

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

Minutes of the Planning Board Meeting – June 20, 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, Mike Armer, Dawn Szurek, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Chris Mitchell joined the meeting at 7:20 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

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

Minutes

Mr. Wilkinson stated that the draft of the May 16, 2011 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. No additional comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Subdivision Applications

Smith (236.-1-12)

Mr. Wilkinson stated that this is a subdivision of a 77 acre farm into two parcels consisting of 46 acres and 32 acres. Mr. Wilkinson stated that the maps are complete, perk tests have been done and the application has been completed. Mr. Wilkinson stated that the Board has received County approval. Mr. Wilkinson stated that the Board is in a position to act. Mr. Wilkinson stated that he received a request from the applicant to waive the park fee since this was not a subdivision for building purposes and is for estate purposes.

Mr. Wilkinson read from the Zoning Ordinance on page 11, subdivision regulations, to the Board. Mr. Wilkinson also read the fee schedule.

Mr. Wilkinson stated that since it is the Town Board who sets the fees and the Planning Board has no authority over fees, the Board could ask for their input through Mrs. Verola.

Mr. Wilkinson stated that the Board has enough information to move forward with the application. Mr. Wilkinson stated that the Board would waive the Public Hearing and engineering review.

Pre-application Conference

Rossdeutscher (246.-3-46.111)

Mr. Wilkinson stated that this property is located on Vines Road. Mr. Wilkinson stated that the proposal is for subdivision with one lot consisting of 11.58 acres with the existing house and outbuildings and the other lot will be the remaining 17+ acres that the applicant will be building a house for herself on. Mr. Wilkinson stated that the land is currently being hayed and the last subdivision was in 2001.

Charlton School for Girls (256.-1-38)

Mr. Wilkinson stated that he received a call from Don Marshall, Director of the School, that they have been granted approval from the State to proceed with their expansion project proposed in 2008. Mr. Wilkinson stated that he asked Mr. Marshall to have a representative come and update the Board as the project has been downsized.

ZBA Referral

None.

Correspondence

Mr. Wilkinson stated that in regards to the Heflin/Lansing subdivision, Mr. McNamara has advised that since the original SWPPP meets the old regulations that were in place before the March 2011 changes, the Board could proceed with the original plan.

Mr. Wilkinson stated that Mr. Keniry sent a letter to Scott Lansing and the Board has not received a response. Mr. Wilkinson distributed a copy of the letter drafted by Mr. Keniry to the Board members.

Mr. Wilkinson stated that Mr. Kadlec drafted a summary of the Town of Charlton's preferred SWM practices. Mr. Wilkinson stated that once all of the Board members have reviewed the summary, it can be submitted to the Board's liaison for the Town Board to review.

Zoning Report

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

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 7:25 p.m.

BUSINESS MEETING

Opened at 7:30 p.m. with the Pledge of Allegiance.

Minutes

Mrs. Wood made the motion to approve the draft of the May 16, 2011 minutes with changes incorporated. Mr. Hodgkins seconded the motion. All were in favor. Ms. Szurek and Mr. Armer abstained.

SUBDIVISION APPLICATIONS

Smith (236.-1-12)

Mrs. Wood recused herself from discussions.

Mr. Wilkinson stated that this is a subdivision of a 77 acre farm on Eastern Avenue and Division Street into two parcels.

Mr. Smith appeared before the Board.

Mr. Smith stated that all of his paperwork is up to date. Mr. Smith stated that he is not asking for preferential treatment but feels that the park fee of \$1,200.00 is not applicable in this subdivision. Mr. Smith stated that the fee is paid for an established building lot for building property which would allow us to come before this Board again and not pay another \$1,200.00 fee or subdivide if we wanted to put a building there. Mr. Smith stated that this is not for a building lot. Mr. Smith stated that if the fee were applicable he would not contest, however, he would like a waiver of the fee since they feel that it is not applicable.

Mr. Wilkinson stated that the Planning Board does not have the power or authority to waive the park fee. Mr. Wilkinson stated that they could go before the Town Board and make their request.

Mr. Smith stated that his concern is not the money but the principal. Mr. Smith suggested that there be something in the regulations under exempt subdivisions that there is a fee for subdividing for estate purposes. Mr. Smith stated that they are looking for confirmation on what's right and wrong.

Mr. Wilkinson stated that the regulations are clear that every subdivision pays a park fee. Mr. Wilkinson stated that once a parcel is subdivided and the park fee paid, there is only a building permit fee to build a house. Mr. Wilkinson stated that the Town has rules and they are clear in the subdivision regulations. Mr. Wilkinson stated that the park fee is paid when the lot is created not when you get your building permit. Mr. Wilkinson stated that it would be very hard to track and follow if a lot was created in 2011 and was not built on for 10 years. Mr. Wilkinson stated that it would be hard to keep a record of park fee payments.

Mr. Mitchell encouraged Mr. Smith to go before the Town Board to request the waiver of the park fee.

Mrs. Verola stated that the Town Board would be meeting on Monday.

Mr. Wilkinson stated that the application is complete and the drawing has all of the correct notes.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency for the purposes of SEQRA and that the action is unlisted with a negative declaration relative to SEQRA. Mr. Kadlecek seconded the motion. All were in favor.

The Board reviewed and completed Part II of the EAF.

Mr. Wilkinson made the motion to approve the Smith subdivision as Resolution number 2011-05 and authorize the chairman to sign the mylars once the park fee is paid or a waiver is received from the Town Board. Mr. Kadlecek seconded the motion. All were in favor.

Mrs. York provided Mr. Smith with the filing instructions.

Pre-application Conference

Rossdeutscher (246.-3-46.111)

Ruth Rossdeutscher appeared before the Board.

Ms. Rossdeutscher stated that as the property stands now it is 29.57 acres. Ms. Rossdeutscher stated that it used to be the Miner residence. Ms. Rossdeutscher stated that

she is proposing to subdivide and sell 10 acres between the driveway inclusive and all of the land southwest to the driveway, including the existing house, barns, outbuildings, etc. Ms. Rossdeutscher stated that she would retain the rest of the road frontage, the land behind the Miners residence and the back woods for a future house for herself. Ms. Rossdeutscher stated that she currently has a contract on the land and house contingent upon subdivision approval. Ms. Rossdeutscher stated that the new parcel would be retaining 200 foot of road frontage on Vines Road.

The Board clarified the frontage for both parcels.

Ms. Rossdeutscher stated that the driveway is a shared driveway. Ms. Rossdeutscher stated that the lawyers are writing up an agreement for the driveway and the purchaser is aware and ok with it. Ms. Rossdeutscher stated that the driveway was a stone driveway.

Mr. Wilkinson stated that the shared driveway is a pre-existing condition. Mr. Wilkinson stated that shared driveways are usually a problem to straighten out.

Ms. Rossdeutscher stated that the buyers are aware and the lawyers are writing up an agreement.

Mr. Wilkinson asked for the location of the proposed house.

Ms. Rossdeutscher showed the Board the proposed house location and proposed driveway location.

Mr. Wilkinson inquired what was behind the Miner house.

Ms. Rossdeutscher stated that she would be 600-800 feet behind their house and there is a tree hedgerow for privacy.

Ms. Szurek inquired as to the length of the driveway and inquired if Ms. Rossdeutscher was aware of the long driveway regulations.

Mrs. York provided the specifications for a long driveway for Ms. Rossdeutscher.

Ms. Rossdeutscher stated that she is trying to keep as much AG land as possible while prohibiting someone else from subdividing further in the future.

The Board discussed other options for the "pinch point".

The Board gave suggestions on moving some of the property lines to a more favorable plan.

Mr. Wilkinson stated that a perk test would be required.

Mr. Wilkinson inquired if the applicant would be agreeable to placing a deed restriction to prevent any future subdivision.

Ms. Rossdeutscher stated that she has no plans of further subdivision but does not know what the future will be and does not want this restriction.

Mr. Wilkinson stated that the Board is looking at the future and may request a note on the drawing about no further subdivision. Mr. Wilkinson stated that when a situation is created where there is a house behind a house the Board usually requires no further subdivision language on the drawing.

Mr. Wilkinson requested that the building envelope be shown on the drawing, perk tests and information on the drawing, contour lines shown, removal of the choke point on the driveway and make the line come straight down. Mr. Wilkinson stated that the Board would also like to see a note referencing no further subdivision.

Mr. Wilkinson asked for permission for the Board to walk the property.

Ms. Rossdeutscher stated that would be fine and that she would like to walk the property with the Planning Board.

Ms. Szurek asked for the dimensions of the outbuildings to the property line be shown on the drawing.

Mr. Wilkinson asked that the existing well, septic and pond be shown on the drawing.

Ms. Rossdeutscher stated that she was using Van Guilder for the survey.

Mrs. York stated that the Zoning Officer would need to witness the perk tests.

Mr. Wilkinson showed Ms. Rossdeutscher in the regulations what the Board was looking for on the drawing.

Mr. Hodgkins asked that the utility pole and line be shown correctly on the new drawing.

Charlton School for Girls (256.-1-38)

Frank Gilmore, architect, appeared before the Board.

Mr. Gilmore gave a brief history of the project proposed in 2007-2008. Mr. Gilmore stated that they met with the State Education Department a couple of months ago and they have approved a plan for expansion. Mr. Gilmore stated that the approved plan is much smaller than the originally proposed expansion project. Mr. Gilmore stated that they have a new diagram showing the new plan for expansion to the back of the school. Mr. Gilmore stated that visibility will be at minimum from the road. Mr. Gilmore stated that the geothermal

wells were developed in close coordination with NYSERDA for energy efficiency. Mr. Gilmore stated that the school is going to be heated and cooled by a geothermal well system and there is plenty of real estate to do that. Mr. Gilmore showed the new septic field location. Mr. Gilmore stated that there is a new stormwater management system. Mr. Gilmore stated that this is a minimal improvement but it is much needed. Mr. Gilmore stated that they have a hydrant out at the road and it has been tested several times. Mr. Gilmore showed the underground electric lines and the underground gas line on the drawing. Mr. Gilmore stated that the addition is one story and will not be visible from the public way.

Mr. Kadlecek stated that there are new regulations for stormwater management that their engineer should be aware of.

Mr. Mitchell inquired as to the location of the wells.

Mr. Gilmore stated that they would be below the surface. Mr. Gilmore stated that the land would only be out of agricultural use during the construction.

Mr. Wilkinson inquired if they were going to be adding additional children to the school and increasing the number of bus traffic.

Mr. Marshall stated that they have approval for up to 42 students and they can fulfill the capacity. Mr. Marshall clarified that he is talking about day students. Mr. Marshall stated that the resident students remain the same and they would be able to accept 7 more day students.

Mr. Wilkinson inquired if that meant there could be up to 7 other vehicles providing transportation.

Mr. Marshall stated that they have 4 day students now that receive separate transportation.

Mr. Gilmore stated that the perk and the soil are good. Mr. Gilmore stated that there is no extraordinary subsoil difficulties. Mr. Gilmore stated that they have had the engineer perform some tests. Mr. Gilmore stated that the entire infrastructure is going to be replaced with high efficiency lighting. Mr. Gilmore stated that they would be using zoned heat pumps for efficient delivery of heating and cooling.

Mr. Wilkinson inquired if the survey would be from a fixed point. Mr. Wilkinson further inquired if the geothermal wells and the septic locations would be shown together with setbacks and distances.

Mr. Marshall stated that they have all of the information they just need to assemble the information.

Mr. Wilkinson inquired if they would be showing the contour lines.

Mr. Gilmore stated that they are there on the drawings. Mr. Gilmore stated that they would create boards that are readable from a distance.

Mr. Wilkinson stated that the Board would like to see a fixed point, like the road and the location of the things that are within that location.

Mr. Gilmore stated that they could do that.

Mr. Wilkinson stated that in February, 2009, Mr. McNamara provided comments to the original plan. Mr. Wilkinson asked the applicants to review the comments.

Mr. Gilmore stated that they would like to break ground in the fall.

Mr. Wilkinson stated that the Board would forward the application to the fire district for their review.

Mr. Gilmore stated that emergency vehicles would be able to drive around the entire buildings.

Zoning Report

The Board reviewed the Zoning Report.

Town Board Liaison

No report.

Correspondence

The Board agreed to send the SWM Summary prepared by Mr. Kadlecek to Mr. McNamara for review and input.

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

The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary