

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

Minutes of Planning Board Meeting – May 17, 2010

Chairman Jay Wilkinson called the meeting to order at 7:10 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. Chris Mitchell joined the meeting at 7:15 p.m.

AGENDA MEETING:

Minutes

Mr. Wilkinson stated that the draft of the April 19, 2010 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson also 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 a Public Hearings this evening on the Gibbons/Montemorano/Schweizer application.

Old Business

Mr. Wilkinson stated that there was no old business.

Subdivision Applications and Lot Line Changes

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

Mr. Wilkinson stated that there would be a Public Hearing on this application. Mr. Wilkinson stated that this is a lot line change on Jockey Street. Mr. Wilkinson stated that the parcel is 122 acres of farmland belonging to Mr. Gibbons. Mr. Wilkinson stated that the intent is to create an 18-acre lot to sell and add acreage to the Montemorano property. Mr. Wilkinson stated that the Montemorano property is now 6 acres and will increase to 44.9 acres after the lot line change. Mr. Wilkinson stated that the Gibbons property is 122 acres now and will decrease to about 55 acres after the lot line change with Mr. Montemorano and the creation of the 18-acre lot.

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

Mr. Wilkinson stated that Mrs. York spoke to Scott Lansing. Mr. Lansing advised that there was no new information to provide to the Board for review at this time. Mr. Wilkinson stated that this application is placed on hold.

Miller/LaFountain (225-1-46.112)

Mr. Wilkinson stated that the applicants have withdrawn their application. Mr. Wilkinson stated that he would be reading the letter of withdrawal from Scott Lansing into the record during the business meeting.

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that the applicant did not submit the requested information for the Board's review within the required timeframe but would be bringing the information tonight. Mr. Wilkinson stated that the Board would accept the information, make the appropriate referrals and discuss the information at the next meeting.

Mrs. Wood suggested that the Schenectady County Planning Board be advised personally, perhaps by phone call as well as in writing. Mrs. Wood stated that there was some concern over this property in prior subdivisions.

Pre-application Conference

None.

ZBA Referrals

None.

Zoning Administrator Report

Mr. LaFountain was not present.

Town Board Liaison

Mrs. Verola was not present.

Correspondence

Mr. Wilkinson stated that there is an open space workshop on May 18, 2010. Mr. Wilkinson stated that there is not enough money in the budget for the Board to attend.

Mr. Wilkinson stated that the workshop with the Town Board on May 4th was a small turnout. Mr. Wilkinson stated that there were only two Planning Board members and two Town Board members. Mr. Wilkinson stated that he would try to reschedule.

Mr. Wilkinson made a motion to close the Agenda meeting at 7:30 p.m. seconded by

Mrs. Wood. All were in favor.

BUSINESS MEETING

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

Public Hearing (7:30)

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

Mr. Wilkinson advised those in attendance of the reasons for the Public Hearing and the process.

Mr. Wilkinson read the Public Hearing Notice that was published on May 5, 2010 into the record.

Dave Schweizer appeared before the Board.

Mr. Schweizer gave the following plan:

- the application involves two parcels;
- Mr. Gibbons would like to do a lot line adjustment to create a new 18-acre parcel at the southern line of the parcel by the Smith property;
- Montemorano property currently is 6 acres and will increase to 49.22 acres;
- Mr. Gibbons will retain the remaining 55 acres;
- wetlands are located in the front of the parcel;
- some of the land is leased for farming;
- the new 18-acre parcel has had perk tests and test pits done in the orchard behind the field;
- proposed location of the house is behind the alfalfa field;
- 18-acre parcel will have a deed restriction of no further subdivisions.

Mr. Wilkinson opened the Public Hearing up for public comment.

Michelle Mann, 2284 Cook Road: Just curious, because our property backs up to the alfalfa field, the new 18 acre lot being created, how many feet of frontage will that have on Jockey Street?

Mr. Schweizer responded approximately 400 feet.

Pamela Meyer, 4667 Jockey Street: On the 18-acre parcel, the deed restriction, how long does that last? Is there an expiration date to that?

Mr. Schweizer responded until someone changes the government.

Pamela Meyer: What if the property is sold?

Mr. Schweizer responded that the deed restriction would remain on the deed.

Mr. Wilkinson made a motion to close the Public Hearing. Mrs. Wood seconded the motion. Public Hearing was closed at 7:40 p.m.

Minutes

Mr. Wilkinson made the motion to approve the draft of the April 19, 2010 minutes with changes incorporated. Mr. Kadlec seconded the motion. All were in favor.

Subdivision Applications and Lot Line Adjustments

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

Mr. Schweizer appeared before the Board.

Mr. Wilkinson stated that the Board just conducted a Public Hearing on this application. Mr. Wilkinson stated that there are revised maps. Mr. Wilkinson stated that the prior comments of Mr. McNamara have been addressed with the new maps and Mr. McNamara sent an e-mail to that effect. Mr. Wilkinson stated that the wetlands buffer has been added, the farm road is located on the map with reference to the easement, the note requiring a crossing permit has been added, the site locator map has been modified with cross hatching to clarify the parcels.

Mr. Wilkinson stated that the Board referred the application to the Town of Galway and did not receive a response.

Mr. Wilkinson stated that there were some comments from the Public Hearing that Mr. Schweizer addressed. Mr. Wilkinson stated that the Board has a complete application.

Mrs. Wood suggested that the maps show the word "total" next to "area" to indicate total acres and avoid confusion.

Mrs. Wood inquired about the length of the driveway for the new lot.

Mr. Schweizer stated that it would be around 400 feet but he would have the long driveway note added to the drawing.

Mr. Black stated that in his opinion, having an access easement through Lot 2 is bad practice for the future. Mr. Black stated that in the event that Lot 2 sells, having to be forced to have access rights might not be in the best interest of the purchasers. Mr. Black suggested the applicant obtain a wetlands buffer zone crossing permit so that there is

knowledge if in the future a crossing is needed. Mr. Black stated that it would be a minor impact to the wetlands.

Mrs. Wood stated that she agrees.

Mr. Mitchell also agreed.

Mrs. Wood inquired if the easement could be worded that farm road access was only granted for farm equipment.

Mr. Keniry stated that easements are a matter of contract and the parties can contract as they wish. Mr. Keniry stated that the County Planning Board approved the applicant's intent but also suggested obtaining curb cut permits for Lots 1 and 3.

Mr. Schweizer stated that he has spoken to the applicant about this issue and they can word the easement "for agricultural purposes only".

Mr. Wilkinson stated that the Planning Board took lead agency on March 15, 2010. Mr. Wilkinson stated that the file contains the AG data statement, the deeds and the appropriate affidavits. Mr. Wilkinson stated that the Board needed to complete the SEQRA review.

The Board completed the Environmental Assessment Form.

Mr. Wilkinson made the motion that the proposed action is an unlisted action under SEQRA with a negative impact declaration relative to environmental impact. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson made the motion to conditionally approve the Gibbons/Montemorano/Schweizer Lot Line Adjustment on Jockey Street as Resolution 2010-06, once the three changes discussed are made to the map, and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2010-06 was made.

Mrs. York provided the wording for the long driveway note.

Mr. Wilkinson reviewed the number of mylars and copies needed.

Mrs. York provided the filing instructions.

Mr. Schweizer stated that he still needed to pay the \$1200.00 fee.

Mr. Wilkinson stated that he could not sign the final mylars until all fees were paid in

full.

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

Mr. Wilkinson stated that this application is on hold.

Miller/LaFountain (225-1-46.112)

Mr. Wilkinson read the letter from Lansing Engineering withdrawing the LaFountain application into the record.

Grabo/Davidson (246-1-61)

Mrs. Davidson appeared before the Board.

Mrs. Davidson stated that she has everything that the Board requested.

Mrs. Davidson presented the Board with copies for all of:

- a new survey;
- a letter from DEC dated April 26, 2010 regarding no wetlands found on the parcel;
- driveway construction permit dated April 27, 2010;
- locations for Mr. Grabo's current well and septic;
- contour lines were added to the drawings;
- perk test information and results were added to the drawing;
- curb cut note added to the drawing;
- the setback from the pond to the boundary line has been shown;
- the AG data statement has been revised to include Nancy Hauenstein; and
- the new survey map meets the subdivision regulation requirements, more specifically letters e and p.

Mr. Wilkinson stated that it appears that the applicant has supplied all of the requested information.

Mr. Kadlecik inquired where the note was for the mean lot width.

Mrs. Davidson stated that the note no longer applies as she is intending on leaving the lot as one lot.

Mr. Wilkinson stated that the Board's concern was for future Boards.

Mrs. Davidson stated that in the future if she came back to do the lot line change the Boards would have to look at the mean lot width then.

Mr. Wilkinson stated that it is a reasonable request to add the note. Mr. Wilkinson

inquired if there was a problem with adding the Board's requested note.

Mrs. Davidson stated that she does not have to add the note.

Mr. Wilkinson stated that the Board has requested a note be added to the drawing and the Board's attorney agrees that it is a reasonable request.

Mrs. Davidson stated that she would add the note to the drawing.

Mr. Keniry explained that the Board's request ultimately protects her.

Mr. Wilkinson proposed sending the application to Mike McNamara for review and also refer the application to the Town of Glenville and the Saratoga County Planning Board.

Mr. Hodgkins stated that the original drawing has a date of 1/22/10 and the drawings provided tonight have the same date. Mr. Hodgkins requested that the revision date be added to the drawing.

Mr. Wilkinson commented that the Planning Board is seeing the revised map for the first time tonight and need the chance to review it in more detail.

Mr. Wilkinson stated that any responses received will be forwarded to Mrs. Davidson. Mr. Wilkinson advised Mrs. Davidson that Mr. McNamara would be sending her a letter regarding funding the escrow account for his review.

Mr. Wilkinson advised Mrs. Davidson to wait to make the changes to the drawing that the Board requested tonight until all of the responses from the referrals have been received. Mr. Wilkinson stated that more changes could be requested.

Mr. Keniry advised that the tax map number on the letter from DEC is missing a number. Mr. Keniry suggested Mrs. Davidson contact DEC.

Zoning Administrator Report

Mr. LaFountain was not in attendance.

Correspondence

Discussed during agenda meeting.

Town Board Liaison

Mrs. Verola was not in attendance.

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

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary