this. This drive will also have an ingress/egress and utility easement for lot 2 to continue using it. That is our request.

Mr. Wilkinson opened the Hearing to the floor.

Don Schermerhorn, Sweetman Road: I am a resident on Sweetman Road fairly adjacent to this property. In looking at the plans here, I must say as a local resident who has enjoyed the benefits of the ruralness of that acreage this is a nice layout, a nice plan. A lot of good consideration has been given to keeping the nature of what is there. I also like the idea of a large size parcel which does further enhance that quality of maintaining this ruralness. As a local resident, I do not know the owners, but I am very pleased with the presentation on it.

Mark Chotkowski, Peaceable Street: What is the frontage left to the north and what is the frontage left to the south.

Duane Rabideau: The north would be over 400 feet and to the south would be 600 feet.

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

Public Hearing closed at 7:40 p.m.

SUBDIVISIONS AND LOT LINE CHANGE

Cyphers (247.-1-53)

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that the Board had a preliminary application last month. Mr. Wilkinson stated that a full proposal has been submitted.

proposal. Mr. Wilkinson stated that the applicant would like to take the 125 acre parcel that fronts on Valentine and Sweetman Roads, and divide it into two parcels. Mr. Wilkinson stated that Glen Cyphers is going to retain 115 acres, the house and all of the improvements and the main access will be off of Valentine Road. Mr. Wilkinson stated that Lot 2 will be the new 10 acre parcel for the new single family home with 600+ feet of frontage Sweetman Road. Mr. Wilkinson stated that the new lot will use an existing Sweetman Road driveway for access. Mr. Wilkinson stated that there is also a request for an ingress/egress utility easement be reserved for a portion of the existing driveway within the bounds of Lot 2 and it be granted to Lot 1.

Mr. Wilkinson stated that at the February meeting, the Board requested the applicant provide documentation certification for the bridge within the driveway that leads off of the Valentine Road property to the applicants residence. Mr. Wilkinson stated that the Board wanted certification that the bridge would support Charlton's District 1 fire equipment. Mr. Wilkinson stated that a letter has been provided dated September 29, 2006. Mr. Wilkinson read from the letter. Mr. Wilkinson stated that the Board also requested that a scale be added to the overall site map and that has been done.

Mr. Wilkinson stated that Mr. McNamara has reviewed the revised drawings and provided comments.

Mr. Wilkinson stated that comment 1 pertained to the perk tests having to be redone before a building permit could be obtained. Mr. Wilkinson inquired if the building administrator had been informed of the tests.

Mr. Rabideau stated that they normally do the test themselves first and then before they get the building permit they ask the zoning administrator to witness the test. Mr. Rabideau stated that to the southwest of the gravel pit, it was sand and gravel 10 feet down. Mr. Rabideau stated that they do not expect bedrock to be an issue.

Mr. Wilkinson advised that the tests needed to be done again and witnessed by the zoning administrator.

Mr. Wilkinson stated that comment 2 pertained to tying down the proposed lot.

Mr. Rabideau stated that they have not yet done that as they usually wait for subdivision approval.

Mr. Wilkinson stated that comment 3 pertained to adding a note to the drawing specifying the parties granting the easement and the parties receiving the easement and the rights as well as the purpose.

Mr. Rabideau stated that they will add a note to the drawing.

applicant was willing to agree to no further subdivisions of the parcel and put it on the drawing.

Mr. Rabideau stated that the applicant is not planning on anything at this time but would not put that on the drawing.

Mr. Wilkinson stated that the Board is concerned with the bridge certification being from 2006.

Mr. Hodgkins stated that it would be a good idea to update the bridge certification.

Mr. Wilkinson agreed.

Ms. Szurek agreed.

Mr. Kadlecek stated that the bridge was built in 1884. Mr. Kadlecek stated that it was doing well enough in 2006, is there any reason for the Board to believe that in 6 years there has been degradation?

Mr. Rabideau stated that only if the water rose above the trusses.

Mr. Wilkinson polled the Board:

Mr. Kadlecek stated that he accepts the letter of 2006.

Ms. Szurek stated that she is not knowledgeable in that area to know how to answer.

Mr. Mitchell stated that he accepts the letter of 2006

Mr. Wilkinson stated that he would like the bridge certification updated.

Mr. Hodgkins stated that he accepts the letter of 2006.

Ms. Phillips stated that water is changeable and it would not hurt to recertify.

Ms. Szurek inquired as to the cost for recertification.

Mr. Rabideau stated that he is not sure why this is an issue. Mr. Rabideau stated that this is a subdivision and they are not moving access.

Mr. Wilkinson asked for Mr. Keniry's opinion.

Mr. Keniry inquired as to the distance from Valentine Road to the existing residence on Lot 1.

Mr. Rabideau stated 400-500 feet.

Mr. Keniry stated that Lot 1 is subject to the Board's jurisdiction. Mr. Keniry stated that if the family that lives there has two means of ingress/egress, neither of which is acceptable to a fire truck that is not acceptable. Mr. Keniry suggested having the same engineer that certified the bridge in 2006 recertify the bridge now.

Mr. Kenry asked for clarification of the easement.

Mr. Rabideau stated that it is intended to run with the deed.

Mr. Wilkinson stated that the Board needs more information on the distance back to Glen Cyphers residence and where the bridge is. Mr. Wilkinson stated that the bridge needs to be recertified. Mr. Wilkinson asked that the Cyphers residence be shown on the drawing and the distances to the bridge.

Mr. Hodgkins suggested assigning an interval of time for the bridge to be certified again in the future.

Mr. Mitchell suggested every five to ten years.

Mr. Wilkinson stated that the application was referred to the County and received their approval. Mr. Wilkinson stated that the Board took lead agency last month.

Palmer/Cotter (247.-1-29.111 and 237.-1-72)

Shirley Palmer and Dave Cotter appeared before the Board. Mr. Cotter hung a drawing to review with the Board.

Mr. Cotter showed the Board the location of his house and the portion of land that he was purchasing from Mrs. Palmer. Mr. Cotter stated that they followed the existing fence line on the Charlton side and his property goes back to the stonewall in the Town of Ballston. Mr. Cotter stated that it is 83.34 feet wide and then tapers at the town line.

Mr. Wilkinson stated that the Board sent the application to the County and received approval. Mr. Wilkinson stated that the tax map number of the parcel needed to be added to the drawing. Mr. Wilkinson stated that the application is complete.

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

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and classify the action as unlisted with a negative declaration for SEQRA. Mr. Mitchell seconded the motion. All were in favor.

The Board completed the EAF.

Mr. Wilkinson made the motion to approve the Palmer/Cotter Lot Line Adjustment as Resolution 2012-02 contingent on the deeds of parcels for tax map numbers 247.-1-29.111 and 237.-1-72 being merged into one deed, addition of tax map numbers to the drawing and lot line approval from the Town of Ballston, not to be inconsistent with the map provided to

Mr. Mitchell
seconded the motion. All were in favor.

Resolution 2012-02 was made.

Hall Estate/Finkle (236.-1-55.112 and 236.-1-55.111)

Robert Finkle appeared before the Board and distributed 15 copies of the maps that address Mr. McNamara's comments.

Mr. Finkle stated that this is the Hall Estate. Mr. Finkle stated that this is a subdivision of 15+ acres that fronts Jockey Street and Packer Road. Mr. Finkle stated that the proposal is for two lots, a 5.5 acre lot that fronts on Packer Road and a 8.6 acre lot that fronts on Jockey Street. Mr. Finkle also stated that there is a lot line change between his parcel and the Hall parcel.

Mr. Finkle stated that the latest drawings are up to date with the engineer's comments in the letter of March 14th.

Mr. Finkle stated that comment 1 pertained to County approval which is a Board action.

Mr. Wilkinson stated that the Board did forward the application to the County and received approval.

Mr. Finkle stated that comment 2 was a non-issue.

Mr. Finkle stated that comment 3 pertained to the witnessing of the perk tests. Mr. Finkle stated that Mr. Gizzi was present and there is a note on the new plan stating that.

Mr. Finkle stated that comment 4 pertained to the language of note #7 and that has been addressed in note #6.

Mr. Finkle stated that comment 5 pertained to removing note #8 on the drawing and that has been done.

Mr. Finkle stated that comment 6 pertained to the incorrect zoning district on the drawing and that has been corrected.

Mr. Finkle stated that he spoke to Mr. McNamara on the 16th and the RTF note is Charlton's note, the 2 foot border has been added for the County's requirements, the engineering fee has been paid and the zoning administrator fee for witnessing the perk tests has been paid. Mr. Finkle stated that the latest revision date has been added to the drawing and Packer Road is spelled correctly.

Mr. Wilkinson made the motion to schedule the Public Hearing for April 16, 2012 at 7:30 p.m. Mr. Kadlec seconded the motion. All were in favor.

Mrs. York provided the Public Hearing cards and instructions.

SITE PLAN REVIEW AND SPECIAL EXCEPTION FOR PERMITTED USE

Pickett (236.-1-28)

Mr. Rabideau and Mr. Pickett appeared before the Board.

Mr. Wilkinson stated that the remaining open item is the DEC confirmation.

Mr. Rabideau provided revised drawings. Mr. Rabideau stated that they removed the gun shop from the sign, added the 24/7 generator and shifted the building to get 25 feet from the house. Mr. Rabideau stated that the only outstanding issue is the DEC approval. Mr. Rabideau stated that he has spoken to them and that he received a verbal confirmation that a permit would be granted if required. Mr. Rabideau asked for conditional approval contingent upon receipt of permit if DEC requires it.

Mr. Keniry stated that the Board can grant conditional approval contingent upon the receipt of a permit from DEC if they deem one necessary.

Mr. Wilkinson polled the Board about granting conditional approval:

Mr. Hodgkins agreed to conditional approval.

Ms. Phillips agreed to conditional approval;

Ms. Szurek agreed to conditional approval;

Mr. Mitchell agreed to conditional approval;

Mr. Kadleck agreed to conditional approval;

Mr. Wilkinson asked Mr. Schermerhorn if the ZBA has anything to add.

Mr. Schermerhorn stated that they would incorporate any contingencies within their decision.

Mr. Wilkinson stated that the Board forwarded the application to the Harmony Fire Department and has not received a response.

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

The Board completed the EAF.

Mr. Wilkinson read the Resolution into the record:

TOWN OF CHARLTON

RESOLUTION OF PLANNING BOARD APPROVING SITE PLAN

Parcel: 4214 Jockey Street

WHEREAS, Gilbert Van Guilder Land Surveyor, PLLC of Clifton Park, New York, on behalf of Carl Pickett, Jr., did present for site plan approval, a map entitled, Site Plan for Carl Pickett, Jr., for real property situate at 4214 Jockey Street, Town of Charlton, County of Saratoga, New York, dated September 13, 2011, and last revised February 21, 2012, and

WHEREAS, notice of a public hearing on such matter was duly published according to law, and said Planning Board did meet at Town Hall at Charlton, New York, on the 16th day of January, 2012, at 7:30 oæclock PM, the time and place specified in said notice, and did then and there hear all persons interested in the subject matter concerning the same,

Now, THEREFORE, BE IT RESOLVED, that the map entitled Site Plan for Carl Pickett, Jr., for real property situate at 4214 Jockey Street, Town of Charlton, County of Saratoga, New York, be and the same is hereby approved, subject to the following conditions:

1. That the applicant shall obtain an Exceptional Use Permit in accord with Article VII Special Exemption to Designated Land Uses of the Town of Charlton Zoning Ordinance, on or before June 1, 2012.
2. That such Exceptional Use Permit shall not be inconsistent with the terms and conditions of this site plan approval.
3. Based upon the express representations and statements of the applicant, his counsel, Thomas Peterson, Esq., and his land surveying consultant, Duane Rabideau, P.L.S., that restroom facilities are not required by code, law, rule, regulation or otherwise, no

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restroom shall exist within the premises to be constructed for the proposed gun sales and repair shop.

4. That the applicant shall obtain all required permits for work within the 100ø wetland adjacent area, from the NYSDEC, on or before June 1, 2012.

In the event no permits are required, applicant shall obtain a signed writing from NYSDEC, so stating, on or before June 1, 2012.

Dated: March 19, 2012
Charlton, New York

Jay Wilkinson, Chairman

Mr. Kadlecek seconded the motion. All were in favor.

Resolution 2012-03 was made.

Zoning Report

The Board reviewed the Zoning Report.

Town Board Liaison

Mrs. Verola was not present.

Correspondence

Mr. Wilkinson stated that he will email Mrs. Verola regarding the April Planning Federation Conference.

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

The meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary