

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

Minutes of Planning Board Meeting – June 21, 2010

Chairman Jay Wilkinson called the meeting to order at 7:06 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Ray Black, Mark Hodgkins, Dawn Szurek, Chris Mitchell, Tracey Bullett, Acting Planning Board Attorney, Susan York, Planning Board Clerk and Acting Recording Secretary.

**AGENDA MEETING:**

Minutes

Mr. Wilkinson stated that the draft of the May 17, 2010 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mr. Wilkinson reviewed Mrs. York's comments with the Board. Mr. Wilkinson stated that the Board could approve the minutes during the business meeting.

Public Hearings

Mr. Wilkinson stated that there would be no 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 there was no new information at this time. Mr. Wilkinson stated that this application has been taken off of the agenda until new information is received.

Grabo/Davidson (246-1-61)

Mr. Wilkinson gave a brief recap of this application.

Schroeder/Schroeder (246-1-2)

Mr. Wilkinson gave a brief recap of this application.

Pre-application Conference

None.

ZBA Referrals

Dodge (246-1-42)

Mr. Wilkinson stated that this is a referral for a variance application. Mr. Wilkinson stated that the applicants are pursuing a variance for an existing well on property located on Division Street. Mr. Wilkinson stated that there is currently a purchase contract for this property. Mr. Wilkinson stated that the existing well is less than 10 feet from the property line.

Mr. Black inquired as to the actual location of the well.

Mr. Wilkinson stated that the well is 7 feet from the property line as opposed to the required 10 feet.

Mr. Kadlecek stated that the Board needs to know where the existing septic for the neighboring property is located.

Mr. Wilkinson stated that in the Board's letter to the ZBA, the Planning Board can suggest that they obtain more information about the neighboring septic location before proceeding.

Zoning Administrator Report

Mr. LaFountain was not present.

Town Board Liaison

Mrs. Verola was present. Mr. Wilkinson stated that the Board needed to discuss the possible shortfall in the budget.

Correspondence

Mr. Wilkinson stated that there is no correspondence to discuss.

Mr. Wilkinson made a motion to close the Agenda meeting seconded by Mr. Black. All were in favor.

**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 May 17, 2010 minutes with changes incorporated. Mr. Black seconded the motion. All were in favor.

## **Subdivision Applications and Lot Line Adjustments**

### **Grabo/Davidson (246-1-61)**

George and Jane Davidson appeared before the Board together with their attorney, Richard Wickerham.

Mr. Wilkinson stated that the Board received new maps and information at the May meeting.

Mrs. Davidson stated that she had revised maps tonight. Mrs. Davidson stated that the 1-inch to 400-foot inset had been added.

Mr. Wilkinson stated that the Board received a letter from Mike McNamara the Town Engineer dated June 17, 2010. Mr. Wilkinson stated that he would like to go through the comments in the letter.

Mr. Wilkinson stated that the first comment pertained to the new subdivided lands, the eleven acres, and the remaining lands of Grabo meeting the bulk requirements. Mr. Wilkinson stated that there is one issue regarding the lot width on Crane Street for the remaining lands of Grabo. Mr. Wilkinson stated that it has sufficient frontage at the road frontage but there is the right of way at a substantial angle with the side lot creating a deficiency in the lot width.

Mrs. Davidson showed where the house would need to be built towards the back on the remaining lands of Grabo. Mrs. Davidson stated that they could only build on the 20 acres in the back.

Mrs. Wood inquired how a potential purchaser would know that without investigating.

Mr. Mitchell suggested a note be added to the drawing.

Mrs. Davidson suggested that the Planning Board members have nametags because the Board knows the applicant but the applicant does not necessarily know the Board members names.

Mrs. Davidson stated that the pond is approximately 20 feet across by 60 feet long and 2 feet deep.

Mr. Wilkinson stated that back to comment 1, the lot width is an issue. Mr. Wilkinson read comment one from Mr. McNamara's letter. Mr. Wilkinson showed on the map, how to adjust the new lot line as suggested by Mr. McNamara. Mr. Wilkinson stated that the Planning Board cannot approve a non-conforming lot.

Mrs. Davidson stated that there is nothing to say that someone has to build up here. Mrs. Davidson stated that it is not a non-conforming lot.

Mr. Wilkinson stated that he spoke to the Board's legal council and was advised that the Board cannot create a non-conforming condition. Mr. Wilkinson stated that either the line has to be moved over as suggested by the Town Engineer or apply for a variance.

Mrs. Davidson inquired why it is a non-conforming lot.

Mr. Davidson stated that each time a change has to be made to the drawings it adds to the costs.

Mr. Wilkinson stated that the Board advised in writing not to make any changes to the map until after the Engineer's review and the County Planning Board's review.

The Board entered into Executive Session at 7:40 p.m.

The Board returned from Executive Session at 8:00 p.m.

Mr. Wilkinson stated that the Board has reviewed the Zoning Ordinance and agree that the two lines are parallel to each other. Mr. Wilkinson stated that the Board agrees that the bulk requirements are met. Mr. Wilkinson stated that the Board needs clarification from the Town Engineer as it appears to the Board that everything is ok.

Mr. Davidson stated that his son owns the lot next to Shippy's and when that was done the lines there are not parallel either.

Mr. Wilkinson stated that comment two pertains to the possible existence of a utility easement. Mr. Wilkinson stated that the Board agrees that is a valid comment.

Mrs. Davidson stated that she has started the search for the easement. Mrs. Davidson stated that if there is an easement it can be moved. Mrs. Davidson stated that National Grid will come out and check. Mrs. Davidson showed on the drawings how the easement can be moved.

Mr. Wilkinson stated that it is a simple fix with a note on the drawing.

Mr. Wilkinson stated that comment three will be addressed when applying for a building permit. Mr. Wilkinson stated that the standard note covers that.

Mr. Wilkinson stated that comment four pertained to the chip pile.

Mrs. Davidson stated that the chip pile is on her property and will be removed. Mrs. Davidson stated that she has contacted Wayne about the additional perc test. Mrs. Davidson showed where he performed the basic perc tests on the drawings. Mrs. Davidson stated that Wayne would be designing the septic system.

Mr. Wilkinson stated that comment five pertained to the oil tank.

Mrs. Davidson stated that they are moving it.

Mr. Wilkinson stated that comment six pertained to the relocation of the farm road. Mr. Wilkinson suggested that instead of "farm road to be relocated" have it changed to read "farm road to be removed".

Mrs. Wood stated that she is concerned about access to the back land.

Mr. Davidson stated that they will use their 200 feet of frontage and build a road.

Mrs. Wood inquired if there was currently access to the back.

Mr. Davidson stated yes.

Ms. Szurek inquired if future subdivision is desired.

Mr. Davidson stated that access can be put in.

Mrs. Davidson stated that you need a four-wheeler now to get to the back land.

Mr. Wilkinson reviewed the Board's comments:  
Planning Board needs to resolve comment one with Mr. McNamara;  
Applicant is to research easement to which a note may need to be added to the drawing;  
Change "relocate farm road" to remove farm road";

Mr. Davidson inquired if the Public Hearing could be scheduled.

Mr. Wilkinson stated not until the issues have been resolved and the application has been accepted as a complete application.

Mrs. Davidson inquired what would happen if the easement can't be moved.

Mr. Black stated that is not the issue, an easement is needed from National Grid to cross. Mr. Black stated that the easement would preclude the power company from blocking the

crossing. Mr. Black stated that they need something in writing from the power company.

Mrs. Davidson stated that they are supposed to get back to her this week.

Mr. Wilkinson advised the applicants not to create more drawings for the July meeting, he assured the Davidsons that the Planning Board would also meet in August..

**Schroeder/Schroeder (246-1-2)**

Matt Schroeder appeared before the Board.

Mr. Black recused himself and joined the audience.

Mr. Wilkinson stated that this is a subdivision to divide the parcel roughly in half. Mr. Wilkinson stated that the drawing submitted is lacking the standard notes and the revision block. Mr. Wilkinson stated that there needs to be a signature block for the chairman to sign. Mr. Wilkinson stated that the note pertaining to the septic system needs to be completed to say "Approximate location of septic".

Mrs. York asked if there were any wetlands.

Matt Schroeder showed where the wetlands were located on the map.

Mr. Wilkinson stated that the drawing also needs to show contour lines every two feet. Mr. Wilkinson stated that this will also give the Board a better understanding of where the septic location is.

Matt Schroeder stated that the land is flat except it slopes in the back.

Mr. Wilkinson provided Mr. Schroeder with a list of the standard notes and used the Davidson map as an example.

Ms. Szurek asked for the perc test location and results to be shown on the map.

Mr. Wilkinson stated that the revision block is required to show a record of all changes made to the maps.

Mr. Mitchell inquired about the results of the perc test holes.

Matt Schroeder showed the results for the various test holes used for Mr. LaFountain average from his notes.

Mr. Mitchell inquired about the mottling line. Mr. Mitchell stated that shows where the water line is at.

Mrs. Wood commented that the perc tests were fast.

Matt Schroeder stated that the next field down has the wetlands. Matt Schroeder stated that the septic at his parent's house is fine.

Mrs. Schroeder stated that when they purchased their home, they moved the septic system.

Mr. Wilkinson stated that the map needs to have Mr. LaFountain's officially witnessed perc test results. Mr. Wilkinson stated that when the engineer designs the septic system, they will do their own perc tests. Mr. Wilkinson stated that the Board only needs to prove the soil can perc.

Mr. Wilkinson stated that Mrs. York would be sending a follow up letter with the Board's requests itemized.

Mr. Wilkinson stated that the district (RA), the proposed septic location, the contour lines and the perc tests that Mr. LaFountain witnessed all need to be added to the drawing. Mr. Wilkinson stated that the new maps are needed two weeks before the July 19<sup>th</sup> meeting. Mr. Wilkinson stated that if the new maps are provided timely, at the July meeting the Board can accept the application and schedule the Public Hearing.

### **ZBA Referral**

#### **Dodge (246-1-42)**

Mr. Wilkinson stated that Mr. Kadlecek has raised excellent points. Mr. Wilkinson stated that in the reply to the ZBA, it will request that the setback to the neighbors septic system be provided and the any features of the land need to be known.

### **Zoning Administrator Report**

Mr. LaFountain was not in attendance.

### **Correspondence**

None

### **Town Board Liaison**

Mrs. Verola stated that the budget was set at actual monies spent in the previous year. Mrs. Verola stated that she has already spoken to Kathy Hanley about the potential shortfall.

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

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary