

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

Minutes of Planning Board Meeting – August 16, 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, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron Recording Secretary.

**AGENDA MEETING:**

Mr. Wilkinson stated that there is a quorum of 4.

Minutes

Mr. Wilkinson stated that the draft of the July 19, 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 provided a typo.

Public Hearings

Mr. Wilkinson stated that there would be a Public Hearings on the Grabo/Davidson application this evening.

Subdivision Applications and Lot Line Changes

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that this is a subdivision located on Crane Street. Mr. Wilkinson stated that Mr. Grabo owns a 66-acre parcel of land on Crane Street. Mr. Wilkinson stated that 33 acres are located in Schenectady County and 33 acres are located in Saratoga County. Mr. Wilkinson stated that revised maps have been received. Mr. Wilkinson stated that Mr. McNamara has provided comments to the revised maps. Mr. Wilkinson stated that the Board asked for permission to walk the property and Mrs. Davidson gave the Board permission to walk the portion of the property that she was purchasing. Mr. Wilkinson stated that there has been an e-mail from the Zoning Officer pertaining to possible zoning violations.

Mr. Black asked Mr. Keniry if there was a legal precedent associated with subdivision of a parcel of land with zoning violations.

Mr. Keniry stated that it is his recommendation to make further inquiry into the possibility of violations.

Pre-application Conference

Lot Line Change

West Charlton United Presbyterian Church/Darling/Beardsley (224-1-35 and 224-1-36)

Mr. Wilkinson stated that this is a pretty straight-forward lot line application. Mr. Wilkinson stated that the owners of the neighboring property wish to gift a 35 x 242 foot strip to the church. Mr. Wilkinson stated that a survey, completed application, SEQRA form and AG data statement are needed to proceed.

ZBA Referrals

None.

Zoning Administrator Report

Mr. LaFountain was not present.

Town Board Liaison

Mrs. Verola was present.

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 July 19, 2010 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor.

**PUBLIC HEARING (7:30 P.M.)**

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

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the Public Hearing Notice was published in the Daily Gazette on August 6, 2010 and the post cards were mailed to the neighbors.

Mr. Wilkinson read a letter dated June 18, 2010 from “Concerned Neighbors” into the record. A copy of the letter is annexed hereto as **Attachment 1**.

Mr. Wilkinson stated that himself and Mr. Kadlecek walked the property on August 1, 2010 and visible to them were an abandoned house, oil tanks, scrap metal, junk vehicles, tires and miscellaneous “junk”.

Mr. Wilkinson stated that he sent a letter to Zoning Officer, Dave LaFountain pertaining to the visit to the property. Mr. Wilkinson read his e-mail dated August 4, 2010 into the record. A copy of the e-mail is annexed hereto as **Attachment 2**.

Mr. Wilkinson read the response e-mail from Mr. LaFountain dated August 10, 2010. A copy of the e-mail is annexed hereto as **Attachment 3**.

Mr. Wilkinson asked the applicants to give their intent for this subdivision.

Mr. and Mrs. Davidson together with their attorney, Richard Wickerham appeared before the Board.

Mrs. Davidson stated that they are subdividing the last remaining lands of Mr. Grabo. Mrs. Davidson stated that they feel they have satisfied all questions of the Planning Board.

Mr. Davidson stated that the letter from the neighbors deals with issues that were resolved, the frontage, wetlands and driveway issues have been resolved.

Mr. Wilkinson stated that at this time, the Board has asked for an overview of the project.

Mrs. Davidson showed the 11.41-acre parcel they are requesting from the subdivision. Mrs. Davidson stated that they would like to put a house on it in the future.

Mr. Davidson stated that there is 400 foot of frontage. Mr. Davidson stated that the property backs the Shippy’s land, his sister-in-law’s land and son’s land. Mr. Davidson stated that the intent is for his daughter to build on it. Mr. Davidson stated that the driveway will remain roughly in the same area. Mr. Davidson stated that access to the

back has been resolved. Mr. Davidson stated that the area in the back will not be further subdivided. Mr. Davidson stated that this is a simple subdivision.

Mr. Wilkinson opened the Public Hearing to the public.

Jim Grabo, brother of Bill Grabo, 17 Newman Road: My issue is at this point is I'm using the hay barn back there for storage. I've been renting that from him for seven years. I'm concerned about short-term and long-term access to that hay barn. I've got hay in there now and it would be my thinking that with this plan to go through as it stands right now we could be legally denied access to that property unless a new access driveway is built. The problem with that is my brother is trying to sell this for financial reasons and if anybody looked at that driveway next to the driveway between the existing driveway and the crick there is a very limited space to put a driveway in there and the cost would be, I'm guessing, six to eight thousand dollars because you have to put culverts in and have to considerably raise the level to make it accessible to fit a farm truck in that space. The other issue is that there are some very large trees in there that would have to be removed to put that driveway in. This is really a concern both short term and long term. Short-term, I'm sure we can make some agreement that I could use that driveway but the other people who get hay back there, they need access to it so it might be a problem. My main concern is access to the hay barn and anything else back there. What I want to say is I don't have legal authority or the sibling authority to clean the place up. I would love to do that but at this point I can't do it. But my main concern is the driveway. (Inaudible)

Mr. Davidson authorized Mr. Grabo to use the driveway until his daughter builds on the land, which would not be for several years.

Mrs. Davidson stated that it stated in the purchase agreement that the roadway is in effect until they build which is a minimum of five years from now. Mrs. Davidson stated that the concern is whether or not a driveway can be put on this property and yes it can be done. (Inaudible)

(Inaudible)

Mr. Grabo showed on the drawing where the hay barn was located.

Mrs. Davidson stated that there was 125 feet between the property lines.

(Inaudible)

Lynn Oskemp, 128 Crane Street: I live in the old farmhouse across from the Shippy's. (Inaudible) We own the frontage that extends from across from the Davidson's down to this property and I'm trying to gather (inaudible) it seems to me that as a Town, if we're trying to protect the rural nature of this Town looking at the Farmland Protection Plan and all those ideas of preserving the nature of Charlton that people want to live here and (inaudible) if this is our moment where we have a choice about what we're going to do.

(Inaudible) piece by piece we are getting rid of (inaudible) community and there is a density on Crane Street that (inaudible) that the Town needs to support it. There is no ordinance about noise all the things that come with more people living there. Its so sad. If you look at our street now there is one house after another right down that road and there will be more there is nothing that's going to stop them. And I agree with the writer of that letter where Mr. Grabo said there would be no more subdivisions (inaudible). I have nothing against the Davidson's, it's about the nature of Charlton. Here on my side I mean my house, I mean the way (inaudible) lose my frontage. I don't believe in that. I want to protect the wetlands you know and keep the community like it was. Our property was part of a 100 acre farm and we managed to keep it rural looking. The other side this is totally changed. And I do think we shouldn't have let that happen. (Inaudible) Everybody has the right (inaudible) the zoning allows it but it just seems like you take a good parcel of land a truly beautiful farm land, its not very beautiful right now but (inaudible) preserve farmland.

Alan Grattidge, Town Supervisor, 4228 Jockey Street: About a month ago I received a call from a member of the Charlton Fire Department that was called to the Bill Grabo part of the property on an ambulance call. Apparently Mr. Grabo had been living in the back part of this parcel in what appears to be a recreational vehicle or a camper. A number of years ago the house had been condemned and he had moved down into the Glenville area I understand. But apparently he had problems with that property down in Glenville and he, unbeknownst to the Town, ended up moving back on to this property. The conditions that were reported to me were that it was basically unsanitary. One of the firemen was reported to almost be physically ill helping Mr. Grabo getting on to the ambulance. That is what sparked one of those red flags that Mr. Grabo had been again living back in there in not a condition that would meet zoning and not in a safe environment. I've been told that he had power but he had no water. So again, that is totally against our zoning and I certainly contacted Social Services and the person at Social Services is aware of Mr. Grabo. He had been out there before but Mr. Grabo had not requested any help. But my concern and the Town's concern would be the condition of the property and before it is subdivided, we are talking the entire property here, there is a number of what has been described as zoning violations and there's great concern over what is going to happen to this property in the event that just another piece of the property gets subdivided off. What's going to happen environmentally to the rest of the property especially if there's no one there to take care of it.

Mrs. Wood inquired given the obvious physical condition of Mr. Grabo, what is his mental capacity, is he capable of understanding what he is doing? Mrs. Wood inquired if there was an assessment of that.

Alan Grattidge: I wouldn't have any information on that. I would certainly counsel with the Town attorney on the appropriateness of having the Zoning Administrator go on to the property if there are violations. I think the Town is obligated to go on and investigate and these matters would need to be cleaned up in order for this case to move forward.

Mrs. Wood stated that you have the dwelling and barns back there, suppose five years passes and no road is built, and there is a fire, how do the fire trucks get to the buildings.

Alan Grattidge: Fireman usually have a way of getting to where the fire is. In that kind of situation they would cross any driveway to get to it.

Mr. Davidson stated that Mr. Grabo is in tax delinquency and foreclosure possibly in September. Mr. Grabo lacks the sufficient funds to pay the taxes and if there is no closing he is not going to get the money to pay the taxes and will be in further jeopardy of losing the property. (Inaudible) (End of tape). The town has the right to go in and clean the property and charge the property owner on the tax bill. (Inaudible)

Mrs. Davidson stated that referring to Mr. Grabo's mental capacity, when he entered into the purchase contract he was of sound mind and represented by an attorney. Mrs. Davidson stated that Mr. Grabo is down on his luck as far as finances and he approached us because he needs money.

Richard Wickerham, attorney for the Davidson's: I have attended several of these meetings that the Board has had and first of all I thank each of you for your dedicated public service and thank you for your time. A couple of brief points that I would like to emphasize. Mr. Davidson indicated quite correctly a few minutes ago concerning the zoning violations certainly my clients and I will be most happy to cooperate with the Town Zoning Officer and the Town Officials toward an investigation of those matters and possible efforts on our part to remedy the situation. Secondly in relation to your question that you asked the Town Supervisor about the mental capacity of Mr. Grabo, I will tell you that through the contract negotiations Mr. Grabo to my knowledge from what I have seen in my experience with him has the requisite mental capacity to enter into contracts and make decisions and he is also represented by an attorney, Lawrence Mahar. I spoke with Mr. Mahar this evening possibly about 6:30 this evening and Mr. Mahar has an appointment to see Mr. Grabo tomorrow because he has other issues to sign some legal documents that are not related to this matter. I'm quite certain that Mr. Mahar would not be having his client execute legal documents if he had questions about his capacity. As to the zoning matters as I said earlier we will be happy to cooperate with the investigation and whatever good faith efforts we may make considering that we are not the owners of the property we will certainly be happy to do that and grant access via a fire health safety emergency. (Inaudible)

Mr. Wilkinson made a motion to adjourn the Public Hearing until September 20, 2010 at 7:30 p.m. to allow the Zoning Officer to investigate the alleged violations and report back to the Planning Board. Mrs. Wood seconded the motion. All were in favor.

Mr. Davidson stated that he would be out of the Country on that date.

Mr. Keniry stated that the Board can extend the adjournment to October so that the applicants are available or the applicants can go forward through their attorney.

**Pre-application Conference**

**West Charlton United Presbyterian Church/Darling/Beardsley (224-1-35 and 224-1-36)**

Jean Weed appeared before the Board representing the church.

The Board asked Mrs. Weed for some background information.

Mr. Wilkinson suggested that the drawing show the existing house, well, septic system and other buildings that may be affected by the lot line adjustment.

Mr. Wilkinson stated that the survey will also need to show both lots. Mr. Wilkinson stated that there are specific requirements that need to be on the drawing and the list is available on the Town's website. Mr. Wilkinson stated that the standard notes, revision block and signature line for the chairman to sign would also need to be on the drawing.

Mr. Black explained subdivision fees versus lot line fees.

Mr. Black suggested checking the existing features for setbacks before incurring the expense of a survey.

Mrs. York stated that the Board needs an affidavit from Brian Beardsley.

Mrs. Weed provided a copy.

**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 would like to continue on with the open items, which are the merits of Mr. McNamara's letter. Mr. Wilkinson asked the applicants if they would like to continue discussions now or review next month.

Mr. Wickerham stated that his clients would like to proceed with the balance of the open items.

Mr. Wickerham stated that as pertains to the unsigned letter from the "concerned

neighbors”, they request that the letter not be considered by the Board. Mr. Wickerham stated that all of the points of the letter have been successfully addressed and no weight should be put into correspondence that is unsigned. Mr. Wickerham stated that they are accusations from unidentified sources.

Mr. Kadlecek inquired if the Board could walk the entire site.

Mrs. Davidson stated that she does not feel that she can legally give permission to go on someone else’s land. Mrs. Davidson suggested that the Board contact Mr. Grabo or his attorney.

Mr. Keniry stated that the Board has jurisdiction over the totality of the project. Mr. Keniry stated that the applicants do not own either parcel and there is no distinction with respect to position.

Mr. Wickerham stated that he would contact Mr. Mahar to obtain permission.

Mr. Black suggested meeting as a collective Board.

Mrs. Wood agreed.

Mr. Wilkinson stated that he would get dates and times once permission is granted.

Mr. Wilkinson stated that Mr. McNamara’s letter dated July 29, 2010 had six comments that the Board would like to review. A copy of the letter is annexed hereto as **Attachment 4**.

Mr. Wilkinson stated that comment one has been done as the applicant changed the one coordinate.

Mr. Wilkinson stated that comment two pertains to the utilities easement.

Mrs. Davidson stated that National Grid is still researching that but could not find anything. Mrs. Davidson stated that they told her that there is no easement. Mrs. Davidson stated that she was told that they had to be 10 feet away from the pole. Mrs. Davidson stated that Mr. Wilkinson could contact the person she spoke with.

Mr. Black inquired about the lines.

Mrs. Davidson stated that Sam Rossi of National Grid told her that they had to be 10 feet away from the pole.

Mr. Wilkinson stated that the Board would need a letter from National Grid. Mr. Wilkinson stated that it is not the job of the Board to research where the lines go, the

burden of providing the information lies with the applicant.

Mrs. Davidson stated that she would forward the e-mail she received from National Grid.

Mr. Keniry stated that the information in the letter should match the drawing.

Mr. Wilkinson stated that comment three ties into comment six pertaining to the driveway and access. Mr. Wilkinson stated that the Board needs to lock down how there is going to be access to the back parcel and access to the newly created parcel. Mr. Wilkinson stated that there are wetlands on the other side of Crane Street. Mr. Wilkinson stated that the Board needs assurance of access. Mr. Wilkinson stated that the Board has requested permits from past subdivisions that had ACOE wetlands. Mr. Wilkinson stated that gives the Board assurance that we are not creating something here that is sub-standard or that we are not damaging a wetland where we can't go back and fix that. Mr. Wilkinson stated that the Board needs to come up with some kind of plan of how to proceed and what the Board is going to require the applicant to do.

Mrs. Davidson stated that there are no federal wetlands on the property and they have a letter from DEC. Mrs. Davidson stated that she has called ACOE and they said no permits are needed because there are no wetlands on the property.

Mr. Wilkinson stated that the Board would like to see something in writing from ACOE.

Mrs. Davidson stated that it is listed as an intermittent stream, there are no fish and it goes dry.

Mr. Black stated that the intent of the Board is to understand access to the property and how that is going to be provided. Mr. Black stated that it would be inappropriate to grant a subdivision and have no plan for access and how that is going to be done. Mr. Black stated that it is not clear if the farmlane exists. Mr. Black stated that the suggestion is to ensure a legitimate plan for access to both parcels. Mr. Black stated that the question becomes how is access going to be provided both now and in the future for both parcels.

Mr. Davidson stated that the Highway Supervisor said that access could be put in along the remaining 200 feet of frontage. Mr. Davidson stated that a road way could be put in.

Mrs. Davidson stated that she spoke to the highway department and obtained a permit to show acceptable areas that a driveway could be put in.

Mrs. Wood stated that there are existing buildings on the remaining lands of Mr. Grabo and without access creates a major problem. Mrs. Wood stated that this subdivision is requiring a roadway be put in to buildings that already exist.

Mr. Davidson stated that there is 200 feet of frontage in which a driveway could be put

in.

Mr. Black stated that it requires someone to create access.

Mr. Davidson stated that the same is true with any vacant land, access has to be put in.

Mr. Black stated that is not true when there are existing buildings.

Mr. Davidson stated that he is getting upset because he finds that this planning commission is responding to letters where people didn't have the fortitude to sign them. Mr. Davidson stated that the letter was entered into the minutes and wants to know if any other unsigned letter was ever been entered into the minutes before.

There were many people speaking at once making it inaudible.

Mr. Wilkinson stated that he personally visited the parcel and took five pictures. Mr. Wilkinson stated that there are three oil tanks to the left-hand side. Mr. Wilkinson stated that he could visibly see all of the debris and propane tanks, junk cars, etc.

Mr. Davidson stated that he will give authorization for access to the existing driveway for the next four years and will put it in writing.

There were many people speaking at once making it inaudible.

The Board and the applicants continued to discuss access.

Mr. Davidson stated again that he would put in writing that if the subdivision is approved that he will allow anyone access to the property.

Mr. Black stated that is one way to address the issue. Mr. Black stated that the second issue remaining is the power lines. Mr. Black stated that the Board needs something in writing from National Grid.

Mr. Wilkinson asked for a copy of the e-mail from National Grid to forward to Mr. McNamara.

Mr. Black stated that the third issue is the perk test information. Mr. Black asked for the location of the test pits to be put on the drawing. Mr. Black asked for assurance that a septic system can be built and to show a location on the drawing.

Mr. Wilkinson stated that once permission to walk the entire parcel has been granted, he would forward dates and times for the Board to go as a public meeting.

Mr. Wilkinson summarized that the map needs to show the location of the perc test and

include a notation of the need for 10 feet of setback from the power pole. The Planning Board also needs a copy of the e-mail from National Grid.

**Zoning Administrator Report**

Mr. LaFountain was not in attendance.

**Correspondence**

None.

**Town Board Liaison**

Mr. Wilkinson stated that the Zoning Officer has not been present at the Planning Board meetings since April. Mr. Wilkinson asked Mrs. Verola if it would be possible to have the zoning reports forwarded to the Town Clerk so that the Board could review them.

Mrs. Verola stated that she would take care of it.

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

The meeting was adjourned at 9:45 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary

June 18, 2010

Attachment 1

Charlton Town Planning Board  
RE: proposed subdivision of William Grabo Property off Crane St

To Whom It May Concern:

As a Charlton resident who lives near the proposed subdivision I and other neighbors have some concerns that we want to be sure the Board is addressing.

1. A few years ago during discussion with concerned neighbors on the subdivision just to the north of this recent proposal (which is now owned by Vogt), Mr. Grabo stated, for the record, that this would be the last time he could subdivide his farm due to the lack of road frontage. Those of us present, already concerned over the previous subdivisions that took place with less than the 200 feet per division, backed off opposition to the Vogt property with this reassurance from Mr. Grabo and the Board that this was true. Now we find that the numbers are once again wrong and in fact there are enough feet for division. This is the third time division of the same property has occurred with road frontage questions going in favor of the seller. Where is all this gained road frontage coming from --from whose property??

2. The proposed lot lines for this subdivision are a bit strange to say the least. It will take quite a bit of engineering to place a new access driveway into the property that will remain. One of the 2 access points definitely would violate designated wetlands. The other point next to the existing drive will require a lot of build up and culvert issues as it lies very close to the creek that meanders through the property and crosses Crane St at the point of the driveway. The closeness to a creek that supplies water to a huge wetland area on the other side of Crane and is part of the wetland system on the Grabo side of the street greatly concerns us. We hope the board is also concerned about the integrity of preserving designated wetlands.

3. The remaining land was once a beautiful homestead and farm. It now is full of toxic waste (old batteries, propane and oil storage tanks), a condemned house, a barn that is in ill repair, piles of old tires, appliances and as sundry other junk. While this is technically not a concern for this Board, I would ask if this is not why the strange property lines are drawn (to avoid this costly and nasty area) and ultimately who will want a property that is almost useless without the this proposed subdivision. The remaining parcel is mostly area full of wetlands, many natural springs and not suitable for building. This could a future impediment for tax collection on this property.

While we would all love to see this beautiful land reclaimed from its current state we want to be sure its done properly with due consideration of the consequences of subdivision. We believe that by keeping the existing property intact as one parcel, that there would be enough land not to disrupt the wetlands and creek and the wherewithal to make the property once again a habitable farm. Divide it and this will not be true.

Thank you for your time and consideration,

Concerned Neighbors

FW: 5 pictures for you

page 1 of 3

*Attachment 2***From:** Jay Wilkinson <jay.wilkin@hotmail.com>**To:** Dave LaFountain <zoning@townofcharlton.org>; sledaug@aol.com; DawnSzurek <dszurek@nyiso.com>; Jack Kadlecek <nuance@mindspring.com>; ConnieWood <cbwfarm@gmail.com>; Bill Keniry <wjtk@trklaw.com>; Alan Grattidge <supervisor@townofcharlton.org>; Mark Hodgkins <mhodgkins@jacksondemolition.com>; Mike Armer <marmer3@nycap.rr.com>; RayBlack <traxblaxx@aol.com>; Sandy Verola <nverola@nycap.rr.com>; Susan York <yorkmm474@aol.com>; Marv Schorr <mschorr1@nycap.rr.com>**Subject:** FW: 5 pictures for you**Date:** Wed, Aug 4, 2010 5:55 pm**Attachments:** IMG\_1489.JPG (73K), IMG\_1488.JPG (74K), IMG\_1487.JPG (62K), IMG\_1486.JPG (62K), IMG\_1485.JPG (60K)

Hello Dave,

The Planning Board is currently reviewing a request by William Grabo of Crane St. to subdivide a portion of his land. At the last Planning Board meeting, the board requested permission from the applicants' representative (Jane Davidson) for a site visit. I recently walked the site and during that observed a number of conditions that appear to violate Charlton's zoning ordinance. From my limited site review, because of heavy growth of underbrush and trees, there were abandoned oil tanks, vehicles, piles of tires and what appeared to be piles of scrap metal.

Could you please look into this situation and advise the Planning Board before its next meeting on August 16th if these observations are violations. The Planning Board is concerned about moving forward with the subdivision process on property that is in violation.

Attached are photos of some of the conditions described.

Thank you for your time,

Jay Wilkinson

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&gt; You have been sent 5 pictures.

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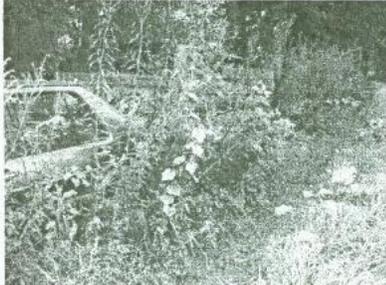
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&gt; These pictures were sent with Picasa, from Google.

> Try it out here: <http://picasa.google.com/>

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5 Attached Images



F W: 5 pictures for you

Aug 2010



F W: 5 pictures for you



RE: 5 pictures for you

Page 1 of 1

Attachment 3

**From:** Zoning <Zoning@townofcharlton.org>**To:** 'Jay Wilkinson' <jay.wilkin@hotmail.com>; sledaug@aol.com; 'Dawn Szurek' <dszurek@nyiso.com>; 'Jack Kadlecek' <nuance@mindspring.com>; 'Connie Wood' <cbwfam@gmail.com>; 'Bill Keniry' <wjkl@trklaw.com>; 'Alan Grattidge' <supervisor@townofcharlton.org>; 'Mark Hodgkins' <mhdgkins@jacksondemolition.com>; 'Mike Armer' <marm3@nycap.rr.com>; 'Ray Black' <traxblaxx@aol.com>; 'Sandy Verola' <nverola@nycap.rr.com>; 'Susan York' <yorkmm474@aol.com>; 'Marv Schorr' <mschorr1@nycap.rr.com>**Subject:** RE: 5 pictures for you**Date:** Tue, Aug 10, 2010 5:44 pm

In response to your email of 8/4/10 regarding the Grabo property, it appears from the pictures you sent and my observation from the public way that possible violations of the Charlton Zoning Ordinance and the New York State Property Maintenance code could exist on this property. An authorized inspection of the property will be needed to further investigate these alleged violations.

I would recommend the planning board take no further action on this application until the Zoning Office has permission to walk the property and determine what action is necessary.

-----Original Message-----

**From:** Jay Wilkinson [mailto:jay.wilkin@hotmail.com]**Sent:** Wednesday, August 04, 2010 8:55 PM**To:** Dave LaFountain; sledaug@aol.com; Dawn Szurek; Jack Kadlecek; Connie Wood; Bill Keniry; Alan Grattidge; Mark Hodgkins; Mike Armer; Ray Black; Sandy Verola; Susan York; Marv Schorr**Subject:** FW: 5 pictures for you

Hello Dave,

The Planning Board is currently reviewing a request by William Grabo of Crane St. to subdivide a portion of his land. At the last Planning Board meeting, the board requested permission from the applicants' representative (Jane Davidson) for a site visit. I recently walked the site and during that observed a number of conditions that appear to violate Charlton's zoning ordinance. From my limited site review, because of heavy growth of underbrush and trees, there were abandoned oil tanks, vehicles, piles of tires and what appeared to be piles of scrap metal.

Could you please look into this situation and advise the Planning Board before its next meeting on August 16th if these observations are violations. The Planning Board is concerned about moving forward with the subdivision process on property that is in violation.

Attached are photos of some of the conditions described.

Thank you for your time,

Jay Wilkinson

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&gt; You have been sent 5 pictures.

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&gt; These pictures were sent with Picasa, from Google.

> Try it out here: <http://picasa.google.com/><http://mail.aol.com/32644-111/aol-1/en-us/mail/PrintMessage.aspx>

9/7/2010



July 29, 2010

*Attachment 4*

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

Re: Subdivision of Lands of William G. Grabo  
Crane Street / Tax Map Parcel No. 246.00-3-61.111

Dear Chairman Wilkinson:

As you requested, we have reviewed a revised plan for the above referenced subdivision. The new map has a revision date of July 17, 2010. No additional materials were submitted to our attention and there was not a formal response to our comment letter of June 17<sup>th</sup> to indicate how each issue may have been addressed. From the information submitted, we are not able to confirm a resolution for every comment. Following are our updated comments for each corresponding item in the original June 17<sup>th</sup> letter.

1. The July 17<sup>th</sup> updated subdivision plan shows a revised property line that adequately addresses our prior comment #1 related to lot width.
2. No additional information was shown on the map or submitted related to the utility lines that pass through the building envelope of the proposed lot. In a telephone discussion with the applicant, they anticipated that no formal easement would be found. We continue to suggest that a recommendation be obtained from the utility company for a safe setback distance and that a line should be delineated on the drawing to illustrate the setback. This would prevent construction work on the roof of a structure at an unsafe distance from the utilities.
3. There have been no changes to the plan demonstrating the intended access to the new lot. The driveway construction permit already obtained applies only to the remaining lands of Grabo parcel. A driveway permit for the new lot is still necessary and the culvert under the existing farm lane should be replaced if it will remain in use.
4. Although the wood chip pile has been removed, the area noted for the proposed septic system must still be evaluated for suitability in light of possible over compaction from the farm road and storage pile. Should it be necessary to relocate the system elsewhere,

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separation distances to the existing well to the north and the proposed well for the new lot will need to be maintained.

5. The abandoned oil tank has been removed.
6. It remains unclear what portion of the existing farm lane is to be relocated and where the new access is proposed. The preliminary location of the septic system does imply that access to the back parcel will be interrupted. If there is any active use of the remaining Grabo parcel at all, this issue must be resolved as part of this subdivision application rather than deferred to the future.

Please feel free to call if you have any questions regarding this project.

Very truly yours,

A handwritten signature in black ink, reading 'Michael McNamara', is written over the typed name.

Michael McNamara, P.E.  
The Environmental Design Partnership

Cc: Jane Davidson  
Bill Keniry by email

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