

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

Minutes of Planning Board Meeting – April 19, 2010

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecsek, Connie Wood, Ray Black, Mark Hodgkins, Dawn Szurek, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Chris Mitchell joined the meeting at 7:15 p.m.

AGENDA MEETING:

Minutes

Mr. Wilkinson stated that the draft of the February 15, 2010 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.

Mr. Wilkinson stated that the draft of the March 15, 2010 meeting minutes needed to be approved. Mr. Wilkinson, Mrs. York and Mr. Black provided comments. Mr. Wilkinson stated that the Board could approve the minutes during the business meeting.

Mr. Wilkinson stated that the draft of the March 3, 2010 workshop minutes needed to be approved. Mr. Wilkinson stated that Mrs. York has provided comments. Mr. Wilkinson stated that the Board could approve the minutes during the business meeting.

Public Hearings

Mr. Wilkinson stated that there would not be any Public Hearings this evening.

Old Business

Mr. Wilkinson stated that there was no old business.

Subdivision Applications and Lot Line Changes

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

Mr. Wilkinson stated that Scott Lansing would be present. Mr. Wilkinson stated that Mr. McNamara has provided comments. Mr. Wilkinson stated that the Board has received a revised design plan.

Miller/LaFountain (225-1-46.112)

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

McNamara has provided comments. Mr. Wilkinson stated that new maps have also been provided.

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

Mr. Wilkinson stated that new maps have been provided by Mr. Schweizer addressing the comments from Mr. McNamara. Mr. Wilkinson stated that the Board could review the comments and changes with Mr. Schweizer. Mr. Wilkinson stated that the Board received a letter from the County Planning Board that also needed to be reviewed.

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that this is a preliminary application for a subdivision. Mr. Wilkinson stated that the applicant is looking to subdivide 11 acres from a 66-acre parcel. Mr. Wilkinson stated that of the 66 acres, 33 acres are in Schenectady County and 33 acres are in Saratoga County. Mr. Wilkinson stated that there is some concern over the mean lot width.

Pre-application Conference

Schroeder (246-1-2)

Mr. Wilkinson stated that this is a subdivision on Division Street. Mr. Wilkinson stated that the applicant is looking to split the lot in half, making each lot 2 acres. Mr. Wilkinson stated that there is over 400 feet of road frontage and a sketch plan has been provided.

Mr. Black stated that he would be recusing himself from discussions.

Site Plan Reviews

Charlton Fire District #1 Charlton Road (247-2-14.112)

Mr. Wilkinson stated that CT Male would be making a presentation for the Board to hear.

Charlton Tavern Parking Lot (246.12-1-21)

Mr. Wilkinson stated that Mr. Rabideau would be making a presentation for the Board to hear.

Mr. Wilkinson stated that the matter has been referred back to the Town Board and the Planning Board would be sending a letter with comments for the Town Board to review.

ZBA Referrals

Deyoe (236-1-34)

Mr. Wilkinson stated that this application is for an area variance for a breezeway that has attached the existing house to an originally detached garage. Mr. Wilkinson stated that the requirement is a 40-foot setback and the applicants only have 25 feet.

Fitzgerald (246-3-92)

Mr. Wilkinson stated that this is for an area variance for a height requirement to build a garage. Mr. Wilkinson stated that the applicants want to keep the rooflines consistent with the existing house and the height of the garage will be over the requirement by 2'10".

Zoning Administrator Report

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

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 7:30 p.m. seconded by Mr. Kadlecik. All were in favor.

BUSINESS MEETING

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

Minutes

Mr. Mitchell 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. All were in favor.

Mr. Wilkinson made the motion to approve the draft of the March 15, 2010 minutes with changes incorporated. Mr. Black seconded the motion. Mr. Mitchell abstained from the vote. All were in favor.

Mrs. Wood made the motion to approve the draft of the March 3, 2010 workshop minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor.

Subdivision Applications

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

Scott Lansing appeared before the Board.

Mr. Lansing stated that the wetlands have been delineated and test pits have been done. Mr. Lansing stated that the layout has been revised to incorporate the Towns desires as well as the applicant's desires. Mr. Lansing stated that they went back to the 2007 layout that had one point of access with the primary lots in the loop. Mr. Lansing stated that they are still working on the water district extension. Mr. Lansing requested that the engineering done from the 2007 plan be used to grant preliminary approval. Mr. Lansing stated that the letter from Mr. McNamara dated March 29, 2010 states that engineering can be done with the current layout. A copy of the letter is annexed hereto as **Attachment 1**. Mr. Lansing stated that they need the preliminary approval to go back to the Town Board for water district extension approval. Mr. Lansing stated that the layout is similar to the 2007 layout except for the addition of one lot in the back. Mr. Lansing stated that the remainder of the lots are unchanged. Mr. Lansing stated that they shifted the road a little to maintain the buffer area.

Mr. Lansing requested preliminary approval from the Board to enable the applicants to move forward with the water district extension application.

Mrs. Wood inquired about the number of built-up septic systems and their locations.

Mr. Lansing stated that there were 2 and showed the Board the locations.

Mrs. Wood inquired who would maintain the stormwater management areas.

Mr. Lansing stated the Town.

Mrs. Wood inquired who would be maintaining the road.

Mr. Lansing stated the Town.

Mrs. Wood inquired if there was a problem, it would be the Towns responsibility.

Mr. Lansing responded yes.

Mrs. Wood inquired who owns the 2.5 acre wooded lot with the easement.

Mr. Lansing stated that it would be dedicated to the property owner and maintained by

the owner. Mr. Lansing stated that the applicant does not own that yet.

Mrs. Wood inquired how they would accomplish saving the trees.

Mr. Lansing stated that they would be keeping the grades low and limit clearing.

Mrs. Wood inquired if there would be sizeable trees left.

Mr. Lansing stated yes, that they are trying to save as many as they can.

Mr. Wilkinson stated that the Town's position is that they are not moving forward on the application for the water district extension until the applicants have provided a complete application, a Public Hearing is held and SEQRA review has been completed.

Mr. Wilkinson stated that Mr. McNamara's letter clearly stated that the changes to the layout would affect the stormwater management. Mr. Wilkinson stated that perk tests also have to be redone for the lots that were reconfigured in the latest revision. Mr. Wilkinson inquired if the applicant has tried to purchase the landlocked parcel in the back. Mr. Wilkinson stated that the open space in the back does not have a lot of value due to the wetlands and the wooded area. Mr. Wilkinson suggested that the applicant purchase the Parks property and take the open space and move it down towards the Tucker's property and make that open space. Mr. Wilkinson stated that would maintain the rural character of the area. Mr. Wilkinson stated that people would then still see the open hayfield as they drove up Swaggertown Road. Mr. Wilkinson stated that access has been provided to the landlocked parcel in the back but it could present problems in the future.

Mr. Black stated that Mr. Wilkinson's suggestions were good ideas but do not necessarily need to be addressed to move forward. Mr. Black stated that there is a need to see if the water can be granted or not. Mr. Black stated that the consensus is to approve the preliminary concept not to exceed 22 homes for the purposes of water evaluation. Mr. Black stated that if the applicants move past that stage then the Board could engage the details in the final approval stage. Mr. Black stated that the ideas are good but the applicants need to move forward.

Mrs. Wood inquired how much changing could be done once preliminary approval has been granted.

Mr. Black stated that it would be contingent upon listed considerations.

Mr. Keniry stated that Mr. McNamara's letter of March 29th cited a number of specific things for the Board to consider. Mr. Keniry read from page two of the letter. Mr. Keniry stated that the Board needs to look at where are we with respect to the engineering that is required if the Board advances from concept to preliminary approval.

The Board discussed the State requirements for the cluster plan.

Mr. Wilkinson stated that in order to move forward more engineering needs to be done. Mr. Wilkinson stated that good progress has been made but the applicant needs to meet the requirements. Mr. Wilkinson stated that the engineer is requesting more information and that information needs to be provided to move forward.

Mr. Lansing stated that he would convey the Board's request to the applicant. Mr. Lansing stated that the applicant has tried to purchase the land in the back all to no avail. Mr. Lansing stated that he does not think the applicants would be able to purchase that land.

Mr. Black inquired if the engineering review was unfinished at the point of preliminary approval, would that be engageable at the final review process.

Mr. Keniry stated that they could catch up. Mr. Keniry stated that preliminary approval means that there is sufficient engineering work. Mr. Keniry stated that there is a lot of work to go from concept to preliminary approval. Mr. Keniry read from Mr. McNamara's August 17, 2007 letter. Mr. Keniry stated that the engineering component is not present to move forward.

Ms. Szurek inquired if the Town does not want to take the land what will they do with it.

Mr. Lansing stated that they would put it with the lots.

Miller/LaFountain (225-1-46.112)

Mrs. Wood recused herself from discussions.

Mr. Lansing appeared before the Board.

Mr. Wilkinson stated that the Board received a letter from Mike McNamara dated April 14, 2010. A copy of the letter is annexed hereto as **Attachment 2**.

Mr. Wilkinson stated that the Board has received the latest cluster plan and conventional buildouts from the applicants.

Mr. Wilkinson stated that it seems that the applicant's original project has changed. Mr. Wilkinson stated that the Board thought the original intention was to keep two 16-acre lots for family. Mr. Wilkinson inquired what had changed. Mr. Wilkinson stated that the Board thought that was one of the applicant's goals as discussed at the workshop.

Mr. Lansing stated that the original plan used the existing roadways. Mr. Lansing stated

that the meetings and workshops with the Board did not favor the initial plan. Mr. Lansing stated that the Board requested a conventional layout to move forward and they have provided a 16-lot plan. Mr. Lansing stated that the plans have changed because of the Boards requests and the costs of the roadway.

Mr. Lansing stated that Mr. McNamara's comments addressed the number of lots proposed. Mr. Lansing stated that the cluster plan calls for 2 lots along Route 67, 2 lots along Cook Road and 12 lots on the proposed roadway. Mr. Lansing stated that Mr. McNamara is recommending that, from the plans presented to him, that the number of lots be reduced to 14 to decrease the compacted development. Mr. Lansing stated that he believes that they can get 16 lots on the parcel. Mr. Lansing stated that they could modify and extend the cul-de-sac to get the adequate frontage. Mr. Lansing stated that, with the cluster plan, they have shifted the lots towards the back off of Route 67 to maintain the fields. Mr. Lansing stated that pertaining to the soils, test pits have been done in the front of the parcel but not the back.

Mr. Wilkinson stated that in order to move forward, the Board would like to see drawings that show all of the lots fit on the property. Mr. Wilkinson inquired who would own the fields.

Mr. LaFountain responded that he would.

Mr. Wilkinson inquired if there would be a deed restriction.

Mr. LaFountain stated he would do whatever the Board wants.

Ms. Szurek inquired if the project was actually 17 lots because of the open space parcel.

Mr. Lansing stated that the 17th lot is an open space parcel that they could hook with another parcel if that is what the Board wants.

Mr. Kadlecek inquired if the applicants were going to keep the visibility as unintrusive as possible.

Mr. Lansing stated that he could discuss that with the applicants. Mr. Lansing stated that he was under the impression that the Board was ok with this plan.

Mr. LaFountain stated that there is already a hedgerow there.

Mr. Wilkinson stated that the Board needs a plan that can get 16 lots and address Mr. McNamara's comments.

Mr. Lansing inquired if they could only get 14 lots would the Board be comfortable to move forward.

Mr. Wilkinson stated that for the Board to move forward, there needs to be a compliant plan that meets the requirements of the subdivision regulations.

Dave LaFountain's daughter Sarah: Will 14 lots be acceptable to the Board?

Mr. Wilkinson stated that the engineer would need to review a 14-lot plan.

The Board entered into Executive Session at 8:25 p.m.

The Board returned from Executive Session at 8:38 p.m.

Mr. Black stated that the Board's view is that the conventional layout demonstrates to the Board's satisfaction 14 lots. Mr. Black stated that the Board prefers the cluster layout and with 14 lots as the number, it eliminates the cul-de-sac issue to begin with. Mr. Black stated that the Board likes the cluster plan better because it does indeed meet many of the objectives. Mr. Black stated that the Board would like to move forward with the cluster plan. Mr. Black stated that the Board would like the parcel that preserves the open space and farmland to be tied to a building lot so that it has a tax parcel use as opposed to land that can't be used for anything. Mr. Black stated that if everyone could agree today that the number of lots would be 14 lots in total the Board has an engineering review that says that is a legitimate number.

Mr. Mitchell stated that there would need to be a deed restriction of no further subdivision and no driveway access to Route 67.

Mr. LaFountain stated that with the parcel as is there is a chance that it could be sold to a farmer.

Mr. Black stated that the number of lots is 14 for Mr. McNamara and the same for this Board.

Mr. LaFountain stated that he would come back with a plan for 14 lots.

Mr. Wilkinson stated that Mr. McNamara's comments also need to be addressed.

Mr. Black stated that perk tests were also needed for the houses towards Cook Road and that there was a need to demonstrate that water can be obtained on each of the smaller lots.

Mr. Hodgkins stated that he would like to see the buffer from Cook Road also on the drawings.

Mr. LaFountain inquired if the Board wanted to see the number of wells.

Mr. Wilkinson responded yes to DOH requirements.

Mr. Lansing stated that he would make the adjustments and send the drawings to Mr. McNamara.

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

Dave Schweizer appeared before the Board.

Mr. Wilkinson stated that there is a new drawing just received this evening, that should address the comments in Mr. McNamara's letter of April 15, 2010. A copy of the letter is annexed hereto as **Attachment 3**.

Mr. Schweizer stated that this application is for one subdivision of an 18-acre lot from the Gibbons property and a lot line change. Mr. Schweizer stated that the Montemorano lot is currently 6 acres and will become 49 acres after the lot line change and the Gibbons property is 120+ acres that is being reduced to 54.9 acres after the lot line change.

Mr. Schweizer stated that Mr. McNamara's comment 2 pertained to the first drawing and not the current map. Mr. Schweizer stated that he put the arrow on the site location map, had the map title revised and fixed the typo for the area on lot 2. Mr. Schweizer stated that as far as the wetlands, they are going to use the right of way farm road that is already existing.

Mr. Black inquired if access to one parcel is over a second parcel.

Mr. Schweizer responded yes.

Mr. Black inquired if access would be permanently from a right of way.

Mr. Schweizer responded yes.

Mr. Black stated that he has a negative reaction to that.

Mr. Schweizer stated that the road is in existence now and is not disturbing any wetlands.

Mr. Black stated that depends on the use of the 49 acres and that may change in the future. Mr. Black stated that it will always have a farm road through it.

Mr. Schweizer stated that the Saratoga County Planning Board wetlands map, presented this evening, shows this line as the 100-foot buffer, the first dotted red line, and another dotted red line here. Mr. Schweizer stated that they have to check that area before they can get a permit and he has already called and they are checking the area.

Mr. Kadlecek inquired if the proposed farm road is within the 100-foot buffer.

Mr. Schweizer stated that farm roads on a DEC property are very easy to do.

Mr. Kadlecek inquired where the access came from.

Mr. Schweizer stated that the deed could be written so that it is on Lot 2.

Mr. Black stated that he does not read the County Planning Board letter as they prefer the road cross Lot 2. Mr. Black stated that they need to make sure there is no curb cut problem or wetland problem and if so, the proper crossing permits would be needed.

Mr. Wilkinson stated that the title of the drawing has been corrected. Mr. Wilkinson stated that it is a little confusing in showing the parcels and requested that cross-hatching be added for clarification purposes. Mr. Wilkinson also requested that the wetlands buffer line be shown. In addition, Mr. Wilkinson requested that the applicant either use the existing farm road or obtain a DEC permit for the proposed road.

Ms. Szurek made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the action be classified as an unlisted action with a negative impact declaration for the purposes of SEQRA. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson stated that the Board would refer the application to the Town of Galway.

Mr. Wilkinson made the motion to schedule the Public Hearing for May 17, 2010 at 7:30 p.m. Ms. Szurek seconded the motion. All were in favor.

Mrs. York provided the Public Hearing notices for the applicant.

Grabo/Davidson (246-1-61)

Mrs. Davidson appeared before the Board.

Mrs. Davidson stated that a survey was done, perk tests were done, the wells have been checked out by Cernak and a full EAF has been completed.

Mr. Wilkinson asked the applicant to open her copy of the drawing for questions.

Mrs. Davidson stated that Mr. Grabo owns 66 acres. Mrs. Davidson stated that 33 acres were located in Schenectady County and 33 acres were located in Saratoga County. Mrs. Davidson stated that she would like to subdivide an 11.9-acre parcel with 200 feet of frontage for a building lot. Mrs. Davidson stated that in the future she may apply for a lot

line change to divide off some land for her children.

Mr. Black inquired why not do the lot line change now.

Mrs. Davidson stated that she would like to keep the property in one piece for now until she deeds it to her daughter so that she only has to pay taxes on one parcel.

Mr. Wilkinson stated that the Zoning Ordinance requires that the mean lot width of a building lot be 200 feet. Mr. Wilkinson stated that if the lot line change is not done now, how will someone know in the future that the mean lot width has to be maintained. Mr. Wilkinson suggested a note on the drawing so that any person looking at this drawing will see that the lot has to maintain the mean lot width.

Mrs. Davidson stated that she would have the note added.

Mr. Kadlecek inquired when the lot line change is done what is the road access for the upper portion of the property.

Mrs. Davidson showed the access on the drawing.

Mr. Wilkinson requested that the distance from the existing pond to the boundary line of the new lot be shown.

Mr. Wilkinson stated that the Board has requested the following be added to the drawing:

- setback from the pond to the boundary line of the new lot;
- a note that states that the parcel to be created has a mean lot width of at least 200 feet, and that any future lot line change must have this mean lot width recalculated to prove that the mean lot width of 200 feet has been preserved;
- current house, well and septic locations on the lands to remain William Grabo's, including the proposed driveway on this remaining parcel and any applicable setback distances;
- delineation of any wetlands that might exist and the 100 foot setback perimeter;
- conyour lines per the subdivision regulations;
- perc test location and results for your proposed parcel;
- show dotted lines for the proposed future lot line changes; and
- add curb cut note.

Mrs. York provided Mrs. Davidson with a list of all of the standard map notes.

Mr. Keniry inquired if there was public road access for the remaining lands of Grabo.

Mrs. Davidson responded no.

Mr. Black stated that the farm road is the only access to the whole piece of property. Mr.

Black stated that once the land is subdivided there is no longer any access to Mr. Grabo's remaining lands.

Mrs. Davidson stated that she and Mr. Grabo already have an understanding that he can use the existing farm road until they build on the property. Mrs. Davidson stated that they will let Mr. Grabo use the existing farm road to use as his own driveway. Mrs. Davidson stated that they would do an easement if Mr. Grabo was not able to get his own driveway in there.

Mrs. Davidson stated that perk tests have been done and the information has been provided.

Mr. Wilkinson asked Mrs. Davidson to add the perk test locations and results to the drawing.

Mrs. Wood stated that the AG data statement was missing information, that Nancy Hauenstein needed to be listed on it..

Mr. Black stated that it needs to be determined if access is available to the remaining lands of Grabo via its own property.

Mr. Mitchell suggested having DEC come in to determine if a driveway could be put in there.

Mr. Black agreed with Mr. Mitchell and stated that if it is ruled that access cannot be granted then this is not a legitimate subdivision and cannot be granted. Mr. Black stated that you cannot create a 50 acre parcel of unusable land.

Mrs. Davidson asked Mr. Keniry if she could grant an easement to Mr. Grabo.

Mr. Keniry stated that owners of property can grant easements to each other.

Mr. Wilkinson stated that in order to move forward, the applicant needs to resolve the issue of access and make changes to the drawing. Mr. Wilkinson stated that Mrs. Davidson would receive a letter detailing the Board's requests.

Pre-application Conference

Schroeder (246-1-2)

Matt Schroeder appeared before the Board.

Mr. Black recused himself from discussions.

Mr. Schroeder stated that his desire is to subdivide the existing 4-acre parcel in half creating two 2-acre parcels. Mr. Schroeder stated that the existing house would be on the northern parcel and he would like to build on the southern parcel.

Mrs. Wood inquired if perk tests had been done.

Mr. Schroeder stated not yet.

Mr. Wilkinson stated that the Board would need the subdivision application, perk test and deep hole tests, a survey of the lands with the proposed house, well and septic locations, the standard notes on the drawing and a copy of the deed. Mr. Wilkinson stated that the Board would need the documentation two weeks before the May meeting to be on the May agenda.

Mr. Wilkinson stated that the applicant would need an affidavit from his father.

Site Plan Reviews

Charlton Fire District #1 Charlton Road (247-2-14.112)

Skip Francis, Civil Engineer and Rich Campagnola, Architect, from CT Male appeared before the Board.

Mr. Francis stated that there is a need for a new firehouse due to the deficiencies of the existing firehouse and no expansion ability. Mr. Francis stated that the proposed location was 677 Charlton Road. Mr. Francis presented the following plan:

- 10,250 square foot building, single story pre-engineered structure;
- well location is on the south side of the property;
- sanitary waste will discharge to an on-site septic absorption field;
- stormwater management area location at the southern portion of the parcel will provide treatment and detention in accordance with NYSDEC requirements;
- apparatus bay floor drain will discharge to a 1,000 gallon holding tank that will be maintained when full;
- the approach to the apparatus bay doors will consist of heavy-duty asphalt pavement and a concrete apron;
- there will be four bays located in front and two bays to the east, which will be drive-through bays;
- first responder parking will be oriented towards the building;
- wetlands have been delineated by CT Male as ACOE wetlands and there are no proposed impacts to the wetlands;
- the Fire Department has declared itself as lead agency for SEQRA with a negative declaration in 2009;
- there is additional correspondence on other matters if the Board is interested, letters from AHS, DOH and SCDPW;

Mr. Black asked Mr. Francis to point out the paved portion.

Mr. Francis showed two driveway accesses off of Charlton Road, the paved area around the rear and the front north of the apron would be asphalt to Charlton Road.

Mr. Wilkinson inquired as to the square footage of the paved area.

Mr. Francis stated that was unknown at this point. Mr. Francis showed the Board the floor plan.

Mrs. Wood stated that since the Fire House has already declared itself as lead agency and completed a full EAF that there are questions about, what role does the applicant want the Planning Board to have in this process.

Mr. Keniry inquired if the lead agency was solicited.

Mr. Francis stated that the Fire District as a political subdivision of NYS is required to involve agencies (inaudible) for the Fire Commissioners to their due diligence (inaudible) a consultation with (inaudible) they've declared themselves lead agency.

Mr. Keniry inquired if there was any solicitation of lead agency.

Mr. Francis responded yes that there were letters sent out to all of the agencies.

Mr. Wilkinson stated that one of the agencies was not the Town of Charlton Planning Board.

Mr. Keniry stated that the documents submitted to the Town indicate that the Fire District determined first that the action was subject to SEQRA. Mr. Keniry read from the documents submitted. Mr. Keniry inquired if the applicants were looking for the Planning Board to do the SEQRA determination.

Mr. Francis responded yes.

Mrs. Wood inquired if there would be a problem having two lead agencies.

Mr. Keniry stated that the applicants need to complete the long form EAF and if there is anything that has changed, update the information. Mr. Keniry requested that copies of the letters Mr. Francis mentioned in the presentation be provided to the Board.

Mrs. Wood stated that she had several concerns with the EAF answers provided. Mrs. Wood stated that the AG data statement is also missing active farms. Mrs. Wood reviewed the EAF and cited several questions that were answered incorrectly.

Mr. Black stated that it is clear that the Planning Board's sense of SEQRA and completing the form is different. Mr. Black stated that as part of the site plan review the environmental assessment is a necessary part. Mr. Black stated that the Board is not providing comments as comments to another agency, it is comments to an applicant as though the Board is lead agency for SEQRA.

Mr. Francis stated that the information could be updated.

Mrs. Wood raised concerns pertaining to the visual impact.

Mr. Black suggested moving the building east to protect the neighbors.

Mr. Kadlecek stated that he would like to see lighting details.

Mr. Black stated that he would like to see a maintenance plan.

Mr. Black stated that the Board would like to see the plan for the facility uses other than fires and emergency uses. Mr. Black stated that the Board would also like to see a grading plan to know how much disturbance is expected.

Mr. Kadlecek asked that copies of the permits already obtained be provided to the Board.

Mr. Wilkinson inquired as to the total area of disturbance.

Mr. Francis stated that on the 5-acre parcel, around 4 acres.

Mr. Hodgkins inquired if there was going to be a blinking light at the street.

Mr. Francis responded no, there would be signage warnings.

Mr. Wilkinson stated that the Board is looking for a revised EAF and the additional documents discussed at this meeting.

Mr. Schorr inquired if the stowmwater management was going to be open or closed.

Mr. Francis stated that he believes that it is going to be a pond but he would have to double check. Mr. Francis stated that the stowmwater management plan defines a basin practice.

Mr. Schorr inquired if the minimum separation to the wetland had been maintained.

Mr. Francis stated that there is no required buffer for ACOE wetlands.

Mr. Schorr stated that a wetland is a wetland and there should be a 100-foot buffer. Mr. Schorr again inquired what was the minimum separation to the wetland.

Mr. Francis responded zero.

Mr. Schorr inquired if there would be fill right up to the wetland.

Mr. Francis stated that within the grading limit line several feet off of the wetland.

Mr. Wilkinson stated that the Board has been working with the ECC in applying the 100-foot buffer requirement to all wetlands regardless if it is ACOE or DEC. Mr. Wilkinson stated that the Board would need plans and the requested information to move forward.

Mr. Francis stated that he would speak to the Fire Commissions and put together the information the Board has requested.

Charlton Tavern Parking Lot (246.12-1-21)

Duane Rabideau appeared before the Board. Mr. Rabideau provided an aerial photograph for the Board to review as well as an 11 x 17 configuration.

Mr. Rabideau stated that the applicant is seeking a modification of the special use permit granted on 4/27/09. Mr. Rabideau stated that the reason for this modification is the success of the business and the realities of success.

Mr. Rabideau stated that Mr. Maloney sent a letter to Mr. LaFountain with the modifications and reasons for the modifications. Mr. Rabideau stated that Mr. LaFountain then referred the matter to the ZBA.

Mr. Rabideau stated that the main issue is the inadequate parking. Mr. Rabideau stated that they are looking to modify the parking in the back to allow for more spaces. Mr. Rabideau stated that the original plan was for 29 spots, 5 at the General Store and 24 in the back. Mr. Rabideau stated that there are now 39 spots as they are using some of the space for snow removal and getting 34 in back. Mr. Rabideau stated that they also had parking delineators in the original plan, which they find will now be more of a hindrance.

Mr. Rabideau stated that they have increased the number of dumpsters from two to four and have removed the doors.

Mr. Rabideau stated that they are also working with the Snyder's to put in some kind of retaining wall to maintain their privacy as well as their backyard. Mr. Rabideau stated that they are also looking to address the issue on the side of the Snyder's property.

Mrs. Wood inquired how they were going to delineate how the cars should park without

the delineators.

Mr. Rabideau stated that people are already parking the way they are proposing.

Mr. Black inquired if they were increasing the stoned area.

Mr. Rabideau stated yes by 13%.

Mr. Black inquired what they were going to do with the snow since they were now using that area for parking.

Mr. Rabideau stated that there will still be some space for the snow.

Mr. Black inquired the purpose of the retaining wall.

Mr. Rabideau stated for landscaping purposes, to keep the grade low.

Changes to the lighting and the stowmwater management were discussed. These two issues would be covered in the Planning Board's reply to the Town Board.

Mr. Wilkinson stated that he will be drafting a referral letter to the Town Board with the Planning Board's concerns and that Mr. Keniry would review the letter before it is issued..

ZBA Referrals

Devoe

Mr. Wilkinson stated that the applicants have attached a breezeway from the detached garage to the existing home. Mr. Wilkinson stated that the setback requirement is 40 feet and the applicants only have 25 feet. Mr. Wilkinson stated that the applicants have applied for an area variance. Mr. Wilkinson stated that this is a self-imposed hardship. Mr. Wilkinson stated that there is concern with setting precedent.

Mr. Black suggested that the applicants apply for a building permit for the breezeway, obtain their area variance, and if granted, the required inspections would force the applicants to go back through the process they would have gone through. Mr. Black stated that the Town will be able to collect the fees that would have been required.

Mr. Wilkinson stated that he would send the Board's comments to the ZBA.

Fitzgerald

Mr. Wilkinson stated that this application is for an area variance for a height requirement

to build a garage. Mr. Wilkinson stated that the applicants want to keep the rooflines consistent with the existing house and the height of the garage will be over the requirement by 2'10"

The Board was in agreement that the variance is a reasonable request.

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

Zoning Administrator Report

Mr. LaFountain provided a report for March.

Correspondence

There was no correspondence.

Town Board Liaison

Mrs. Verola stated that the Town Board would be available to speak with the Planning Board regarding open space on May 4, 2010 at 7:30 p.m. at Town Hall.

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

The meeting was adjourned at 11:15 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary

Attachment 1



March 29, 2010

Mr. Jay Wilkinson
Planning Board Chairman
Town of Charlton Town Hall
784 Charlton Road
Charlton, N.Y. 12019

Re: Major Subdivision – Heflin-Durst
Tax Map Parcel Nos. 255.00-1- 40.1, 41, 43.1, 43.2, 43.3
Project Status

Dear Chairman Wilkinson:

I am writing in response to your request made during our telephone conversation on March 24, 2010 to give an engineering opinion on the status of this project. You explained that the applicant had made an impromptu presentation of a new cluster layout at the last meeting of the Planning Board. This revision marks at least the fourth major plan variation since 2005 for a project that has had several applicant-imposed periods of dormancy.

My understanding is that the Planning Board's initial reaction to the new subdivision layout is favorable based on several recent improvements. The applicant has removed the second road entrance and returned to an internal loop road. This has alleviated many of the prior impacts on the existing Tucker parcel on Swaggertown Road. A significant setback has also been incorporated for the first two lots along the entrance road to preserve much of the existing woodland. The plan also provides areas of open space around the project perimeter and the applicant is amenable to any ownership or restrictive arrangement that the town desires.

In response to the Board's reception of their current plan, the applicant has suggested that the project is ready for consideration of the water district extension by the Town Board. Their argument notes their significant diligence including the detailed plans prepared for a similar layout in 2007 and the additional soil explorations performed in September of 2009 as meeting the burden for moving forward. It is on this matter that you have requested my opinion.

The detailed subdivision plans, profiles and grading plans prepared for this project in 2007 were for a similar lot and road layout. When placed next to one another, the variation between the two configurations is not immediately obvious as they are drawn at different scales. Closer examination shows that the loop intersection has moved by roughly 400 feet and the road generally differs by about 100 feet from the 2007 plans. The former stormwater management



area has also been divided into three separate positions on the current plan; none corresponding to the prior location. These changes are significant enough to make the 2007 detailed road and utility design invalid for direct application to the most recent cluster subdivision.

Section VII-A-3 of Charlton's Subdivision Regulations enumerates the required information for a subdivision "Preliminary Plat." Included among these items in paragraph (h) are "... *the width, location, grades and profiles of all streets or public ways proposed by the developer.*" Application of the 2007 detailed profiles and grading to the current cluster plan layout does not meet these criteria. It is my opinion that a formal preliminary approval of the single sheet plan currently tendered would not be appropriate.

As to the more general question that you asked regarding whether the applicant has demonstrated that the current lot and road layout is a feasible design; it is my opinion that this has been sufficiently shown. Numerous soil test pits and perc tests were performed last autumn. Although there will be a need for some built-up systems and a few rearranged lots will need additional testing, these areas coincide with the larger lots and there is no immediate reason to question eventual compliance. Furthermore, regardless of my previous assertion that the 2007 detailed plans do not support a preliminary approval of the current layout, those plans do at least indicate a functional design model. The prior grading and profiles must be revised to fit the current layout but the general concepts will remain the same and I am confident that a design could be completed.

The policy for accepting an application for water district extension is at the discretion of the Town Board. My understanding is that the Town Board has expected the applicant to first obtain a preliminary approval from the Planning Board. It is my opinion that the Heflin subdivision on Swaggertown Road is not prepared for a formal preliminary approval. However, I believe, with reasonable certainty that the road and lot layout presented at the March 15th Planning Board meeting could be advanced to a compliant final design with little or no change to the configuration. I hope that this evaluation is of assistance to the town in their determination of the continued review process for this project.

Very truly yours,

A handwritten signature in black ink that reads "Michael McNamara". The signature is written in a cursive style and is positioned above the typed name.

Michael McNamara, P.E.
The Environmental Design Partnership

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Cc: Planning Board Members
Bill Keniry
Scott Lansing, P.E. – Lansing Engineering, P.C.

Attachment 2



April 14, 2010

Mr. Jay Wilkinson
Planning Board Chairman
Town of Charlton Town Hall
784 Charlton Road
Charlton, N.Y. 12019

Re: Subdivision of Lands of Steven and Karen Miller
a.k.a. LaFountain Subdivision
N.Y.S. Route 67 and Cook Road
Tax Map Parcel No. 225.00-1-46.112

Dear Chairman Wilkinson:

We have received a proposed 16 lot subdivision of lands of Steven and Karen Singer Miller at the corner of Cook Road and N.Y.S. Route 67. Both conventional and cluster subdivision layouts for the parcel have been prepared by Scott Lansing, P.E. These plans were submitted subsequent to the Planning Board workshop conducted on March 3, 2010. The project plans remain conceptual at this time and there is little engineering detail on which to comment. As you requested, we have reviewed the plans and offer the following remarks related to the proposed lot and roadway layout.

Section IV-D of Charlton's Subdivision Regulations requires the preparation of conventional and cluster alternatives for all major subdivision applications. The regulations provide a great deal of flexibility on the implementation of zoning requirements for the cluster option; specifying only that lot area must meet a minimum of one half acre and the overall cluster density may not exceed what zoning would allow for a conventional design. Determination of this "lot count" is the primary purpose of developing both alternatives before a more detailed design of the desired option is pursued.

The conventional layout depicts 2 lots along Route 67, 2 lots along Cook Road and 12 lots along a proposed new roadway. The lots along the existing roads meet all zoning requirements and would readily provide for a workable well and septic design. The proposed new road meets all horizontal layout requirements and provides the necessary right of way width. The road avoids the wetlands and 100 foot setback. Two moderately sized areas are reserved for stormwater management and, although they are located on the opposite side of the road from the direction of



drainage, it is reasonable to expect that an acceptable design would be feasible. Twelve lots are arranged along the new road. The first seven lots from Cook Road easily meet the zoning requirements, avoid impacts to the wetlands and could provide acceptable well and septic spacing. The rear five lots around the perimeter of the cul-de-sac are much more constricted.

Somewhat uniquely, Charlton's Zoning Ordinance provides separate, distinct definitions for both lot width and lot frontage even though their value is identical at 200 feet. Lot frontage is clearly defined as measured along the right of way, while width is more ambiguous but is often interpreted as the measurement at the front building setback. The lots around the conventional subdivision's cul-de-sac employ this latter interpretation to meet the width requirement of 200 feet. Although lots #8 and #9 are slightly short in this regard, some minor shifting of lot lines and front setbacks could be done in order to meet the requirement. However, compliance with lot frontage does not appear to be met. A total length of approximately 600 feet along the right of way is available for the five rear lots. This is 400 feet less than required or the equivalence of two fewer lots. In consideration of this shortfall, we would suggest that the conventional density is reduced to 14 lots.

The cluster layout plan proposes minimum lot areas of 0.75 acres and significant reductions in width, frontage and front and side setbacks. An open space of 22 acres is preserved including much of the area that was deemed most important during the workshop discussions. There are also no homes along Route 67 which was an important goal of the Planning Board. In order to achieve these goals, the cluster option results in a much more compacted development. This will be alleviated slightly if the lot count is reduced to 14 as suggested.

If the Board decides to continue with progression of the cluster plan, it will be necessary to complete soil test pits and percolation tests on every lot in the area of the proposed septic systems. The Health Department will also require the drilling and testing of a representative number of wells prior to approval. These measures are necessary since the clustered lots will offer no flexibility in the positioning of these systems.

Obviously, detailed plans and profiles for the road and stormwater management will also be necessary. It is noted that the total area reserved for stormwater management is reduced in the cluster option despite the greater impervious area. The single location is also nearly 1,000 feet from Cook Road and at a higher location. This brings into serious question the feasibility of providing drainage for the entire roadway while still being able to discharge to an appropriate on-site location. The reduction of at least two building lots would aid in this regard as well. The Board might also consider visually mitigative measures such as berms and landscaping and an increased setback from Cook Road as the plans advance.



The initial task of the Board is to determine which plan alternative is desired and the appropriate lot count. Based solely on the two dimensional layout presented, we believe that a maximum of only 14 lots has been demonstrated. If you have any questions concerning this project, please feel free to call.

Very truly yours,

A handwritten signature in black ink that reads "Michael McNamara". The signature is written in a cursive style and is positioned below the text "Very truly yours,".

Michael McNamara, P.E.
The Environmental Design Partnership

Cc: David LaFountain
Bill Keniry by email
Scott Lansing, P.E.

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Attachment 3



April 15, 2010

Mr. Jay Wilkinson
Planning Board Chairman
Town of Charlton Town Hall
784 Charlton Road
Charlton, N.Y. 12019

Re: Subdivision of Lands of Gibbons & Lands of Montemorano
Jockey Street
Tax Map Parcel No. 213.00-1-5.1 & 213.00-1-5.2

Dear Chairman Wilkinson:

We have received a proposed subdivision of lands of Matthew S. Gibbons and separate lands of Joseph and Elizabeth Montemorano as well as a simultaneous lot line adjustment of each of those lands located on Jockey Street just south of the Galway Town line. The action is within 500 feet of a municipal boundary and should be referred to the Saratoga County Planning Board. The submitted map is dated January 19, 2010 with a latest revision of March 23, 2010 as prepared by J. Christopher Foss, P.L.S. of Ferguson & Foss Professional Land Surveyors. We observed the property on April 12, 2010 and offer the following comments.

1. The action involves separate subdivisions of both the Gibbons and Montemorano parcels as well as a lot line adjustment between those two parties. Since the applicant in this case is a third party, we defer to the Planning Board's counsel to ensure that the appropriate consent of all the involved parties is documented.
2. The eventual lot configuration is confusing and could result in errors during real property transactions or updating of the tax maps. We suggest some method of clarification by either adding a key map or hatching or shading the proposed final property lines on the drawing.
3. The map title indicates that it is a survey map of Gibbons. The title should be revised to reflect that it is a subdivision of both the Gibbons and Montemorano parcels as well as a lot line adjustment.
4. The indicated lot area for proposed lot #2 appears incorrect. According to note #3 on the plan as well as our own rough computation, the final area will be more than 49 acres.



5. The wetlands within Lot #1 have not been field delineated and are approximate. Although the jurisdiction of the wetlands is not noted, our review of the N.Y.S. Freshwater Wetlands Map and observations of the property lead us to believe that they are both N.Y.S. DEC and U.S. Army Corps wetlands. DEC wetlands include a 100 foot buffer area that is not shown and should be added to the map. It is unclear, given the map scale and approximate nature of the wetlands, whether the proposed farm road would be within either the wetlands or the 100 foot buffer. Agricultural uses are afforded certain exemptions from DEC wetlands but not from the Army Corps regulations and a permit(s) could be necessary. We suggest adding a prominent note to the plan in the vicinity of the proposed farm road advising that a field wetland delineation and permits from both agencies may be necessary if any earthwork or clearing is conducted or if fill is placed for the farm road. An alternate possible solution, at the applicant's discretion, would be to reserve an easement to continue to access the field with the existing farm road.

If you have any questions concerning this project, please feel free to call.

Very truly yours,

A handwritten signature in black ink that reads 'Michael McNamara'. The signature is written in a cursive style and is positioned above the typed name.

Michael McNamara, P.E.
The Environmental Design Partnership

Cc: David Schweizer
Bill Keniry by email
J. Christopher Foss by email

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