

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

Minutes of Planning Board Meeting and Public Hearing – March 15, 2010

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, Ray Black, Mark Hodgkins, Dawn Szurek, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

AGENDA MEETING:

Mr. Wilkinson stated that the Froland referral from the ZBA needed to be added to the agenda.

Minutes

Mr. Wilkinson stated that the draft of the February meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson stated that the Board could approve the minutes during the business meeting.

Public Hearings

Mr. Wilkinson stated that there would be one Public Hearing. Mr. Wilkinson stated that the Nickles Public Hearing would take place at 7:30 p.m.

Old Business

Mr. Wilkinson stated that there was no old business.

Subdivision Applications and Lot Line Changes

Muscanell (237-1-24.12)

Mr. Wilkinson stated that he would be recusing himself and Mr. Kadlecek would be chairing this application.

Mr. Kadlecek stated that all of the approvals have been received from the County, DEC and ACOE. Mr. Kadlecek stated that there is a minor change on the EAF. Mr. Kadlecek stated that the Board is in a position to approve this application.

Mrs. Wood inquired if the Board was going to require no further subdivision on the land.

Mr. Kadlecek stated that it would be hard to divide the rest of the land because there is a lot of wetlands.

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

Mr. Wilkinson stated that Scott Lansing would be present.

Miller/LaFountain (225-1-46.112)

Mr. Wilkinson stated that Mr. Lansing would be present.

Mr. Wilkinson stated that there should be a sketch plan presented tonight based on discussions of the towns goals and the applicant's goals. Mr. Wilkinson stated that the Board's goals consisted of not having any driveways on Route 67, maintain farmland as much as possible and maintain open space. Mr. Wilkinson stated that the applicant's goal is to keep the 30 acres of wooded area for family recreation.

Nielsen (234-1-17.2)

Mr. Wilkinson stated that this was a lot line change. Mr. Wilkinson stated that in May of 2009, this was before the Board as a subdivision. Mr. Wilkinson stated that the intent is to make the lot an acre smaller to allow access to the farm road from the original property.

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that this is an application for a subdivision. Mr. Wilkinson stated that there is some concern over the lot width, which the requirement is a minimum of 200 feet. Mr. Wilkinson stated that the lot goes back 220 feet with a quick angle to the north which is 50 feet, then it opens to a big parcel behind 4 other properties on the north. Mr. Wilkinson stated that the concern is for when they apply for a lot line change. Mr. Wilkinson suggested that the Board ask that the lot line change be done at the same time.

Mr. Hodgkins stated that the applicant is self-creating a hardship by making it less than the 200 foot mean.

Mr. Keniry suggested that the Board ask the applicant for their intent.

Gibbons/Schweizer (213-1-5.1 and 213-1-5.2)

Mr. Wilkinson stated that Dave Schweizer came before the Board for a pre-application conference in 2009. Mr. Wilkinson stated that this is an application for a subdivision of an 18.65 acre parcel from a 122 acre parcel to create a building lot to be sold. Mr. Wilkinson stated that Mr. Schweizer would present the plan. Mr. Wilkinson stated that perk test information has also been presented. Mr. Wilkinson stated that the only issue is that there is not 100 foot setback to the barn.

ZBA Referrals

Froland Transportation, Inc. (247-2-49)

Mr. Wilkinson stated that this is a transportation company looking to purchase Dr. Phelps old offices.

Zoning Administrator Report

Mr. LaFountain provided his report for the month of February.

Town Board Liaison

Mr. Wilkinson stated that there would be a report if Mrs. Verola were available.

Mr. Wilkinson made a motion to close the Agenda meeting at 7:31 p.m. seconded by Mr. Kadlecek. All were in favor.

BUSINESS MEETING

Opened at 7:32 p.m. with the Pledge of Allegiance.

Public Hearings

Mr. Wilkinson explained the Public Hearing process to the public.

Nickles (223-1-31 and 223-1-32) 7:30 p.m.

Mr. Wilkinson stated that this is a lot line change on Westline Road.

Mr. Wilkinson stated that a Public Hearing Notice was published in the Daily Gazette on 3/7/10. Mr. Wilkinson read the notice into the record.

Deb Nickles presented the following plan:

- take 10 acres off of the main parcel to sell;
- take the remaining acreage and add it to the other parcel owned by Florence Kupciunas;
- the newly created 10 acre parcel will have 450-500 feet of road frontage.

Mr. Wilkinson stated that the 36 acre parcel is an old farmhouse with barns and the house next door has 4 acres. Mr. Wilkinson stated that they are reducing the 36 acre parcel to 10 acres and are going to sell it and merge the remaining property with the applicant's mother's house to create a 36 acre parcel.

Mr. Wilkinson opened the hearing to the public.

There were no public comments.

Mr. Wilkinson closed the Public hearing at 7:37 p.m.

Subdivision Applications

Muscanell (237-1-24.12)

Mr. Wilkinson recused himself from discussions. Mr. Kadlecek took over as chairman.

Brian Muscanell appeared before the Board. Mr. Muscanell presented the driveway permit to the Board.

Mr. Kadlecek stated that there is a minor change to the EAF.

Mr. Muscanell made the change on the EAF and initialed the change.

Mr. Kadlecek stated that the Board received County approval. Mr. Kadlecek stated that all of the requirements have been met on the AG data statement and the applicant has obtained all of the necessary permits. Mr. Kadlecek stated that all of the issues presented have been addressed by the applicant.

The Board completed SEQRA review.

Mr. Kadlecek made the motion to classify the action as an unlisted action with a negative impact declaration for the purposes of SEQRA. Mrs. Wood seconded the motion. All were in favor.

Mr. Kadlecek made the motion to approve the application for the Muscanell subdivision and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2010-03 was made.

Mr. Kadlecek provided Mr. Muscanell with a list of reminders of things that still needed to be done.

Mrs. York provided the filing instructions.

Minutes

Mr. Wilkinson made the motion to approve the draft of the February 15, 2010 minutes

with changes incorporated. Ms. Szurek seconded the motion. Mr. Black, Mrs. Wood and Mr. Hodgkins abstained from the vote. Motion denied for lack of quorum to vote.

Nickles (223-1-31 and 223-1-32)

Mr. Wilkinson stated that a new drawing has been presented.

Mr. Hodgkins stated that there is no location noted on the site map.

Mr. Wilkinson showed the applicant what the Board was looking for.

Mrs. Wood inquired if the map should reference the Power of Attorney

Mr. Wilkinson stated that the Board has copies of both deeds. Mr. Wilkinson asked Mr. Keniry how the parcel should be listed.

Mr. Keniry stated that for accuracy purposes, the map should indicate the life estate with the use of proper names. Mr. Keniry stated that the map should conform to what the county clerk has.

Mr. Wilkinson asked the applicant to add her mothers name to the drawing.

Mr. Black inquired who lived in the property.

Ms. Nickles stated that the property is rented.

Mr. Wilkinson stated that the application was referred to the County and the Board received their approval.

Mr. Wilkinson made the motion to waive the engineering review, park fees and application fees. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson stated that the Board has a complete application.

Ms. Szurek made the motion for the Planning Board to be designated as lead agency for the purposes of SEQRA and the proposed action is an unlisted action under SEQRA with a negative impact declaration relative to environmental impact. Mr. Wilkinson seconded the motion. All were in favor.

Mr. Wilkinson stated that there was a small correction to be made to the number of acres listed on the application. Ms. Nickles made the change and initialed it.

The Board completed SEQRA review.

Mr. Wilkinson made the motion to approve the Nickles lot line change contingent upon the applicant changing the drawing to reflect the proper names of all owners and the addition of a site location map arrow on the drawing and authorize the chairman to sign the mylars. Mr. Kadlecek seconded the motion. All were in favor.

Resolution 2010-04 was made.

Mrs. York provided a copy of the filing instructions.

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

Scott Lansing appeared before the Board. Dean Durst appeared before the Board.

Mr. Durst reviewed all of the proposed drawings that came before the Board:

- 6/95 original wetland map; 51.7 acres
- 2/96 single point entry with 26 lots
- 7/98 18 ½ being Mr. Durst's house and remaining 32 acres; negotiations to purchase other land
- 7/98 single point entry, 2 acre lots, 24 lots out of 2 properties combined approximately 62 acres
- 9/98 boulevard configuration
- 4/99 perk tests done, single point of access
- 4/99 2 points of access 575 feet apart
- 2/05 cluster concept, single point of access
- 1/10 2 points of access 575 feet apart, waiting on water district approval, perk tests done, test pits and engineering done on each lot
- 2/10 preferred drawing by the Board, single access, green space at road and in back.

Mr. Durst stated that at this time they would like to request not having to re-do the engineering that was done on the drawing dated 2/05.

Mr. Lansing stated that the drawing is of a conventional layout with 24 lots. Mr. Lansing stated that there have been some revisions. Mr. Lansing stated that there is a 100 foot buffer to Swaggertown Road. Mr. Lansing stated that some of the lots have been reconfigured and they have added some revisions to this area. Mr. Lansing stated that they have added one homestead lot in the back that will be 5.1 acres and then the remaining 23 lots. Mr. Lansing stated that there is open space in the front and in the back. Mr. Lansing stated that the preliminary engineering was done on the previous layout that included roadways, stormwater management and test pits. Mr. Lansing stated that they are requesting that the Board rely on the knowledge of the previous engineering review for the similar layout so that can move forward with obtaining public water for this project.

Mrs. Wood inquired if the Board had been given copies of the current layout.

Mr. Lansing responded no.

Mr. Wilkinson stated that there was a workshop on February 4, 2010 to discuss maintaining open space, maintaining the rural character and using only one road cut on Swaggertown Road for this application. Mr. Wilkinson asked Mr. Lansing to update the Board.

Mr. Lansing stated that the wetlands have been updated. Mr. Lansing stated that they have updated soils information and test pit information. Mr. Lansing stated that the current plan has two curb cuts along Swaggertown Road. Mr. Lansing stated that per the workshop, they went back to the original plan, which had only one curb cut across from Crooked Street and developed the current plan. Mr. Lansing stated that the number of lots up front has changed and the lots are now larger. Mr. Lansing stated that it is still the same number of lots just a little tighter. Mr. Lansing stated that they have maintained the open space in the back. Mr. Lansing stated that Mr. McNamara requested drainage, sewer and stormwater management information. Mr. Lansing stated that in order to do the water, they need Town Board approval.

Mrs. Wood inquired if the Board has copies of the current layout.

Mr. Lansing responded no.

Mr. Black inquired if there were three lots on Swaggertown Road.

Mr. Lansing stated that there would be one lot on Swaggertown Road and the other two lots would be fronting on the new street. Mr. Lansing pointed out the open space strip.

Ms. Szurek inquired how big the smallest parcel would be.

Mr. Lansing responded .77 acres.

Mr. Lansing advised the Board of the proposed acreage for all of the lots.

Ms. Szurek stated that the ECC has a concern with the septic systems.

Mr. Lansing stated that the test pits show that conventional shallow systems and some built up systems would be required. Mr. Lansing stated that the lot sizes shown can be supported by the septic systems.

Ms. Szurek inquired as to the plan for the trees.

Mr. Lansing stated that they would save as many as they could.

Mr. Wilkinson stated that the Board would forward the new drawings to Mr. McNamara for review.

Mr. Black stated that the drawings are close enough to the previous that engineering should be able to be met. Mr. Black stated that the applicant is asking for the Board to get them to the point of conceptual approval to allow them to move forward with the water determination. Mr. Black stated that the applicants are trying to preserve the rural character of the town in terms of the view from the road. Mr. Black stated that one road cut is an improvement and the lots do not crowd each other. Mr. Black stated that having three houses on Swaggertown with only one fronting on Swaggertown is an improvement. Mr. Black stated that the Board does not like houses behind houses, but there is enough room with the buffer. Mr. Black stated that it is important to maintain the buffer.

Mr. Heflin approached the Board and stated that he has been in Charlton for over 50 years and he will do the plans any way that the Board wants.

Mr. Black inquired about the three fields in preservation of farmland.

Mr. Durst stated that they were hay fields.

Mr. Black suggested that at the southern end of the property, it is possible to include all of the one field into one lot and split the third largest field into two lots.

Mr. Heflin stated that the lot in the back is for Mr. Durst's daughter.

Mr. Black stated that the plan meets a substantial portion of what the Planning Board is trying to get out of the cluster plan. Mr. Black stated that if Mr. McNamara is ok with the plan that he is also.

Mr. Wilkinson stated that he also feels the same. Mr. Wilkinson stated that he would like to get Mr. McNamara's feedback on the project.

The Board agreed to forward the plan to Mr. McNamara for review.

Mr. Wilkinson asked Mr. Lansing for copies of the drawing.

Mr. Lansing stated that he would provide Mr. McNamara with a copy of the drawing electronically.

Miller/LaFountain (225-1-46.112)

Mr. Lansing appeared before the Board.

Mr. Wilkinson stated that the applicants with their representative and the Board met on March 3, 2010 for a workshop. Mr. Wilkinson stated that the goals of the Board and the goals of the applicant were discussed. Mr. Wilkinson stated that the Board requested a cluster plan to review based on the comments from the workshop.

Mr. Lansing stated that what he has prepared is a work in progress. Mr. Lansing stated that they have discussed putting in a small roadway. Mr. Lansing stated that they also discussed preservation of open space as well as costs.

Mr. Lansing stated that the proposed layout for the cluster plan is 16 lots with a cul-de-sac. Mr. Lansing stated that the lots meet the zoning regulations and are 2 acres with 200 feet of frontage.

Mr. Black stated that the intent was to show that a conventional design could be accomplished but it is neither approved nor accepted. Mr. Black stated that the wetlands would need to be delineated, and septic designs, perk tests, drainage plan, etc., would be required.

Mr. Lansing stated that based off of the area requirements, they have provided for the setback requirements and building envelopes. Mr. Lansing stated that some data does need to be obtained. Mr. Lansing stated that their intent was to demonstrate the conventional layout shows more than 7 lots as the original application requested. Mr. Lansing stated that the additional lots would have to offset the additional costs.

Mr. Wilkinson stated that the application would continue next month with a complete drawing.

Nielsen (234-1-17.2)

Mr. Nielsen appeared before the Board.

Mr. Wilkinson stated that in May, 2009 the Board approved a subdivision of this property. Mr. Wilkinson stated that the plan is to move the lot lines to place the farm road on the original property.

Mr. Nielsen stated that they want to make sure that the fields could still be hayed in case they ever decide to move.

Mr. Wilkinson stated that the Board has a complete application. Mr. Wilkinson stated that all of the required notes are on the drawing and are correct. Mr. Wilkinson stated

that the Board has the AG data statement and the short form EAF.

Ms. Szurek made the motion to declare the planning Board as lead agency status for the purposes of SEQRA and the proposed action is an unlisted action under SEQRA with a negative impact declaration relative to environmental impact. Mrs. Wood seconded the motion. All were in favor.

Mrs. York stated that County approval had been received.

Mr. Wilkinson made the motion to waive engineering review, park fees and application fees and the Public Hearing. Mr. Kadlecek seconded the motion. All were in favor.

The Board completed the Environmental Assessment form.

Mr. Wilkinson made the motion to approve the Nielsen lot line change and authorize the chairman to sign the mylars. Mr. Black seconded the motion. All were in favor.

Resolution 2010-05 was made.

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

Grabo/Davidson (246-1-61)

No one appeared on this application.

Gibbons/Schweizer (213-1-5.1 and 213-1-5.2)

Dave Schweizer appeared before the Board.

Mr. Wilkinson stated that Mr. Schweizer came before the Board for a preliminary conference in April, 2009.

Mr. Schweizer stated that the intent is to create one 18 acre lot with 500 foot of frontage and 2000 feet of depth. Mr. Schweizer stated that soil and perk tests have been done. Mr. Schweizer stated that they located the house in the back 300-400 feet back from the road.

The Board asked for clarification on the how many parcels were being created.

Mr. Schweizer stated that they are creating one new lot of 18 acres, the Montemorano's will own the other 45 acres and the Smiths lease the other lot. Mr. Schweizer pointed out the boundary line they are wiping out and the new boundary line they are creating.

Mr. Black clarified that the intent is to do a lot line change and a subdivision at the same

time.

Mr. Schweizer responded yes.

Mr. Hodgkins inquired as to the pond setback distance.

Mr. Schweizer responded 45 feet.

Mr. Wilkinson asked Mr. Schweizer to add the pond distances to the drawing.

Mr. Black asked Mr. Schweizer to point out the farmland.

Ms. Szurek asked Mr. Schweizer to point out the wetlands.

Mr. Black stated that this would be landlocking back land.

Mr. Wilkinson stated that there is access from another parcel.

Mr. Black stated that there must be access from the road otherwise a wetland crossing permit would be required.

Mr. Wilkinson stated that the Board would like to see the following:

- distance from the pond to the new property line
- complete the wetlands on parcel 1B
- show access to parcel 1
- site location map to show how parcels will look on final mylar.

Mr. Wilkinson stated that the Board has a complete application. Mr. Wilkinson stated that there are minor drawing changes that need to be completed for next meeting.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson stated that the application will be forwarded to the County for review and then the Board could set the Public Hearing.

ZBA Referrals

Eroland Transportation, Inc. (247-2-49)

Duane Rabideau appeared before the Board.

Mr. Rabideau stated that there is currently a contract for purchase of the property located at 312 Stage Road. Mr. Rabideau stated that they are requesting that a special exception

for professional office use variance be granted. Mr. Rabideau stated that there are pre-existing variances on the property. Mr. Rabideau stated that Froland Transportation, Inc. is a transportation logistic and brokerage company. Mr. Rabideau stated that they currently employ five people that conduct business using phones, fax machines and computers. Mr. Rabideau stated that they do not own any trucks or employ any truck drivers. Mr. Rabideau stated that the intensity of use is less also. Mr. Rabideau stated that they are not proposing any physical changes to the site or the building. Mr. Rabideau stated that there are no wetlands. Mr. Rabideau provided the septic and well locations.

Ms. Szurek inquired if there would be a new sign.

Jeff Ogle stated that a sign was not necessary, as they do not have any customers that come to the office. Mr. Ogle stated that they would utilize what was already there.

Ms. Szurek inquired what the hours of operation were.

Mr. Rabideau stated daytime hours.

Ms. Szurek inquired if they owned the building they were currently working out of.

Mr. Ogle stated that they rent.

Ms. Szurek inquired what would happen if the company grew and the number of employees increased.

Mr. Rabideau stated that as the economy is not good, they plan to stay at five employees. Mr. Rabideau stated that there is enough room for up to ten employees, but that is not the plan right now. Mr. Rabideau stated that the septic is adequate for the use.

Ms. Szurek inquired if there was a chance that in the future, they would employ trucks.

Mr. Ogle responded no, that they have been a brokerage company for the past 20 years with no intentions of changing that.

Ms. Szurek inquired if the driveway would stay gravel.

Mr. Rabideau responded yes.

Mr. Black inquired if the number of employees could be restricted.

Mr. Keniry stated that he had spoken with Mr. VanVranken and the ZBA is only looking for advisory comment on the use variance and leave open the possibility of a site plan review referral.

Mr. Black stated that if the building maintained less than ten people and if there is no intention to have more people than that, there would be no need for a site plan review if there is no plan for physical change.

Mr. Keniry stated that the question becomes what is professional office use. Mr. Keniry stated that the ZBA has to contemplate the permitted use from professional office building to professional office.

Mr. Wilkinson stated that he will draft an advisory letter to the ZBA for Mr. Keniry's review.

Zoning Administrator Report

Mr. LaFountain provided a report for February.

Correspondence

Mr. Wilkinson stated that there is a training opportunity on April 8, 2010 at Hudson Valley Community College. Mr. Wilkinson stated that sign-up deadline is April 2nd.

Town Board Liaison

Mrs. Verola did not have a report.

Mr. Black stated that he would like the Town Board's opinion on the creation of new roads.

The Board discussed the issue of creating new roads as pertains to the current applications before the Board.

Mrs. Verola stated that she would get some available dates from the Town Board to have a workshop with the Planning Board.

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

The meeting was adjourned at 10:30 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary