

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

Minutes of the Planning Board Meeting – June 18, 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, Dawn Szurek , Chris Mitchell, Marilyn Phillips, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk, Kim Caron, Recording Secretary and Mike Emerich, Highway Superintendent.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the May 21, 2012 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson 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

Mr. Wilkinson stated that there would be a Public Hearings on the Heflin/Durst application at 7:30 p.m.

Subdivisions

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

Mr. Wilkinson stated that this is a cluster subdivision on Swaggertown Road. Mr. Wilkinson stated that the Board granted preliminary approval at the May meeting. Mr. Wilkinson stated that the Board also took lead agency and completed the long Environmental Assessment Form at the May meeting. Mr. Wilkinson stated that there will be a Public Hearing on this application this evening.

Mayer (236.-1-97)

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 the Board took lead agency in May. Mr. Wilkinson stated that the application has been forwarded to the County and should have a response by next meeting.

#### Site Plan Review

##### Route 67 Café Expansion Phase 1 (226.-1-9)

Mr. Wilkinson stated that the ZBA has referred this application to the Board for site plan review for an amendment to a special exception use permit for expansion to the Route 67 Café. Mr. Wilkinson stated that the Board will also be completing the SEQRA review.

#### Zoning Report

Mr. Wilkinson stated that the Board has the reports for April and May to review.

#### Correspondence

Mr. Wilkinson stated that there is a training opportunity in Washington County.

#### Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecsek. All were in favor. Agenda meeting closed at 7:22 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 May 21, 2012 minutes with changes incorporated. Mr. Kadlecsek seconded the motion. All were in favor.

### **PUBLIC HEARING (7:30 p.m.)**

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

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the Public Hearing notice was published in the Daily Gazette on June 11, 2012 and the neighbors were also sent notice by mail.

Mr. Wilkinson opened the Public Hearing.

Dean Durst: This parcel of land actually, there are three parcels here. The original parcel was a piece of property about 50 acres and that included the property that I now own. 18 acres was subdivided off in 1998 or 1999. I live currently on 18 acres of land. My house is at this spot on the subdivision map. Originally the application came in years ago. I'll go back before 2005. We actually started the process in 1995, that's 17 years ago. The first lot configuration was on just the original parcel. The street came back in and there was a loop and it came back out. Subsequent to that it went to another configuration where it had one road in and one road out down in the field with 700 foot separation. It finally came back to a conservation subdivision which we are looking at 85 acres total for the property but 23 lots. The lot sizes, this will be 6 acres, 6 acres, we have a number of lots that have over 5 acres and I think the smallest one is .8 of an acre, right Scott?

Scott Lansing: Half an acre.

Dean Durst: Half an acre would be the smallest lot. At this point in time, the perk tests have been done, the test pits have been done, and the road engineering has been done, pretty much everything. It's a nice spot. Swaggertown Road is here. It is exactly opposite Crooked Street. Where Crooked Street comes to Swaggertown, the entrance to the subdivision will be exactly opposite and continue on.

Jay Wilkinson: Why don't you give a little history about the piece of landlocked land in the back and where we moved the land and now where the homeowners association is going to be. This has been before the Board for a number of years and we have been trying to work out some of the problems with it.

Dean Durst: Right. Originally there was a lot here and what we did was there was a landlocked piece of property in the back that we agreed to purchase upon subdivision approval. We added a lot back in here and removed the lot out at the road so that keeps that green space open going back in. One of the other things, is along the road here, there is a buffer area that will remain uncut so it's going to still have a good green look when you are driving by the property. It's not going to look like we clear cut a field. Scott has the clearing lines drawn on the lots as well. Our philosophy is that it is a nice wooded area. I love living in the woods back there and we will do minimal clearing. The clearing will be what is required for a house, septic system, driveway but we are not going to take all of the trees out so it will be selective clearing just for construction purposes.

Scott Lansing: Overall the parcel is 85 acres. As far as roadway, we are proposing a roadway directly across from Crooked Street approximately 3000 feet total linear footage of roadway coming around. Water, storm and sewer, water would be public water extended from Crooked Street. There is a main line approximately 1000 feet down that would be proposed to be extended into the project. Waste water would be individual waste water treatment systems as Dean had mentioned. We have worked with the Town Engineer and the Town. We did do deep holes and perk tests on all the lots to verify that the soils are

suitable for the wastewater treatment systems. Stormwater management would be performed on site. We do have two stormwater management areas to mitigate the runoff from the stormwater on the site. We have done a full stormwater pollution prevention plan for the parcel. As far as the effort to this point, we have worked extensively both with the Planning Board and the Town Engineer. As Dean did mention, we did have different road configurations, we did have different open space configurations. One of the earlier renditions did have lots out in the front portion of the parcel but then a large open space area to be dedicated to the Town. That was swapped around and it was identified that the view from the carriage way on Swaggertown Road was something that was more in tune with the goals of the Town and the master plan for preserving the rural character of the area such that we did move the lots to the back and condensed some of the back and preserved the open space area in the front. That is essentially it. We are here tonight for a Public Hearing and any questions or comments that the public may have or the Board may have and hopefully move forward with the water district extension. Thank you very much.

Jay Wilkinson: At this time I will open the Public Hearing to the public to speak. Please state your name and address for the record.

Ken Streifert, 739 Swaggertown Road: I am adjacent to the property in the back. I want to know what's going on with the wetlands and what's going to happen to the two cricks that run down through there. There has been no mention of that.

Scott Lansing: The wetlands were delineated. We do have a DEC wetland in this area and we do have ACOE at the back end of the parcel. We have had those delineated by wetland scientists. We do have a couple impacts to the wetlands. We are below ½ acre of impact and we do have the permits.

Ken Streifert: Well several years ago when the Town started talking about wetlands up here, we had DEC down. They went through my property and all of that property and the guy said half of this land is wetlands and they can't build anything back here.

Scott Lansing: He is partially right. In the back portion there are scattered ACOE which do not require a setback but there is a DEC wetland that comes through this vicinity but there is a buffer associated with that.

Ken Streifert: It's hard for me to see, can I look at the map?

Scott Lansing: Sure.

Mr. Lansing showed Mr. Streifert several locations on the drawing.

Pete Vankeuren, 69 Crooked Street: Did I hear you right, there is going to be 23 lots?

Dear Durst: Yes.

Pete Vankeuren: My main concern is traffic through the area. Was a traffic study or some look at the traffic required by the Town for this? If there is 23 lots, if there is 1 ½ to 2 cars per house that would be about 40 trips a day. That in tandem with the Deer Run development going in which I think has 26 houses going in. Just in general it's going to be a lot more traffic for the area.

Jay Wilkinson: Correct. That is part of our environmental assessment review that we do. That is one of the questions but we have not hit a threshold mark so we did not ask for a traffic study.

Pete VanKeuren: Ok. My main concern through the years has been Crooked Street because it is a Town road that has never been built for a lot of extra traffic. In my opinion, the Town, sometime in the near future, is going to have to spend money to upgrade Crooked Street because it is a narrow road without lines. It is very dark. A lot of people use it for walking and biking and running so that is my main concern. If there was any look at the extra traffic that these developments would need to be mitigated.

Bob Bailey, 594 Goldfoot Road: Hi Dean, how you doing? Dean built my house a number of years ago. Is your northern boundary my boundary there?

Dean Durst: Yes.

Bob Bailey: One of the concerns that I have is that when we bought the property, my southern boundary, which I take to be the northern boundary of that, is also the Schenectady/Saratoga County line. On all of the survey maps that were available at the time, there is a section of that line that is annotated as undefined boundary, probably because it is in the middle of a swamp and the surveyors never got through there. I've walked it several times trying to figure out exactly where it went. So this all boils down to, how are we going to deal with that? Are you going to be surveying this and can I be assured of being informed of that?

Dean Durst: Your no hunting signs face my no hunting signs so that is kind of the existing boundary.

Bob Bailly: Which is kind of ill defined. I made sure my signs were on what I thought was my land.

Scott Lansing: The subdivision plans does include a survey that was done by a licensed surveyor. That subdivision plan will need to be certified by that licensed surveyor before it is filed in the County. A boundary has been done by a licensed surveyor, Santos and Associates. You can contact them and see what line may be in question or check the subdivision plans.

Bob Bailey: My property being uphill, there is a lot of seasonal runoff through there and at times it is pretty significant. Is this plan prepared to deal with that.

Scott Lansing: Yes.

Bob Bailey: I don't want to be responsible for the flood that comes off my land. It is not my fault.

Scott Lansing: As part of the stormwater pollution prevention plan that was prepared for the project, we did take a look at the drainage onto the property and did mitigate for our flows and have taken into consideration floods on the property and so forth. That has been submitted to the Town and we received approval by the Town designated Engineer.

Mr. Wilkinson made a motion to close the Public Hearing at 7:46 p.m. Mr. Kadlecsek seconded the motion. All were in favor.

### **SUBDIVISIONS**

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

Mr. Wilkinson asked Mr. Emerich for any comments he had.

Mr. Emerich stated that in keeping in order with Deer Run, the plans show that all of the catch basins are slated to be mortared. Mr. Emerich stated that they do not do that anymore. Mr. Emerich stated that everything has to be booted now. Mr. Emerich stated that all of the culvert connections and basement connections all have to be booted. Mr. Emerich stated that the only thing allowed for mortar is where we decide you need a mortar drain. Mr. Emerich stated that he saw in the specs fabric under the road. Mr. Emerich stated that he would like to keep it the same as Deer Run to stabilize the road better. Mr. Emerich stated that as for the storm retention ponds, the Town's preference is that they be maintained by the HOA because the maintenance down the road will be a nightmare. Mr. Emerich stated that they did the same with Deer Run.

Mr. Wilkinson stated that the Fire Department was notified of the Public Hearing but a representative is not present. Mr. Wilkinson stated that there was also no one present from the ECC. Mr. Wilkinson stated that since the Public Hearing was conducted there is a 62 day time clock for signing of the mylars. Mr. Wilkinson stated that the Board would like to come to an agreement about an extension of time should one become necessary.

Mr. Lansing stated that the applicant would like to wait for water district extension approval before moving forward with the Planning Board. Mr. Lansing stated that they would be submitting a draft of the proposal to Mr. McNamara tomorrow.

Mr. Wilkinson stated that the Board is in agreement to extend the 62 days if necessary.

Mr. Keniry inquired if the applicant had a specific date in mind.

Mr. Lansing stated that they did not.

Mr. Keniry suggested an extension of time sufficient for the applicant with the understanding that they can come before the Board sooner if they are ready. Mr. Keniry inquired if October 1<sup>st</sup> was acceptable to the applicant.

Mr. Lansing agreed to October 1<sup>st</sup>.

Mr. Wilkinson stated that the applicant would provide information before October 1<sup>st</sup> or will come to the September 17<sup>th</sup> meeting to request an extension.

Mr. Durst inquired as to the time frame for the water application.

Mr. Grattidge stated that the Town Board would need an updated map plan and report which would have to be reviewed by Mr. McNamara and Mr. Morgan. Mr. Grattidge stated that there is also a Public Hearing process to follow.

Mr. Lansing stated that they would start working on a draft tomorrow.

#### **Mayer (236.-1-97)**

No one appeared to address the Board.

#### **Site Plan Review**

##### **Route 67 Café Expansion Phase 1 (226.-1-9)**

Mr. Wilkinson stated that the Café is looking for a special exception use variance application for the expansion of the Café. Mr. Wilkinson stated that the ZBA has requested that the Planning Board do the site plan review and also the environmental quality review act for the property.

Les Ackerman, owner of Charette Associates, Architect, Eran Wasserman, owner of Route 67 Café and Chris Moore, Landscape Architect, appeared before the Board.

Mr. Ackerman stated that he had updated information for the Planning Board and photos. Mr. Ackerman provided information and photos for the Board.

Mr. Ackerman stated that they are only going forward with Phase 1 at this time. Mr. Ackerman stated that they do not want to be precluded from going forward with Phase 2, but at this time they are only moving forward with Phase 1. Mr. Ackerman stated that there are much more elaborate plans with Phase 2 and there are more occupancy implications with Phase 2 that they are not ready to undertake.

Mr. Ackerman stated that Phase 1 consists of a deck, a concrete patio and to permit accessible entrance into the structure. Mr. Ackerman stated that they are not going to be expanding the capacity of the facility. Mr. Ackerman stated that the capacity of the building according to the State Building Code is for 50 occupants maximum. Mr. Ackerman stated

that they are keeping that at a 50 occupant maximum and by doing so they are able to maintain the existing structure as a mercantile occupancy which it currently is. Mr. Ackerman stated that they are looking for an area variance because they are within the existing setback. Mr. Ackerman stated that there is a 60 foot setback in the front yard and the access needs to be into the front porch which is here. Mr. Ackerman stated that they are trying to provide both handicapped accessibility through a new ramp coming into handicapped parking spaces and to clean up the parking issues on the side by delineating the parking. Mr. Ackerman showed a building drawing showing access by a raised porch into the main part of the building. Mr. Ackerman stated that seating area will be moved to the exterior. Mr. Ackerman stated that there will be handicapped accessibility into the rear and that is going to permit access to the picnic areas in the back and the gardening and landscaping that is taking place in the rear. Mr. Ackerman stated that there is going to be two additional serving windows which are going to be provided so that patrons who are using the patio can be accessed and monitored from the interior. Mr. Ackerman stated that there will be visual observation from the cashier and the kitchen area onto the patio.

Mr. Wasserman stated that currently the store is under conditions by five or six different agencies, alcohol, tobacco, agricultural and markets, DEC and NYS Health Department. Mr. Wasserman stated that they are within the parameters that this mercantile business needs a lot to operate. Mr. Wasserman stated that they are requesting to expand the existing serving area. Mr. Wasserman stated that the additional licenses that he will obtain will be to serve alcohol on the premises. Mr. Ackerman stated that currently he is only allowed to retail.

Mr. Ackerman stated that their goal is to also try to work within the existing well and septic system that is on site. Mr. Ackerman stated that it is currently being surveyed at the request of the ZBA.

Mr. Kadlecik inquired if there was shade for the picnic area tables.

Mr. Moore stated that the picnic area does have shade and they are proposing adding additional shade trees and to dress up the paths and to delineate some things and to create some visual interest to draw patrons back to the creek.

Mr. Wasserman stated that the picnic tables will have umbrellas also.

Mr. Ackerman stated that, being a two phase project, the main goal because of time and Mr. Wasserman's needs to generate Phase 1 income to leverage Phase 2. Mr. Ackerman stated that they are trying to make this as low impact as possible.

Ms. Szurek inquired about the laws describing how service of alcohol is contained and monitored.

Mr. Ackerman stated that the person working the service window will be monitoring. Mr. Ackerman showed the areas of monitoring.

Ms. Szurek stated that she understands the plan but is inquiring about the law.

Mr. Wasserman stated that he sells over 200 different kinds of beer. Mr. Wasserman stated that he is not concerned about not being able to monitor the customers. Mr. Wasserman stated that there will be a surveillance system that monitors the parking lot. Mr. Wasserman stated that once the license is obtained, service will be limited to the patio and the existing porch and patio. Mr. Wasserman showed the monitored areas on the drawing.

Ms. Phillips inquired if alcohol would be allowed at the picnic area by the creek.

Mr. Wasserman stated no.

Ms. Phillips inquired if the parking lot on the right side of the building was visible.

Mr. Wasserman stated that there was a camera. Mr. Wasserman showed on the drawing.

Ms. Szurek inquired about the plan for lighting and at the picnic area.

Mr. Wasserman stated that there are no plans to add lighting. Mr. Wasserman stated that there is no power at the picnic area.

Ms. Szurek inquired as to the hours of operation.

Mr. Wasserman stated same as current hours of operation.

Mr. Wilkinson stated that as part of the site plan review, a lighting plan was required.

Mr. Ackerman showed where the parking lot lighting would be.

Mr. Wilkinson stated that the lighting plan should include specifics like wattage and kind. Mr. Wilkinson stated that a landscaping plan would also be required.

Mr. Ackerman stated that they would provide the information the Board requires in detail.

The Board and the applicant, at the advice of Planning Board counsel, discussed the possibility of doing both phases at the same time and made clear that the current process will have to be repeated in detail for Phase 2.

Mr. Keniry stated that the current plan does not show any signage.

Mr. Wasserman stated that they are not adding any additional signage.

Mr. Keniry stated that the existing sign is not on the drawing.

Mr. Wilkinson stated that the Board requires all of the information on the drawing as the Board has to look at the whole parcel. Mr. Wilkinson requested a revised application containing only Phase 1 for the purposes of moving forward.

Mr. Ackerman stated that they will try to get all of the information for the next meeting.

Mr. Keniry advised following the checklist in the Zoning Ordinance for site plan review, pages 110-112.

Mr. Wilkinson asked Mrs. York to forward the information to Mr. McNamara for his review. Mr. Wilkinson asked Mrs. York to forward the information to the County also.

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

Mr. Wilkinson made the motion to schedule the Public Hearing for July 16, 2012 at 7:30 p.m. Mr. Mitchell 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 did not have a report.

### **Correspondence**

The Board reviewed the training opportunity during the agenda meeting.

The Board entered into Executive Session at 8:40 p.m.

The Board returned from Executive Session at 9:05 p.m.

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

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary