

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

Minutes of the Planning Board Meeting – October 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, Marilyn Phillips, 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 7:20 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 September 19, 2011 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson provided a comment. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

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

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

Subdivision Applications

Mr. Wilkinson stated that there were no subdivision applications at this time.

Site Plan Review

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

Mr. Wilkinson stated that at the September meeting, the Board was given an overview and responses to the letter from Mike McNamara of August 19th. Mr. Wilkinson stated that Mr. McNamara has received updated plans revising all comments on September 9th. Mr. Wilkinson stated that all of Mr. McNamara's comments have been addressed as evidenced in his letter of October 4th.

Mr. Wilkinson stated that the Board has not received a response from the Fire Department or the Water Department.

Mr. Wilkinson stated that the only outstanding issue is the submittal of a Phase I Archeological Assessment of the parcel. Mr. Wilkinson stated that the Board could not issue conditional approval until receipt and review of the archeological study. Mr. Wilkinson stated that the long EAF asks for a Phase I Archeological Study and Mr. McNamara has to review the study. Mr. Wilkinson stated that the applicant would have to wait until the next meeting unless the study is provided tonight.

Mr. Wilkinson stated that once the Public Hearing is closed, the Board can advise the applicant of the necessity of the study to proceed.

Pickett (236.-1-28)

Mr. Wilkinson stated that this is an application for a gun shop and a gun repair shop. Mr. Wilkinson stated that Duane Rabideau will make a presentation. Mr. Wilkinson stated that the application is lacking data. Mr. Wilkinson referred to the requirements listed on page 110 of the Zoning Ordinance.

Correspondence

Mr. Wilkinson stated that the Board could discuss the conference that some of the Board members attended this month.

Zoning Report

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

Mr. Wilkinson stated that page 27 of the Zoning Ordinance requires a special exception use permit for the type of sign that the Charlton Fire Department has installed. Mr. Wilkinson stated that the Historical District was consulted as evidenced in their minutes. Mr. Wilkinson stated that a permit was issued on August 9th by the Zoning Officer.

Town Board Liaison

Mrs. Verola is present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. 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

Mr. Wilkinson made the motion to approve the draft of the September 19, 2011 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor.

PUBLIC HEARING (7:32)

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

Mr. Wilkinson stated that the Public Hearing notice was published on October 7, 2011 in the Daily Gazette and the cards were mailed to the neighboring property owners.

Mr. Wilkinson opened the hearing to the public.

There was no public comment.

Mr. Wilkinson made a motion to close the Public Hearing, seconded by Mr. Hodgkins. All were in favor.

Public Hearing closed at 7:40.

SITE PLAN REVIEW

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

Mr. Gilmore and Mr. Keating appeared before the Board.

Mr. Wilkinson stated that at the last meeting the applicant's representative gave a brief overview of the project and responded to Mr. McNamara's comments. Mr. Wilkinson stated that Mr. McNamara has sent a follow up letter dated October 4, 2011 stating that all comments have been addressed. Mr. Wilkinson stated that the only remaining issue is the Phase I Archeological Study. Mr. Wilkinson stated that the Board has not received any comments from the Water Department or the Fire Department.

Mr. Wilkinson stated that the Board has received County approval.

Mr. Wilkinson stated that in order for the Board to move forward on this application the Phase I study needs to be submitted.

Mr. Marshall stated that the study has been completed and is being reviewed. Mr. Marshall stated that it would be forwarded to the Board shortly.

Mr. Wilkinson stated that under advice of counsel, the Board cannot proceed without the study.

Pickett (236.-1-28)

Duane Rabideau appeared before the Board.

Mr. Rabideau presented photographs for the Board. Mr. Rabideau provided a letter from DEC stating that no permits are required.

Mr. Rabideau stated that the application is for a gun shop located at 4214 Jockey Street. Mr. Rabideau stated that the applicant is seeking a special exception permit for a workshop to sell and repair firearms.

Mr. Rabideau explained the drawings. Mr. Rabideau stated that the existing building is currently being used for storage. Mr. Rabideau stated that they would like to convert it to the gun shop. Mr. Rabideau stated that the wood frame building would be removed. Mr. Rabideau stated that since the applicant is losing storage capacity for the apple orchard business, they are requesting a 28 x 32 AG storage and repair shop. Mr. Rabideau showed the area as well as the location of all of the improvements. Mr. Rabideau showed the proposed parking area. Mr. Rabideau stated that there will be very few people at one time. Mr. Rabideau stated that the hours of operation will be 9 am to 5 pm by appointment. Mr. Rabideau stated that it would be a very minimal traffic impact. Mr. Rabideau stated that they will use the existing driveway which has unlimited sight distance in both directions on Jockey Street. Mr. Rabideau stated that the DEC wetlands have been delineated. Mr. Rabideau stated that DEC came to the parcel and stated that the “zone of occupancy” is pre-existing, before DEC laws, and that no permit would be required.

Mr. Kadlecek asked to see a copy of the DEC letter.

Mr. Wilkinson stated that on page 110 of the Zoning Ordinance, there is a “checklist” for the information required for a site plan review. Mr. Wilkinson stated that the applicant has provided some of the information but the rest of the information is required for the Board to understand the overall site. Mr. Wilkinson reviewed some of the information listed in the ordinance.

Mr. Wilkinson asked the Board if a Public Hearing should be scheduled before the receipt of the information. The Board agreed to wait for the information to move forward.

Mr. Kadlecek asked for further clarification of the three year time frame to make changes as referenced in the October 3rd DEC letter.

Mr. Wilkinson stated that the application would also need to be referred to Mr. McNamara for review.

Mr. Rabideau stated that they will go through each item and provide the information.

Zoning Report

The Board reviewed the Zoning Report.

Town Board Liaison

Mrs. Verola did not have a report.

Correspondence

The Board discussed the NYS Planning Federation training opportunity in Albany on October 10th and 11th that some of the members attended.

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

The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary