

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

Minutes of the Planning Board Meeting – May 16, 2011

Chairman Jay Wilkinson called the meeting to order at 7:05 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Mark Hodgkins, Chris Mitchell, Marilyn Phillips, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Mr. Wilkinson reminded the Board of the new sound system.

Minutes

Mr. Wilkinson inquired if there were any comments or additions to the minutes from the workshop of April 6, 2011. No comments were provided.

Mr. Wilkinson stated that the draft of the April 18, 2011 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson, Ms. Phillips, Mrs. Wood and Mr. Hodgkins provided comments. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Subdivision Applications

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

Mr. Wilkinson stated that there was some confusion about how many lots were granted in this subdivision. Mr. Rabideau was under the impression that this was a two lot subdivision. Mr. Wilkinson stated that upon reviewing the file, the application was for a three lot subdivision. Mr. Wilkinson stated that once the fees for each lot are paid then he will sign the mylars.

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

Mr. Wilkinson stated that he received a letter from Scott Lansing dated today. Mr. Wilkinson stated that he spoke to Mr. Lansing last week inquiring if they were coming to this meeting. Mr. Wilkinson stated that Mr. Lansing informed him of an opinion letter from NYS regarding stormwater management and the design manual and how to interpret that. Mr. Wilkinson stated that if there was a project proposed prior to the new regulations going into effect March 1st 2011, then the old design guidelines could be used. Mr. Lansing stated that he would submit a formal request for the Planning Board to review. Mr. Wilkinson stated that he spoke to Mr. McNamara and he is aware of the changes and he will give us a formal review in letter form.

Smith (236.-1-12)

Mr. Wilkinson stated that he received a call from Mr. Smith that they are moving ahead with getting the survey and perk tests completed and will be back before us in June.

Cinella/Schweizer (223.-1-2.2)

Mr. Wilkinson stated that at the March meeting the Board granted conditional approval for this subdivision based on perk test information required and a revision to the Right to Farm map note to make the wording match Charlton's requirements. Mr. Wilkinson stated that it has been over 62 days since the Board granted that approval. Mr. Wilkinson stated that Mr. Schweizer is present to speak to the Board. Mr. Wilkinson stated that if the Board agrees, an extension of time can be given. Mr. Wilkinson stated that the perk tests results were presented tonight. Mr. Wilkinson stated that the extension would allow the applicant to get the maps made with the revision and perk information.

Mr. Keniry stated that it was advisable to extend.

Pre-application Conference

Corbin Trust (236.-1-43)

Mr. Wilkinson stated that the attorneys for the Trust are proposing a two lot subdivision of the Corbin Estate on Maple Avenue. Mr. Wilkinson stated that the intent is to create a five acre parcel with the house, barns and outbuildings that will be sold and then the remaining acreage, 109 acres, will remain as a wildlife preserve.

Mayer (236.-1-97)

Mr. Wilkinson stated that the proposal is to subdivide the twelve acre parcel on Maple Avenue into two lots. Mr. Wilkinson stated that the existing home will be on a two acre parcel and the applicant intends to build a new home for herself on the remaining ten acres. Mr. Wilkinson stated that the intent of the applicant is to give the two acre parcel with the house to her son.

ZBA Referral

None.

Correspondence

Mr. Wilkinson stated that there is a letter from Scott Lansing for the Board to review.

Mr. Wilkinson stated that Mr. Kadlecek prepared a summary for the preferred practices for Charlton regarding the new stormwater management regulations adopted March 1, 2011. Mr. Wilkinson stated that if the Board agrees, he would like to pass the information to Sandy Verola to present to the Town Board.

Zoning Report

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

Town Board Liaison

Mrs. Verola was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. All were in favor. Agenda meeting closed at 7:25 p.m.

BUSINESS MEETING

Opened at 7:38 p.m. with the Pledge of Allegiance.

Minutes

Mr. Wilkinson made the motion to approve the draft of the April 18, 2011 minutes with changes incorporated. Mr. Kadlecek seconded the motion. All were in favor. Mr. Mitchell abstained.

Mr. Wilkinson made the motion to approve the draft of the April 6, 2011 workshop minutes. Mrs. Wood seconded the motion. All were in favor. Mr. Hodgkins and Mr. Mitchell abstained.

SUBDIVISION APPLICATIONS

Cinella/Schweizer (223.-1-2.2)

Mr. Schweizer appeared before the Board for an extension to July 1st. The Board granted the extension to July 1st, 2011.

Pre-application Conference

Corbin Trust (236.-1-43)

Maura Mottolese, Attorney for the Corbin Trust, appeared before the Board.

Mrs. Mottolese provided the following proposal:

Carving out a five acre parcel that would include the house, the barns, and all of the outbuildings

The five acre parcel would be listed for sale

Balance of the property would remain in the wildlife preserve that has been set up in the Trust

Mrs. Mottolese stated that they are before the Board to get feedback from the Town. Mrs. Mottolese stated that they are still waiting for the Attorney General to grant permission to proceed with this subdivision. Mrs. Mottolese introduced Matt Novak, of the same firm who is also working with the Attorney General towards approval. Mrs. Mottolese stated that they are also looking to be qualified as an exempt subdivision.

Mrs. Wood stated that the barns on the property are sizeable and the acreage seems inadequate as there would only be three horses allowed on a five acre parcel. Mrs. Wood suggested adding additional acreage to make it more appealing to a potential buyer. Mrs. Wood inquired what happens to the proceeds from the sale of the five acre parcel.

Mrs. Mottolese stated that there are only certain things that she can discuss. Mrs. Mottolese stated that they are trying to meet the minimum requirements as the trust was set up to keep the entire parcel forever wild.

Mrs. Wood stated that there could be deed restrictions on the property.

Mrs. Mottolese questioned with what respect.

Mrs. Wood stated that the remaining land could only be used for agriculture. Mrs. Wood stated that people would want to have more animals with those barns than the zoning would allow.

Mrs. Mottolese stated that they are balancing what is appealing in the market versus what they have to ask permission for from the Attorney General's office.

Mrs. Wood inquired what happens to the funds that are generated from this.

Mrs. Mottolese stated that the Trust sets forth that there are beneficiaries to the Trust. There is at least one not-for-profit that receives an income from the Trust. Mrs. Mottolese stated

that the intent of the settler of the Trust was to provide for a wildlife preserve and not a historic preservation.

Mrs. Wood inquired if this was a trust in perpetuity.

Mrs. Mottolese stated yes.

Mrs. Wood inquired if Trustco would continue to be the Trustee.

Mrs. Mottolese stated that as long as there is a Trust and Trustco exists. Mrs. Mottolese stated that if the not-for-profit ceases to have assets then they can petition the Attorney General for dissolution.

Mr. Hodgkins inquired if the historical society was asked to be here for an opinion.

Mr. Wilkinson stated yes and that he would open the floor for comment.

Torbin Aabo stated that he is a member of the Friends of the Historic Corbin Farm. Mr. Aabo stated that in December of 2010 they sent a letter to Trustco inquiring about the \$500,000.00 set aside for the maintenance of the property. Mr. Aabo stated that the property is not being maintained. Mr. Aabo stated that they had 287 signatures to show Trustco that they should be following the Will and maintaining the property. Mr. Aabo stated that they would like to see the property fixed before the subdivision or sale. Mr. Aabo stated that the buildings should be refurbished so that they are up to the standard that they were when Mrs. Corbin died in 1996. Mr. Aabo stated that there was money set aside so that the property would not be neglected and it is being neglected. Mr. Aabo stated that Trustco has not used that money as the Will said it was to be used.

Deborah Herrin, President of the Charlton Historical Society, inquired why they wanted to carve off the buildings.

Mrs. Mottolese stated that the intent of the trust was to set up a wildlife preserve. Mrs. Mottolese stated that they need Attorney General approval before they can move forward, so the intent was to try to minimize the amount that would be carved out and put on the market and the balance will remain forever wild.

Deborah Herrin stated that she questioned why this was being proposed rather than conservation easements.

Mrs. Mottolese stated that from a Trust perspective it was set up as a wildlife preserve and the home was a shelter for animals.

Deborah Herrin stated that she did not understand the rationale for proposing this to the Attorney General.

Mr. Wilkinson stated that at face value this is a subdivision and would require a survey, together with a completed application. Mr. Wilkinson stated that the Board could not proceed without Attorney General approval. Mr. Wilkinson stated that the Board can only look at this as does it meet the zoning requirements for a subdivision.

Mrs. Wood suggested some alternate line placements to make the parcel larger and more appealing to someone with horses and other animals.

Mr. Keniry stated that the applicants are trying to minimize the impact on the total parcel. Mr. Keniry stated that the Attorney General may not approve a 10 acre carve out but they may approve a five acre carve out.

The Board raised concern for future owners and expressed desire to enlarge the carve out.

Mr. Mitchell suggested that the Board not waive the Public hearing as there may be a lot of feedback from the neighbors.

The Board raised concern with the future of the property if the Trust runs out of money.

The Board raised concern for possible future further subdivision of the five acre carve out if the carve out gets approved.

Mr. Aabo inquired how far along the application with the Attorney General was.

Mrs. Mottolese stated that there have been several revisions.

Mr. Novak stated that they are on their fifth draft.

Mrs. Mottolese stated that they are seeking input from various parties to see what they think.

Mr. Wilkinson stated that the application and supporting documents are due two weeks before the next scheduled meeting to get on that agenda.

Mayer (236.-1-97)

Mrs. Mayer appeared before the Board.

Mr. Wilkinson stated that this is a twelve acre parcel on Maple Avenue and the intent is to create a two acre parcel that will contain the existing house and improvements and a ten acre parcel that Mrs. Mayer will build her home on.

Mr. Wilkinson inquired if there were horses or barns on the property.

Mrs. Mayer stated that there is a small horse barn with no floor.

Mr. Wilkinson inquired if the intent was to keep horses.

Mrs. Mayer stated that her granddaughter has a horse but she would keep it on the 10 acre parcel.

Mrs. Mayer showed the location she planned to build upon. Mrs. Mayer stated that perk tests have been done and a septic hole was dug. Mrs. Mayer stated that it worked well.

The Board reviewed the setbacks for the horse barn.

Mr. Wilkinson stated that a survey would be required showing the proposed house with well and septic locations and the existing house and barn.

Mrs. Mayer stated that Mrs. York was exceptionally helpful to her.

Zoning Report

The Board reviewed the Zoning Report.

Town Board Liaison

Mrs. Verola inquired if the Board had ever considered waiving park fees for subdivisions that were done for estate purposes.

Mr. Wilkinson stated that the Board would have a hard time maintaining fairness for all applicants if that was done.

Correspondence

Mr. Wilkinson stated that there is training in Washington County on June 9th.

The Board reviewed the letter from Scott Lansing regarding the Helfin/Lansing project.

Mr. Keniry stated that he has spoken to Mr. McNamara and agrees that since the application and the SWPPP were filed before the new guidelines took effect that they can proceed without a revised SWPPP. Mr. Keniry stated that Mr. McNamara would be sending the Board his comments via letter.

The Board will await the letter from Mr. McNamara.

Mr. Kadlecek gave Mr. Keniry a copy of his summary on the changes to the SWM guidelines.

Mr. Keniry and Mr. Wilkinson will draft a letter to Mr. Lansing after review of the letter from Mr. McNamara.

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

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

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary