

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

Minutes of Planning Board Meeting – September 20, 2010

Chairman Jay Wilkinson called the meeting to order at 7:08 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Connie Wood, Mark Hodgkins, Mike Armer, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron Recording Secretary. Chris Mitchell and Dawn Szurek joined the meeting at 7:20 p.m.

**AGENDA MEETING:**

Mr. Wilkinson stated that there is a quorum of 5.

Minutes

Mr. Wilkinson stated that the draft of the August 16, 2010 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. Mrs. Wood provided a typo. Mr. Wilkinson stated that the Board would have to wait until the October meeting to approve the draft of the minutes because there are not enough Board members present that attended the August meeting.

Public Hearings

Mr. Wilkinson stated that there would be a Public Hearing 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 of a 66-acre parcel located on Crane Street. Mr. Wilkinson stated that a Public Hearing was opened last meeting and would be continuing this evening. Mr. Wilkinson stated that three people spoke at the Public Hearing regarding the condition of the property and concerns pertaining to the site visit of the parcel and the possible zoning violations. Mr. Wilkinson stated that the Public Hearing was adjourned until this evening to allow the Zoning Officer, Dave LaFountain, to investigate the possibility of violations. Mr. Wilkinson stated that Mr. LaFountain issued a report that will be reviewed during the Public Hearing.

Ebert/VanGuilder (256-1-30.1)

Mr. Wilkinson stated that this is an application for a subdivision of a 4.23-acre parcel into two parcels. Mr. Wilkinson stated that this was part of the Shaddick three lot subdivision done in 1999. Mr. Wilkinson stated that the application meets the requirements. Mr.

Wilkinson stated that there are minor issues to discuss.

Pre-application Conference

None

ZBA Referrals

None.

Zoning Administrator Report

Mr. LaFountain was not present, however, a report for the month of August has been provided.

Town Board Liaison

Mrs. Verola was present.

Correspondence

Mr. Wilkinson stated that the Board needed to review the 2011 Budget.

Mr. Wilkinson stated that information has been received on the Heflin/Durst subdivision. Mr. Wilkinson stated that the information was not received within the allotted timeframe and therefore would be put on the October agenda. Mr. Wilkinson stated that he would like Mr. Kadlecck to review the Stormwater Management Plan and provide a summary for the Board. Mr. Wilkinson stated that Mr. McNamara has been asked by the Town to review the new plans, Stormwater Management Report and the Water District Extension Report. Mr. Wilkinson stated that Mr. Keniry has been asked to provide a summary for the Board on the Water District Extension report also.

Mrs. York stated that there are copies of the reports at Town Hall if anyone is interested in reviewing them.

The Board reviewed the Budget.

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

**BUSINESS MEETING**

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

## Minutes

To be approved at the October meeting.

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

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

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the Zoning Officer, Dave LaFountain, is unable to be here to review his report. Mr. Wilkinson stated that Mr. LaFountain was out of town.

Richard Wickerham, attorney for George and Jane Davidson, appeared before the Board. Mr. Wickerham stated that he has received the Zoning Officers report. Mr. Wickerham stated that his clients could not be present this evening and requested he appear on their behalf. Mr. Wickerham stated that the requirements that have been submitted to his clients have been acted upon, each and every request of the Board. Mr. Wickerham stated that his clients have faithfully fulfilled all of the requests for information, documentation, tests, and the like, and they are simply looking to complete their contract for purchase and gain subdivision approval. Mr. Wickerham provided a summary of the application, which was derived at by his research of the proceedings before the Board and the minutes. Mr. Wickerham stated that it is in chronological order for everyone's reference and convenience. Mr. Wickerham distributed copies of his summary to every member present.

Mr. Wickerham reviewed the summary with the Board. A copy is annexed hereto as **Attachment 1.**

Mr. Wickerham stated that all of the requirements have been fulfilled and all of the issues have been resolved. Mr. Wickerham stated that his clients have complied with everything and their position is that they meet the requirements in the entirety. Mr. Wickerham stated that the remaining lands of Bill Grabo are the subject of the Zoning Officer's report. Mr. Wickerham stated that the 11 acres that the Davidson's are trying to purchase do not have zoning violations. Mr. Wickerham stated that the Board previously suggested that the Davidson's look into purchasing the entire property and they spent a lot of time with that request looking into that, but between the costs of the back taxes, the mortgage with a lender, and the clean up costs associated with the zoning violations, the cost would be a minimum of \$150,000.00. Mr. Wickerham stated that is a considerable sum of money.

Mrs. Wood asked Mr. Wickerham to break down the \$150,000.00.

Mr. Wickerham stated that there is approximately \$20,000.00 in back taxes,

approximately \$50,000.00 mortgage and the balance, \$80,000.00, would be clean up costs. Mr. Wickerham stated that even if his clients were able to get an agreement with Mr. Grabo, it would be contingent upon Board approval. Mr. Wickerham stated that it is quite an undertaking to ask.

Mr. Wickerham stated that the zoning matters are not within the jurisdiction of the Planning Board. Mr. Wickerham stated that he brought case law to show the Board. Mr. Wickerham stated that his client's position is that they have satisfied all of the requests of the Board and they have a legal proposed subdivision. Mr. Wickerham stated that his clients are also unavailable for the October meeting. Mr. Wickerham stated that his clients are asking that the Board give faithful consideration to their application and approval. Mr. Wickerham thanked the Board for their personal time and service.

Mr. Mitchell inquired if the zoning violations were resolved on the 11-acre parcel.

Mr. Wickerham stated yes, the oil tank has been removed and the wood chip pile has been removed. Mr. Wickerham stated that the 11-acre parcel is not involved in the zoning violations.

Mr. Wilkinson stated that there have been allegations that there is a mobile home trailer on the property that Mr. Grabo was living in, Mr. Wilkinson asked Mr. Wickerham if he could show where that is on the map, which side of the line, where is that location.

Mr. Wickerham stated that he believes that all of the violations that the report speaks about are involving lands that will be remaining with Mr. Grabo.

Mr. Wilkinson stated that what is believed is one thing, the Board needs to know the facts. Mr. Wilkinson stated that to move forward on this, the Board has to complete the State Environmental Quality Review Act. Mr. Wilkinson inquired how the Board could consciously go through those questions not knowing an inventory of the property. Mr. Wilkinson inquired if the Davidson's have had anyone do an inventory and report that all of the alleged violations are on the "other side of the line".

Mr. Wickerham stated that he believes, and his clients have stated, that all of the violations that the report speaks about are involving lands that will be remaining with Mr. Grabo.

Mr. Wilkinson inquired if there are concrete facts supporting that.

Mr. Wickerham stated that the parcel the Davidson's are proposing to buy, upon their inspection of it, and their own designation of it, indicates to them that none of those violations that are referenced to by the Zoning Officer are involved in the 11 acres they are proposing to purchase.

Mr. Wilkinson stated that the Board needs someone other than the applicant to state that. Mr. Wilkinson stated that there have been allegations of a trailer on the property, someone is living in it, there is no running water, no sanitation facilities, oxygen bottles outside the trailer, numerous junk cars. Mr. Wilkinson stated that the applicants are saying that those things are all on the side that the Davidson's are not buying.

Mr. Wickerham stated that the parcel the Davidson's are proposing to buy, upon their inspection of it, and their own designation of it, indicates to them that none of those violations that are referenced by the Zoning Officer are involved in the 11 acres they are proposing to purchase.

Mr. Wilkinson stated that the Board is trying to understand where the stuff is located.

Mr. Wickerham stated that the parcel the Davidson's are proposing to buy, upon their inspection of it, and their own designation of it, indicates to them that none of those violations that are referenced by the Zoning Officer are involved in the 11 acres they are proposing to purchase.

Mr. Wilkinson stated that there is no proof of that.

Mr. Wickerham stated that the question before the Board is whether or not the proposed subdivision meets the subdivision requirements.

Mr. Wilkinson stated that right now we can't separate one from the other, the Board is looking at a parcel of land and that parcel of land may have violations on it and they are numerous. Mr. Wilkinson stated that a subdivision has not been made yet.

Mr. Wickerham stated that based upon his clients own investigation, there are no zoning violations on the parcel they are proposing to purchase and the other matters pertain to the remaining lands of Mr. Grabo.

Mrs. Wood stated that if the Board approves this subdivision, that would leave a parcel that is unbuildable because of the zoning violations that make it too costly to be saleable. Mrs. Wood inquired whose responsibility is it, where does the responsibility fall. Mrs. Wood stated that the Board is not allowed to create an unbuildable lot.

Mr. Mitchell stated that if there are zoning violations, Mr. Grabo has the responsibility to take care of it. If violations are found after the subdivision is created, then it is the applicant's responsibility to fix it.

Mr. Wickerham stated that yes, if there are zoning violations on the 11 acres his client will fix it.

Ms. Szurek stated that the Board does not know the proximity of the violations to any

potential building, well or septic location.

Mr. Wickerham stated that the violations pertain to the area of the barn and house where Mr. Grabo was living. Mr. Wickerham stated that it is a considerable distance from the proposed house location.

Mr. Armer stated that even though he has been absent from prior meetings he has kept up on correspondence. Mr. Armer stated that there was an oil tank removed from the area of the 11 acre parcel and the concern is was there oil in the tank and was there ever a spill? The Planning Board needs to have an unbiased opinion from the person who inspects the area and who can answer the Board's questions.

Mr. Wickerham inquired if Mr. Armer was suggesting some time be set aside to allow that to occur.

Mr. Armer stated that it is something that would have to be done to answer the questions and the concerns of the Board.

Mr. Wilkinson stated that the Board is concerned about hazards on the property as they exist now and the things that can't be seen for current and future residents. Mr. Wilkinson stated that it is an obligation that this Board has. Mr. Wilkinson stated that the Board has had limited access to the property. Mr. Wilkinson stated that the Board has tried to work with the applicants and all the parties involved this past month trying to gain access to the property. Mr. Wilkinson stated that Mrs. Davidson has an affidavit from Mr. Grabo authorizing her to speak for him. Mr. Wilkinson stated that if the applicants were working in good faith with the Board that the Board would be able to meet at the property with the town engineer, Mike McNamara, to walk the property. Mr. Wilkinson stated that would enable the Board to have first hand knowledge of where everything is located. Mr. Wilkinson stated that the Board does not have first hand knowledge of where the violations are. Mr. Wilkinson stated that from his limited access back in August, there were several items cited. Mr. Wilkinson compiled a list of items seen: someone living in a mobile home trailer with unsanitary sewage facilities, piles of tires on the property (between 30-50 tires). Mr. Wilkinson asked Mr. Wickerham if he knew the locations of the tires on the property.

Mr. Wickerham responded no, he understands that the property his clients are proposing to purchase does not have those violations on it.

Mr. Wilkinson commented that Mr. Wickerham keeps stating that.

Mr. Wickerham stated that he keeps repeating that statement because it is apparently necessary that he do so. The jurisdiction of the Planning Board has to do with the subdivision regulations as written by the Town and enacted as local law, and it doesn't have to do with zoning matters and it certainly does not have to do with zoning matters

that apply to another property which is not the subject property.

Mr. Wilkinson stated that it is all one parcel and it has not been subdivided.

Mr. Wilkinson stated that the Board has to complete the SEQRA review. Mr. Wilkinson stated that the Board also has to look out for the good and the welfare of the current and the future residents of the town. Mr. Wilkinson stated that he does not think that this is in the best interest of the Town for this Board to vote yes and then one of the neighbors challenges the Board questioning why could the Board vote yes knowing that there are zoning violations on the property. Mr. Wilkinson stated that the Board needs a third party inventory in order to continue. Mr. Wilkinson stated that all the Board has is his client's word that there are no zoning violations on the 11-acre parcel. Mr. Wilkinson inquired how does the Board take what was personally seen and the report of the Zoning Officer and ignore it. Mr. Wilkinson inquired if the Davidson's would be willing to hire a third party to inventory the property, or have Mr. McNamara complete the report and bill the Davidson's. Mr. Wilkinson stated that during the past month the Board has been trying to resolve these issues with phone calls, letters and e-mails and have not received any response.

Mr. Wickerham stated that his clients have had a number of meetings with Mr. Grabo and requested what the Board asked for. Mr. Wickerham stated that a lot of money has been spent on the Board's requests.

Mr. Wilkinson stated that the summary Mr. Wickerham prepared does not show anything has been done in the past month to move this along.

Mr. Wickerham stated that the Davidson's did approach Mr. Grabo to purchase the entire parcel and he did not consent. Mr. Wickerham stated that his clients investigated the mortgage and back taxes owed, and engaged people to give estimates for the clean up costs, which is how they arrived at the \$150,000.00 number which is a burden to his clients.

Mr. Wickerham stated that he would speak to his clients about engaging a third party to investigate the violations.

Mr. Wilkinson stated that if the applicants want to convince the Board what the violations are and where they are located why not provide pictures or draw on the map. Mr. Wilkinson stated that none of the violations have been located.

Mr. Wickerham stated that his clients have been working with the Board. Mr. Wickerham inquired if Mr. Wilkinson saw zoning violations on the 11 acres.

Mr. Wilkinson stated yes, there is a small 10 x 15 building that has fallen down on itself and there is a lot of overgrowth. Mr. Wilkinson stated that the Board could not complete

the SEQRA review without information from a third party.

Margaret Wickerham, Mr. Wickerham's wife, inquired if the man who completed the violation report identified where the violations were located.

Mr. Wilkinson stated that a map was made, but the Zoning Officer is not in Town to review it with the Board and the Board has not seen the map.

Mr. Wilkinson stated that the Board is trying to understand what is going on with the property. Mr. Wilkinson stated that the Board has been unsuccessful in gaining access to the property, which could have answered a lot of the Board's questions. Mr. Wilkinson stated that Mrs. Davidson has an affidavit from Mr. Grabo allowing her to speak on his behalf. Mr. Wilkinson inquired why can't Mrs. Davidson grant the Board permission to walk the property.

Mr. Wickerham stated that Mrs. Davidson asked Mr. Grabo if the Board could walk the property and he said no.

Mr. Wilkinson asked Mr. Keniry if it was common to grant someone authority to speak on their behalf but cannot give permissions.

Mr. Keniry stated that this is the first that he has heard that Mr. Grabo won't grant permission as he has been trying to get answers with respect to authority. Mr. Keniry stated that what the Board is looking for is the engineer's threshold report, or Phase I study, which is the basic visual inquiry without significant disturbance. Mr. Keniry stated that the Board's jurisdiction relates to the whole project. Mr. Keniry stated that it is a fair inquiry for the Board to ask for the condition of the property as a whole. Mr. Keniry stated that the Zoning Ordinance and the State Law says that the Board is entitled to consider the character of the land. Mr. Keniry stated that there is a health and safety issue. Mr. Keniry stated that the idea is not to enforce the zoning violations but to have an indication of the violations on this property, which is the subject of this application. Mr. Keniry agreed that a Phase I study of this property should be done by a third party or Mr. McNamara. Mr. Keniry stated that the cost is not astronomical and would give the Davidson's first hand knowledge of the property. Mr. Keniry stated that the idea is to identify the conditions and then make recommendations with respect to the remediation. Mr. Keniry stated that the Town is in favor of listening to all possible solutions, but it is not the position of the Town to have the Davidson's purchase the entire parcel. Mr. Keniry stated that the Town's desire is to understand what is going on with the parcel. Mr. Keniry stated that Mr. Grabo's attorney, Mr. Mahar, is not answering letters or phone calls.

Mr. Wilkinson stated that the Board would like to make a decision but is unable to at this time due to lack of information.

Mr. Wickerham again stated that their position is that there are no violations on the 11-acre parcel, but he would renew the Board's request to walk the property with Mr. Mahar. Mr. Wickerham stated that he would speak to his clients upon their return to the area regarding having a third party inventory the property.

Mr. Wilkinson stated that the farmlane to the parcel has been blocked by concrete barriers.

Mr. Wickerham stated that this is the first he has heard of it.

Mr. Wilkinson stated that there is concern that a barrier is in place and the fire department would not be able to gain access in case of a fire.

Mrs. Wood stated that there is a barn back there full of hay.

Mr. Wickerham stated that he is unaware who placed the barrier there.

Mr. Keniry stated that a solution would have to be pursued with respect to the fire department. Mr. Keniry stated that the fire department will accept a chain or cable.

Mr. Keniry stated that he will continue to try to reach Mr. Mahar and will also advise that the Town's position is that signage or a chain could be put up, but not a cement barrier. Mr. Keniry stated that Mr. Grabo has the absolute right to protect his lands but the fire department needs access.

Ms. Szurek questioned access using the farmland.

Mr. Wickerham stated that was already discussed and the Davidson's would be granting access to Mr. Grabo by way of an easement in the deed that will stay with the land.

Mr. Wickerham would contact his clients about the Board's request and advise Mr. Keniry.

Mr. Wilkinson made a motion to adjourn the Public Hearing seconded by Mrs. Wood. All were in favor. The Public Hearing closed at 8:33 p.m.

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

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

Richard Wickerham, attorney for George and Jane Davidson, appeared before the Board.

The parties agreed to resume deliberations at the October 18, 2010 meeting.

**Ebert/Van Guilder (256-1-30.1)**

Duane Rabideau appeared before the Board.

Mr. Rabideau stated that this is a two-lot subdivision on the southerly side of Lake Hill Road. Mr. Rabideau stated that this was the old Shaddick property. Mr. Rabideau stated that the first lot would consist of 2 acres and include the existing improvements. Mr. Rabideau stated that the second lot would consist of 2.3 acres and be set up for new construction. Mr. Rabideau stated that Lot 2 is an old sand pit. Mr. Rabideau stated that the existing driveway would be used as the new entrance to lot 2. Mr. Rabideau stated that the site distance has already been checked.

Mr. Wilkinson stated that the standard notes are a little off from Charlton's standard notes. Mr. Wilkinson stated that a curb cut note also needed to be added. Mr. Wilkinson also requested that the active farmland be identified on the map and the contour lines be added to show the top of the banks to the road. Mr. Wilkinson referred to page 5 of the subdivision application, which listed the map's requirements that include the need for contour lines with every 2 feet of change not the 10 feet shown on the map.

Mr. Rabideau explained that the slope becomes easy toward the west and flattens out where the house will be built.

Ms. Szurek inquired how far from the creek the septic would be located.

Mr. Rabideau stated 800-900 feet.

Mr. Wilkinson inquired if the Board could drive into the parcel to see it.

Mr. Rabideau stated yes.

Mr. Wilkinson stated that page 13 of the subdivision regulations stated that the preliminary plot needs the owner and address listed.

Mrs. York provided the standard notes.

Mr. Wilkinson stated that this has already been sent to the County.

Ms. Szurek made the motion that the Planning Board be designated as lead agency for the purposes of SEQRA and that the proposed action is a negative impact declaration for SEQRA. Mr. Mitchell seconded the motion. All were in favor.

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

Mr. Wilkinson made the motion to schedule the Public Hearing for October 18, 2010 at

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

**Zoning Administrator Report**

The Board reviewed the August report. Mr. Wilkinson will request the reports for the past months.

**Town Board Liaison**

Mrs. Verola has no report.

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

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary

Attachment 1

from Richard Wickham,  
E. 2g.

9-20-10

RE: George Davidson and Jane Davidson  
The Planning Board, Town of Charlton, New York

<u>Date of Hearing</u>	<u>Issue</u>	<u>Resolution</u>
11/16/09	The mean lot width of 200 feet for the entire lot	Resolved
	The filed Mylar recites 401 feet remaining frontage	Resolved
	The Board is concerned over the lot width	Resolved
3/15/10	The Board requests that the lot line change be made now	Resolved
4/19/10	The Board is concerned over the mean lot width	Resolved
	Mr. Wilkinson requested that a note: Re: above, be added to the drawing	Resolved
	Mr. Wilkinson, on behalf of the Board, requested that the following notes be added to the drawing:	
	A. A setback from the pond to the boundary line of the new lot	Completed
	B. A mean lot width of, de minimus, 200 feet, now and in futuro	Completed
	C. Current house, well, septic, and proposed driveway locations and any applicable setback distances on remaining Grabo lands	Completed
	D. Wetlands, delineation and 100 foot setback perimeter	Completed
	E. Contour lines per the subdivision regulations	Completed
	F. Perc test location and results	Completed
	G. Dotted lines for the proposed future lot line changes	Completed
	H. Add a curb cut note	Completed
	The Board is concerned that there be access to the remaining Lands. There is access from Crane Street.	Resolved
	Mr. and Mrs. Davidson state that they will let Mr. Grabo use the Existing farm road as his own driveway. Mr. and Mrs. Davidson Stated that they will grant an easement to Mr. Grabo, if he was not able to construct a driveway into his lands.	
	Mrs. Wood stated that the AG data statement was missing Information. She also stated that Nancy Hauenstein needed to be listed on it.	Completed
	Mr. Wilkinson stated that, in order to move forward with respect to the application, the applicant must successfully resolve the access issue, and make changes to the drawing. Mr. Wilkinson states that Mrs. Davidson will receive a letter, detailing the requests of the Board.	Resolved
5/17/10	Mr. Wilkinson states that the applicant did not timely submit, prior to this meeting, the requested information. The applicants will bring the requested information to the meeting tonight. The Board will accept this information, make appropriate referrals, and take appropriate action. Mrs. Wood suggested that the Schenectady County Planning Board be advised regarding this application. She also stated that there was some	

RE: George Davidson and Jane Davidson  
The Planning Board, Town of Charlton, New York

<u>Date of Hearing</u>	<u>Issue</u>	<u>Resolution</u>
	concern over this property with respect to prior subdivisions. Mrs. Davidson appeared and presented the following documentation:	
	A. A new survey	Completed
	B. An April 26, 2010 DEC correspondence Re: no wetlands	Completed
	C. April 27, 2010 driveway construction permit	Completed
	D. Current well and septic locations for Grabo lands	Completed
	E. Contour lines added to the drawings	Completed
	F. Perk test information and results added to the drawings	Completed
	G. Curb cut note added to the drawings	Completed
	H. The setback from the pond to the boundary line has been shown	Completed
	I. The revised AG data statement [notation RE: Nancy Hauenstein]	Completed
	J. 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. After a lengthy discussion, Mrs. Davidson agreed to add, to the drawing, a note regarding a mean width lot presence and existence of 200 feet	Completed
	Mr. Wilkinson commented that the Planning Board is seeing the revised map for the first time tonight, and that they need time to review it.	
	Mr. Wilkinson further advised that Mr. Michael McNamara, the Town designated Engineer, would be sending a letter, regarding the funding of the escrow account for his review, to Mr. and Mrs. Davidson.	
6/21/10	The 1" – 400 feet inset has been added to the map The June 17, 2010 correspondence of Mr. Michael McNamara, The Town designated Engineer, is reviewed. This correspondence outlined the following issues:	Resolved
	A. The remaining lands of Mr. Grabo meet the bulk requirements	Resolved
	B. The lot width on Crane Street for the remaining lands of Grabo	Resolved
	C. The Board needs clarification from Mr. McNamara	Resolved
	D. The Utility Easement-NO RECORDED EASEMENT -Letter from National Grid	Resolved
	E. The Building Permit-The standard map note will address this issue.	Resolved

RE: George Davidson and Jane Davidson  
The Planning Board, Town of Charlton, New York

Date  
of  
Hearing

Issue

Resolution

- |  |  |           |
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|  | F. The removal of the wood chip pile                               | Completed |
|  | G. The perc test and results to be added to the drawings           | Completed |
|  | H. The removal of the Oil tank                                     | Completed |
|  | I. The relocation of the Farm Road-change "relocated" to "removed" | Completed |
|  | J. Access to the back land-Issue raised again by Mrs. Wood         | Resolved  |

Mr. Wilkinson reviewed the comments of the Board. These comments are:

- |    |  |          |
|----|--|----------|
| 1. | The Planning Board needs to resolved comment one with Mr. McNamara                                       | Resolved |
| 2. | The applicant will research utility easement, and, will possibly Add a note to the drawing, if necessary |          |
| 3. | Change "Relocate Farm Road" to "Remove Farm Road"  | Resolved |

Mr. Davidson inquired as to whether or not a public hearing could be scheduled. Mr. Wilkinson stated that a public hearing could not be scheduled until the issues have been resolved, and the application has been accepted as a complete application. Mr. Wilkinson advised the applicants not to prepare any more drawings for the July, 2010 Planning Board Meeting.

7/19/10

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|--|---|----------|
|  | Mrs. Davidson distributed revised survey maps.  |          |
|  | Mrs. Davidson stated that the lot line has been moved five (5) Degrees, as per the comments, of Mr. McNamara.               | Resolved |
|  | Mrs. Wood stated that revision dates need to be added to the Drawing Mr. Wilkinson stated that the application is complete. | Resolved |
|  | The Board schedules a public hearing with respect to the application, for Tuesday, August 16, 2010 at 7:30 pm.              |          |