

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

Minutes of the Planning Board Meeting – April 16, 2012

Chairman Jay Wilkinson called the meeting to order at 7:06 p.m. at the Charlton Town Hall.

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

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the March 19, 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

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

Mr. Wilkinson stated that there would be a Public Hearing on the Hall Subdivision and lot line change.

Subdivisions and Lot Line Change

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

Mr. Wilkinson stated that this is a subdivision of a 15+ 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 new drawings were provided at the last meeting. Mr. Wilkinson stated that Mr. McNamara has reviewed the latest drawings and all of his comments from the March 14th letter have been addressed.

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.

Mr. Wilkinson stated that at the last meeting the Board requested an updated certification for the bridge. Mr. Wilkinson stated that a letter has been received stating that there is “no evidence of deterioration”.

The Board discussed the timeframe for recertification of the bridge.

Mr. Keniry stated that if the applicant is willing to make the commitment, it is an appropriate request of the Board. Mr. Keniry stated that a note could be put on the mylar. Mr. Keniry suggested that the Board request that the applicant put a note on the mylar that states that the bridge must be recertified for safety at reasonable prudent intervals.

Mr. Hodgkins suggested notifying the fire department.

Mr. Keniry stated that if the subdivision is approved the Board can send the map to the fire department together with the 2006 certification and the current certification to keep them apprised.

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

Mr. Wilkinson stated that the applicant has new information to present to the Board.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the Town’s fee schedule has been updated.

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 7:28 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 19, 2012 minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor. Mrs. Wood abstained.

PUBLIC HEARING

Hall (236.-1-55.112 and 236.-1-55.111)

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on 4/9/12. Mr. Wilkinson read the notice. Mr. Wilkinson also stated that the cards were mailed to the neighbors.

Mr. Wilkinson opened the Public Hearing.

Mr. Finkle: The plan hasn't changed much. It's a minor subdivision of a 15 ½ acre parcel consisting of a lot line adjustment to the south which adds approximately 1.3 acres to the lot to the south owned by myself. The lot line created creates a second lot with frontage on Packer Road approximately a 5.5 acre lot and the existing home situated on the 8.6 acre lot (inaudible). The orange line is the existing lot, the green line is the new lot and the yellow line is the lot line adjustment. Site statistics and pertinent information involving the comments from the town engineer, I did receive a copy of the letter that the plans have been forwarded to him and the comments incorporated and there were no further comments or requests (inaudible).

Mr. Wilkinson opened the Hearing to the floor.

No one was present for the Public Hearing.

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

Public Hearing closed at 7:36 p.m.

SUBDIVISIONS AND LOT LINE CHANGE

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

Mrs. Wood inquired if the southern boundary of the lot off of Packer Road had a stonewall there.

Mr. Finkle stated that there is not because it is an open corn field.

Mr. Wilkinson stated that in March new maps were provided addressing all of the Board's questions that were raised at the February meeting and the Town Engineer's March 14th letter. Mr. Wilkinson stated that on April 12th the Board received letter from Mr. McNamara stating that all comments of his March 14th letter had been addressed. Mr. Wilkinson stated that the Board took lead agency status on February 20, 2012. Mr. Wilkinson stated that the application was referred to the County on March 7th and approval was received on March 19th. Mr. Wilkinson stated that the Board has a complete application and can act.

Mr. Wilkinson made the motion that the proposed action is an unlisted action under SEQRA with a negative impact declaration relative to the environmental impact on the subdivision of the lands of the Hall Estate situated at 4138 Jockey Street also with frontage on Packer Road. Mr. Kadlecek seconded the motion. All were in favor.

The Board completed the EAF.

Mr. Wilkinson made a motion to approve the subdivision of the lands of the Ruth Hall Estate situated at 4138 Jockey Street and with frontage on Packer Road and a Lot Line Change between the common line of the Ruth F. Hall Estate and the Lands of Robert R. Finkle also be approved and authorize the chairman to sign the mylars as Resolution 2012-04. Mr. Mitchell seconded the motion. All were in favor.

Resolution 2012-04 was made.

Cyphers (247.-1-53)

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that the Board requested bridge recertification which has been received by letter dated March 26, 2012. Mr. Wilkinson stated that Mr. McNamara has reviewed the March 30th drawing and provided additional comments. Mr. Wilkinson stated that Mr. McNamara requested that the applicant tie down the corners of the lot.

Mr. Rabideau stated that the field boundaries were completed today and the maps will be updated.

Mr. Wilkinson stated that the Board took lead agency on February 20, 2012. Mr. Wilkinson stated that the application was referred to the county on February 20th and approval was received on March 16th. Mr. Wilkinson stated that the Board has a complete application and can act.

Mr. Hodgkins inquired if the applicant was willing to have the bridge recertified at reasonable intervals. Mr. Hodgkins also inquired if the applicant was going to notify the fire department and provide them with the certification.

Mr. Rabideau stated that the fire department has the original certificate and they will give them the new one to keep them up to date.

Mrs. Wood inquired why the bridge was certified in 2006.

Mr. Rabideau stated that the fire department requested it be done.

Mr. Keniry inquired if they were going to provide the fire department with a copy of the map.

Mr. Rabideau stated that they would.

Mr. Wilkinson stated that the Board would also send a letter to the Fire Department recommending review of the bridge at 10 year intervals.

Mr. Rabideau stated that they will give the fire department the whole package.

Mr. Keniry asked that Mr. Rabideau send him a copy of the letter to the fire department.

Ms. Phillips inquired about the easement having any restrictive access provisions.

Mr. Rabideau stated that the owner does not want any restrictions on that. Mr. Rabideau stated that he did not want restrictions in any form or fashion.

Ms. Phillips stated that her concern was that someday when there are two new owners of both lots and there is unrestricted access of 30-40 feet from the house.

Mr. Rabideau stated that would be worked out amongst themselves.

Ms. Phillips inquired how that was worked out.

Mr. Rabideau stated by deed language.

Mr. Keniry stated that the easement will run with the land. Mr. Keniry stated that it will be recorded in the deed. Mr. Keniry stated that unless the owner of Lot 1 terminates the easement it will run with the land and the owner of Lot 2 will suffer the burden.

Ms. Szurek inquired if the easement could become a road if there were further development of the parcel.

Mr. Keniry stated that it would be a private road, not a public road.

Mr. Rabideau stated that the applicant does not want any restrictions.

Mr. Wilkinson made the motion that the proposed action is an unlisted action under SEQRA with a negative impact declaration relative to the environmental impact on the subdivision of the Glen Cyphers property situated at 132 Valentine Road. Mr. Kadleck seconded the motion. All were in favor.

The Board completed the EAF.

Mr. Wilkinson made the motion to approve the Cyphers subdivision as Resolution 2012-05 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion. All were in favor. Ms. Phillips abstained.

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

Scott Lansing appeared before the Board.

Mr. Wilkinson stated that the applicant was last before the Board in April of 2011 and there were e-mails in May pertaining to stormwater management. Mr. Wilkinson asked Mr. Lansing for a presentation on where the plan was back in 2011 and what has changed.

Mr. Lansing stated that this is a subdivision of an 85 acre parcel located on Swaggertown Road across from Crooked Street. Mr. Lansing stated that the plan consists of 24 lots, 23 new lots and one lot with an existing home. Mr. Lansing stated that the proposal for the lots is 95 feet minimum frontage, 30 foot front yard setback, 20 foot side yard setback and 50 foot rear yard setback. Mr. Lansing stated that as part of the project, they are proposing that the project would be served by public water with the extension from the water down Crooked Street about 1000 feet to reach the project. Mr. Lansing stated that the reason why they are here seeking preliminary approval is because that approval is needed for them to go to the Town Board to get the water extension for the project. Mr. Lansing stated that then they will be back before the Planning Board for final approval. Mr. Lansing stated that there are individual waste water treatments proposed for disposal on the site. Mr. Lansing stated that they have done test pits on all of the systems and the systems have been designed in accordance with DOH and the Town of Charlton's standard as well. Mr. Lansing stated that for stormwater management, they have one large stormwater management area and a smaller stormwater management area. Mr. Lansing stated that the changes since the last meeting are that they have changed from two entrances to one entrance and open space has been shifted to the front toward the carriage way. Mr. Lansing stated that shifting of the stormwater basin did require profiling of the roads and the storm system. Mr. Lansing stated

that a lot of engineering effort has been done on this project. Mr. Lansing stated that the stormwater management area has been swapped. Mr. Lansing stated that they have shifted lots to the rear to maintain open space along Swaggertown Road. Mr. Lansing stated that the Parks parcel, a landlocked parcel, has been acquired by the applicant and has been folded into the project. Mr. Lansing stated that the lot configuration has shifted a little. Mr. Lansing stated that they received comments from Mr. McNamara. Mr. Lansing stated that they did address those comments and felt that they were technical in nature. Mr. Lansing stated that a copy of that letter was provided to the Planning Board. Mr. Lansing stated that one of the bigger hold ups and bigger reason for delay was relative to an archeological investigation, which was required, in order to address DEC and the SWPPP. Mr. Lansing stated that a Phase I investigation was done on the parcel and a portion of phase 2 as well. Mr. Lansing stated that the information has been provided. Mr. Lansing stated that they have done an extensive amount of work on the project and feel that they are ready for preliminary approval of the project. Mr. Lansing stated that they would like to advance the project forward.

Ms. Szurek inquired if Mr. Durst's driveway was included in the exit.

Mr. Lansing stated yes.

Mr. Wilkinson stated that he has spoken to Mr. McNamara and he is reviewing the new information from Mr. Lansing and will provide a response next week. Mr. Wilkinson stated that the Board needs Mr. McNamara's comments before moving forward. Mr. Wilkinson stated that the issue of the change in SWM regulations does not apply since this project met the criteria for plans submitted before the change.

Mr. Wilkinson inquired if the retention pond on the left as you enter the project would be switched to a dry pond.

Mr. Lansing stated that the standards for 2008 are primarily wet ponds.

Mr. Wilkinson stated that they used a dry pond for the new medical office on Stage Road.

Mr. Lansing stated that if the soil conditions were right then yes it could be done but that is not an option here.

Mr. Mitchell inquired about the State regulations for minimum lot size with public water and no sewer.

Mr. Lansing stated that he was not aware of any. Mr. Lansing stated that this project will have to have public water.

Mr. Mitchell inquired as to the size of the smallest lot.

Mr. Lansing stated ½ acre and showed the location on the drawing.

Mrs. Wood inquired how many of the bigger septic systems there would be.

Mr. Lansing stated that there would be 4.

Mr. Kadlecek referred to the SWPPP. Mr. Kadlecek read from section 6.0. Mr. Kadlecek inquired why use the 10 year number.

Mr. Lansing stated that the ten year event is a typical event that is used for sizing pipes. Mr. Lansing stated that when we size the pipes we size them with no surcharges, if you have a 12" pipe the water is below the crown of that pipe and we size that for the 10 year event. Mr. Lansing stated that 10 year event may have been taken from something written in the Town of Charlton's code. Mr. Lansing stated that he will double check that.

Mr. Kadlecek inquired what procedure was required to maintain 4 feet of water in an extended drought.

Mr. Lansing stated that there is a ground water elevation there which helps with the permanent pool. Mr. Lansing stated that he does not recall if there is a liner or not in the basin. Mr. Lansing stated that the basin helps hold that water in.

Mr. Kadlecek inquired how it would be recharged.

Mr. Lansing stated that it would have to be from a storm event. Mr. Lansing stated that he checked and there is a liner in the basin. Mr. Lansing stated that if there is an extensive drought the infrastructure connected to that basin will feed the water down to that basin.

Mr. Kadlecek asked Mr. Lansing to provide suggestions of what will be done if a severe drought happens.

Mr. Lansing stated ok.

Mr. Wilkinson stated that the Board would discuss the application next month after receiving Mr. McNamara's comments.

Mr. Lansing inquired if a public hearing could be scheduled.

Mr. Wilkinson stated that the Board needed Mr. McNamara's comments first.

Mrs. York suggested that the applicant update the neighbor list.

Zoning Report

The Board reviewed the Zoning Report.

Town Board Liaison

Mrs. Verola was not present.

Correspondence

The Board reviewed the fee schedule.

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

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary