

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

Minutes of Planning Board Meeting – October 18, 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, Mark Hodgkins, Ray Black, Chris Mitchell, Bill Keniry, Planning Board Attorney, Mike McNamara, Town Engineer, Richard Moon, Building Inspector, Susan York, Planning Board Clerk and Kim Caron Recording Secretary. Dawn Szurek joined the meeting at 7:12 p.m.

**AGENDA MEETING:**

Mr. Wilkinson stated that there is a quorum of 6.

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 could approve the minutes during the business meeting.

Mr. Wilkinson stated that the draft of the September 20, 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 asked for any additional comments from the Board. No additional comments were provided.

Public Hearings

Mr. Wilkinson stated that there would be a Public Hearing on the Ebert/VanGuilder application this evening.

Mr. Wilkinson stated that this was part of the Shaddick farm 3-parcel subdivision back in 1999. Mr. Wilkinson stated that two of the parcels were then merged again and the new Doctor's office is located on the corner. Mr. Wilkinson stated that Duane Rabideau would be representing the owners of the property. Mr. Wilkinson stated that the intention is to take the 4.32-acre parcel and subdivide it into two single-family parcels. Mr. Wilkinson stated that the application has been sent to the County and approval has been received. Mr. Wilkinson stated that there is a letter from Mike McNamara dated October 12, 2010 that needs to be reviewed. A copy of the letter is annexed hereto as **Attachment 1.**

Subdivision Applications and Lot Line Changes

Heflin/Durst (255-1-41.1, 41, 43.1, 43.2, 43.3)

Mr. Wilkinson stated that the Board has received updated plans. Mr. Wilkinson stated that the stormwater pollution prevention plan and the Town water plan have been submitted. Mr. Wilkinson stated that Mr. Lansing was present. Mr. Wilkinson stated that Mr. McNamara has provided comments in a letter dated October 15, 2010 that the Board needs to discuss. A copy of the letter is annexed hereto as **Attachment 2**.

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 held on August 16, 2010 and continued on September 18, 2010 and has been closed. Mr. Wilkinson stated that the Zoning Administrator and the Building Inspector have inspected 123 Crane Street and have compiled a list of violations. Mr. Wilkinson stated that Richard Moon has provided a report and is present to review some of the details during the business meeting. Mr. Wilkinson stated that the Board has requested a third party inspection of the property last meeting. Mr. Wilkinson stated that the Davidson's attorney, Richard Wickerham would be present.

ZBA Referrals

McCormick/Nielsen (234-1-17.21)

Mr. Wilkinson stated that this is an application for an area variance to tear down the existing garage and put up a new, higher garage on the same footprint.

Zoning Administrator Report

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

Town Board Liaison

Mrs. Verola would give a report if she were present.

Correspondence

Mr. Wilkinson stated that the Town website is being overhauled and Mrs. York has provided a write-up for the Planning Board.

The Board reviewed Mrs. York's write-up and provided feedback.

Mr. Wilkinson made a motion to close the Agenda meeting seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:25 p.m.

### **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 August 16, 2010 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Hodgkins, Mr. Mitchell and Ms. Szurek abstained from the vote.

Mr. Wilkinson made the motion to approve the draft of the September 20, 2010 minutes with changes incorporated. Mr. Kadleck seconded the motion. All were in favor. Mr. Black abstained from the vote.

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

#### **Ebert/VanGuilder (256-1-30.1)**

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Rabideau was present representing the Ebert's. Mr. Rabideau stated that the intention is to take the existing 4-acre parcel and divide it into two lots. Mr. Rabideau stated that the parcel is located on Lakehill Road. Mr. Rabideau stated that Lot 1 will consist of 2 acres and will encompass the existing house and improvements. Mr. Rabideau stated that Lot 2 is being created for the proposed house and will consist of 2.23 acres. Mr. Rabideau stated that Lot 2 would use the existing driveway. Mr. Rabideau stated that the site distance has been checked and there is adequate site distance looking east to west. Mr. Rabideau stated that he has revised the notes per the Board's request at the last meeting. Mr. Rabideau stated that the AG line has been added to the map along with the applicant's name and address. Mr. Rabideau stated that he has reviewed Mr. McNamara's letter and has addressed comment 1 pertaining to the driveway issue. Mr. Rabideau stated that pertaining to comment two, they have noted the perc test requirements and the septic design requirements before the issuance of a building permit. Mr. Rabideau stated that comment 3 could be discussed during the business meeting.

Mr. Wilkinson opened the Public Hearing to the public.

No public comment was made.

Mr. Wilkinson made the motion to close the Public Hearing seconded by Mrs. Wood. Public Hearing closed at 7:38 p.m.

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

#### **Ebert/VanGuilder (256-1-30.1)**

Duane Rabideau appeared before the Board.

Mr. Wilkinson stated that the corrections the Board requested have been done with the exception of the curb cut note. Mr. Wilkinson stated that County Planning Board approval has been received. Mr. Wilkinson stated that the Board took lead agency status on September 20, 2010. Mr. Wilkinson stated that the comments from Mr. McNamara have to be resolved.

Mr. Rabideau stated that he would add the curb cut note.

Mr. Wilkinson stated that comment 1 from Mr. McNamara's letter has been resolved by an e-mail from Ted Serbalik of the Saratoga DPW. Mr. Wilkinson stated that pertaining to comment 2, the applicant is aware of the requirement for a deep hole perc test and septic design before a building permit is issued. Mr. Wilkinson stated that comment 3 pertained to the setback from the road being only 60 feet. Mr. Wilkinson stated that he visited the property. Mr. Wilkinson stated that he spoke to LouAnn Ebert and she stated that the road changed and they lost some of their front yard to the road.

Mr. Rabideau provided a map of the intersection and stated that the whole intersection changed in 1967. Mr. Rabideau stated that it is a pre-existing non-conforming use.

Mr. Wilkinson asked Mr. Keniry if the Board was safe to proceed since the setback to the road is a pre-existing non-conforming use.

Mr. Keniry stated that it is fair for the Board to proceed. Mr. Keniry stated that the subdivision has nothing to do with the pre-existing condition and the Board can proceed.

Ms. Szurek questioned the septic location in relation to the property line.

Mr. Rabideau stated that he could put in an arrow.

Mr. Black questioned the condition of the area where the proposed house would be since it was an excavation site.

Mr. Rabideau stated that they were at 2 feet to bedrock at the lowest point. Mr. Rabideau stated that there is also sand and whatever was in the pit. Mr. Rabideau stated that he has

already suggested a walkout basement.

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

The Board completed the SEQRA review and answered the questions on part II of the Environmental Assessment form.

Mr. Wilkinson made a motion to approve the Ebert/VanGuilder subdivision located on Lake Hill Road as Resolution 2010-08 on the condition of the addition of a curb cut note and the addition of the distance of the septic leech field to the property line, and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

**Resolution 2010-08 was made.**

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

Scott Lansing appeared before the Board.

Mr. Wilkinson stated that new drawings were presented last month. Mr. Wilkinson stated that the Town Engineer has reviewed the drawings and provided comments. A copy of the letter from Mr. McNamara dated October 15, 2010 is annexed hereto as **Attachment 2**. Mr. Wilkinson stated that Mr. Kadlecek has reviewed the stormwater management plan and has prepared a summary.

Mr. Lansing stated that the parcel is 85 acres and they are looking to subdivide it into 23 lots with a single entrance. Mr. Lansing stated that there would be a large cul de sac in the back. Mr. Lansing stated that they need the water district extension from the Town Board, which cannot be obtained without preliminary approval from the Planning Board.

Mr. Lansing stated that most of the comments from Mr. McNamara are technical in nature. Mr. Lansing stated that he would like to have some discussions with the Board and get the Board's input. Mr. Lansing stated that they are looking for input on the position of lot 22 and the position of the primary stormwater management area. Mr. Lansing stated that it could be tucked back from view, they could take lot 20 and shift the stormwater management area to the east. Mr. Lansing stated that they would be able to use the same discharge point and the grading would be similar.

Mr. Wilkinson stated that on April 19<sup>th</sup> the Board held a workshop to discuss open space. Mr. Wilkinson stated that the Board suggested that the Park's property could be a problem for future Boards and the Board suggested Mr. Heflin purchase the property or do a land swap. Mr. Wilkinson stated that the Board suggested having the open space in the front. Mr. Wilkinson stated that the Town Board has expressed that they are not interested in the land currently being offered. Mr. Wilkinson stated that it has been suggested that the field next to the Tucker's home should be kept as a field so that you

can still see the hay field from Swaggertown Road, which would maintain the rural character.

Mr. Wilkinson asked Mr. Kadlecek to provide a summary of his review of the stormwater management plan.

Mr. Kadlecek read a brief summary. A copy is annexed hereto as **Attachment 3**.

Mr. Lansing stated that the applicant has contacted Mr. Parks and no agreement could be reached.

Mr. Wilkinson stated that this is not a condition of approval, but a suggestion, that both Boards would like to see the open space in the front. Mr. Wilkinson stated that there are two points that need resolution, the open space in the front and the stormwater management area.

Mr. Black asked for clarification of the suggestion of swapping of land.

Mr. Mitchell stated that it would avoid the problem with the right of way of the Parks property.

Mr. Wilkinson stated that the Board does not like to see houses behind houses and since the lot has a right of way, someone will want to build there someday. Mr. Wilkinson stated that addressing the issue now will avoid a problem later with a house behind a house.

Ms. Szurek inquired if the driveway for lot 22 would go to the subdivision road.

Mr. Lansing stated that it could.

Ms. Szurek stated that the concern is for the number of driveways on Swaggertown Road and she would like to see the driveway go on the subdivision road.

Mr. Lansing stated that would be possible.

Mr. Lansing inquired where the Board wished to see the stormwater management plan.

Mr. Kadlecek stated that the Board would like to see it reduced and change the retention pond to a detention pond. Mr. Kadlecek inquired if there was any linkage between the wetland and the pond.

Mr. Lansing stated that the pond has a discharge to the wetland.

Mr. Kadlecek inquired if the area could really hold a 4-foot pond.

There were several separate discussions pertaining to the stormwater management plan at this time.

Mr. McNamara approached the Board. Mr. McNamara suggested moving the basin to lot 20 and explained the pros of this to the Board. Mr. McNamara stated that the discharge will remain the same.

Mr. Black reiterated that the applicant should be putting a collection basin on unusable land and houses on buildable land. Mr. Black stated that there are two issues before the Board. Mr. Black stated that the Board prefers to see the hay field as open space, to see if there is a way to include the Park's land, and to relocate the stormwater basin which is currently central to the living area, to a less accessible area that is more isolated.

Mr. McNamara raised a concern about the mottling on lots 7 and 8 which, at two to three inches might mean that the soil is not good enough to build on.

Mr. Lansing stated that he will review the results.

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

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

Richard Moon, Town Building Inspector, appeared before the Board to review the violations found on the Grabo parcel. Mr. Moon stated that each section of the report has a specific violation with pictures of the violation. A copy of the report is annexed hereto as **Attachment 4**.

Mr. Moon stated that the two major violations pertained to unregistered vehicles; there were six and the refuse dumps. Mr. Moon stated that there are unsafe structures, vacant structures. Mr. Moon stated that according to NYS fire code, a notice has been placed on each structure that is unsafe. Mr. Moon stated that he is not looking at the property lines, they are looking at the structures. Mr. Moon stated that most of the violations were within the 200-foot radius around the main structure. Mr. Moon stated that there are two main structures, the front house and the rear house. Mr. Moon stated that the connecting structure between the houses has collapsed.

Mrs. Wood inquired if there was any evidence of buried gasoline tanks.

Mr. Moon stated no evidence of gasoline was found but there were two tanks and four 250 gallon drums that appear empty and the tanks are deteriorated.

Mr. Black raised concern with the siding possibly being asbestos based siding.

Mr. Hodgkins added that, if true, the demolition would be treated as an asbestos project governed by NYS DOL Regulations.

Mr. Wilkinson stated that Bill Keniry sent a letter on October 8<sup>th</sup> to the applicant's attorney Richard Wickerham inquiring as to their intent to proceed.

Mr. Wickerham provided the Board with copies of his October 18, 2010 reply to Mr. Keniry.

Mr. Wickerham stated that the barricade on the Grabo property was placed there at the request of Mr. Grabo. Mr. Grabo wanted the barricade there because while he was in the hospital the property was vandalized. Mr. Wickerham stated that the barricade has been moved to the side. Mr. Wickerham stated that Mr. Mahar has expressed that his clients are agreeable to granting access to the Planning Board. Mr. Wickerham stated that they are working on the third party investigation. Mr. Wickerham reviewed the attachments to his letter.

Mr. Wilkinson stated that the road access is still an open item and the Board needs access to the parcel as a group.

Mr. Wickerham stated that Mr. Grabo's brother and attorney Mahar would also like to be present as well as the Davidsons. Mr. Wickerham stated that he will have a driveway access map available and will get the Board a copy of the third party investigation when it becomes available. Mr. Wickerham asked for a copy of Mr. Moon's report.

Mr. Keniry stated that he would copy his and get a copy to Mr. Wickerham.

Mr. Black inquired if the applicants were having the third party investigation on the 11 acres they are proposing to purchase, or the entire parcel.

Mr. Wickerham stated that it would be on the 11 acres they are proposing to purchase. Mr. Wickerham stated that the estate attorney has advised him that they are not willing to sell the remaining 55 acres to the Davidsons.

Mr. Wilkinson stated that the Board wants the investigation on the entire parcel to assess the environmental impact on the land.

Mr. Wickerham stated that the study will encompass what the zoning officer referred to this evening. Mr. Wickerham stated that he has photos of the 11 acres during the removal done by the Davidsons.

Mr. Keniry stated that there should be some idea of where the corners are located, or lines delineated, so that the Board has some understanding of where the subdivision would be. Mr. Keniry stated that there is some contemplation on the applicants part to do the Phase

I study with respect to the 11 acres that are the subject of the purchase contract but, it his understanding that the Town wants the whole parcel investigated to ascertain the character of the land being retained and the potential for future conveyance. Mr. Keniry suggested considering the long form EAF now. Mr. Keniry stated that Mr. McNamara has raised concerns with respect to the long form.

Mr. Wilkinson stated that the Board is requesting a study of the entire parcel and completion of the long form EAF.

Mrs. York stated that Mrs. Davidson provided the long form EAF.

Mrs. Wood stated that the long form was submitted on the 11 acres only and needs to cover the 66 acres.

Mr. Wickerham stated that his clients are willing to complete the study on the 11 acres but reserve the right of cost before they commit. Mr. Wickerham stated that to do the entire parcel of land would be a cost between \$5,000.00-\$6,000.00. Mr. Wickerham stated that for his clients to spend that amount of money on land they cannot purchase is not cost effective for them.

Mr. Wilkinson stated that violations have been identified and the Board needs to know if they affect the 11 acres.

Mr. Wickerham stated that they will do the study of at least the 11 acres and he will discuss the remainder with his clients. Mr. Wickerham stated that the estate cannot pay for the study. Mr. Wickerham stated that they are not trying to be uncooperative but the cost is the issue.

Mr. Wilkinson stated that in order for the Board to complete the EAF the Board needs to understand the land.

Mr. Black stated that if the 11 acres to be subdivided off of the main parcel were surveyed and found without violations, that would be compelling enough to move forward. However, if the parcel being subdivided off is the only access into the violated area, there is no access to clean up the parcel. Mr. Black stated that if the estate is insufficient to do the study, then they cannot afford to create access.

Mr. Wickerham stated that the access map provided shows two points of access.

Mr. Black stated that the access needs to be created, it does not exist, and the estate cannot pay the cost to put in access.

Mr. Schorr stated that it has been determined that this is an illegal dump with hazardous materials. Mr. Schorr stated that if it can be shown that it was not done on other parts of

the property, the study could be limited.

Mark Gervais, son-in-law of the Davidsons, approached the Board. Mr. Gervais stated that the concern is for the amount of money that the study of the entire parcel will cost and not knowing if subdivision approval would be granted in the end.

The Board continued to discuss the need for a site visit, the need to understand the extent of the environmental impact to the parcel, and the need for access.

Mr. Wilkinson stated that he would get dates together for a site visit.

Mr. Wickerham stated that his clients would be returning to the area on October 25<sup>th</sup>.

Mr. Gervais stated that he would mark the corners of the proposed subdivision.

### **Zoning Board Referral**

#### **McCormick/Nielsen (234-1-17.21)**

Mr. Wilkinson stated that this is an application for an area variance for a garage that would be 1 ½ feet higher than the existing garage and would be bigger than the existing garage.

The board discussed the application.

Mr. Wilkinson stated that he would send a letter stating that the Board would like to see the architectural design of the original building. Mr. Wilkinson stated that he would also suggest that this be classified as an addition, which would eliminate the 26-foot height requirement.

### **Zoning Administrator Report**

The Board reviewed the September report.

### **Town Board Liaison**

Mrs. Verola was not present.

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

The meeting was adjourned at 10:15 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary

Attachment 1



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October 12, 2010

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

Re: Subdivision of Lands of Louann Ebert  
Lake Hill Road / Tax Map Parcel No. 256.00-1-30.1

Dear Chairman Wilkinson:

We have received a proposed two-lot subdivision of lands of Louann Ebert located on the south side of Lake Hill Road opposite Jenkins Road. The subdivision plan with a revision date of September 23, 2010 was prepared by Duane Rabideau, P.L.S of Gilbert VanGuilder Land Surveyor, PLLC. The application for the two lot subdivision should be categorized as a "Minor Subdivision" due to prior activity within the last fifteen years. We reviewed the property recently and offer the following comments for your consideration.

1. The plan proposes to utilize an existing driveway entrance onto Lake Hill Road located near the midpoint of the new lot. Site distances were measured by the consultant and are shown on the map. The available distances exceed applicable standards. The Saratoga County Planning Board commented in their letter of September 21, 2010 that a work permit from the Department of Public Works (DPW) would be necessary. The applicant has supplied correspondence subsequent to that letter from Ted Serbalik of the DPW that confirms the acceptability of the current driveway location and disavows the need for a DPW permit.
2. The plan includes a note showing that a preliminary percolation test was conducted in the area reserved for a proposed septic system. Although no deep test pit appears to have been done, the percolation test indicates that favorable conditions exist. The lot layout supplies ample room for a compliant design of a well and septic system. A submittal of a detailed septic design will be necessary in order to obtain a building permit as is called out in standard note #2.
3. The new lot complies with all of the bulk schedule regulations of the Residential - Agricultural zone. The remaining lot will comply with all of the zoning requirements except for the front setback. The existing home is already a non-compliant use with



respect to the 60 foot building setback line. Article IV, Section 5 B of the Zoning Ordinance prohibits the extension of non-conforming uses. Per the Ordinance: "*A non-conforming use of any building or land shall not be enlarged or extended except as set forth in the following paragraph, and any building or part shall not be altered, unless the altered or enlarged portion is changed to a condition and use which is permitted by this Ordinance.*" Item "C" of the subsequent paragraph would seem to apply to the current proposal and provide for its approval after an affirmative recommendation from the Zoning Board of Appeals. We defer to the advice of Counsel as to the process for resolving the non-conforming condition.

Please feel free to call if you have any questions regarding 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

Cc: Duane Rabideau, PLS  
Bill Keniry by email

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## Attachment 2



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October 15, 2010

Mr. Jay Wilkinson  
Planning Board Chairman  
Town of Charlton Town Hall  
758 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

Dear Chairman Wilkinson:

We have received revised plans for the “Heflin-Durst” major subdivision on the west side of Swaggertown Road. The plan set includes 14 sheets of subdivision, utility and grading plans, profiles, erosion control plans and construction details dated August 31, 2010 as prepared by Y. Scott Lansing, P.E. of Lansing Engineering, PC. These plans are the second set of detailed plans for the project replacing prior drawings of March 2007. Several other conceptual drawings have also been presented going back to February of 2005.

In addition to the engineering drawings, the submittal also included a Storm Water Pollution Prevention Plan (SWPPP) with an embedded stormwater management narrative and calculations and a Water District Extension Report. The water report is premature as it is material that will support an application to the Town Board for district extension. It is noted that the applicant is prepared to make that submittal but our review of the water report will be deferred until the Town Board initiates that process. We offer the following comments for your consideration.

**General:**

1. The information presented in the plans is still somewhat preliminary in nature. As the project progresses, additional review will be necessary and further comments may be offered.
2. We received only the drawings listed above. We have not seen any cultural and natural resource reports. The project is within an area identified as “Archeo Sensitive” by the New York State Historic Preservation Office and the Planning Board will require this additional information in order to properly complete its SEQR review.
3. Part I of the SEQR Long Environmental Assessment Form was included in the Water District Extension Report. As the presumed lead agency, the Planning Board will need to



complete Part II prior to final approval. The applicant should review the information submitted in Part I as there are several errors and out of date responses. The lot count and road length is incorrect on page 1. The use of a portion of the project as agricultural lands is not noted (A-2) and its inclusion in an Ag District was errantly omitted (A-18). The beginning of construction is still listed as 2004 (B-7) and the need for a NYS DEC wetlands permit should be noted as a required approval (B-25).

4. The plans appear to propose 22 new building lots in addition to the one existing home on approximately 89 acres of land. Prior questions have been raised and recently reiterated by the town's Environmental Conservation Commission regarding the impact that cluster subdivisions may have on groundwater. The ECC cited verbal discussions with a prominent local hydrogeologist as the basis for their opinion. Although we were not a party to those discussions and would certainly consider any additional information that may be made available, we are not immediately concerned with the overall density and lot sizes proposed for this project. The project will utilize public water and our experience is that this density of on-site septic systems does not have any measurable impact on groundwater conditions.
5. The applicant should review the plans with the Saratoga County Department of Public Works. A permit from the DPW will be necessary for the proposed entrance onto Swaggertown Road and the utility work within county rights of way. It is likely that the county will require that the water main be bored under Swaggertown Road. The plans should provide detail on the method of installation.

**Subdivision Plan:** (sheet 2 of 14)

1. The signature and approval stamp of a licensed surveyor (PLS) will need to be added to the subdivision and utility plans.
2. The external property lines between the various adjacent owners should be added to the plan. The label for the lands of Kenneth Tucker is incorrectly located on the sheet.
3. In accordance with Saratoga County Real Property requirements, all proposed lots including the existing home and open space areas must have a separate lot number. Postal addresses should also be added to the plan but must be clearly differentiated from the sequential lot numbers required by other agencies to avoid confusion. Road names must also be proposed and vetted for uniqueness before final approval.
4. Actual field shots of Crooked Street should be used to accurately locate it on the plan and ensure that the proposed new roadway is in alignment.
5. The dimensions for the proposed "no cut buffers" on lots #1 and #21 should be added to the plan. It appears to be 170 feet and 150 feet respectively. The label "Open Space" on lot #1 appears to be an error and should be removed as it is simply part of the lot. Likewise, the land hooks on Lot #1 and #21 are misleading on opposite sides of a no cut buffer line and should be removed.
6. The purpose of the lot between Lots #18 and #19 is unclear. No home is illustrated on the layout and materials plans and there is no lot number. The total number of new



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- building lots proposed is ambiguous. The number of new homes should be added to the site statistics on the cover sheet and any vestigial lot lines should be removed.
7. The corridor of land connecting the "Parks" parcel to the roadway is not labeled. The plans should specify that it is proposed for conveyance to the Parks and not simply an access easement. The applicant should update the town as to whether the conveyance has been discussed with the Parks and the status of their willingness to accept the land.
  8. The disposition of the 13 acre open space lot is not indicated. Although the Town Board must ultimately decide whether or not to accept ownership, similar recent open space parcels were not accepted by the town. The applicant should make inquiries to the Town Board as to whether the establishment of a Home Owners Association will be necessary for ownership and maintenance of the open space lot.
  9. The lot at the southeast corner of the loop intersection does not have a labeled area and it is unclear what entity is to own the lot. Presumably, the lot was to be offered to the town as it is the site of the stormwater management basin. The town's acceptance of storm basin ownership and maintenance should also be researched by the applicant. The creation of an HOA for open space ownership may facilitate their ownership and maintenance of the storm areas as well.
  10. The front lot dimension is missing on Lot #3 and the area of Lot #2 appears to be incorrect.
  11. Right of way fillets with a radius of 30 feet should be added between the proposed new road and the Swaggertown Road right of way. The fillets at the loop intersection should also be revised to a radius of 30 feet.
  12. Proposed monumentation of the right of way and a tie table must be added to the plans. The ends of the right of way curves should be noted with tick marks or a similar graphic as it is impossible to determine where each successive bearing and distance applies.

**Layout and Materials Plans:** (sheets #3 & 4 of 14)

1. Revisions should be made to many of the graphics and labels on these plans in order to promote legibility. The limit of grading line is difficult to follow as it meanders. Extra labels should be added and at least two errant labels between Lot #2 and the existing estate lot should be removed. Likewise, the limits of existing wetlands are very difficult to distinguish from contour lines. Darker wetlands or shading of the areas should be added. The revised graphics should make observation of the different jurisdictions of state and federal wetlands readily apparent.
2. The 100 foot setback line from the NYS DEC wetlands should also be better labeled and made more prominent. The setback line departs the property at the rear of Lot #12 through a federal wetland even though they appear to connect directly to the NYS DEC wetlands. When this issue was raised in prior comment letters, the applicant responded that DEC had confirmed the limits of their jurisdiction. We were unable to find any correspondence to this effect and request that DEC's verification of the state wetlands and setback line as they are drawn be forwarded for our files.



3. Delineation of US Army Corps jurisdictional wetlands is valid for only five years. State wetlands are valid for only three years. Since permits will be necessary from each agency, it will be the applicant's responsibility to ensure that wetland delineations are current.
4. The existing tree lines must also be better shown on the plans. There is significant vegetation on the property except for the areas south of the extension of the Tucker parcel's north line. Depicting the wooded areas of the site will assist with planning to limit the visual impact of the project as well as with the screening of areas such as the stormwater management basins.
5. Lots #7 and #8 depict septic systems in areas where mottling was observed at a depth of 29 inches and 12 inches respectively. These two areas appear to be the worst soil conditions on the property and the systems as shown will not comply with Charlton's Zoning Ordinance. We recommend either moving or eliminating each of these homes. Redistributing the access corridor to Lot #4 to the west side of Lot #6 and the corridors to the Parks parcel and 13 acre open space parcel to the north side of Lot #9, may release sufficient better land to regain these building lots.
6. Lot #22 proposes a home on Swaggertown Road that will eliminate access to a large open field that can be used for agricultural purposes. An opportunity exists to preserve the open field by relocating the home. The applicant should review the feasibility of utilizing the unused lot between Lots #18 and #19 together with rearranging the other lots within the loop to provide an adequate alternative.
7. Labels should be added to the water main in multiple locations specifying the type of pipe.
8. The location of proposed valves for the water main must be added to the plan.
9. Greater detail is necessary for the water main crossing of Swaggertown Road. Details must be provided for a presumed directional drill installation including specification of the method for transition between dissimilar pipe materials. Detailed topographic and boundary information for the intersection will be necessary to a much greater extent than is currently depicted.
10. The size of water service laterals to homes that are a significant distance from the road must be individually sized. Unusual water service sizes should be noted directly on the plan on the specific lot in addition to a chart or table on the water detail sheet. The former notation will ensure that the correct size is installed and not neglected.
11. Labels should be added to the plans indicating the top of frame elevation, pipe inverts and lengths and grades of the storm sewer.
12. The size of the proposed culverts for the wetland crossings at stations 6+08, 16+50 and 23+30 should be justified. The applicant should provide information on the contributing watershed to each and the potential flows for significant rain events. The 12 inch diameter pipe at the latter two crossings is a minimal size and we are concerned that they may be undersized. The invert elevations of the culverts should be labeled on the plans and should be based on actual field shots rather than interpolating between existing contours. The existing field shots should also be shown. The culverts should be



extended as necessary to avoid the need for guide rails. If necessary, easements should be provided on each side to provide the town with sufficient access to maintain the culverts. The size of an appropriate rip-rap apron should be included on the plans and should also be considered in assessing the need for easements.

13. A proposed culvert would appear necessary under the new proposed road to maintain the ditch line along Swaggertown Road. Elevations of the existing ditch should be shown on the plan and considered as described above to determine the necessary length of culvert needed.
14. The main stormwater management basin is proposed at a highly visible location within the project. The plans call for the importation of clay or an impermeable liner in order to ensure a permanent wet pool will exist. This creates an obvious aesthetic issue not only related to visual and safety aspects, but to insect and odor nuisances as well. The closest test pit observations profile only the top five feet of soil despite the fact that the proposed basin will involve excavations of 12 feet below existing grade. The proposed bottom of the basin will be four feet below the adjacent wetlands bringing into question whether the anticipated storage volume will be available or submerged by groundwater. Appropriately deep test holes must be performed in the area of any proposed stormwater management basin to ensure their effectiveness.

Even if groundwater does not preclude the design as shown, additional problems exist. The potential water surface elevation in the basin approaches 452. The stormwater management calculations predict a water surface of 450 for a 10 year storm and 451.25 for a 100 year storm. Each of these storms will cause a flooding of the roadway at the low point where catch basins #3 and #4 are located. The proposed road surface at that point is only 448.25. Even a minor, 1-year storm event is predicted to result in a water surface of 448.1. This will nearly flood the low point and will inundate the storm sewer pipes in both directions from the basin including the loop intersection. Obviously this is not an acceptable condition.

We suggest relocating the storm basin to the rear of Lot #20 and positioning that home at the intersection. Road grades at the intersection will need to be raised in order to force a new low point in the vicinity of station 5+50. There is significantly more room for a storm basin in the rear of Lot #20. The basin can be hidden from view by preserving the existing trees at the front of the lot and offsetting the basin from the incoming storm sewer. Sufficient vegetation should also be retained along the south side of the storm basin to prevent its visibility from Swaggertown Road south of the project. The existing elevations at the rear of Lot #20 are also six feet lower than at the proposed intersection. This will result in less excavation for the construction of the basin. If designed at this location, access will also be available for a more advantageous discharge elevation. Lower grades prevail at the edge of the wetlands along the south boundary of the project. As mentioned earlier, any proposed discharge should be based on an actual field shot elevation and that information should be shown on the plans.



The secluded location at the rear of Lot #20 would also be more appropriate for a wet pond design. However, we recommend that the applicant consider the feasibility of either an infiltration basin or a surface sand filter. Although the native soils are unsuitable for these designs, the plans already include provisions for importing soils. It would be more desirable to augment conditions with better draining materials to result in a dry basin rather than forcing a permanently wet design.

15. The second stormwater management basin is shown along the east side of Lot #1. Significant earthwork is indicated for not only the basin but also for a ditch line leading north from the basin toward the existing culvert under Swaggertown Road. Completing this earthwork will require the removal of the existing trees. This is in direct contradiction to the “no cut buffer” provisions offered in that same area. We recommend revising the grades of the new road between Swaggertown Road and the proposed new low point associated with moving the other storm basin (sta 5+50±). It would appear that the contributing watershed toward Swaggertown Road can be reduced from 400 feet of roadway to roughly 100 feet of roadway. This will significantly reduce the necessary stormwater treatment. Direct discharge to the existing Swaggertown Road ditch should also be examined. This would eliminate the need for the proposed new ditch line and would avoid that entire disturbance. The applicant should also review the potential of connecting CB #1 and #2 to the new location for the other storm basin. This would eliminate the need for the second basin altogether.
16. Although we recommend consideration for ownership of the storm management areas by a private HOA, easements for access should still be granted to the town over the basins and their discharge routes. This access is necessary because the town must have the capability for oversight and possible emergency situations. The former is required by the Town’s MS4 permit obligations and the latter could be necessary to ensure the health safety and welfare of town residents.
17. The narrative and supporting calculations for the storm water management and storm sewer design are embedded in the SWPPP. The calculations for pipe sizes, water quality volume, channel protection volume and overbank and extreme storm flows appear reasonable and compliant with the New York State Storm Water Design Manual. However, a new manual was released and made effective this past August. Chapters 3 through 5 of the new manual require consideration of site planning techniques to reduce amounts of stormwater. A new parameter known as the “runoff reduction volume” or RRv was introduced. New designs must utilize methods for reducing runoff at the source instead of simply “end of pipe” management. Although we would agree that some of the specific details of these methods can be deferred until final approval, these concepts must be at least partially addressed before preliminary approval since the methods selected could impact lot layout.
18. Many of the proposed sanitary tile fields are shown in areas where there are no test pits. This is a result of changes to the lot layout in the time since the test pits were performed. Although this is not a major concern for the larger lots, it is far more relevant on smaller



lots where a Charlton built-up system may not fit. Test pits and perc tests in the exact area of the septic field are necessary for obtaining building permits. We suggest that these field tests be performed prior to final approval in order to prevent the approval of a lot that will not support a sanitary design. The test pits performed thus far may be used for application for a building permit as long as they coincide with the tile field.

19. The location of the perc tests performed should be shown on the plans.

**Road Profiles:** (sheets #5 & 6 of 14)

1. Road grades should be adjusted as described previously to facilitate moving the main storm basin and reducing or possibly eliminating the Swaggertown Road storm basin. Corresponding changes to utilities along the first several hundred feet of the road will also be necessary.
2. Existing topographic field shots should be shown on the plans at the edge of pavement and travel lane for Swaggertown Road where the new road is proposed. Accurate elevations are necessary for the design of the new road grade rather than simply interpolating between the existing contours.
3. Catch basin #1 and #2 are not shown on the profile.
4. Invert elevations for the footing drain connections to all catch basins should be shown on the profiles. This provision will ensure that the holes are precast in the structures rather than the less preferable option of field cutting. The proposed foundation drain locations should be carefully considered for each lot. Many of the lots around the outside perimeter of the loop road may have an option for daylight discharge at a lower elevation than the storm sewer. For example, Lot #14 is shown with a proposed connection to CB#25 at an invert of 450.3. This elevation would not permit a gravity footing drain connection for the proposed house finished floor at 456. The rear yard of the lot offers elevations of 446 for discharge. The best available footing drain discharge should be indicated on the plans for every lot.
5. The intersection cross slope is not shown on the road grade profile on sheet 6 of 14 at station 30+81±. The road grade appears to connect directly to the road centerline rather than the ditch line.

**Crooked Street Water Extension:** (sheet 7 of 14)

1. Sheet 7 shows a water main extension along Crooked Street from the project to the location of the entrance to Deer Run. These plans do not represent an actual field survey. The Crooked Street pavement is not indicated nor are the existing ditch lines, driveways, telephone poles and other various physical land features. The right of way and property lines should be based on actual field evidence to ensure that the plan is an accurate depiction of how the water main extension is to be built and whether or not adequate room within the existing right of way is available. The names of the existing property owners should also be noted. It will be expected that owners along Crooked Street be



included in the water main extension. Curb boxes for residents along the main should also be installed. A note on sheet 7 acknowledges that a more detailed plan will be necessary "prior to construction of the offsite water main". Although not necessary for a preliminary approval, detailed plans for the offsite water connection should actually be completed before the Planning Board issues any final approval.

**Sediment and Erosion Control Plan:** (sheet 8 of 14)

1. Notes should be added to the E&S plan to specifically prevent against stockpiling soil or materials or operating equipment over the top of proposed septic fields.
2. Plans for the disposal of tree stumps should be discussed. If they are to be buried on site, an area should be designated on the plan that will not interfere with lot or infrastructure construction. A generic note on the plan suggests that stumps will be taken off site for disposal. The truck traffic associated with stump removal and offsite disposal would seem unwarranted given the available land for onsite disposal.

**Site Detail Sheets:** (sheets 9-14 of 14)

1. A full review of the detail sheets was not completed as the plans remain preliminary in nature. A cursory review did indicate that there are discrepancies between the road cross section and town standard. The water details also do not appear to comply with town standards. The applicant should review each of these and revise for future submittals.

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 and title.

Michael McNamara, P.E.  
The Environmental Design Partnership

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

## Attachment 3

## Comments on H/D storm water management plan.

The report (Heflin-Durst Residential Cluster Subdivision – Stormwater Pollution Prevention Report – August 2010) contains a review of responsibilities of those involved in the design and construction as required by the State. It also presents the results of numerous calculations of how the proposed storm water management plan would be likely to function.

I have reviewed the stormwater report and, for tonight, will present only a brief summary of my comments. The letter from the town engineer (dated October 15, 2010) identifies several concerns, which the planning board shares, that are likely to result in significant changes to the plan as presented.

The plan proposes a retention pond (about ½ an acre, 10 feet deep with a permanent 4 foot deep pond). The proposed location is at the Y in the subdivision road, essentially in the development. Both safety and aesthetic issues are raised with this pond. If feasible, it would help to move the pond to the southeast (to the rear of lot 20) and possibly converting it to a dry basin. This would reduce both the safety and aesthetic concerns and would substantially reduce maintenance. Not addressed were possible source reduction alternatives and the evaporation of pond water during extended hot and dry periods such as we had this year.

The plan also proposes a detention pond (about 1/3 acre, 6 feet deep to function as an infiltration system) adjacent to the entrance to the subdivision. If possible, this basin should be incorporated into the other storm water treatment basin, thereby reducing maintenance of a second treatment area.

The storm water plan transfers system maintenance to the Town of Charlton at the end of construction. The alternatives of how this would be funded, even if the Town accepted this responsibility, were not discussed.

The planning board looks forward to the applicant's response to the comments of the town engineer.

Jack Kadlecek  
October 18, 2010

## Attachment 4

To: Alan Grattidge  
 From: David LaFountain & Richard Moon  
 Re: Grabo Residence 246.-3-61.111  
 Date: September 7, 2010

At your request and authorization the Zoning and Building Department have inspected the Grabo property. SBL 246.-3-61.111 for Zoning and Building code violations.

The review of the property on September 7, 2010 has revealed the following violations under the Charlton Zoning Ordinance.

- LOCAL LAW #1 of the Year 1991 also known as the "Property Maintenance Law"
- Violation of Section 4 subsection L #9 relating to unregistered vehicles and
- Section 4 subsection I Refuse dumps

Under NYS Property Maintenance Code

Section 107.1.1 Unsafe structures  
 Section 107.2 Vacant structures

Which refers us to NYS Fire Code Section F 311 Vacant Premises

Section 311.11 Notice  
 Section 311.2 Safeguarding of vacant premises  
 Section 311.2.1 Security of vacant premises  
 Section 311.3 Removal of combustibles

Under NYS Property Maintenance Code

107.3 General Code  
 107.4 Prohibit occupancy of those structures

Article 302 Exterior property areas

302.1 Sanitation  
 302.4 Weeds and Vegetation  
 302.7 Accessory structure  
 302.8 Motor Vehicles

Article 304 Exterior Structures

304.1 General  
 304.2 Protective Treatment  
 304.3 Premise identification  
 303.4 Structural members  
 304.5 Foundation Walls

- 304.6 Exterior Walls
- 304.7 Roofs and drainage
- 304.10 Stairs decks and porches
- 304.11 Chimneys
- 304.12 Hand rails and guards
- 304.13 Windows and door frames
- 304.13.1 Glazing
- 304.15 Doors
- 304.16 Basement Hatchways
- 304.17 Guards for basement windows

Article 307 Rubbish and Garbage

- 307.1 Accumulation of rubbish and garbage
- 307.1.1 Dry vegetation waste and refuse

These conditions existed on the day of inspection and violation notices will be issued forthwith

Attached are copied of the violations for your review.

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David LaFountain

Details about the actual law can be foiled at Town Hall