

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

Minutes of Planning Board Meeting – January 17, 2011

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Mark Hodgkins, Mike Armer, Dawn Szurek, Bill Keniry, Planning Board Attorney, Mike McNamara, Town Engineer, Susan York, Planning Board Clerk and Kim Caron Recording Secretary. Chris Mitchell joined the meeting at 7:30 p.m.

AGENDA MEETING:

Mr. Wilkinson stated that there is a quorum of 6.

Minutes

Mr. Wilkinson stated that the draft of the November 15, 2010 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson provided a typo. Mr. Wilkinson stated that the Board could approve the minutes during the business meeting.

Public Hearings

Mr. Wilkinson stated that there would not be any Public Hearings this evening.

Subdivision Applications and Lot Line Changes

Heflin/Durst (255-1-41.1, 41, 43.1, 43.2, 43.3)

Mr. Wilkinson stated that this application is on hold. Mr. Wilkinson stated that the Board is waiting for information pertaining to the Boards comments from October 2010.

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that this is a continuing application. Mr. Wilkinson stated that the Board held a public hearing on August 16, 2010 and adjourned that to September 20, 2010. Mr. Wilkinson stated that at the November meeting, the Board and the applicants agreed to extend the 62-day clock until February 1, 2011 to allow the applicant to obtain the environmental report the Board had requested. Mr. Wilkinson stated that the Board just received the ECC's response to the report and will need to review same. Mr. Wilkinson stated that the Board needs to complete full SEQRA review. Mr. Wilkinson stated that the action is related to the proposed request for a single-family lot on an 11-acre parcel.

Cinella/Schweizer (223-1-2.2)

Mr. Wilkinson stated that this is an application for a subdivision of property located on

Westline Road. Mr. Wilkinson stated that the applicants are proposing to cut the parcel in half, creating an 11.6-acre parcel that will have the existing house and three barns and a 12-acre lot with no improvements on it. Mr. Wilkinson stated that the applicant has expressed that they are putting the lot up for sale as a whole but if the buyer only wants one of the lots they will be sold separately.

Schmidt/Katz/Van Guilder (237-1-70.11)

Mr. Wilkinson stated that Duane Rabideau would be giving a presentation. Mr. Wilkinson stated that this is a subdivision of three building lots and the existing house and barns are going to be removed.

Pre-application Conference

Bordeau Builders/Deer Run (246-3-99, 100 and 256-1-98, 30.10 and 1 through 27)

Mr. Wilkinson stated that Kim Kotkoskie will be making a presentation for Phases 2 and 3 of the project.

Town Board Referral

Cowley (246-1-61.1)

Mr. Wilkinson stated that the Town Board has requested an advisory opinion from the Planning Board on this application for a Special Use Permit to operate a horse boarding and training facility.

ZBA Referrals

Salisbury (256.11-1-1)

Mr. Wilkinson stated that this is an area variance for a carport, front porch and a three-season room on an existing deck. Mr. Wilkinson stated that the side setback requirement is not met.

312 Stage Road, LLC (247-2-49)

Mr. Wilkinson stated that this is an application for an amendment to the Special Use Permit granted to construct a garage and privacy fence.

Zoning Administrator Report

Mr. LaFountain was not present, however, a report for the month of November and December have been provided.

Mr. Wilkinson stated that for 2011 there is a new Zoning Officer named Robert Gizzi.

Town Board Liaison

Mrs. Verola is present.

Correspondence

Mr. Wilkinson stated that the Planning and Zoning Conference will be on January 26, 2011.

Mr. Wilkinson made a motion to close the Agenda meeting seconded by Mr. Kadlecik. All were in favor. Agenda meeting closed at 7:20 p.m. giving the Planning Board time to review Mr. Schorr's January 14, 2011 letter from the ECC regarding the Grabo/Davidson study performed by CT Male.

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 November 15, 2010 minutes with changes incorporated. Mr. Kadlecik seconded the motion. All were in favor.

Subdivision Applications and Lot Line Adjustments

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

Mr. Wilkinson stated that this application is on hold until new information is received.

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that the Board received a Transactional Screening Environmental Assessment on the property from C.T. Male. Mr. Wilkinson thanked the applicants for providing same. Mr. Wilkinson stated that the Board has reviewed the report and the comments provided by Mike McNamara and the ECC.

The Board was in agreement that action could be taken on this application tonight.

Mr. Wilkinson made the motion to classify the action as an unlisted action. For the reasons stated in the notice of determination a negative declaration should be made concerning environmental significance. Mr. Kadlecik seconded the motion. All were in

favor.

Mr. Wilkinson stated that the Board's portion of the Full EAF has been completed in a manner consistent with the questionnaire. Mr. Wilkinson stated that he worked with Mr. Keniry in completing the form and Parts I and II are completed. Mr. Wilkinson stated that copies will be available in a few days.

Mr. Armer made a motion that the application of George and Jane Davidson for subdivision approval of lands at 123 Crane Street, be disapproved for the following reasons:

1. the proposed subdivision does not have acceptable land character
2. the application seeks to subdivide an active junkyard
3. the site contains conditions that are unsafe
4. there are unresolved problems with future access to some of the land
5. the subdivision lines divide the property around contaminants, debris and junk
6. no Phase I Report was submitted
7. no plans have been made to remedy the conditions at the site
8. there are known health, safety and other hazardous conditions at the site
9. applicants have not complied with reasonable requests of the Board
10. the combination of these and other facts and circumstances show that the plan is not a plan for safe, orderly and efficient use of land and/or development in the Town.

Mrs. Wood seconded the motion. Roll call vote was taken:

Mr. Kadlecek – yes to deny
Mrs. Wood - yes to deny
Ms. Szurek – yes to deny
Mr. Mitchell – no to deny
Mr. Hodgkins – yes to deny
Mr. Armer – yes to deny
Mr. Wilkinson – yes to deny.

Resolution 2011-01 was made denying the Grabo/Davidson application for subdivision.

Cinella/Schweizer (223-1-2.2)

Dave Schweizer appeared before the Board.

Mr. Schweizer stated that the property is located on Westline Road and is 24 acres. Mr. Schweizer stated that the parcel is 400 feet from Rocky Ridge Road, 1000 feet from Old 67 and 2000 feet from 67. Mr. Schweizer stated that the home and barns already exist and would be on one parcel to be sold and the remainder is two empty hay fields, woods and ACOE wetlands. Mr. Schweizer stated that the parcel has been surveyed. Mr.

Schweizer stated that Lot 1 and Lot 2 delineations have been made. Mr. Schweizer stated that Lot 1 would be 11 acres with 650 feet of frontage and Lot 2 would be 12 acres and have 530 feet of frontage.

Mr. Wilkinson requested several additions to the drawing: curb cut note, wetland note, zoning district, distance of the barn to the property line and the new property line, perk test information and deep test hole results, distance from septic to well, setback of the house from the road, contour/elevation lines every 10 feet, address of the owner and a site statistics block. Mr. Wilkinson stated that this information would be required for the Board to move forward.

Mr. Wilkinson stated that calling a barn a barn implies that the building is used for animals would require a 100-foot setback from the property line.

Mr. Schweizer stated that it was used for storage and not animals.

Mr. Wilkinson suggested changing the label on the maps to avoid setback requirements for 100 feet.

Mr. Keniry stated that for a simple subdivision the Board may act without the perk information.

Mr. Wilkinson stated that if there is going to be a house on the property then the perk information was required. Mr. Wilkinson stated that the applicant can get all of the information the Board has requested, except the perk information and then the Board can send the application to the appropriate parties.

Mr. Mitchell inquired if the empty lot was going to be a building lot.

Mr. Schweizer stated that there are no plans right now.

Mr. Armer suggested that since it is a simple subdivision and perk really wasn't achievable right now, that the Board could issue a condition that the building permit could not be issued until acceptable perk was demonstrated.

Mr. McNamara stated that Note #2 on the drawing dealt with that issue.

Mr. Wilkinson read page 20 of the Zoning Ordinance Section 3 regarding perk test requirements.

The Board further discussed the perk test requirement.

Mr. Schweizer stated that the applicants have a contract for sale on Lot 1 with the house not Lot 2.

Ms. Szurek inquired how many wells were on Lot 1.

Mr. Schweizer stated that there is one well located by the pool that feeds the house and the barn.

Ms. Szurek inquired as to the size of the wetland.

Mr. Schweizer stated that it was .9 of an acre.

Mr. Keniry advised proceeding with the application with the desire to do the perk tests in March.

Mr. McNamara stated that with 12 acres there is a good indication and reasonable probability of success there is going to be water.

Mr. Wilkinson stated that the Board has an affidavit for Mr. Schweizer to speak for Mr. Cinella but not Mrs. Cinella. Mr. Wilkinson asked Mr. Schweizer to provide the affidavit at the next meeting.

Mr. Wilkinson showed Mr. Schweizer a sample of the statistics block the Board would like on the drawing.

Mr. Hodgkins inquired if Lot 2 was higher than Lot 1.

Mr. Schweizer stated yes.

Mr. Wilkinson stated that Mrs. York would be sending a follow up letter advising of the Board requests and this application would be placed on the agenda for next month.

Schmidt/Katz/VanGuilder (237-1-70.11)

Duane Rabideau appeared before the Board. Mr. Rabideau provided a drawing.

Mr. Rabideau stated that this is an application for a three-lot subdivision on the old Goodspeed Estate. Mr. Rabideau stated that the property is located on the west side of Sweetman Road. Mr. Rabideau stated that Lot 1 consists of 4.24 acres, Lot 2 consists of 2.5 acres and Lot 3 consists of 6 acres. Mr. Rabideau stated that they tried to follow the existing stonewalls and the hedgerow. Mr. Rabideau stated that DEC has verified the wetland boundaries. Mr. Rabideau stated that Lot 1 will be utilizing the existing driveway, Lot 2 and Lot 3 will need new driveways. Mr. Rabideau stated that he has spoken with Ted Serbalik at NYSDOT and they conducted a sight distance analysis. Mr. Rabideau stated that the proposed driveways meet the current standards for driveways. Mr. Rabideau stated that the entire property is divided by National Grid. Mr. Rabideau

stated that perk tests have been done and are all acceptable. Mr. Rabideau stated that all three lots will have standard septic systems. Mr. Rabideau stated that the remaining lands will be annexed to the applicants' farm.

Matt Schmidt appeared before the Board. Mr. Schmidt provided the Board with a handout with a photo and history of the property. Mr. Schmidt showed his residence on the drawing. Mr. Schmidt stated that they are the third generation at the residence. Mr. Schmidt stated that they purchased the rear land for agricultural purposes and timber. Mr. Schmidt stated that the handout gives the past, present and future plans with regards to this project.

Mrs. Wood inquired what happens to the existing wetland on Lot 1.

Mr. Rabideau stated that they would discontinue use there.

Mr. Schmidt stated that they can access the back land from their land.

Mrs. Wood inquired if agricultural use on Lot 3 would be discontinued.

Mr. Rabideau stated yes.

Ms. Szurek inquired if there was other access to the back of the property.

Mr. Schmidt stated that there is access from his house, up the existing driveway or by the 20 feet of road frontage with the existing logging road access which is currently being used now. Mr. Schmidt showed all of the access points on the drawing.

Ms. Szurek inquired if Lot 3 would own property behind Lots 1 and 2.

Mr. Schmidt stated yes.

Ms. Szurek inquired why.

Mr. Schmidt stated that was the preference of the people who are purchasing the lots.

Mr. Wilkinson asked that the perk test information be included on the next drawing.

Mr. Wilkinson inquired if there was an appropriate stormwater management plan in effect for this subdivision.

Mr. Mitchell stated that this is not a major subdivision but individual residences and the disturbances would be the septic systems, driveways and houses.

Mr. Schmidt stated that the existing house and barns have already been removed.

Mr. Wilkinson stated that the Board would need a calculation of disturbance for the purposes of stormwater management.

Mr. Rabideau stated he would prepare that.

Mr. McNamara inquired if the DEC wetlands have been confirmed.

Mr. Rabideau stated yes.

Mr. Wilkinson stated that the Board is requesting revised drawings and a stormwater management report. Mr. Wilkinson stated that those documents would need to go with the application to the County Planning Board. Mr. Wilkinson stated that once the revised drawings and SWM report were received, they would be forwarded with the application to the County, the ECC and Mike McNamara. Mr. Wilkinson stated that if that is done in a timely manner, then the Board could accept the application as complete at the February meeting and schedule a public hearing.

Mrs. Wood inquired if the deeds were going to be consolidated.

Mr. Schmidt stated that he did not know what that means but if advisable he would look into it.

Mr. Wilkinson asked for the 100 foot buffer to the wetlands be shown on the drawing.

Pre-application Conference

Bordeau Builders/Deer Run Phase 2 and 3 (246-3-99, 100 and 256-1-98, 30.10 and 1 through 27)

Kim Kotkoskie appeared before the Board. Ms. Kotkoskie introduced Dave Ingells, Licensed Engineer and Donald Zee, attorney. Ms. Kotkoskie gave an overview of the project:

Agreement signed 6/25/10

132 acres owned by Bordeau Builders/Capitol Real Estate Inc.

drawings are current and contain a current subdivision plat, septic details, grading and utility plans, easement plans, and profile sheets for both water and road and erosion and sediment control plans.

Ms. Kotkoskie showed the original drawings from 1993, green is Phase 1, yellow is phase 2 and red is phase 3. Ms. Kotkoskie stated that in 1993, the Planning Board approved 25 lots in Phase 1 and preliminary approval was given for Phase 2 and Phase 3.

Ms. Kotkoskie stated that in 2007 field changes were presented and approved by the Planning Board. Ms. Kotkoskie stated that the reason for the field changes in 2007 was

to update the subdivision for regulations that had changed. The stormwater management system changed going from an open system to a closed pipe system. At the site there are two detention ponds for the water. Ms. Kotkoskie showed the detention ponds. Both of the areas are currently cleared and detention pond two has been graded last fall to the final grade. Material that was removed from this area was placed onto Phase 3 which is consistent with the amendment document. Another change was the federal wetland regulations. There is currently a permit from ACOE with special conditions outlined. Ms. Kotkoskie showed the mitigation area, which was complete in October 2010. They will be submitting reports to ACOE for the next five years. The utilities to the subdivision will be handled by tying into Crooked Street water and tapping into the water at Komar Drive. Likewise, in that location is electricity. They are working with National Grid to bring the utilities down Crooked Street as well. The remaining land will be owned by a Homeowners Association for everyone living in the subdivision. In October, 2010, an application was submitted to the State defining the HOA boundaries and what is included and what the homeowners need to abide by. The HOA land is 85 acres and there is also a 15 acre easement that has been given to the town of Charlton in order to furnish access to the Charlton residents should they want to use it.

Ms. Kotkoskie stated that they are looking for final approval for Phase 2 which consists of 9 lots. Ms. Kotkoskie stated that page 4 of the Amendment document states that all of the utilities, roadways and stormwater facilities were reviewed back in 2007 for Phase 1 but also acknowledges that there are shared utilities, roadways, etc for Phases 2 and 3. They are focusing on the septic systems for final approval. The amendment document outlines what is required to get those approved. Perk tests and deep hole tests have been performed on the lots on November 16, 2010 and was also witnessed by the Department of Health. Ms. Kotkoskie stated that the package containing the drawings included the results. The septic designs meet the requirements for septic.

Ms. Kotkoskie stated that in 1991, the long form EAF was completed and a negative SEQRA declaration was signed by Clough Harbor and Associates who was the Town Engineer at the time. The applicant will be updating the form for the next meeting. Ms. Kotkoskie inquired if there was anything else the Planning Board wanted to see for the Phase 2 application to get to final approval.

Mrs. Wood stated that it was her recollection that final approval for Phase 2 and Phase 3 was dependant on the percentage of lots sold from Phase 1.

Donald Zee, Esq. stated that requirement was deleted this past year.

Ms. Kotkoskie stated that it is in the builder's best interest to sell the Phases off consecutively.

Mr. Kadleck inquired as to the status of the HOA.

Ms. Kotkoskie stated that the CPS7 application was submitted.

Mr. Zee stated that the responsibility for the vacant land and stormwater areas were submitted and accepted by the Attorney General November 9, 2010. Mr. Zee stated that portions of the document have been sent to Mr. Keniry for review.

Mr. Keniry stated that Bob Van Vranken, Esq. has also reviewed the document.

Mrs. Wood stated that the Town has the easement but not ownership which will lie with the HOA.

Mr. Zee responded correct.

Mr. Wilkinson inquired if the applicant was looking for approval next month.

Mr. Zee stated that they just want to update the Board and will submit an application prior to the next meeting. Mr. Zee stated that they would like to get to a complete application so that a Public Hearing could be scheduled. Mr. Zee stated that they would like to get the Board any other information requested for the February meeting.

Ms. Szurek inquired if the Town Board reviewed the HOA document.

Mr. Keniry stated that relevant pieces that Mr. Van Vranken asked for were submitted to him.

Mrs. York inquired if application fees would be required when the applicants applied for final approval for Phases 2 and 3, and if so, at what rate.

Mr. Keniry answered yes, and at the rates stated in the amended agreement.

Dean Durst approached the Board with questions pertaining to the preliminary approval for Phases 2 and 3.

Mr. Zee gave Mr. Durst a brief overview of the amendment document.

Mr. Keniry stated that Mr. Durst could contact him with any questions.

Town Board Referral

Cowley 246.-1-61.1

Duane Rabideau appeared before the Board and distributed handouts. Mr. Rabideau explained the drawing and photo to the Board.

Mr. Rabideau stated that the applicants' intentions are to operate a private horse boarding

facility and to cultivate a calm and focused environment for horses. Mr. Rabideau stated that this would be a private operation and not a show barn operation. Mr. Rabideau stated that there would be a select target market. Mr. Rabideau stated that the operation will be located close to the existing house so there will need to be a balance between the property and the boarding business without sacrificing the comforts of the family home. Mr. Rabideau stated that since this business will be close to the existing home there will be a limit on the size of the business. Mr. Rabideau stated that the business plan overview is to operate targeting upper to middle range market including all disciplines. Mr. Rabideau stated that the applicants are not seeking a high volume business. Mr. Rabideau stated that boarding will be done by appointment only, as they are looking for quality not quantity. Mr. Rabideau stated they this was formerly a polo farm with a 13 stall barn already existing. Mr. Rabideau stated that the Cowleys already own three full size horses and 3 miniature horses and anticipate 7-10 new boarders for a total of about 17 horses on the farm. Mr. Rabideau stated that boarding would include use of the facility, hay, water, grain and stall clean out. Mr. Rabideau stated that the goal is to promote natural horseman skills. Mr. Rabideau stated that the hours of operation would be from 7:00 am-7:00 pm. in the fall and 8:00 am to 8:00 p.m. in the spring/summer.

Mr. Rabideau stated that the site is 93 acres located in the residential/agricultural zone. Mr. Rabideau stated that the nearest neighbor with a house is the Rigobellos and a letter of support from Mr. Rigobello has been submitted. Mr. Rabideau stated that the rest of the neighbors would not be able to see the operation. Mr. Rabideau explained the drawing and showed landmarks. Mr. Rabideau showed the proposed parking area and location of the building. Mr. Rabideau stated that the property has been delineated for wetlands and they have documentation that none exist on the property. Mr. Rabideau stated that they are conforming the property for the zone, they are not altering the current use, just modifying it. Mr. Rabideau stated that the building will be a 81 x 189 rectangular building with gutters to manage rain water. Mr. Rabideau stated that traffic/trailers will be roughly 6 cars daily for the first six months then drop to approximately 3-4 cars daily. Mr. Rabideau stated that they anticipate at least one trailer per month for pick up/drop off of the horses. Mr. Rabideau stated that the well to the house slopes down and will not be affected. Mr. Rabideau stated that there is a vegetative buffer along the compost pile and the manure is turned bi-monthly. Mr. Rabideau stated that the applicants are entertaining the idea of an addition to the arena at a future time. Mr. Rabideau stated that the building will have a green roof with ivory siding and green shutters. Mr. Rabideau stated that the application is consistent with the town's comprehensive plan and farmland protection plan.

Mr. Kadleck inquired how they planned to keep the area dry

Kimberly Cowley stated that there would be piping off of the roof.

Ms. Szurek suggested getting ambulance and fire departments involved.

Ms. Szurek inquired if there would be signage by the road.

Mrs. Cowley stated possibly.

Ms. Szurek inquired if it would be a lighted sign.

Mrs. Cowley stated that she is unsure at this time.

Mr. Wilkinson stated that there are regulations with Zoning that needs to be followed for lighting.

Mrs. Cowley stated that there is existing outdoor lighting at either end of the barn. Mrs. Cowley stated that she discourages nighttime riding. Mrs. Cowley stated that the arena would have indoor lighting and a spotlight on the outside of the building to enable people to get from the arena to the barn and to their car.

Mr. Mitchell stated that he has been to the property and feels that there will be minimal impact on the surrounding properties since this property is so secluded.

Mrs. Wood inquired if the horses would be housed in the existing barns.

Mrs. Cowley stated yes but if they do put on an addition they would need larger stalls.

Mr. Wilkinson inquired how far the arena was to the closest property line.

Mrs. Cowley stated 60 feet.

Ms. Szurek inquired how big the parking area was going to be.

Mrs. Cowley stated 110 x 80 or 90.

Mrs. Wood stated that with the future addition, if the arena becomes a barn, then the setback to the Rigobello's property is only 60 feet.

Mr. Wilkinson stated that he would note that in the letter to the Town Board. Mr. Wilkinson stated that he would also include involving emergency services, signage and down lighting.

Zoning Board Referral

Salisbury (256.11-1-1)

Mr. Wilkinson stated that this is an application for an area variance. Mr. Wilkinson stated that the side lot and the front lot do not meet the requirements. Mr. Wilkinson

stated that this is in character with changes ZBA has allowed in the neighborhood.

Mr. Wilkinson will send a letter to the ZBA with the Planning Board's position.

312 Stage Road, LLC (247-2-49)

The Board discussed the application and decided that more information was needed to make a recommendation. Mr. Wilkinson stated that he will send a letter to the ZBA advising that additional information was needed.

Zoning Administrator Report

The Board reviewed the November and December reports. Mr. Wilkinson stated that Bob Gizzi is available if the Board has questions.

Town Board Liaison

Mrs. Verola did not have a report.

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

The meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary