

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

Minutes of the Planning Board Meeting – April 18, 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, Marilyn Phillips, Tracey Bullet, Acting Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

AGENDA MEETING

Minutes

Mr. Wilkinson stated that the draft of the March 21, 2011 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson provided a comment. Ms. Phillips provided a spelling correction. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Subdivision Applications

Public Hearing

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

Mr. Wilkinson stated that there would be a Public Hearing on this application.

Mr. Wilkinson stated that access to the remaining lands on Sweetman Road has been an issue. Mr. Wilkinson stated that the applicants have begun the process of merging the deeds to their property located at 620 Charlton Road. Mr. Wilkinson stated that the applicant's intentions are to sell the three lots to Mark Katz. Mr. Wilkinson stated that the Board could conduct the Public Hearing but would have to wait on the vote until the merge information is received.

Mrs. Bullet stated that the Board could vote if all other information has been received.

Mrs. Wood inquired if the Board could do a conditional approval.

Mr. Wilkinson stated that according to Anna Stanko of ORPTS, the mylar cannot be filed without the merge. Mr. Wilkinson stated that the Board will proceed ahead.

Mr. Wilkinson stated that there is conditional approval on the SWPPPP. Mr. Wilkinson stated that the document needs to be signed by Mr. Gizzi and Mr. McNamara. Mr. Wilkinson stated that it also needs to be in place prior to moving forward since this three lot subdivision will have more than an acre of disturbance.

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

Mr. Wilkinson stated that the Heflin/Lansing application is on the agenda as a place holder. Mr. Wilkinson stated that he contacted Mr. Lansing's office today and his voice mail said he was on vacation. Mr. Wilkinson stated that he does not expect anyone to attend this meeting.

Pre-application Conference

Smith (236.-1-12)

Mr. Wilkinson stated that this is a proposal for a subdivision on Eastern Avenue and Division Street.

Mrs. Wood stated that she would be recusing herself from discussions since she rents land from Mr. Smith.

ZBA Referral

Tiffany (256.10-2-3)

Mr. Wilkinson stated that this application is for a Temporary Certificate of Occupancy to place a Mobile Home on the applicants property. Mr. Wilkinson stated that a pipe burst in the home causing extensive water damage. Mr. Wilkinson stated that the intent is to stay in the Mobile Home while the home is being repaired.

Correspondence

Mr. Wilkinson stated that there was a Stormwater Management Workshop.

Mr. Wilkinson stated that there is a training opportunity on changes to the SEQRA forms.

Mr. Wilkinson stated that the Town Communications Committee is looking for feedback from the various Boards for the new website.

Zoning Report

Mr. Wilkinson stated that the Board has received the current reports for review. The Board reviewed the reports.

Town Board Liaison

Mrs. Verola was present. Mrs. Verola stated that the communications committee is looking for the department heads to come in and provide input for the new Town website design. Mrs. Verola stated that they are looking for contact information and a description of responsibilities and any forms that could be put on the new website.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecsek. All were in favor. Agenda meeting closed at 7:21 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 21, 2011 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Hodgkin's abstained.

PUBLIC HEARING 7:30 P.M.

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

Mr. Wilkinson opened the Public Hearing at 7:30 p.m. Mr. Wilkinson reviewed the Public Hearing process with those in attendance.

The Public Hearing Notice was published in the Daily Gazette on 4/11/11. Neighboring Property Notices were also mailed.

Mr. Rabideau and Mr. Schmidt appeared before the Board.

Duane Rabideau: I am Duane Rabideau from Van Guilder & Associates representing Matt and Emily Schmidt on their proposed three lot subdivision on Sweetman Road. What they are proposing is on the old Goodspeed Estate which accompanies approximately this boundary right here. It's about 95 acres. The 95 acres is basically in three separate parcels with the National Grid power line that runs through it. We have this large triangle in the back which is all wooded and is approximately 60 acres. This triangle right here, where the house is, is approximately 3 acres and this parcel in yellow plus these three lots right here is

approximately 35 acres. It's located just on the westerly side of Sweetman Road just north of Shadick. Basically what is being proposed is a three lot subdivision on the 35 acre piece right here. This is an inset of the larger area and these three lots represented down here are in a larger scale. What is proposed is three single family lots. Lot 1 is approximately 4.2 acres, Lot 2 is approximately 2.5 acres and Lot 3 is approximately 6 acres. They are going to be individual homes. They will have individual on-site septic and wells. As far as access to the road, the driveway on the first house will be where the existing driveway is now. The second driveway will be north of it just a little ways and the third lot will be farther up the road. We checked the site distances. They are more than the minimum. They are actually quite good right there. We had DEC out looking at the wetlands to establish jurisdiction. We met all of the environmental considerations. What's going to happen is this piece in yellow here, the remaining lands of the 35 acre parcel, which is in yellow, upon the filing of this map, the remaining lands will be annexed to the homestead which is their farm. Basically there is no intent to do any further subdivision. Matt wants to keep this field back here active agriculture and the remaining lands as managed forests. That is their request.

Jay Wilkinson: This is a chance for the Public to give us information about the property and ask questions. If you want to speak, please go up to the microphone so we can record it and state your name and address for the record.

Francine Kilichowski, 273 Sweetman Road: My questions is what is the frontage of each of those lots.

Duane Rabideau: This is a little bit over 200 feet for Lot 1, this one is approximately 241 feet for Lot 2 and this lot over here is approximately 278 feet for Lot 3.

Francine Kilichowski, 273 Sweetman Road: And 200 feet is the minimum in Charlton, correct?

Jay Wilkinson: Correct.

Francine Kilichowski, 273 Sweetman Road: That's my question for now thank you.

Ronald Kilichowski, 273 Sweetman Road: On that parcel where the road is, he can build later on on that? Where the old house used to be? He's not going to use that road you said, right?

Duane Rabideau: This is where the old house is right here. Basically that road is within Lot 1 and that is right here.

Ronald Kilichowski: So there will be the access to the back property then.

Duane Rabideau: No. They are going to have farm accessing.

Matt Schmidt: Originally my goal was to leave the right of way at the driveway because it was hard simply for either Albert LaRue or Dave Wood with his big machinery for farming. But in dealing with these individuals, I decided to not inhibit or hinder this future owner's home and eliminate that scenario. This individual may allow me access but no there can't be future building there. Once this house gets put up there, that's it. There is not enough frontage here.

Ted Hicks, 1016 Shadick Road: Why are we here? What are we here for? Why can't he just go build?

Jay Wilkinson: He can. This is a chance that you may know something about the property, for example, there is wetlands on the property or there is a creek or a stream that it feeds into that may go across your property that you are concerned about or may have a question about. This is to keep the public informed of what is going on in their neighborhood, part of the process.

Ted Hicks: So there is no variance, this is just informational?

Jay Wilkinson: No there is no variance. The requirement for the Town to build is 200 foot of frontage and 2 acre lot minimum and this application meets the requirements.

Torbin Aabo, 510 Charlton Road: In the north corner where the power line crosses Sweetman Road, is there an access for your property there?

Matt Schmidt: Correct

Torbin Aabo: How big is that access?

Matt Schmidt: 23 feet.

Lynn Meyers, 282 Sweetman Road: Where exactly are the wetlands in relation to all of this because that house that was just built appears to be, the septic appears to be right on the wetlands, the edge of it. They brought in the dirt between the house and the wetlands. But I have lived there over 20 years and that's wetlands right there. That's where the frogs are. My kids have grown up there and that is where they got frogs and that septic is right dead on that wetland and drops right off right after they put the dirt in now. So where are these in the wetlands? Are they going to also be?

Duane Rabideau: We had DEC out there to establish and verify wetlands. Everything that is hatched here, this type of hatching and this type of hatching is wetlands. We had to stay the 100 foot buffer away from DEC wetlands and also 100 feet away from ACOE wetlands as per the Town requirements. The septic is 100 feet away from the wetlands.

Lynn Meyers: Where is it relative to that triangle piece there? Are there several houses in between there?

Duane Rabideau: That's correct.

Lynn Meyers: How many houses are in that little wedge between the triangle and that first yellow block on there.

Duane Rabideau: There is 5.

Lynn Meyers: So one of these is proposed behind those?

Duane Rabideau: No. This is Ron Gavin's lot and his house is here and also we picked up a vacant parcel right in back of his house and this Lot 3 is right here. There is no building in back of anybody.

Lynn Meyers: So it's to the south across from the cemetery.

Duane Rabideau: Yes.

Jay Wilkinson: I can clarify that the triangle piece that you are talking about is not part of this subdivision. That was a standalone lot. I can explain why that happened. The Board struggled with the same questions when this came before us. Even the Town Engineer....

Lynn Meyers: Because we that live right there knew nothing about this house going up there until it was too late, that we could even speak up and say anything. There was none of this Public Hearing thing.

Jay Wilkinson: There wasn't a Public Hearing because it is not part of this subdivision. You can see the power lines bisect that piece of property and the road. The way the property had been sold off to others over the years, that was a standalone little triangle. Back in 1996, the Director at that time of Saratoga Real Property Tax, made a decision that said any parcel that was bisected by a road, railway or power line, would be given a standalone tax id. So that was given a standalone tax id number which made it a legal lot. I verified all of this information with Saratoga County Real Property Tax. There is 200 foot of frontage and it is more than 2 acres so it meets the requirements for the Town. When the then Director did this back in 1996, they created lots in other Towns that aren't legal lots which has created a real headache for other Towns. The Town of Milton had quite a few of illegal lots due to a railroad or power line bisecting it. The applicant in this case, Matt Schmidt sold the property to Mark Katz and Mr. Katz applied for a building permit through the Zoning Administrator. It is the Zoning Administrator's job to make sure that it meets the requirements. It did not come before this Board at all. I was just as surprised when I go out and look at the property and I had the same question. How did we get a house there and be subdividing here, so as a Board we went through the process. My discussions with the Senior Map technician at RPT did verify all of this. It has also been verified by Mr. Rabideau as the Board's request.

Lynn Meyers: That is what concerns me about this new proposal. They built that one and I guess my wetlands map that they gave me years ago is incorrect. It appears, living right across the street from it, that septic is right on that wetlands and what's to say that these aren't going to be right on that wetland. There are wetlands down the street.

Jay Wilkinson: On these, the Board has been very actively involved. Also the Charlton Environmental Committee has been involved. Marv Schorr, the chairman is here tonight and we have actually put other requirements on that some of our representatives and applicants that come before us do not like, but it is the Board's view that a wetland is a wetland. It does not matter if it is a NYS wetland. That requirement says that you have to have a 100 foot buffer. If it is a Army Core wetland then there is no requirement for a 100 foot buffer. We asked for that and in this case the applicant was receptive and they did that. We have no legal jurisdiction to make them stay 100 feet away from the ACOE wetlands, we try to work with the applicants. In this case that lot has a lot of room that he can move around. If you go up and look, there are lines there, a buffer, all 100 feet away. In fact, we had him move the well so it would be out of the ACOE wetlands. I don't know what to tell you about the triangle down at the corner. We have to rely on our Zoning Officer that he has done the investigating necessary. That could be wetlands down there. I do not have ACOE wetland maps, only DEC wetland maps. Duane, do you know what kind of wetlands those are?

Duane Rabideau: I know that on this parcel here there are wetlands.

Lynn Meyers: That is where the septic is, right where your finger is.

Duane Rabideau: It is probably closer to the wetlands, but it is not in the wetlands because it would not work there.

Sherry Buthfer, 278 Sweetman Road: I am right across, actually right next door to Lynn Meyers and I can understand her concern because I do not believe there is 100 feet from that house to the wetlands. I've watched him bring in the fill. I've watched him level it off with asphalt they brought in for fill. I know he is in the wetlands. I've grown up, I've been there my whole life on Sweetman Road, and I know where that water passes through. That water passes through onto our property now. Now our concern is that it's going to back up into our side of the road. I know we are not here to discuss that parcel but it is a concern because I don't know if every piece is looked at. I do have a question. How close can you actually place a building to the power lines? What is the distance that a house...

Matt Schmidt: There isn't any.

Sherry Buthfer: There is no rule how close a house can come to a power line?

Jay Wilkinson: There is no Zoning requirement in the Town of Charlton. Every property that comes before us that has wetlands, this Board usually goes out and walks them. In the four years that I have been on the Board, I can say that I do site visits and we go out and

walk the property and we work with the applicants to avoid what you are talking about. We work very closely with the ECC and they have been very beneficial in giving us knowledge over the years because he has been doing this for a lot of years.

Sherry Buthfer: I've lived there for 38 years so I do know that property very well and I do know where that house was placed, it should not have been placed. I understand that there is more acreage there, maybe the concern isn't as much there but you have to understand where we are coming from after we saw what was pulled up the road. It wasn't a practical spot to build a house.

Jay Wilkinson: I was just as surprised as you when I drive by. I don't know what to say.

Many of the audience began speaking at once.

Terri Koster, 270 Sweetman Road: And they have 200 feet of road frontage?

Jay Wilkinson: Yes they do, it is a legal lot. It is 200 foot of road frontage and it is greater than 2 acres.

Sherry Buthfer: Does that include wetlands? (inaudible as she was not at the microphone)

Jay Wilkinson: The way the Zoning is written now, and they are in the process of reviewing that, that is one of the things that had been talked about, this is not the first time this has happened where people have come before us, we had another piece of property on lower Sweetman Road down at Jenkins, the same thing, tried to divide that in half and there is a huge pond on there and that one we did turn down, and it did get appealed in court and we prevailed. That was the same type of thing but with that one you could not get all of this on the parcel. Their engineer and the Town engineer could not agree. It could not be demonstrated that you could get a well, septic and everything and keep the buffers. There was less than a foot to make everything line up. I would assume that an engineer reviewed that house.

Sherry Buthfer: inaudible as she was not at the microphone.

Jay Wilkinson: Again that is not before this Board.

Sherry Buthfer: inaudible as she was not at the microphone.

Jay Wilkinson: The Board did not get a chance to discuss that house. When we first looked at this, there was a question of this being a 4 lot subdivision or is it a 3 lot subdivision and in fact it is a 3 lot subdivision. That is a standalone lot. Only thing I can say is to go back to our Zoning Administrator, Bob Gizzi, and talk to him. He has to verify where everything is and a professional Engineer has reviewed all this and signed off on the septic system and all of that.

Lynn Meyers: That's why I'm saying I'm worried about this one since that one they just moved in last weekend. Just last week they were hauling the dirt in. It wasn't even covered and they are putting their stuff in the house and that's what concerns me. If they got to do that with that triangle, why isn't that going to happen with this one.

Jay Wilkinson: There is a professional Engineer that put his license on the line when he went through this process and there have been perk tests done and our Zoning Office has looked at it and verified it all. I don't know what to tell you. The only thing you can do is go to the Zoning Administrator and he may be able to give you some more information on that particular lot.

Sherry Buthfer: Has there been a change in that position recently, since this was first approved.

Jay Wilkinson: There has been a change in that position but I do not know when the building permit was issued for that lot. As of January 1st, there has been a change in the Zoning Administrator's position.

Sherry Buthfer: inaudible as she was not at the microphone.

Kathy Fitts, 286 Sweetman Road: We have been living in our house for 22 years and I thought, please correct me, I thought that when I moved in the minimum road frontage was 200 feet and then sometime during our 22 years the Town increased it to 225 or 250.

Jay Wilkinson: Still 200 feet.

Kathy Fitts: Our concern again is who from DEC is looking at this? Who from our Town is looking at the wetlands and then verifying where the markers are? When I was out there snowshoeing and cross country skiing in the winter, there were tags all over behind those houses and they came pretty darn close to where I know he was back there had all of his equipment already back there and he was already taking trees down and logging it and working the whole system back there. And there was water that used to go in one direction now going in another direction and that is our big concern. I don't mind people building but I don't want to see what we have destroyed and the fact that somebody else's house is now going to be backed up or there is going to be an issue with the wetlands or the wildlife because somebody has gone in and decided that they need to build a building. So I think it's very important that the Town verifies what is going on especially since what we saw what went on with that little triangle piece across from our houses. If it turns out to be an issue, as there is probably going to be a lawsuit at some point in time, especially if our houses, I mean my well is already affected by what is going on across the street there. I am already having well issues so, again now with the wetlands, you are saying that you are seeing some backup...

Sherry Buthfer: inaudible as she was not at the microphone.

Kathy Fitts: I don't mind progress in Charlton at a small pace but I just don't like chronic building whenever someone sees 200 foot of road frontage lets slam a house up there. Let's keep the nature the way it is supposed to be and not destroy what we have already there because there is a lot of creeks that go through there and then they feed through the rest of the Town and that could be a big effect on especially the farmers that need that water for their cows and their horses.

Torbin Aabo: That 23 foot road frontage that is up at the north of the triangle, will that be big enough for a road to be put in that there could be potential further development in that area?

Jay Wilkinson: You have to have 200 foot of frontage and he only has 23 feet. That is only access to that property. They would have to go before the Zoning Board of Appeals. They would have to show a case to build on that property.

Torbin Aabo: We can point to areas in Charlton where this kind of thing has been done. What is the minimum that is required for having an access road into a piece of property?

Jay Wilkinson: It varies on what the ZBA decides. The minimum road frontage is 200 feet so if you have anything less than that you file an application and go before the ZBA and then they have to, on its merits, look at it and decide.

Sandy Verola, Town Councilwoman: What are the requirements to put in a road?

Connie Wood: 60 feet.

Jay Wilkinson: They have 23.5 feet. There is an existing culvert there or there is an access to get to that field off of Sweetman Road. One of the things this Board is concerned about is not creating a landlocked parcel. That was one of the first questions we had. If you look at the drawing quick it looks like it almost comes down to a point and we asked for clarification and Van Guilder Associates gave us a smaller blow up of that area for an inset and it shows it at 23.5 and there is access. Is that correct Matt?

Matt Schmidt: Yes.

Jay Wilkinson: There is an existing road there for a farm tractor to get in. That's why we are talking about the area in yellow where the three houses are being proposed, that is a concern of ours that if the applicant didn't own property on 620 Charlton Road, he would be creating a land-locked parcel in the back of 20+ acres. There would be no way to get to it. As part of this process we have asked the applicant, if this gets approved, to merge the deed of his property on 620 Charlton Road with the remaining lands that he has on Sweetman Road so that he has access. You could get an easement but the Board does not like to see that. The Board prefers that there is direct access. Easements are good however people change their minds, houses get sold and right of ways then become an issue.

Dave O'Connor, 259 Sweetman Road: The yellow area, you said you were going to do farming?

Matt Schmidt: Correct.

Dave O'Connor: Because you got the one piece, the last one over on the right, which is behind my house. Are you going to clear that and farm that?

Matt Schmidt: I am going to cultivate it for timber.

Dave O'Connor: Because you pretty much already did, you cut a lot of the trees down and left all of the scraps and stuff there. I didn't know if you were going to farm it.

Matt Schmidt: I may cut more yes, but I will be planting more as well. I planted 25 today. We have approximately 20 acres of fields in our existing property here and with this we are going to gain another 15 acres. The rest of it is timber. We have logging machinery and we have a saw mill. Not only are we cultivating field crops but we are also cultivating timber.

Someone from the audience spoke without using the microphone.

Lynn Meyers: I have a big problem if they get access half way up the hill to that parcel in the back which would have houses on it. My daughter was hit by a car at the top at that hill from a car coming up that hill because you can't see in the driveways so if they make an access road halfway up that hill, its going to be a very dangerous thing. So I'd have a really big problem with an access road to get to that parcel right where your finger is because that is halfway up the hill. In 2000, June 13th.

Dave Stafford, 1108 Peaceable Street: My land backs up to that big triangle and I just wanted to be reassured that it is going to be timber land.

Matt Schmidt: Correct.

Eric Uttermark, 266 Sweetman Road: I might be off base here but I'm looking at all of this stuff and I'm familiar with the Town of Charlton a little bit and I am wondering are we going to have fire access on these properties, getting in and out Sweetman Road into these developments for fire protection and water supplies. I'm assuming these are going to be big sized houses and do we have the equipment to handle this and get in and out of those places. There are roads where you can't get in and out of now. I'm curious if the fire department or ambulance is going to be able to get in and out of here.

Matt Schmidt: I'm assuming yes with the size of the driveways but it is a very good question.

Eric Uttermark: It should be looked at. We do have roads like that now.

Jay Wilkinson: The Town has a requirement that any driveway greater than 500 feet needs a turnaround for fire trucks and the driveway has to be able to support a 50,000 pound vehicle and have a turnaround within 100 feet of the house. That would be part of the Zoning Administrator's job. These are just proposed locations for the houses and wells and we hope that the builder would use them. If they do put a house back farther and it is over 500 feet, they will have to have a professional engineer certify that the road will hold 50,000 pound vehicle and a turnaround has to be within 100 feet of the house to allow a fire truck to turn around.

Kristen Short, 292 Sweetman Road: The property that you are talking about subdividing there is farmland right now so I am curious why you didn't want to use more of it. You don't have to answer that. The other thing is it is very suitable for horses and I know that you need a minimum road frontage of 300 feet in order to have a horse and I was wondering if you had considered subdividing it into two lots as opposed to three lots which would allow more of an agricultural look to it and preserve especially with your farmland in the back. And I know you have horses.

Matt Schmidt: We did take that into consideration. It has been approximately 10 years that we have been trying to purchase this land and it did go on the market. Ultimately our goal would have been to split it up into a much larger piece, but it just did not work out that way. In order to , as young individuals, to establish myself and my family as a new and upcoming agricultural business we need to expand acreage wisely. We can't absorb adjacent road frontage with the cost of having to purchase it at today's prices. That is why we went in with a purchase and they decided this is how they wanted to do it and it was the only way we could do it and retain the rear acreage, as much as we can without putting any developing behind anybody's house. I would love to make this all Christmas trees but we can't do it.

Kristen Short: Well if you ever run into a situation where you need to, I would be more than happy to help you out financially with that big triangle or purchase whatever if you are ready with that. The other thing, it's on a hill and I don't know if EPA, as houses go in there and have nice lawns go in there, if they start putting fertilizer and things like that, all of it is going to run downstream. Does the EPA look at that at all?

Duane Rabideau: Not really.

Kristen Short: The other things is that we have had probably over the last five years, at least 10 houses if not 12 go in on Sweetman Road and the traffic has gotten horrible. Is there something that we can do to reduce the speed limit? I live at the top of the hill where the power line is and honestly I ride my horse along there, I bike, jog, walk and honestly they go 100 miles an hour. They fly from Mitchell's hill to the top of my hill and it is awful. So that is a concern of mine as more and more houses go in there, it increases the traffic in there. With Hop City and Peaceable both at reduced speed limits, people know that they can come down Sweetman Road and they fly down there.

Sherry Buthfer: When they do build a house, she has a point, fertilizer and everything else running down that hill into that creek, I used to play in there as kids that leads behind (inaudible) property all the way back and through into Schmidt's property back in there I believe. Is that what leads across under Charlton Road over to LaRue's field?

Matt Schmidt: Correct.

Sherri Buthfer: Don't the cows over there drink and feed off of that water. Who is testing that water to see what is in that water that those cows and animals are drinking.

Matt Schmidt: You are absolutely correct. That would be a valid point. Albert LaRue also fertilizes his fields that are right there.

Sherri Buthfer: But what does he fertilize with?

Matt Schmidt: No idea.

Sherri Buthfer: I'm sure he fertilizes with something safe for the animals.

Matt Schmidt: That is a very good question.

Sherri Buthfer: That feeds all the way down to LaRue's, it goes to the creek behind and it crosses under Jenkins Road through there that feeds all the way down and nobody has ever looked into that, what that fertilizer does? That is what the cows drink out of.

Ted Hicks: Are the houses that are going to be built are they drawn in there on that diagram?

Duane Rabideau: Yes they are.

Ted Hicks: So they will be visible from Sweetman Road?

Duane Rabideau: Correct, but they are farther back.

Ted Hicks: There is no way that they could be moved back far enough so that they won't be visible?

Duane Rabideau: We can't because this is pretty much set.

Dom Barone, 269 Sweetman Road: What would it take to reduce the speed limit on the southern half of Sweetman with all of the houses?

Connie Wood: The State sets speed limits even on Town Roads.

Jay Wilkinson: That's a County Road.

Connie Wood: They do it on County too. You have to contact DOT.

Jay Wilkinson: If you have residents that are concerned that is something that you could bring to the Town Board at one of their meetings. We have a representative from the Town Board here tonight.

Sandy Verola: inaudible as she did not go to the microphone.

Dom Barone: I tried about 10 years ago.

Sandy Verola: inaudible as she did not go to the microphone.

Connie Wood: You might want to do a petition because that has been effective in a couple of instances that I know, one in the Town of Ballston. Eastern Avenue is 40 and you have got more houses in a closer density on Sweetman then we have by far. I don't quite understand why it hasn't been lowered.

Terri Koster: This is already approved, this is a done deal, its going to happen?

Jay Wilkinson: No it isn't. It's a process that you go through that has been working for the last five months that they have been before us and there has been review by this Board and we have had comments and input. The Town has a consulting engineer firm, EDPL Mike McNamara and he has given them feedback and input. I got involved in the Planning Board years ago because the same thing happened next to me. They divided the land and I didn't understand the process so I got involved and every land owner has the right to subdivide their land if they meet the requirements. These individuals own this property, as long as they meet the 2 acre and 200 foot frontage they can go from there. Then if there is wetlands, does it meet the setbacks. So we have been working through. The Public Hearing tonight is to tell us additional information about the land. There is concerns, site distances, creeks, wetlands a lot of concern about the triangle down the street that was sold off that Katz just built a house on that others have expressed interest on too. That is all good information. What the Board will do when the Public Hearing is closed, we will look at this again and we have to deliberate as a Board. Were there questions that came up tonight in the public forum that we want to address for the applicant and their representative to go off and find that out or do we have sufficient information to act? Our hands are tied in a way that if the Zoning requirements are met we don't have a lot of options. We can't arbitrarily say to someone we are not going to let you subdivide your lands.

Terri Koster: And we basically don't have any options either. We just have to wait and see that the process goes through or not.

Jay Wilkinson: Correct.

Connie Wood: They have to meet the zoning.

Terri Koster: Was it ever a 5 acre zoning with 200 feet of frontage?

Jay Wilkinson: No.

Lynn Meyers: If there ever comes to the point that they are talking about developing that big triangle in the back, are we going to be notified in time that we can come and say something before it happens? I think part of my anger comes from that we had no clue they were going to do stuff until it was a done deal, until they were putting a house up. I don't pay all these taxes to live in a place that's going to get street lights across the street from me. I could live somewhere else for a lot cheaper than I do. So if that is going to get developed in the back eventually, I'd like to know about it before it happens.

Jay Wilkinson: The applicant is saying that he intends to farm the land. The second part of that is before that could be done they would have to go before ZBA because it does not meet the 200 foot of frontage. You would be notified. You would get a postcard as part of the process.

Mark Hodgkins: One thing I am hearing here is that this all of the sudden was sprung on everybody. Like Jay said, we have been going through this for five months. This is no different than any other subdivision we deal with. You folks need to get involved in your Town workings and know how it goes. Obviously this is a surprise to you and it shouldn't be. We do this every month and it goes on. The process to get to a Public Hearing doesn't happen the first night the applicant shows up. So to say that this is almost over and I just heard about it is really not true. Our meetings are open. You can come the third Monday of every month at 7:30 and we discuss these same kind of things and you will start to see how this goes. There is no cloak and dagger here, this is very open.

Connie Wood: The other thing is that we don't call a Public Hearing until we feel that we have a complete application.

Mark Hodgkins: That can't happen the first night.

Kathy Fitts: I get the e-mail every month with the agenda for the Town Hall meetings and maybe you need to put a little more meat into the agenda that explains in a little more detail what you are going to be discussing because I read those emails every month and none of them had sparked my attention that this was being discussed.

Jay Wilkinson: You are talking two different things here. The Town Board puts out the agenda for their meetings.

Kathy Fitts: So does this also have an email that I can sign up for or something that I know what is going on.

Sandy Verola: We are working on a new town website.

Jay Wilkinson: That could be one of the things we put on there.

Kathy Fitts: That's important because I just don't have the time just to show up every month but if I knew something was going on my husband or I or one of my neighbors would make the effort that they would bring the information back. So it's important that we know ahead of time. I may not be interested in what's going on on Division Street or Maple or whatever but if something is happening on Sweetman we would show up like we did tonight.

Jay Wilkinson: I think a lot of what I am hearing tonight is a lot of people are saying the same things that when we did the Comprehensive Plan, maintaining the rural character of Charlton, more road frontage, bigger lots. If you are really passionate about those you really need to get involved as Mark said. They are in the process and they have been for a while now trying to redo the Zoning Ordinance. There has been talk about different schemes and maybe that is where you heard the five acres from. There has been talk about, in the different districts, people saying if it is north of 67 we could have larger lots there. Nothing is finalized. Get involved. The Town is very desirable. I came home today and in my mailbox was a letter from Prudential Real Estate "we sold three houses in your area and if you want to sell your house, Charlton is a very desirable area and they are selling for high prices, give us a call". I think we all know what we have here. I have been in the Town for 39 years. I love it here. My kids grew up here down the street from Dave Stafford. It is a great place and I got involved because I didn't like not knowing. When you know how a process works and how things happen, you really need to let people know what you are thinking. It's a great way to get involved in your community but also the only way it's going to change is if people get behind it. The Comprehensive Plan that we passed to protect the farmland was great and everyone is saying the same thing here tonight. Matt Schmidt is trying to do this on a smaller scale. It is pretty tough with the price of land the way it is right now. If you want to get involved we are always looking for alternates on the Planning Board, ZBA, and ECC. No money crosses hand, we are all volunteers. Get involved.

Mark Hodgkins: I will say too, there is a committee that has been meeting, seems like forever like 4 years, to redo the Zoning called the ZORC committee. We actually meet tomorrow night. We are just about done. It will then be turned over to the Town Board and then hopefully you will start to see that. I would jump on that because there is going to be a lot of the things that we have talked about here tonight that are going to be in that presentation. So don't come to that meeting at the end and say that you don't know anything about it because I'm telling you it is coming.

Dave Stafford: The reason we are here tonight is because this is a minor subdivision and that requires the Planning Board to be involved and have Public Hearings. On an individual lot like that triangle, as long as it meets all the requirements of our Zoning, the Zoning Administrator has the power to approve the lot for a building permit. When I listen to the people talk here it reminds me of the years and years that I was involved in Charlton and I'm glad that the feeling is still so strong where a horse is more welcome than people.

Jay Wilkinson: You bring up a good thing. You talk about this is just a minor subdivision, we dealt with last month a major subdivision. You've got Deer Run going down on Swaggertown Road that we just approved Phase 2. This has been going on since 1991 or somewhere in that era. So it has been going on a long time but right across the street Gary Heflin owns a very large tract of property and he hopes to put in 23 houses there. The Town is changing. The rules are the rules and all we can go by what is in the Zoning Ordinance tells us. We look at every subdivision on its merits and that's all. We have a book to go by, we have checks and balances, we have our Attorney that sits with us and keeps us straight and we have a Town Engineer that reviews every parcel unless it is a lot line change between neighbors then we usually don't ask the applicant to spend money to do that. This has all been reviewed.

Jay Wilkinson: I move that we close the Public Hearing.

Connie Wood: Second.

Jay Wilkinson: All in favor?

John Kadlecek: Aye.

Connie Wood: Aye

Marilyn Phillips: Aye.

Mark Hodgkin's: Aye.

Jay Wilkinson: Aye.

The Public Hearing closed at 8:30 p.m.

SUBDIVISION APPLICATIONS

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

Mr. Wilkinson stated that the Public Hearing just closed. Mr. Wilkinson asked the Board if there was anything anyone wanted to discuss.

Mrs. Wood stated that as she was not at the February meeting, she does not know if there were any discussions pertaining to sight distance.

Mr. Hodgkins stated that the three parcels are clear. Mr. Hodgkin's stated that the complaints on sight distance were on the triangle piece that is not part of the subdivision.

Mr. Rabideau stated that all of the lots far exceed the sight distance minimums.

Mr. Wilkinson inquired if a letter was submitted pertaining to sight distances.

Mr. Rabideau stated that he did not have his complete file.

Mrs. Wood inquired about the perk rate.

Mr. Rabideau stated that the lots had snow plus there was also vegetation. Mr. Rabideau stated that the tests were done below the layer of frost.

Mr. Wilkinson inquired about the merging of the deeds.

Mr. Rabideau stated that the deeds are prepared and once the subdivision is approved they will file them.

Mr. Wilkinson inquired if the SWPPP had been filed.

Mr. Rabideau stated that he was not sure who it should go to after Mr. McNamara's review.

Mr. Wilkinson stated that Mr. McNamara's 2/10/11 letter acknowledges receipt of the SWPPP and acceptance and states that an official from the Town needs to complete and sign it once the subdivision is approved. Mr. Wilkinson stated that there will be two separate permits and it is the owner's responsibility to ensure that a copy is given to the permit holders.

Mr. Rabideau stated that it is an unfamiliar process to him.

Mrs. Wood stated that when Mr. Schmidt sells the lots he has to make sure that the owners are signing on the SWPPP.

Mr. Rabideau stated that the permit will be transferred to the builder for disturbance of the soil.

Mr. Kadlecek inquired if the Planning Board maintained any contact with the project and the SWPPP. Mr. Kadlecek inquired if there was a way to get feedback.

Mr. Wilkinson stated that the Board could request it.

Mr. Kadlecek stated that he would like to see monthly updates.

Mrs. Verola stated that the EPA has strict rules pertaining to the fertilizer used on lawns running into animal's water.

Mr. Schorr stated that there are requirements.

Mr. Wilkinson stated that in February, the Board took lead agency status and county review was received on February 23rd.

The Board completed the Environmental Assessment Form.

Mr. Wilkinson made the motion to approve the Schmidt subdivision on Sweetman Road contingent upon the Zoning Officer signing the SWPPP and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor,

Resolution 2011-04 was made.

Mrs. Wood inquired about the merging of the deeds.

Mrs. Bullet stated that the attorneys will make sure that is done.

Mr. Kadlecek inquired if the constables could be encouraged to pay more attention to that part of the road.

Mrs. Verola stated that she would let them know.

Pre-application Conference

Smith (236.-1-12)

Herb and Carol Smith appeared before the Board.

Mr. Smith stated that he would like to subdivide a 46 acre parcel from the 77.56 parent parcel for estate purposes only.

Mr. Wilkinson stated that a survey would be required. Mr. Wilkinson provided an application and gave a brief explanation of the required information.

Mr. Smith inquired if a Public Hearing would be necessary.

Mr. Wilkinson stated that the Board may be able to waive that requirement.

Helfin/Lansing (255.-1-41.1, 41, 43.1, 43.2, 43.3)

No one appeared on this application.

Zoning Board of Appeals Referral

Tiffany (256.10-2-3)

Mr. Wilkinson stated that the applicants are looking for a Temporary Certificate of Occupancy to place a mobile home on their property while it is being repaired due to a pipe that burst creating extensive water damage.

Mrs. Bullet stated that the Board's response should be based on the ability to address health, welfare and safety and the mobile home being accessible to Fire Response and EMS. Ms. Bullet also suggested that there be an end date for removal of the mobile home.

Mr. Schorr stated that the ECC has not reviewed this application as they do not meet in time but he would be speaking as a private citizen in favor of the application.

Mr. Wilkinson stated that he would draft a letter to the ZBA.

Mr. Hodgkin's suggested that the condition of the trailer should meet current codes.

Zoning Report

The Board reviewed the Zoning Reports at the agenda meeting.

Town Board Liaison

The Board discussed at the Agenda meeting.

Correspondence

Mr. Kadlecek gave an overview of the SWM Workshop.

Mr. Wilkinson made a motion to adjourn the meeting. Mr. Hodgkin's seconded the motion. All were in favor.

The meeting was adjourned at 9:35 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary