

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

Minutes of the Planning Board Meeting – May 21, 2012

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

Present Planning Board: Jay Wilkinson, Chairman, John Kadlecek, Mark Hodgkins, Mike Armer, 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. Chris Mitchell joined the meeting at 7:45 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the April 16, 2012 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Mr. Wilkinson stated that there were no Public Hearings on the agenda.

Subdivisions

Mayer (236.-1-97)

Mr. Wilkinson stated that this application was first before the Board in May of 2011. Mr. Wilkinson stated that the Board has received updated information. Mr. Wilkinson stated that this is a 12 acre parcel on Maple Avenue. Mr. Wilkinson stated that the intent is to subdivide the 12 acre parcel into a 2 acre parcel and a 10 acre parcel. Mr. Wilkinson stated that Lot 1 will consist of 2 acres and the existing home and improvements. Mr. Wilkinson stated that Lot 2 will consist of 10 acres in which the applicant will build a new single family home. Mr. Wilkinson stated that there were issues with the structures not being the required setback distances. Mr. Wilkinson stated that new maps have been received.

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

Mr. Wilkinson stated that last month Mr. Lansing provided new information to the Board. Mr. Wilkinson stated that Mr. McNamara is present to review the latest revisions to the plans and advise if they meet the requirements as a compliant preliminary plan. Mr. Wilkinson stated that if the Board deems the plans as complaint then the Board could move forward with preliminary approval. Mr. Wilkinson stated that the Board would need to take lead agency and make a SEQRA determination. Mr. Wilkinson stated that if the Board moves forward then there is 62 days to schedule the Public Hearing. Mr. Wilkinson stated that the Board could set the hearing as well. Mr. Wilkinson stated that the applicant is looking for preliminary approval to go to the Town Board for water district extension approval.

Zoning Report

Mr. Wilkinson stated that the Board has not received the current report for review.

Correspondence

Mr. Wilkinson stated that there are two training opportunities.

Mr. Wilkinson distributed copies of his draft letter to Fire Department #1 recommending that they require Mr. Cyphers to have his private bridge recertified periodically. Mrs. York was asked to forward the letter with minor changes.

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 7:25 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 April 16, 2012 minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Armer abstained.

SUBDIVISIONS

Mayer (236.-1-97)

Julianne Mayer appeared before the Board.

Mr. Wilkinson stated that the intent is to subdivide the 12 acre parcel into a 2 acre parcel and a 10 acre parcel. Mr. Wilkinson stated that Lot 1 will consist of 2 acres and the existing home and improvements. Mr. Wilkinson stated that Lot 2 will consist of 10 acres in which the applicant will build a new single family home. Mr. Wilkinson stated that the Board has new maps.

Ms. Mayer stated that she has moved the horse and the structure that was housing the horse is now a shed.

Mr. Wilkinson stated that he saw the horse at the shed and has pictures of the horse at the shed.

Ms. Mayer stated that she has two pastures and showed the Board where the horse is overnighed.

Mr. Wilkinson stated that the only change is that the lot line was moved so the shed can be there but as evidenced by the pictures, the horse is still using the shed.

Ms. Mayer stated that she will be storing hay in the shed and also a lawnmower. Ms. Mayer stated that a woman on the Board said that a pole barn is ok. Ms. Mayer stated that she will close the shed off to the horse and once that is done is the rest of the map is ok.

Mr. Wilkinson stated that with some minor changes the map is ok. Mr. Wilkinson stated that the Zoning Ordinance is clear about horses and the horse cannot be at the shed.

Ms. Mayer stated that the shed is no longer a horse barn, she will close the door. Ms. Mayer stated that the horse uses both fields. Ms. Mayer showed the fields on the drawing.

Ms. Szurek inquired how many horses were there.

Ms. Mayer stated 1 horse but there is room for 2.

Mr. Armer inquired about the electric fence.

Ms. Mayer stated that there are 2 electric fences. Ms. Mayer showed the location on the drawing.

Mr. Hodgkins suggested closing off the way to the shed so the horse could not go in there.

Ms. Mayer stated that the horse is no longer housed in the shed and inquired what she could do to prove that to the Board.

Ms. Szurek stated that there is a distance requirement because of the manure.

Ms. Mayer stated that she could close off the area so the horse could not get to the shed.

Mr. Kadlecek inquired if the shed was an active garden shed and unsafe for a horse.

Ms. Mayer stated yes, there is yard equipment, a lawn mower and hay stored there.

Mr. Hodgkins stated that this becomes an enforcement issue after the fact.

Mr. Wilkinson polled the Board about moving forward.

Mr. Hodgkins stated that he was amenable to moving forward.

Ms. Phillips stated that there is no differentiation between the shed and animal housing.

Mr. Armer stated that horses are creatures of habit. Mr. Armer stated that the map shows the horse still having access to the shed. Mr. Armer stated that there is also an enforcement issue.

Mr. Hodgkins suggested changing the fence.

Ms. Szurek agreed.

Mr. Wilkinson stated that the fence could be changed so that there is no access for the horse to the shed.

Mr. Kadlecek agreed.

Ms. Mayer stated that there is a fence there and she would make sure that it is closed off to the horse and will instruct her 13 year old granddaughter not to lead him there.

Mr. Wilkinson stated that the Board will forward the application to the County Planning Board for their review. Mr. Wilkinson stated that the Board will also send the application to the Town Engineer for review and that Ms. Mayer could expect a letter from the Town Engineer requesting she fund her engineering escrow account with the Town. Mr. Wilkinson stated that the Board could not move forward without the County and engineering comments.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency for purposes of SEQRA. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson reviewed the application process with the applicant.

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

Scott Lansing appeared before the Board.

Mr. Wilkinson stated that the letter of May 7th from Lansing Engineering answered some of the Board's questions. Mr. Wilkinson stated that some of the major concerns of the Board have been addressed. Mr. Wilkinson stated that he asked Mr. McNamara to be present to answer questions for the Board to move the application further.

Mr. Wilkinson stated that at the last meeting the Board requested information on the use of pipe sizing for a 10 year storm event for SWPPP. Mr. Wilkinson stated that the Board is concerned with the possibility of a 25 year, or 100 year storm, and where does the extra stormwater go.

Mr. Lansing stated that he would like to summarize their intent for tonight and then he will answer the Board's question. Mr. Lansing stated that they have submitted a preliminary application to the Board and have received comments from Mr. McNamara. Mr. Lansing stated that he did discuss the comments with Mr. McNamara and it was the consensus that a majority were technical in nature, something that could be addressed just before final approval of the project. Mr. Lansing stated that the applicant is very conscious of the amount of time that is being spent on the project and the associated costs with that and they were hoping for preliminary approval so they can get the water commitment on the project before they advance to adjust all of the technical comments on the plan. Mr. Lansing stated that they looked at the verbal comments that were presented at the last meeting and tried to answer those in the letter. Mr. Lansing stated that they also tried to answer whatever comments from Mr. McNamara's letter that might have changed the layout of the project or the way that the project looked, felt or functioned. Mr. Lansing stated what they felt was a primary change in the plan was a shift of the basin out by the road way, shifted back to preserve the row of trees. Mr. Lansing stated that is the only physical difference you may see on the plan. Mr. Lansing stated that their goals for tonight is to have a Public Hearing set for the next meeting and advance towards preliminary approval.

Mr. Wilkinson stated that the Board is on the same page.

Mr. Lansing stated that as far as pipe sizing, what they do is take a look at the drainage area that contributes to a certain catch basin or a certain pipe and then they size that pipe off the 10 year storm event for that certain drainage area. Mr. Lansing stated that when they size a pipe they typically size it to the crown of the pipe so that the pipe flows without any surcharge over the crown of the pipe. Mr. Lansing stated that if you add surcharge to the pipe, the amount of water that can go through that pipe increases rather significantly. Mr. Lansing stated that they did not look at every single inlet whether it could take a 25, 50 or 100 year storm event. They are very confident that if you put 1 or 2 foot of surcharge that it would take much higher storm events. Mr. Lansing stated that in the event it was something that went into the roadway where the pipe could not take it, there are the swales on the roadway where water would follow along the edge of the pavement and skip over the catch

basin until it got to the low point of the site. Mr. Lansing stated that they would be more than happy to look at the individual runs before final approval and give estimates on how much surcharge there would be on each structure.

Mr. Kadlecek inquired if the overflow would ever go toward the houses or would it always stay next the road.

Mr. Lansing stated that the low points of the lots do drain towards the roadway so the water should have that tendency to follow in that swale in the roadway.

Mr. Kadlecek stated that a suggestion of the town engineer was, instead of the lot next to Swaggertown having ownership of the SWM pond, that it be carved off, whatever is needed for a stormwater management parcel so that the owner would not have the responsibility of having things done on his property.

Mr. Lansing stated that could be done.

Mr. Kadlecek also suggested a buffer of trees.

Mr. Lansing stated that could be done.

Mr. Kadlecek inquired if, as a back up to the HOA, the Town could be granted the authority to go in and maintain the stormwater management parcel, if necessary, to maintain the health and safety of the Town.

Mr. Lansing stated that it could be written in the HOA documents. Mr. Lansing stated that the attorneys could discuss it further.

Mr. Kadlecek inquired about drought periods and how low the retention ponds could go and still function.

Mr. Lansing stated that the information is in the stormwater design manual.

Mr. Kadlecek asked for a copy of the information.

Mr. Mitchell inquired how the volume for the catch basin was determined.

Mr. Lansing stated that it is based on surface area.

Mr. Mitchell inquired as to the basis of rainfall for the volume.

Mr. Lansing stated that he does not have that information with him.

Mr. Kadlecek inquired about dividing lot 14 in half to enhance the property on both sides.

Mr. Lansing stated that he could look into that.

Mr. Wilkinson stated that he would forward the application to the County tomorrow.

Mrs. York stated that another set of plans was needed.

Mr. Lansing will provide another set.

Mr. Wilkinson stated that the Board has a complete preliminary application.

Mr. McNamara stated that he has verified that the design regulations list on pages 13 and 14 of the Subdivision Regulations are on the drawing.

The Board completed the long Environmental Assessment Form.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency for the purposes of SEQRA and that the action is a Type I action under SEQRA with a negative declaration on the Heflin/Durst/Lansing subdivision. Mr. Kadlec seconded the motion. All were in favor.

Mr. Keniry stated that the Board could move forward to schedule the Public Hearing. Mr. Keniry stated that the Board could also grant preliminary approval.

Mr. Wilkinson made the motion to approve the preliminary site design project of the Heflin/Durst/Lansing Subdivision located on Swaggertown Road as demonstrated to the Planning Board originally dated 8/31/10 revision date 5/7/12 with the SWPPP set, road location set and lot numbers set, that it will be subject to changes for final approval. Mr. Kadlec seconded the motion.

Roll call vote was taken:

Mr. Hodgkins – aye

Mr. Kadlec – aye

Ms. Phillips – aye

Mr. Wilkinson – aye

Mr. Armer – aye

Mr. Mitchell – aye

Ms. Szurek – aye

Motion carried.

Mr. Wilkinson made the motion to schedule the Public Hearing for June 18, 2012 at 7:30 p.m. Mr. Armer seconded the motion. All were in favor.

Zoning Report

The Board will review the Zoning Report at the next meeting.

Town Board Liaison

Mrs. Verola was not present.

Correspondence

The Board reviewed the training opportunities during the agenda meeting.

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

The meeting was adjourned at 9:07 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary