

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

Minutes of Planning Board Meeting – April 20, 2009

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the John W. Taylor Hall.

Present: Jay Wilkinson, Chairman, John Kadlecek, Mark Hodgkins, Connie Wood, Mike Armer, Tracey Bullett, Acting Planning Board Attorney, Susan York, Planning Board clerk and Kimberly Caron, Recording Secretary. Dawn Szurek joined the meeting at 7:15 p.m.

AGENDA MEETING:

Mr. Wilkinson stated that there is a quorum of five members.

Minutes

Mr. Wilkinson stated that the draft of the March 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.

Public Hearings

Mr. Wilkinson stated that there were no Public Hearings.

Mr. Wilkinson stated that there was no old business. Mr. Wilkinson stated that the Heflin/Durst matter and the Ward matter have been removed from the Agenda. Mr. Wilkinson stated that the Kuehner matter has also been removed for the time being since the Board has heard nothing.

Pre-Application Conference

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

Mr. Wilkinson stated that this involves creating two proposed building lots on Jockey Street. Mr. Wilkinson stated that the land is currently owned by Matthew Gibbons. Mr. Wilkinson stated that the proposed plan is to create 2 3-7 acre lots and adjust the lot line on the one side of the existing house to make it larger. Mr. Wilkinson stated that they want to make it larger and move the line to the north side of the pond.

Mr. Wilkinson stated that the property is located on the north side of Route 67. Mr. Wilkinson stated that a sketch plan has been provided and that the land is currently being farmed.

Mr. LaFountain stated that the setback to the pond is 40 feet.

Mr. Wilkinson stated that the property borders Charlton and Galway.

Mrs. York stated that there are other people involved that own the lot that the pond is on. Mrs. York stated that it belongs to Joseph and Elizabeth Montemorano.

Mr. Wilkinson stated that the Gibbons want to cut off 2 lots and sell more land on the north side of the house where the pond is located. Mr. Wilkinson read the description on the sketch plan.

Mr. Hodgkins stated that it looks like the proposal on the sketch plan is to move the west line west and the south line south.

Subdivision Applications

Nielsen/VanGuilder (234-1-17.2)

Mr. Wilkinson stated that the applicants would like to subdivide a 4-acre parcel off for their daughter and son-in-law to build a home. Mr. Wilkinson stated that the Nielsen's are going to be represented by Duane Rabideau.

Mrs. Wood stated that she does not like the configuration of the lots because the streambeds could change.

Mr. Wilkinson stated that the easement would stay with the Nielsen's.

Mr. Kadlecek suggested putting the property line on the other side of the easement.

The Board discussed the idea of proceeding without the easement versus leaving the easement as is.

Mr. Wilkinson stated that the narrative is reversed, that the improvements are on the 4.61-acre parcel.

Reports

Mr. Wilkinson stated that there would be standard reports.

MHP Properties (256-1-103)

Mr. Wilkinson stated that there are three submittals of changes. Mr. Wilkinson stated that the one significant change pertained to the sub-base for the parking lot. Mr. Wilkinson stated that the Board asked Mr. McNamara to review the change and the Board has his comments for review.

Correspondence

Mr. Wilkinson stated that the Saratoga County Planning Board is having a meeting for feedback for the 2010 Planning Conference. The meeting will be held on April 30th at 6:00 p.m.

Mrs. Wood suggested that the federation take the money received for the conference and put it towards something else instead of the tote bags.

Mr. Wilkinson made the motion to close the agenda meeting, seconded by Mr. Kadlecck. The agenda meeting was closed at 7:30 p.m.

BUSINESS MEETING

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

Minutes

Mrs. Wood made the motion to approve the draft of the March 16, 2009 minutes with changes incorporated. Mr. Kadlecck seconded the motion. All were in favor.

Subdivision Applications**Nielsen/VanGuilder (234-1-17.2)**

Mr. Rabideau approached the Board. Mr. Rabideau provided the Board with the original aerial photograph of the parcel.

Mr. Rabideau stated that the Nielsen's proposal is a minor subdivision of two lots. Mr. Rabideau stated that the mother parcel is 16 ½ acres and the proposal is to subdivide a 4.61 acre parcel on the northwest corner of Lot A for a single-family residence. Mr. Rabideau stated that Lot B would consist of the remaining 12 acres, which will have the existing house and improvements. Mr. Rabideau stated that there is an existing easement along the southerly portion of Lot A that the Nielsen's would like to subdivide out. Mr. Rabideau stated that the reason for that is that any access to that site, that is the only place that you could go off the road. Mr. Rabideau stated that there is a 15-foot drop from the road to the field and that is the old farm lane. Mr. Rabideau stated that would be the

access to the new house and any remaining lands in the back. Mr. Rabideau stated that there will be a private well and the perk tests and test pits have indicated that a conventional system will be needed and the perk rate was 10-11 minutes. Mr. Rabideau stated that bedrock was found at 7 feet.

Mr. Armer inquired if all of the improvements would be remaining on Lot B.

Mr. Rabideau stated that was correct. Mr. Rabideau stated that the new house would be built on Lot A and Lot B would have the existing well, house and barn.

Mr. LaFountain inquired about the soil.

Mr. Rabideau stated that the soil was sandy loam. Mr. Rabideau showed the Board the proposed septic location.

Mr. Wilkinson inquired where the test pit was located.

Mr. Rabideau stated that the test pits were dug after the maps were prepared so it is not shown on the maps that the Board has.

Brian Dunn introduced himself to the Board as the Nielsen's son-in-law and showed the Board where the test pit for the septic system was located and where the test pit for the well was located.

Mr. Wilkinson stated that he drove by the parcel and noted where the existing driveway was located. Mr. Wilkinson stated that he agrees that is the natural location to place a driveway.

Mr. Rabideau stated that there was good sight distance there.

Mrs. Wood inquired why the applicants were not including the ingress/egress with the existing house.

Mr. Rabideau stated that someone has to have it and it is better to have the stonewall as the natural line. Mr. Rabideau stated that the applicants want control of that easement never to be extinguished.

Mrs. Wood stated that it would not be a problem now but the concern is for any future owners.

Mr. Rabideau stated that there would be language in the deeds.

Mrs. Wood stated that the language is not in the deed now so why not move it. Mrs. Wood stated that if they want the backfields to stay with the existing house, then why not

eliminate the easement so the access is not on property that they may not own in the future.

Mr. Wilkinson inquired if it was going to be a shared driveway.

Mr. Rabideau stated that the existing house already has a driveway.

Mr. Wilkinson stated that the Board does not like the idea of a shared driveway.

Mr. Rabideau stated that if they move the property line over and put the easement on Lot B now Mr. Dunn has to constantly use that which is more of an impediment to the existing house. Mr. Rabideau stated that the way it is being proposed the ingress/egress is for access to the backfields, which is an extremely minimal amount of use.

Mr. LaFountain inquired if the easement went away and was no longer on the table before the Board, and the property line was moved and then at some point they wanted to put an easement with their neighbors, could that be done?

Mr. Wilkinson responded yes.

Mrs. Wood inquired who the property in the back stayed with.

Mr. Rabideau stated that the applicants wanted to be up front with this. Mr. Rabideau stated that the back property stays with Lot B.

Mr. Rabideau stated that in looking at the lands, Lot B has a lot of road frontage. Mr. Rabideau stated that the existing farm lane is only for a small portion of the rear fields. Mr. Rabideau stated that they have access over other portions of the field. Mr. Rabideau stated that access was only to the rear fields.

Ms. Szurek inquired if there was any other way to drive into Lot A.

Mr. Rabideau stated that there was a 15-foot drop and if they put another entrance in they would ruin the natural wooded buffer.

Mr. Kadlecek inquired how wide the road cut area was and the distance.

Mr. Rabideau stated that it was 20-30 feet wide. Mr. Rabideau stated that it is a very minimal farm road.

Mr. Dunn stated that it is more like 15-20 feet wide.

Mr. Rabideau stated that it is that natural spot for it.

Mrs. Wood stated that she still does not like the back boundary as creek beds do move and the concern is for the future owners.

Mr. Rabideau stated that it is not a boundary and if the stream moves the line moves with it. Mr. Rabideau stated that it is still the center of the stream and the deed will read along the center of the stream.

Mr. Armer stated that he has no problem with the egress.

Mr. Wilkinson suggested putting another driveway along side of the farm lane.

Mr. Kadlecek stated a paired driveway.

Mrs. Wood inquired what was the chance of getting future development in the back lands.

Mr. Armer stated that it would look like keyhole lots.

Mr. Rabideau stated that they would like to leave the line where it is but could take the easement off.

Mrs. Wood inquired if there was any other access to the backfields.

Mr. Dunn stated that for Lot B there is cleared land that could be used.

Mr. Kadlecek stated that if they leave the line where it is, it is his preference that the easement be taken away. Mr. Kadlecek stated that a paired driveway, at the road, is also acceptable to him.

Mrs. Wood stated that her concern is with the easement and any possible future owners.

Ms. Szurek inquired about the piece of land in the back, how much acreage is on the north side of the stream.

Mr. Rabideau stated about 3 acres on the field to the North and 4 ½ -5 acres on both fields.

Mr. Hodgkins stated that he has no problem with the proposal.

Mr. Armer stated that he has no problem with the proposal either way, leaving the easement is OK with him.

Mr. Wilkinson stated that he prefers no easement there or prefers a paired driveway.

Ms. Szurek stated that she prefers that the easement go with Lot B.

Mr. Armer inquired if the class was AG.

Mr. Rabideau stated yes.

Mr. Hodgkins stated that if the right of way stays and the parties sell, they could change the deed when the property is sold and take it away from one side or the other.

Mr. Wilkinson asked for a legal opinion.

Mrs. Bullett stated that she has seen cases with easements that have caused problems.

Mr. Wilkinson stated that a majority of the Board would like to see the easement gone. Mr. Wilkinson asked for a revised map with the proposed building envelope, perk test data and soils data for the next meeting. Mr. Wilkinson asked that the septic system for the existing house also be shown and that the curb cut note be added to the map.

Mr. Wilkinson made the motion to designate the Planning Board as lead agency for the purposes of SEQRA. Mr. Kadlecek seconded the motion. All were in favor.

Mr. Wilkinson made the motion to schedule the Public Hearing for May 18, 2009 at 7:45 p.m. Mr. Kadlecek seconded the motion. All were in favor.

Mrs. York stated that the application would need to be forwarded to the County Planning Board and the Town of Glenville.

Mrs. Bullett stated that Mr. Keniry would take care of the referral to the Town of Glenville.

Mrs. Wood inquired if there was an AG exemption for the farmed land.

Mr. Rabideau stated that he was not sure.

Mr. Dunn stated that he knows that the three existing fields are cut by a farmer but he does not know the terms of the agreement.

Mrs. Wood stated that an AG assessment can be given on leased land provided the farmer leasing the land has a gross income of over \$10,000.00.

Mrs. York stated that she would forward the application to Mr. McNamara.

Pre-application Conference

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

David Schweizer appeared before the Board.

Mr. Schweizer stated that the mother parcel consists of 119 acres. Mr. Schweizer stated that the proposal is to subdivide two lots at the southern end of the parcel and to adjust the property lines to give Mr. Gibbons brother-in-law more property. Mr. Schweizer stated that there has been no subdivision activity in the past 15 years and there is not a current survey in existence.

Mr. Wilkinson inquired how big the two lots would be in terms of road frontage.

Mr. Schweizer stated that they would like to do 200-300 feet of frontage to allow for horses.

Mr. Kadlecek inquired as to the acreage size of each parcel.

Mr. Schweizer stated that they would be a minimum of 3 acres and a maximum of 7 acres. Mr. Schweizer stated that they have not done any perk tests yet or had a surveyor to the property yet. Mr. Schweizer stated that they are looking to get some idea of what they have to do.

Mr. Schweizer stated that they would also be moving the southern line south around 200 feet. Mr. Schweizer stated that the current frontage for the mother parcel is 659 feet.

Mr. Hodgkins inquired if they were adding to the 659 feet or bringing down the north and south lines equally.

Mr. Schweizer stated that the north line is going to come down and add to the south line.

Mr. Kadlecek inquired how much the west line was going.

Mr. Schweizer stated that there is a barn there and they want to give him space behind the barn, around 50-100 feet.

Mr. LaFountain stated that there would be setback requirements.

Mr. Hodgkins inquired if the pond was still part of the 5.2 acres.

Mr. Schweizer stated that it is now but it won't be.

Mr. Wilkinson inquired if the Smiths were still farming the land.

Mr. Schweizer stated that a very small part of the land is farmed and the balance of the land is used as pasture. Mr. Schweizer stated that the best tillable land is on the north border and the Smiths do farm that land. Mr. Schweizer stated that the center core is needy land.

Mr. LaFountain stated that there was a swale in there somewhere.

Mr. Schweizer stated that he would look into that.

Mr. Wilkinson stated that he drove by the property and that there is a hedgerow right between Smith and Gibbons and is that where the property starts, so that would be the first lot and then go north with the back line.

Mr. Schweizer stated correct.

Mr. Hodgkins inquired if there was going to be an issue with barn versus shed.

Mr. LaFountain stated that it is a horse barn.

Mr. Hodgkins stated that the barn regulations would need to be followed.

Mr. Schweizer stated that they would be doing the perk test in May and get back to the Board and also they would get a surveyor in there.

Mr. LaFountain told Mr. Schweizer to give him a call before the perk test so that he can witness it.

Mr. Wilkinson stated that a soil profile is also needed.

Zoning Administrator Report

Mr. LaFountain provided his report for the month of March 2009. The Board reviewed the report.

Charlton Tavern (246.12-1-21)

Mr. Wilkinson stated that he was present for the Public Hearing on April 13, 2009. Mr. Wilkinson stated that some of the ideas suggested by the Planning Board had been added. Mr. Wilkinson stated that Mr. McNamara prepared a letter dated April 6, 2009.

Mr. Wilkinson reviewed the suggestions made by the Planning Board that had been incorporated.

Mr. LaFountain stated that there may be an issue with the sprinkler system. Mr. LaFountain asked the Board to send a letter to the Town Board in support of the sprinkler system.

Mr. Wilkinson stated that he would work with Mrs. York on a letter.

MHP Properties (256-1-103)

Mr. Wilkinson stated that he submitted the Board's concerns to Mr. McNamara. Mr. Wilkinson stated that the main concern pertained to the cutting down of the amount of gravel under the paved area. Mr. Wilkinson stated that Mr. McNamara's suggestion was to have it certified by Lansing Engineering that it will support a 50,000 lb vehicle.

Mr. Kadlecek inquired as to how that was done.

Mr. LaFountain stated that it will be on the site plan and he will see that it is done. Mr. LaFountain stated that a third party inspector would have to certify that.

Mr. Kadlecek inquired how the Town has required that.

Mr. LaFountain stated that it is part of the construction documents and if it is not in there he will see to it that it is.

Mr. Wilkinson stated that he has called Lansing Engineering to request that they put Mr. LaFountain on distribution for future changes.

Town Board Liaison

Mrs. Verola was not present.

Correspondence

Mr. Wilkinson stated that the Saratoga County Planning Board is having a meeting on April 30, 2009 at 6:00 p.m. for input for the 2010 conference.

Mrs. Wood suggested that as an advertising tool, a brochure is used for repeat attendees and that the tote bags are for the brand new attendees.

Mr. Kadlecek made the motion to adjourn the meeting. Mr. Hodgkins seconded the motion. All were in favor.

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

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary