

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

Minutes of the Planning Board Meeting – February 20, 2012

Chairman Jay Wilkinson called the meeting to order at 7:08 p.m. at the Charlton Town Hall.

Present Planning Board: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Dawn Szurek, Mike Armer, Marilyn Phillips, Tracy Bullet, Acting Planning Board Attorney, Susan York, Planning Board Clerk, Kim Caron, Recording Secretary and Don Schermerhorn, ZBA Chairman. Chris Mitchell joined the meeting at 7:35 p.m.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the January 16, 2012 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mrs. Wood and 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

Mr. Wilkinson stated that there were no Public Hearings scheduled for this evening.

Pre-Application Conference

Palmer/Cotter (247.-1-29.111)

Mr. Wilkinson stated the applicant, Shirley Palmer, would like to sell approximately 6 acres to her neighbor, Dave Cotter. Mr. Wilkinson stated that the land is primarily located in the Town of Ballston and there is only a sliver in the Town of Charlton. Mr. Wilkinson stated that he spoke to Mr. Keniry regarding the process and his comments were that the Board has to go through the normal process regardless of the size of the parcel. Mr. Wilkinson stated that the applicant would need to file a complete application with a survey map and supporting documents.

Site Plan Review

Pickett (236.-1-28)

Mr. Wilkinson stated that this an application for a gun shop. Mr. Wilkinson stated that the Planning Board and Zoning Board had a joint Public Hearing in January on this application. Mr. Wilkinson stated that Mr. Rabideau has provided new drawings addressing Mr. McNamara's comments.

Mr. Wilkinson stated that the ZBA met on January 24<sup>th</sup> and the outcome of that meeting is that the applicant has agreed to a number of changes. Mr. Wilkinson provided the Board with a comment letter from the ZBA summarizing the changes. Mr. Wilkinson read the letter to the Board. A copy of the letter is annexed hereto as **Attachment 1**.

Subdivisions and Lot Line ChangeCyphers (247.-1-53)

Mr. Wilkinson stated that this is a two-lot exempt subdivision of a 125 acre parcel on Valentine Road. Mr. Wilkinson stated that the applicant is proposing to subdivide a 10 acre parcel from the 125 acres for a building lot. Mr. Wilkinson stated that Lot 1 will consist of 115 acres containing the existing residence and improvements and fronts on Valentine Road. Mr. Wilkinson stated that Lot 2 will consist of 10 acres and will front on Sweetman Road. Mr. Wilkinson stated that the applicant is proposing using the existing driveway for access. Mr. Wilkinson stated that there is an existing utility easement that will be included on the new lot.

Mr. Wilkinson stated that Duane Rabideau is representing the applicant.

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

Mr. Wilkinson stated that this is a lot line change and a subdivision. Mr. Wilkinson stated that the proposal is to divide 14 acres that fronts Jockey Street and Packer Road into two lots. Mr. Wilkinson stated that this action would create a 5.5 acre parcel which will front on Packer Road and an 8.6 acre parcel which will front on Jockey Street.

Mr. Wilkinson stated that the executor of the Hall estate is proposing a lot line adjustment between a common line on his property and the Hall Estate. Mr. Wilkinson stated that the Board can handle this as one continuous action. Mr. Wilkinson stated that the Board could do the Public Hearing for the lot line change and the subdivision at the same time. Mr. Wilkinson stated that there are minor changes needed to the documents provided.

Town of Galway Referral (212.-1-29.11)Sanders Estate (212.-1-29.11)

Mr. Wilkinson stated that this is a subdivision and a lot line change on Sacandaga Road.

Mr. Wilkinson stated that the Board could send a letter thanking the Galway Planning Board for the notification and that the Board has no comments to provide.

#### Zoning Report

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

#### Correspondence

Mr. Wilkinson stated that the Board could discuss lessons learned at the County Planning and Zoning Conference on January 25, 2012.

Mr. Wilkinson provided a summary prepared by Alan Grattidge.

#### Town Board Liaison

Mrs. Verola was not present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. All were in favor. Agenda meeting closed at 7:26 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 January 16, 2012 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Armer abstained.

### **PRE-APPLICATION CONFERENCE**

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

Shirley Palmer and Penny Heritage appeared before the Board.

Mrs. Palmer stated that she is selling approximately 6 acres to her neighbor and a sliver of the acreage is located in the Town of Charlton. Mrs. Heritage showed the parcel and the Cotter parcel on the sketch plan. Mrs. Heritage stated that they are trying to follow the fence lines for the parcels.

Mr. Wilkinson stated that the Board needs an application and a survey containing the standard notes.

Mr. Wilkinson stated that the Board would need to send the application to the County for their comments.

Ms. Bullet informed the applicant that the two parcels would need to be merged onto one deed and explained why this was necessary. Mrs. Bullet stated that the merge would be a condition of approval.

Mr. Wilkinson stated that the deadline for document submission to get on the March agenda is March 5<sup>th</sup>. Mr. Wilkinson stated that since this is a lot line adjustment the Board usually waives the fees and the Public Hearing.

### **SITE PLAN REVIEW**

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

Mr. Wilkinson stated that at the January 24<sup>th</sup> meeting of the ZBA, the applicant agreed to a number of changes. Mr. Wilkinson stated that the ZBA provided a letter summarizing the changes. Mr. Wilkinson read the letter.

Mr. Rabideau confirmed the size of the new building is 40 x 50.

Mr. Pickett confirmed that “gun shop” will not be on the farm sign.

Mr. Wilkinson stated that Tom Peterson, the applicant’s attorney, is researching the bathroom facility requirements.

Mr. Rabideau distributed new plans and stated that the plan they have provided should address all of Mr. McNamara’s comments of 2/15. Mr. Rabideau stated that they are still waiting to hear back from DEC to see if a permit is going to be required. Mr. Rabideau stated that they have an e-mail into DEC and their response will either be that we are within the Zone of Occupancy and no permit will be required or a wetland disturbance permit would be required.

Mr. Rabideau addressed the comments in Mr. McNamara’s letter of 2/15. Mr. Rabideau stated that they have shown the erosion control measures and the silt fence detail. Mr. Rabideau stated that the pavement area has been shifted to the south and the shaded area is the 4 parking spots. Mr. Rabideau stated that there will be asphalt for handicapped use. Mr. Rabideau stated that there will be something there to prevent vehicle collision. Mr. Rabideau stated that there is five feet between the building and the edge of the parking spaces for handicapped access. Mr. Rabideau showed where they propose to add additional crushed stone to the driveway to widen it. Mr. Rabideau stated that for drainage purposes, they have raised the building ½ foot so that the water will drain on both sides of the

building. Mr. Rabideau stated that the site plan is set up as to what was discussed at the ZBA meeting on 1/24.

Mr. Wilkinson stated that the Board has received County approval. Mr. Wilkinson stated that the open items are documentation resolving the bathroom issue and DEC response.

Mr. Rabideau stated that the NYS Building Code states that as long as there is a bathroom within 500 feet they do not need to put a bathroom in the building. Mr. Rabideau stated that Mr. Gizzi agrees with that.

Mr. Wilkinson stated that on the next drawing revision “gun shop” needs to be removed from the sign.

The Board discussed the generator requirement.

Mr. Wilkinson read from the January 24<sup>th</sup> ZBA minutes pertaining to the generator.

Mr. Pickett agreed that a 24/7 automatic 30 kw generator will be there.

Mr. Rabideau stated that they will put the generator on the drawing.

Mr. Armer inquired if three feet of fill would be needed on the far corner of the building extension.

Mr. Rabideau stated that was correct. Mr. Rabideau stated that it feathers back out to the front.

Mr. Armer asked if there was a plan for getting rid of water if it was found there since they would be digging roughly 4-5 feet for the footings and that 4-5 feet would be lower than the lowest wetland area.

Mr. Pickett stated that he does not think they will have a problem there since it is shale.

Mr. Wilkinson stated that one of the drawings provided shows a footing below ground.

Mr. Rabideau stated that they would dig and pour the footing.

Mr. Armer stated that they would not have the ability for a daylight drain.

Mr. Pickett stated that the lowest edge on the adjacent property is lower than that.

Mr. Wilkinson stated that it would be a concern.

Mr. Wilkinson stated that the Board could draft a letter to the ZBA of the Site Plan review to date and the Board’s open concerns. Mr. Wilkinson stated that the open concerns are the

bathroom facilities, remove “gun shop” from sign and the DEC approval for encroachment and additional fill.

Ms. Szurek inquired about the distance between the edge of the house to the edge of the new building.

Mr. Rabideau stated 22 feet.

Ms. Szurek stated that the Zoning Ordinance states 25 feet.

Mr. Rabideau stated that they would shift the building.

### **SUBDIVISIONS AND LOT LINE CHANGE**

#### **Cyphers (247.-1-53)**

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that this is a 125 acre parcel on Valentine Road. Mr. Wilkinson stated that the intent is to subdivide a 10 acre parcel off. Mr. Wilkinson stated that Lot 1 would have the existing house and improvements and Lot 2 would be the 10 acre building lot for a single family home.

Mr. Wilkinson stated that the new lot would use the existing driveway and utility easements.

Mr. Rabideau distributed colored copies, with notes, of an overhead view of the parcel that shows the existing home on Valentine Road and the proposed 10 acre parcel on Sweetman Road.

Mr. Rabideau stated that this is a two lot subdivision of a 125 acre parcel. Mr. Rabideau stated that the proposal is to subdivide a 10 acre building lot for a single family home. Mr. Rabideau stated that this parcel will use the existing driveway. Mr. Rabideau stated that there would be minimal visual and environmental impact. Mr. Rabideau stated that Al LaRue uses the road to access fields in the back and there is also a small gravel pit. Mr. Rabideau stated that no clearing will be done. Mr. Rabideau stated that the 10 acres is set up around the existing conditions to minimize the impact.

Mrs. Wood inquired about the easement.

Mr. Rabideau stated that this driveway is part of this lot and there will be an easement over the access.

Mr. Mitchell stated that the driveway was created to Sweetman Road and its original purpose was not only for the combine but for fire protection because the bridge was not sufficient.

Mr. Rabideau stated that he has found out that the bridge has been certified for fire trucks.

Mr. Wilkinson stated that the Board would need to see documentation of that.

Mrs. Wood stated that her concern was for the protection of the AG fields.

Mr. Rabideau stated that the fields cannot be cut off and once the easement is in place it is forever.

Ms. Phillips inquired what was north of the well.

Mr. Rabideau stated that it was a turnaround. Mr. Rabideau stated that the applicant is cutting off a 10 acre parcel for his friend whose house washed away along the Schoharie Creek from Irene.

Mr. Wilkinson stated that the Board has concerns with the easement.

Mr. Rabideau stated that they can put on the drawing that the easement is not a Town issue but a legal issue. Mr. Rabideau stated that there will be no further subdivisions. Mr. Rabideau stated that if Irene has not happened then the applicant would not be subdividing.

Mr. Wilkinson and Mr. Armer inquired about moving the line farther up north to run with one of the boundaries.

Mr. Rabideau stated that they configured the lots this way to give them the ability for more lots if wanted.

Mr. Wilkinson stated that the driveway note needs to be added regarding the easement not being a town issue. Mr. Wilkinson asked for a scale of the overall plan as required on page 14 of the zoning regulations.

Mr. Wilkinson stated that the Board would like to see:

- revised scale on the drawing;
- documentation regarding the certification of the bridge; and
- shared driveway note not being a town issue.

Mr. Rabideau inquired if this was an exempt subdivision.

Mr. Wilkinson stated that the Board has the ability to waive the Public Hearing since this is a two lot subdivision.

Mr. Armer stated that there have been issues in the past with subdivisions on the end of a road.

Mr. Rabideau stated that people receive notice of the hearing and get all upset without knowing what the proposal is.

Mr. Wilkinson polled the Board about holding the Public Hearing:

Mr. Wilkinson stated that he would like to hold a Public Hearing.

Ms. Phillips agreed

Mr. Kadlecik agreed.

Mrs. Wood agreed.

Mr. Armer agreed.

Ms. Szurek agreed.

Mr. Mitchell agreed.

Mr. Wilkinson made the motion to designate the Planning Board as lead agency status for the purposes of SEQRA. Mrs. Wood seconded the motion. All were on favor.

Mr. Wilkinson stated that the application would be forwarded to the County and Mr. McNamara for review.

Mr. Wilkinson made the motion to schedule the Public Hearing on March 19, 2012 at 7:30 p.m. Mr. Kadlecik seconded the motion. All were in favor.

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

Robert Finkle and Theresa Capozzola appeared before the Board.

Mr. Finkle stated that he would like to give some background on the parcel. Mr. Finkle stated that there was a subdivision in 2003 to create 2 lots and in 2004 they subdivided the remaining 39 acres into three lots including a 7 acre lot line adjustment to the Flint's on Packer Road.

Mr. Finkle stated that the proposed 17 acre lot will contain the farmhouse and outbuildings and the proposed 15 acre lot will be for a building lot for a smaller house.

Mr. Finkle stated that he would like to take the lot line from the 2004 subdivision and carry it straight to the back of the property and take the northern lot line and continue it leaving a 5 ½ acre lot with frontage on Packer Road. Mr. Finkle stated that there is a corn field there now but it has not been active the last couple of years.

Mrs. Wood inquired why he wanted to extend the small cape lot, why not sell it as one big field.

Mr. Finkle stated that the Realtor told him it would be easier to sell this way.

Mr. Wilkinson inquired if the lot on Packer Road was going up for sale.

Mr. Finkle stated that his brother has expressed interest in it.

Mr. Wilkinson stated that the Board will hear the application as one action, the lot line change and the subdivision. Mr. Wilkinson stated that one Public Hearing will be scheduled for both.

Mr. Wilkinson stated that the well note needs to be added to the drawing and the wording for the right to farm note needed to be revised to match Charlton's standard notes. Mr. Wilkinson stated that a curb cut note also needed to be added. Mr. Wilkinson stated that the Board would like to see contour lines on the drawing at intervals of 5 feet. Mr. Wilkinson referred to page 13 of the subdivision regulations for the list of requirements for the drawing. Mr. Wilkinson asked for the zoning district to be added as well as "site statistics" which is a block with the zoning district, minimum lot size, lot width, setback distances, test pits and soil observations and the perk rate.

Mrs. Capozzola inquired if the building inspector needed to be notified for the perk tests.

Mr. Wilkinson stated that the building inspector needed to be notified at least 48 hours before.

Mr. Armer stated that there would be documentation from the engineer that witnesses the tests.

Mr. Wilkinson stated that the Board would forward the application to the County and Town Engineer, Mike McNamara.

Mr. Wilkinson stated that a follow up letter would be sent itemizing the Board's requests. Mr. Wilkinson stated that the submittal date for the March agenda is March 5<sup>th</sup>.

Mrs. York pointed out that Packer Road was misspelled on the inset map.

Mr. Finkle inquired why the subdivision was not exempt.

Mr. Wilkinson stated that since there was a subdivision on the property within the last 15 years it is not an exempt subdivision.

Mr. Finkle inquired if the Public Hearing could be scheduled now.

Mr. Wilkinson polled the Board. The Board agreed to wait until a complete application was submitted with supporting documentation.

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

Mrs. Capozzola asked for clarification of the engineering fees.

Mr. Wilkinson clarified the number of drawings the Board was requiring.

Mr. Wilkinson stated that when the new drawings are received they would be forwarded to the County and Mr. McNamara.

**Zoning Report**

The Board reviewed the Zoning Report.

**Town Board Liaison**

Mrs. Verola was not present.

**Correspondence**

Addressed in the Agenda meeting.

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

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

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary

**REVIEWED FOR APPROVAL BY R. VANVRANKEN, ATTY. ON 2/17/2012**

**APPROVED**

January 27, 2012

Mr. Jay Wilkinson, Ch.  
Planning Board – Town of Charlton  
758 Charlton Road  
Charlton, NY 12019

**Attachment 1**

RE: Pickett (236.-1-28)

Mr. Wilkinson:

Per the Zoning Board of Appeals (ZBA) meeting held January 24, 2012, the ZBA has determined that at subject meeting the above Special Exception Use Variance Applicant (Mr. Carl Pickett) has reviewed with the ZBA the findings and comments of the Planning Board's Site Plan Review, as described in your letter dated January 22, 2012, and the following has been agreed to by the Applicant, and Applicant's Legal Counsel:

- 1- Applicant will provide an engineered revised Site Plan for Planning Board Review to include:
  - 1) Construction of a New Building
    - a. Location, dimensions, elevations, for a 40' X 50' (maximum 2000 sq. ft.) one-story structure to be located in the vicinity of the currently planned (11/1/11 rev. Site Plan)  
"Agricultural Storage & Repair Shop" and "Wood Frame Barn"
    - b. Engineered construction drawings to include reference/notation to applicable NYS and Town Building Codes
    - c. Building security systems and operations assuring 24-7 monitoring and security notification methodology, and redundancy
    - d. Lighting plan as proscribed by parameters described in the Planning Board's Findings and Comments of 1/22/12
    - e. Landscaping
    - f. Parking revision (if applicable)
  - 2) Elimination of the existing Metal Storage Building being described as "To Be Converted"
  - 3) Elimination of Street Signage
  - 4) Documentation supporting the Applicant's opinion that a bathroom facility is not a requirement for the proposed retail/mercantile operation

It is our understanding that the Planning Board's next meeting date is February 20, 2012 and the Applicant has agreed to provide the above information to the Planning Board and the ZBA in a timely manner for review.

The ZBA requests the Planning Board to re-visit its previous Site Review in light of the proposed Site Plan revisions to be submitted and provide its completion of comments and findings appropriate to its review process and determinations pursuant to SEQRA to the ZBA.

Respectfully submitted,

Don E. Schermerhorn, Ch.  
Town of Charlton, Zoning Board of Appeals