

**Town of Charlton
Saratoga County
Town Board Meeting**

September 14, 2015

Note: A presentation by Gary and Anne Vanderhorst regarding the Vanderhorst Trust PDR application was made from 7:00 – 7:15 p.m., and a presentation by Tim and Jamielynn Biello regarding the Local Farms Fund (Biello) PDR application was made from 7:15 to 7:30 p.m. No action was taken at that time.

The Regular Meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall, 758 Charlton Rd, Charlton, NY and called to order by Supervisor Grattidge at 7:32 p.m.

Supervisor Grattidge led the pledge of Allegiance.

Present: Councilman Gay, Councilman Grasso, Councilman Hodgkins, Councilman Lippiello, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken.

APPROVAL OF MINUTES

RESOLUTION #147

Approval of Minutes

Motion by Councilman Lippiello

Seconded by Councilman Gay

BE IT RESOLVED that the Town Board has approved the Town Board Agenda minutes from August 24, 2015.

Vote: All Ayes, No Nays. **CARRIED**

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

ABSTRACT OF CLAIMS

RESOLUTION #148

Approval of Abstract of Claims

Motion by Councilman Lippiello

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 115, voucher numbers 489 – 511 in the amount of \$30,721.19

Discussion: Councilman Grasso asked if anyone knew why the electric bill for Elmer Smith Park went from 10kw to 110kw in one month. Mike Emerich said it could be because his Department changed a burnt out light bulb.

Vote: All Ayes, No Nays. **CARRIED**

TOWN CLERK'S REPORT

The Town Clerk's office took in \$1,605.50 for the month of August. \$485.28 was paid to the Supervisor's Office, and \$1,120.22 was paid to other Governmental agencies.

RESOLUTION #149

Acceptance of the Town Clerk's Report

Motion by Councilman Lippiello

Seconded by Councilman Grasso

BE IT RESOLVED that the Town Board has accepted the Town Clerk's report as read.

Vote: All Ayes, No Nays. **CARRIED**

SUPERVISORS REPORT

For the month of August, I attended 3 Town meetings and 2 County meetings. Some of the highlights of the month:

- Attended normal Town and County meetings
- Worked on preparing the 2016 Town Budget
- Worked on the Town Hall Insurance Claim
- Attended the Zoning Update Workshop

(see Supervisor's report on next page)

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF CHARLTON :

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of August, 2015:

DATED: September 3, 2015

SUPERVISOR

	Balance 07/31/2015	Increases	Decreases	Balance 08/31/2015
A GENERAL FUND - TOWNWIDE				
CASH - CHECKING	11,173.60	33,537.25	33,535.40	11,175.45
CASH - SAVING	325,624.30	125,028.66	33,535.40	417,117.56
PETTY CASH	500.00	0.00	0.00	500.00
Park Fees Reserve	70,317.41	6.22	0.00	70,323.63
TOTAL	407,615.31	158,572.13	67,070.80	499,116.64
DA HIGHWAY FUND				
CASH - CHECKING	0.00	129,245.35	129,245.35	0.00
CASH - SAVINGS	270,947.27	145.34	129,245.35	141,847.26
CASH, SPECIAL RESERVE	15,469.39	0.00	0.00	15,469.39
TOTAL	286,416.66	129,390.69	258,490.70	157,316.65
F WATER #1 FUND				
CASH - CHECKING	0.00	4,575.83	4,575.83	0.00
CASH - SAVINGS	214,990.53	19,791.20	4,575.83	230,205.90
WATER SERIAL BOND	34,290.98	1.46	0.00	34,292.44
CASH, SPECIAL RESERVES	121,221.44	5.15	0.00	121,226.59
TOTAL	370,502.95	24,373.64	9,151.66	385,724.93
SW WATER #2 FUND				
CASH - CHECKING	0.00	102.28	102.28	0.00
CASH - SAVINGS	26,106.81	2.33	102.28	26,006.86
TOTAL	26,106.81	104.61	204.56	26,006.86
TA TRUST & AGENCY				
CASH - CHECKING	13,370.55	33,727.53	34,470.03	12,628.05
TOTAL	13,370.55	33,727.53	34,470.03	12,628.05
H CAPITAL PROJECTS				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
TOTAL ALL FUNDS	1,104,012.28	346,168.60	369,387.75	1,080,793.13

COMMUNICATIONS

The Town of Malta is hosting the New York State Citizens Preparedness Corps Training program at the Malta Community Center on Thursday, October 22nd at 6:00 p.m. Attendees will receive an emergency preparedness kit. All attendees must register in advance at: prepare.ny.gov.

The Water Superintendent sent the Board a letter regarding the Y-intersection at Charlton and Stage Roads. He said that a water main runs under the road there, and the pavement is showing depression where vehicles drive on the radius of the curved intersection. He is proposing that the County make the intersection a T-intersection. He said if this is not taken care of, there is a high chance of a water main break at the location. Councilman Lippiello said that since the road is breaking up and has a depression, it would make sense to replace it. He likes the Y-intersection and wonders if the ground could be built up to keep it. Councilman Grasso said that he is concerned for the small house directly across from the intersection. If it were a T-intersection, headlights would be aimed directly into the house. Councilman Gay is concerned because this intersection is in the Historic District. He would not like to see a run-of-the-mill T-intersection. Supervisor Grattidge suggested that the Board hold off on this until next month, and suggested that they talk to the Historic District Commission.

Town Justices Vern Ketchum and Phil Rodriguez gave the Board information about a grant that they would like to apply for from the Unified Court System. They would like to use the grant money to purchase Court Security equipment to provide video surveillance for the courtroom and parking lot, and a mobile metal detector. They would like at least 4 cameras for the courtroom and one for the parking lot. The grant would be to purchase the cameras, server to run the equipment and a metal detector, at a total cost of \$22,000. Judge Ketchum said that the application requires a resolution of Town Board support. The voted unanimously in support of having the resolution prepared for the next meeting.

Judge Ketchum also said that the Judges would like to have the Board consider hiring a Town Prosecutor. He suggested that the Board look into hiring an Attorney or an existing Town Attorney and compensate them separately as a Prosecutor on a case by case basis.

The Town has received a letter from the Unified Court System requesting a copy of the Board's audit of Court monies for the year 2014. Supervisor Grattidge asked the Clerk to forward the audit.

DEPARTMENT & COMMITTEE REPORTS

Maintenance – Don Smith repainted the handicap sign posts and dumpster enclosure at Town Hall, as well as maintenance at the Community Center.

Constables – In August, there were 24 patrols, 39 complaints and 1 alarm responded to, 4 911 calls, 1,973 miles traveled, and 37 tickets issued.

Water – Councilman Lippiello said that the new radio transmitter worked well for a couple of days and then froze in the ON position. Mr. Morgan is trying to contact the company to work on the problem.

Parks – The committee is getting estimates to repave and reline the basketball courts, tree trimming over the volleyball courts, new signs and bleachers for the park. Mike Emerich said that some trees near the basketball courts may need to be taken down.

Gazebo project – Torben Aabo has been working on a Dedication ceremony for the new gazebo at Gideon Hawley Park. The ceremony will be held on Sunday, September 27th at 4:00 p.m. There will be live music and refreshments will be served.

Zoning – In August there were 12 Building Permits issued and \$1,554.12 was collected in application fees. 12 CO/CUs were issued with a value of \$930,984.80.

Highway – Mr. Emerich said that they are having problems with the loader. Nortrax checked the transmission and that appears to be fixed, but there are still problems with shifting. Fall brush pick-up will be October 26th through October 30th. Mr. Emerich said that there were 2 residents on Western Avenue who complained of oil

from the road repaving that got on their cars. He said that is was a freak thing due to humidity that day and the oil on the road did not set correctly.

Dog Control – In August there were 8 complaints received including 3 complaints about other animals,1 dog bite case, 3 calls made to follow up on delinquent licenses, 2 dogs were seized and 1 was returned to the owner, and 2 court actions filed.

Councilman Lippiello asked if the Supervisor had any new information about the glycol system for the Town Hall heating system. Supervisor Grattidge said that he recently put in a second call to the contractor to get a status.

Assessors – Councilman Grasso said that the Assessors have asked about purchasing additional software for their office, and requested consideration for the 2016 budget. The Assessors also requested dropping Saturday hours during the months of September and October. The Board had no objection.

MOTIONS, RESOLUTIONS, AND AUTHORIZATIONS

RESOLUTION #150

Resolution to affirm the Town of Charlton Town Board's support and approval for the Local Farms Fund (Biello Farm) allocation to participate in a farmland protection plan

Motion by Councilman Grasso

Seconded by Councilman Gay

Roll Call: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 150

September 14, 2015

A RESOLUTION TO CONFIRM THE CHARLTON TOWN BOARD SUPPORT AND APPROVAL FOR THE LOCAL FARMS FUND APPLICATION (TIMOTHY BIELLO, OPERATOR) TO PARTICIPATE IN A FARMLAND PROTECTION PROGRAM

WHEREAS, the Local Farms Fund, as owner of certain real property in the Town of Charlton, Timothy Biello as Operator, intends to participate in the Saratoga County Farmland and Open Space Preservation Program as well as the New York State Farmland Protection Implementation Grant program, seeking to permanently preserve 63+/- acres of active farmland located on Featherbed Lane in the Town of Charlton, and

WHEREAS, the Town Board supports the preservation of agriculture as vital to the quality of life and economy of the Town of Charlton, as evidenced by the Town of Charlton Municipal Farmland Protection Plan, the Town of Charlton Comprehensive Plan, the Saratoga County Farmland Protection Plan and the Saratoga County Green Infrastructure Plan, all of which recommend the use of conservation easements and the purchase of development rights in order to preserve agricultural lands and protect farmland and open spaces, and

WHEREAS, the Town Board has determined that the Local Farms Fund grant application deserves municipal support, which plan will provide funding to permanently preserve the Local Farms Fund parcel for agricultural uses only, and

WHEREAS, the Town is an eligible applicant under the referenced programs described in this resolution, therefore the Town may hold and monitor any final conservation easement which may be granted to the Local Farms Fund farmland parcel subject of this resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town of Charlton Town Board fully supports this application, shall act as the applicant for purposes of retaining a conservation easement relative to the development rights of the Local Farms Fund parcel, and be responsible to periodically monitor conformance with the terms of any final conservation easement, and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to enter into a contract agreement with the Saratoga County and New York State Agriculture and Markets offices, which shall include authority to execute any documents necessary to accept and redistribute Farmland Protection funds, should the grant application subject of this resolution be awarded.

Moved by	Councilman Grasso	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Gay		Councilman Hodgkins	Aye
			Councilman Lippiello	Aye
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: September 14, 2015

Brenda Mills, Town Clerk

RESOLUTION #151

Resolution to affirm the Town of Charlton Town Board's support and approval the Gary and Anne Vanderhorst Trust application to participate in a farmland protection plan

Motion by Councilman Gay
Seconded by Councilman Hodgkins

Discussion: Councilman Grasso said that he wanted to acknowledge the efforts of the Vanderhorsts and the Biellos to research the program and for taking the initiative to protect their farmland.

Roll Call: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 151

September 14, 2015

A RESOLUTION TO AFFIRM THE TOWN OF CHARLTON

TOWN BOARD SUPPORT AND APPROVAL OF THE
GARY AND ANNE VANDERHORT TRUST APPLICATION TO
PARTICIPATE IN A FARMLAND PROTECTION PROGRAM

WHEREAS, the Gary and Anne Vanderhorst Trust, as owner of certain real property in the Town of Charlton, intends to participate in the Saratoga County Farmland and Open Space Preservation Program and the New York State Farmland Protection Implementation Grant program, seeking to permanently preserve 90+/- acres of currently active farmland located on Sacandaga Road, and

WHEREAS, the Charlton Town Board supports the preservation of agriculture as vital to the quality of life and economy of the Town of Charlton, and as evidenced by the Town of Charlton Municipal Farmland Protection Plan, the Town of Charlton Comprehensive Plan, the Saratoga County Farmland Protection Plan and the Saratoga County Green Infrastructure Plan, all of which recommend the use of conservation easements and the purchase of development rights as acts to preserve agricultural lands and protect farmland and open spaces for the future, and

WHEREAS, the Town Board has determined that the Vanderhorst Trust grant application deserves municipal support, which plan will provide funding to permanently preserve the Vanderhorst Trust parcel for agricultural uses only, and

WHEREAS, the Town is an eligible applicant under both of the referenced grant programs described in this resolution, therefore the Town may hold and monitor any final conservation easement which may be granted to the Vanderhorst Trust farmland parcel subject of this resolution.

NOW THEREFORE, BE IT RESOLVED, that the Town of Charlton Town Board fully supports this application, shall act as the applicant for purposes of retaining a conservation easement relative to the development rights of the Vanderhorst Trust parcel, and be responsible to periodically monitor conformance with the terms of any final conservation easement, and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to enter into a contract agreement with the Saratoga County and New York State Agriculture and Markets offices, which shall include authority to execute documents necessary to accept and redistribute Farmland Protection funds, should the grant application subject of this resolution be awarded.

Moved by	Councilman Gay	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Hodgkins		Councilman Hodgkins	Aye
			Councilman Lippiello	Aye
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: September 14, 2015

Brenda Mills, Town Clerk

RESOLUTION #152

Resolution determining the environmental nonsignificance under the State Environmental Quality Review Act regarding the adoption of Local Law No. 1 of 2015 amending the Charlton Zoning Ordinance as adopted November 13, 2000

Motion by Councilman Hodgkins

Seconded by Councilman Gay

Attorney Van Vranken commended the efforts of Marv Schorr and all of the members of the ZORC for tackling this complex and controversial project and putting in so much time for so many years. He commended the tremendous amount of work that Joe Grasso has done in putting all of the documents together, chairing Public Hearings and other things that has brought this project to closure. He thanked the Town Board for their enthusiastic approach to this, and he appreciates the tremendous amount of work that the Town Boards for the last ten to fifteen years have done to move this forward. He said many Towns hire someone to do this for them, spending tens of thousands of dollars and don't end up with a result any better than this document.

Roll Call: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 152

September 14, 2015

**A RESOLUTION DETERMINING THE ENVIRONMENTAL
NONSIGNIFICANCE UNDER THE STATE ENVIRONMENTAL
QUALITY REVIEW ACT REGARDING THE ADOPTION OF
LOCAL LAW NO. 1 OF 2015 AMENDING THE CHARLTON
ZONING ORDINANCE AS ADOPTED NOVEMBER 13, 2000**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Charlton for a public hearing to be held by such Town Board at the Town Hall, Charlton, New York on December 1, 2014 to hear all interested parties on a proposed local law entitled "Local Law No. 1 of 2014", a local law amending the Town of Charlton Zoning Ordinance as adopted November 13, 2000, and

WHEREAS, the public hearing was duly held at the Town Hall on December 1, 2014 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof, and

WHEREAS, the Saratoga County Planning Board determined pursuant to Section 239-m of the General Municipal Law that it had not identified any significant County wide or inter-community impacts associated with the proposed local law, and

WHEREAS, the Town of Charlton Town Clerk affirmed that on October 29, 2014, she had sent a copy of the proposed Local Law No. 1 of 2014 to the Town Clerks of the towns of Ballston, Galway, Glenville, Amsterdam and Milton; had also sent such copy to the Village Clerk of Ballston Spa and the Schenectady, Montgomery and Saratoga County Clerks, and to the Saratoga County Board of Supervisors and Planning Board, and that she had not received any objections or concerns from said municipal boards, and

WHEREAS, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 of the Statement Environmental Quality Review Act (hereafter "SEQR"), it has been determined by the Town Board of the Town of Charlton that adoption of the proposed local law constitutes a Type 1 action as defined under said regulations and that the adoption of said local law would not have a significant effect upon the environment and could be processed by the Town Board without regard to SEQR, and

WHEREAS, the Town Board prepared Parts 1, 2 and 3 of the attached Full Environmental Assessment Form (FEAF), and

WHEREAS, the Town Board completed a review of the potential environmental impacts associated with the proposed zoning amendments, copies of which are on file with the Town Clerk of the Town of Charlton.

NOW THEREFORE, BE IT RESOLVED, that the Town of Charlton Town Board, based on the information set forth in this resolution, hereby resolves as follows:

Pursuant to and in accordance with the provisions of Section 617.6 of SEQR, the Town Board of the Town of Charlton hereby makes the following determinations with respect to Local Law No. 1, formerly of 2014 but changed to Local Law No. 1 of 2015 due to the time required to complete all required procedures and to receive input from the residents of the Town.

1. The Town Board of the Town of Charlton hereby determines that the action is subject to SEQR.

2. The Town Board hereby determines that the action does not involve a Federal agency and does not involve other agencies.

3. The Town Board hereby determines that the action is a Type 1 action under SEQR.

4. The Town Board hereby finds and determines that it is, has been and will be the lead agency with respect to the adoption of and approval of the above described action, namely, a local law amending the Town of Charlton Zoning Ordinance as adopted November 13, 2000.

5. The Town Board hereby finds and determines that: (a) it has considered the action, reviewed the Environmental Assessment Form, reviewed the criteria set forth in 6 NYCRR Section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and duly considered all of the potential, amended ordinance environmental impacts and their magnitude in connection with the proposed action; (b) the local law amending the current Town of Charlton Zoning Ordinance will not result in any large or important environmental impacts and therefore is one which will not have a significant impact on the environment.

6. The Town Board as lead agency with respect to the above described Zoning Ordinance amendments, hereby: (a) adopts a negative declaration pursuant to 6 NYCRR Section 617.7 with respect to this local law; (b) authorizes the Supervisor of the Town of Charlton to sign a negative declaration determination of non-significance with respect to this matter and (c) authorizes the Town Clerk of the Town of Charlton to forward a copy of said negative declaration determination of non-significance to the New York State Department of Environmental Conservation, Town of Charlton Planning Board, Town of Charlton Zoning Board of Appeals, Town of Charlton Building & Code Inspector, Saratoga County Planning Board and the New York State Commissioner of Agriculture and Markets.

7. This resolution shall take effect immediately.

Moved by	Councilman Hodgkins	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Gay		Councilman Hodgkins	Aye
			Councilman Lippiello	Aye
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: September 14, 2015

Brenda Mills, Town Clerk

RESOLUTION #153

Resolution adopting in all respects Local Law No. 1 of 2015, amending the Charlton Zoning Ordinance as last adopted November 13, 2000

Motion by Councilman Grasso

Seconded by Councilman Hodgkins

Discussion: Councilman Grasso acknowledged the tremendous amount of effort put in by all of those members of Boards that helped with the project, including former Town Board member Verola, Attorney Van Vranken, and the ZORC Committee. He also thanked the residents of the Town for the way that they conducted themselves for the past 15 months, their positive impact and positive feedback on the project. Councilman Lippiello thanked the hundreds of people over the years that have worked on this Ordinance.

Roll Call: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Hodgkins: Aye, Councilman Lippiello: Aye, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 153

September 14, 2015

**A RESOLUTION ADOPTING IN ALL RESPECTS
LOCAL LAW NO. 1 OF 2015, AMENDING THE CHARLTON
ZONING ORDINANCE AS LAST ADOPTED NOVEMBER 13, 2000**

WHEREAS, the Town Board of the Town of Charlton appointed a Zoning Ordinance Review Committee (ZORC) to study the Charlton Zoning Ordinance as last adopted effective November 13, 2000, and

WHEREAS, after several years of study, the ZORC submitted multiple suggested amendments with respect to the Charlton Zoning Ordinance (CZO), and

WHEREAS, the Town Board reviewed the ZORC recommendations and suggestions, requested answers to Board questions regarding such proposals and then prepared a draft of the proposed zoning amendments as agreed upon by the Town Board and which draft was dated August 21, 2014, and

WHEREAS, the Town Board distributed copies of the proposed zoning amendments to all adjoining municipalities, the Saratoga County Planning Department, the Town Attorneys, the Town Planning Board, the Town Zoning Board of Appeals, the Town Engineer and the Town Zoning Administrator/Code Enforcement Officer, and

WHEREAS, the Town Board posted the proposed zoning amendments on the Town's website for public view on August 29, 2014, and

WHEREAS, the Town Board held a public hearing on the proposed amendments on December 1, 2014 and which was followed by an opportunity for extended public comment for an additional two weeks or until December 15, 2014, and

WHEREAS, the Town Board received, both during the public hearing and the extended public comment period, multiple comments regarding the draft proposed amendments, and

WHEREAS, the Town Board held a workshop on December 29, 2014 to further review and consider additional language changes or clarifications with respect to the proposed local law, and

WHEREAS, following consideration of the comments and written suggestions received during the December 1, 2014 public hearing, during the extended public comment period and following the Town Board workshop on December 29, 2014, a redrafted local law was created indicating that it would become effective in 2015, and which redrafted Local Law No. 1 of 2015 was published on the Town of Charlton's website beginning January 14, 2015, and

WHEREAS, the Board scheduled a workshop for continued evaluation of Local Law No. 1 of 2015, to be held on March 9, 2015, to consider 20 proposed amendments and to receive additional input from the residents of the Town, and

WHEREAS, the Town Board sent the proposed Local Law No. 1 of 2015 to the New York State Department of Agriculture and Markets for review by letter dated March 30, 2015, and

WHEREAS, the Town Board posted additional revised amendments to the proposed local law on the Town's website beginning March 31, 2015, and

WHEREAS, the Town Board held a second public hearing on the revised proposed Local Law No. 1 of 2015 on April 13, 2015, and

WHEREAS, the Town Board referred the revised proposed Local Law No. 1 of 2015 to ZORC, subsequently meeting with ZORC on May 11, 2015 and also receiving a response from the New York State Department of Agriculture and Markets regarding the proposed local law, and

WHEREAS, on June 8, 2015, the further redrafted Local Law No. 1 of 2015 was submitted to the Town Board and to ZORC for additional review and consideration, and

WHEREAS, following continued consideration of this local law, the Town Board determined to submit a document setting forth the rationale for all of the changes that had been made to the local law since its original presentation to the residents of the Town of Charlton, making such rationale

available on the Town’s website, the Town’s e-mail and to the public in document form at the new Town Hall, and

WHEREAS, on July 13, 2015, the Town Board set another workshop which was scheduled and held on August 20, 2015, with further consideration being presented through public comment, which resulted in only minor language changes as a result of such public hearing, and

WHEREAS, the Town Board has now created a document entitled “Local Law No. 1 of 2015”, amending the Town of Charlton Zoning Ordinance as adopted on November 13, 2000, which is a summary of the proposed amendments to the current Zoning Ordinance and which detailed, final language changes will be set forth in the revised Zoning Ordinance integrating all of the language changes authorized by this resolution, and

WHEREAS, by resolution approved by the Town Board on September 14, 2015, the Town Board has determined under the State SEQR process that the zoning amendments subject of this resolution are classified as a Type 1 action, that they have no significant impact on the environment of the Town of Charlton and which resolution is attached to this local law adoption resolution, and

WHEREAS, the Town Board of the Town of Charlton, after due deliberation, finds that it is in the best interests of the Town of Charlton and its residents to adopt Local Law No. 1 of 2015 in order to bring the current Town of Charlton Zoning Ordinance into conformity with the Town of Charlton Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Charlton hereby adopts said Local Law No. 1 of 2015, amending multiple sections of the current Town Zoning Ordinance, removing certain existing language from specific sections of the current Ordinance and by adding language to the Ordinance, particularly related to cell towers and solar panels, and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Charlton is hereby directed to arrange for the amendments of the current Town of Charlton Zoning Ordinance as described by this resolution, to enter this local law into the minutes of this meeting (September 14, 2015) and also in the local law book of the Town of Charlton, to publish this local law according to Sections 264 and 265 of the New York State Town Law and to file due notice of adoption of this local law with the New York State Secretary of State.

Moved by	Councilman Grasso	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Hodgkins		Councilman Hodgkins	Aye
			Councilman Lippiello	Aye
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: September 14, 2015

Brenda Mills, Town Clerk

LOCAL LAW NO. 1 OF 2015

A LOCAL LAW AMENDING THE TOWN OF CHARLTON ZONING ORDINANCE AS ADOPTED NOVEMBER 13, 2000

The following page references or underlined titles refer to the current Town of Charlton Zoning Ordinance and are intended to provide summary notice of the proposed changes. Complete information regarding all proposed language changes or additions to the current Ordinance are available on the Town of Charlton website or, as a hard copy at the Town Clerk's Office located in the Charlton Town Hall.

Summary of Proposed Amendments:

Pages 2-4: Table of Contents, Index of Tables and Index of Figures: updated.

Page 5: Appendices: updated to reflect new Appendices.

Page 6: Article I, Section 2: "Purpose" modified to reflect more of the goals in the Comprehensive Plan.

Page 6: Preamble: Change "Any activity not listed as an allowed land use..." to "Those uses not specifically permitted are prohibited, unless an exceptional use permit or variance has been granted." Reason: To be consistent with language from original zoning ordinance.

Page 7: Article I, Section 3: Intent modified based on last substantial zoning changes in 2000. Simplified wording to facilitate future amendments.

Pages 8-15: Article II, Section 2: Minor changes to some of the Definitions. Added separate definitions for Temporary Farm Stand and Permanent Farm Stand. Added definition of Bed and Breakfast, Driveway, Horse Barn, Kennel, Telecommunications facilities.

Page 11: Definitions: Add definition of Horse Barn. Reason: To clarify that horse barns need to meet 100' setback requirement but run-in sheds do not.

Page 18: Table IV-1, Summary of Permitted Uses, Site Plan Review Uses, Special Exception Uses, and Uses Not Permitted: Changes to Permitted Use Table, added Banquet Facility (Exceptional Use Permit), Solar Arrays (Permitted), and Telecommunication Facilities (Exceptional Use Permit).

Page 19: Table IV-2 Zoning Schedule: Various changes to the Bulk zoning requirements in R/A and A Zones, including the following:

- Changed minimum width in Residential zone from 150' to 200'.
- Reduced pond setback from 40-50' to 20'.
- Changed minimum dairy farm size from 50 acres to 25 acres, livestock farm from 25 acres to 10 acres
- Changed minimum of 5 acres required for keeping of horses.
- Added separate setbacks for Temporary Farm Stands and Permanent Farm Stands.
- In R/A and A zones, delete minimum setback dimensions for Farms. Reason: As noted by Ag and Markets, setbacks should be for farm buildings but should not apply to farm uses, unless specific to a particular type of use. Setbacks for agricultural buildings can be covered under "Customary Agricultural Accessory Uses".
- Change setbacks from "accessory uses" to "accessory buildings". Reason: Per Ag and Markets recommendations, zoning setbacks should be for buildings, not uses.

Pages 21-28: Article IV, Section 3. Sanitary Facilities and Water Wells; Modified septic regulations to eliminate Charlton specific requirements. Revised percolation requirement from 45 minutes per inch to 60 minutes per inch. Clarified use of imported fill to meet percolation rate not permitted. Septic designs to comply with standard NYSDEC and NYSDOH requirements. Added statement

allowing wastewater disposal system that has SPDES Permit from NYSDEC allowing point discharge. Changed references to DOH and DEC requirements to be consistent with 1,000 gpd flow threshold.

- Page 28: Add under C. 1: “No building permit *for a structure requiring wastewater disposal facilities* shall be granted for a lot for which the percolation...”. Reason: Per Ag and Markets recommendations, agricultural lots with only agricultural uses and buildings should be allowed to be created regardless of acceptability of percolation.
- Page 31: Article IV, Section 4.E: Clarified measuring height of fences.
- Page 31: Article IV, Section 4.J: Added sign review by Historic District Commission. Modified to prohibit LED or Neon signs.
- Page 33: Article 4, Section 4.L: Consolidated additional R/A and A District Supplemental Regulations.
- Page 34: Article 4, Section 4.L: Increased acreage for the keeping of horses for recreational purposes from 3 acres to 5 acres. Require preparation of a Manure Management Plan for the keeping of horses for recreational purposes.
- Page 34: Article IV, Section 4: Deleted setback requirements for Farm Stands, now covered in Zoning Schedule.
- Page 35: Article IV, Section 4.L: Revised restrictions on keeping of unlicensed vehicles.
- Page 35: Change “Operational farm vehicles...” to “Farm vehicles...”. Reason: to allow use and storage of non-operational farm vehicles.
- Page 36: Article IV, Section 4.M: Added economic impact as evaluation component of Exceptional Use Permit.
- Page 36: Article IV, Section 4.M: Added requirements for cul-de-sacs.
- Page 37-66: Article V, Section 2. Code Enforcement Officer/Zoning Administrator: Clarified roles and enforcement actions of Code Enforcement Officer.
- Pages 38-46: Article V: Added Certificates of Compliance.
- Page 40: Article V: Added procedure for zoning non-compliance actions. Changed length of remedy from 30 days to 10 days.
- Page 42: Article V, Section 2.S. Emergency Use of a Conditional Certificate of Occupancy; Modified to allow emergency use of trailer or motor home.
- Page 43: Article V, Section 3.H: Added fee to be one half original fee for renewal of building permit.
- Page 48: Article VI – Zoning Board of Appeals; clarified title and roles of Code Enforcement Officer/Zoning Administrator and Zoning Board of Appeals.
- Page 52: Article VI, Section 13: Deleted reference to SEQRA requirement for Zoning Board of Appeals.
- Pages 54-55: Article VII: Added Historic Overlay District.
- Page 56: Article VII, Section 6: Added certain uses to the list of proposed uses that will require public notification.
- Page 62: Article VII, Section 7. Yard, Area and Miscellaneous Requirements; added requirements for Stables used for the boarding of horses to be subject to an Exceptional Use Permit, and for Bed and Breakfasts to be subject to an Exceptional Use Permit.
- Page 63: Article VII, Section 7.R and 7.S: Added requirements for Riding Academies and Stables Used for the Boarding of Horses to comply with Ag and Markets Regulations and stipulate Riding Academies to have a maximum of twelve (12) horses allowed on 15 acres.
- Page 64: Article VII, Section 7.U: Added requirements for Bed and Breakfast Establishments.
- Page 65: Article VII, Section 14: Deleted reference to requirement for SEQRA for Special Exception Permit.
- Page 66: Article VIII, Violations and Penalties; Increases the maximum penalty for offenses from \$50 to \$500.
- Page 149-159: Appendices, Appendix B-13, A Local Law Relating to Telecommunication Towers in the Town of Charlton; Adds new Appendix B-13, relating to regulation of Telecommunication Towers

throughout Town. Co-locations to require Exceptional Use Permit giving TB, ZBA or PB ability to review the application.

Page 151: Telecommunication Law – Appendix 13: Add under Section 3(a)(i) “except telecommunication towers or telecommunications antennas less than fifty (50) feet in height above grade level, used exclusively by licensees of the Federal Communications Commission in the Amateur Radio Service and installed at the licensee’s residence.” Reason: to exempt typical ham radio installations used for hobby, except where height is greater than fifty feet where additional review will be warranted.

Page 160-166: Appendices; Appendix B-14, A Local Law Regulating the Use of Ground or Pole Mounted Solar Arrays in the Town of Charlton; Adds new Appendix B – 14, relating to regulation of Solar Arrays throughout Town. Stipulates setbacks from solar arrays in each zoning district.

Severability.

The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provision.

Effective Date.

This law shall be effective upon filing with the Secretary of State.

COUNCILMAN REPORTS

Councilman Hodgkins said he was contacted by the Historical Society about work that needs to be done on the weathervane on their museum on Maple Avenue. He has been told that Walter Schmidt will be doing the work.

PRIVILEGE OF THE FLOOR

No one chose to speak.

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk