

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

October 27, 2014

The Agenda meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall and called to order by Supervisor Grattidge at 7:30 p.m. to set the agenda for the November 10th Town Board Meeting.

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

RESOLUTION #162

Abstract of Claims

Motion by Councilman Verola

Seconded by Councilman Lippiello

Discussion: Councilman Grasso asked if anyone had talked to the Highway Superintendent about how they were going to handle uniforms next year. Councilman Hodgkins will speak with Mike Emerich about the uniforms and also about the timing of the fuel bills to the Fire Departments that get their fuel from the Town. Councilman Hodgkins noted that there were some unapproved purchases by the Highway Superintendent that exceeded the \$300.00 limit in the purchasing policy. The Board discussed the purchasing policy and purchasing from State contract. Councilman Grasso suggested that they talk with Mike Emerich and see if the current policy works well for him. Supervisor Grattidge said that the Board can work on the policy as they are getting closer to working on the Organizational Resolution for 2015.

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 120, vouchers number 625 - 671 in the amount of \$34,122.72.

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

RESOLUTION #163

Approval of Minutes

Motion by Councilman Grasso

Seconded by Councilman Verola

BE IT RESOLVED that the Town Board has approved the Town Board Meeting minutes from October 14, 2014.

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

ANNOUNCEMENTS

The town-wide Fall Brush Pick-Up is underway this week, from October 27th through October 31st.

The Town Offices will be closed November 4th for Election Day.

DISCUSSION

The Sales Tax for the month was \$125,955 and the Mortgage Tax was \$18,525.83.

Supervisor Grattidge said that Key Bank sent an additional verification of assets this month as well as the Custodial Statement.

Attorney Van Vranken sent the Town Board an e-mail regarding setting the Public Hearing and the resolution and Local Law for the zoning changes. Supervisor Grattidge said that it is up to the Board whether or not they will just listen to public input at the Public Hearing or they will answer questions. The Board discussed the options. Attorney Van Vranken pointed out that the document that the Board has put together is the result of a several year study by the Zoning Review Committee followed by further review from the Planning Board, Zoning Board, Town Board and staff members, and they have generated this document to make the Ordinance as amended a better document. He said that at the initial opening of the meeting, it can be stated that the Board would like to get an opinion of what the reader is reading, or a question of what does this mean. Attorney Van Vranken said that the Board does not want to get into an open forum. He said that it will depend on the audience, and if it is a large audience and they are all negative about most of it, the Board may want to restructure the document and hold another public hearing. The Attorney said he felt that there will probably be a lot of negative comments about the constraint language, in particular about if a resident has 2 acres and one acre is wetlands, it will be considered a one acre lot. Attorney Van Vranken suggested that he answer the legal questions and Councilman Grasso answer the zoning questions. Councilman Grasso suggested that there be a one week time limit on accepting written comments after the hearing. Attorney Van Vranken pointed out that this Local Law is not subject to a public referendum. The Board agreed to have Attorney Van Vranken do the preamble at the hearing.

Supervisor Grattidge said that the Town Clerk has requested upgrading the 2 computers in the Clerk's Office. The Clerk would like to purchase the same Dell computers that were recently purchased for the Assessor's for \$580 each from State Contract. Enable estimated approximately 6 hours for installation.

RESOLUTION #164

Authorize the purchase of 2 new computers for the Town Clerk's Office with a price not exceed \$1,800 including installation

Motion by Councilman Verola

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has authorized the purchase of 2 new computers for the Town Clerk's Office with a price not to exceed \$1,800 including installation.

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

Supervisor Grattidge said that he received a quote of \$250 from a landscaping company to trim the evergreen shrubs this fall. The Board decided to wait until next season to address the landscaping needs.

Supervisor Grattidge said that the Board had previously received an email from the Highway Superintendent requesting the purchase of a Hydro-seeder from the Federal Surplus Property program for \$1,000. The seeder is located in Virginia.

RESOLUTION #165

Authorize the Highway Superintendent to purchase a Hydro-seeder for \$1000 from the Federal Surplus Property program and the reimbursement of travel expenses to pick up the Hydro-seeder.

Motion by Councilman Grasso

Seconded by Councilman Verola

BE IT RESOLVED that the Town Board has authorized the Highway Superintendent to purchase a Hydro-seeder from the Federal Surplus Property program and the reimbursement of travel expenses to pick up the Hydro-seeder.

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

Supervisor Grattidge said that he has discussed the Dog Control position with Gary Parks. The pay is \$6,000 per year, and Mr. Parks would be available to start on November 1st. He would need to get required shots at

Saratoga Hospital prior to dealing with dogs. He will also need to get some training and information for the County Animal Shelter.

RESOLUTION #166

Authorize the hiring of Gary Parks as Dog Control Officer to begin November 1, 2014.

Motion by Councilman Verola

Seconded by Councilman Lippiello

BE IT RESOLVED that the Town Board has authorized the hiring of Gary Parks as Dog Control Officer for the Town of Charlton to begin November 1st, 2014 at the rate of \$6,000.00 per year.

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

The Board discussed the quote by MEGA/Integritys Energy to lock in the electric rate of approximately 8 cents per kilowatt hour for the Town's four largest electric bills. This would avoid spikes in the electric rates, such as last February when the rate was \$.23 per kwh. On the downside, the current rate is \$.05.5 per kwh, so the Town would not benefit from lower rates either. Councilman Grasso said that he would like to check into the previous rate history. The Board agreed to authorize the Supervisor to sign the agreement at the end of the week, as long as the Councilman did not voice objection prior to the end of the week.

RESOLUTION #167

Authorize the Supervisor to sign Agreement with MEGA to lock in electric rates.

Motion by Councilman Lippiello

Seconded by Councilman Verola

BE IT RESOLVED that the Town Board has authorized the Supervisor to sign a rate lock-in agreement with MEGA by October 31st and with the approval of Councilman Grasso by October 31st.

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

Supervisor Grattidge said that the Board received another letter from Mr. Maguffin regarding paying the late charge on his water bill. Councilman Lippiello was asked to call Mr. Maguffin.

Attorney Van Vranken was asked to prepare a resolution for November 10th, accepting the 2015 budget.

Councilman Grasso said that the Arnolds had applied to sell the development rights on their farm land on Western Avenue, but their application was not selected for funding. Councilman Grasso said that two other properties in Saratoga County were selected, and he felt that development pressures made a difference in the selection. He has spoken with Saratoga Plan and when they find out what the factors were, he feels that the Board should discuss it.

MOTIONS, RESOLUTIONS, AND AUTHORIZATIONS

RESOLUTION #168

A Resolution scheduling a Public Hearing on Proposed Local Law No. 1, 2014 of the Town of Charlton amending the Town of Charlton Zoning Ordinance adopted November 13, 2000.

Motion by Councilman Verola

Seconded by Councilman Grasso

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

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 168

October 27, 2014

**A RESOLUTION SCHEDULING A PUBLIC HEARING ON
PROPOSED LOCAL LAW NO. 1, 2014 OF THE
TOWN OF CHARLTON AMENDING THE TOWN OF CHARLTON
ZONING ORDINANCE ADOPTED NOVEMBER 13, 2000**

WHEREAS, a Local Law being proposed as Local Law No. 1 of 2014, a copy of which is attached to this resolution, was introduced at this Town Board meeting, October 27, 2014, by a member of the Town Board of the Town of Charlton, and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW THEREFORE, BE IT RESOLVED, that the following Notice of Public Hearing amending the current Charlton Zoning Ordinance shall be published in the Daily Gazette as soon as possible:

“PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Charlton on Monday, December 1, 2014, at 7:00 p.m. at the Charlton Town Hall located at 758 Charlton Road, Charlton, New York, regarding the adoption of a Local Law of the Town of Charlton for the year 2014 which would amend the Town of Charlton Zoning Ordinance as set forth below.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed Local Law will be reviewed at said public hearing.

Any resident of the Town of Charlton shall be entitled to be heard at such public hearing. Copies of said proposed Local Law shall be available in written form at the Town of Charlton Town Clerk’s Office located in the Charlton Town Hall and also on the Town of Charlton website.”

BE IT FURTHER RESOLVED, that the Town Clerk is directed to cause public notice of said hearing as provided by law.

Moved by	Councilman Verola	Voting:	Councilman Grasso	Aye
			Councilman Hodgkins	Aye
Seconded by	Councilman Grasso		Councilman Lippiello	Aye
			Councilman Verola	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: October 27, 2014

Brenda Mills, Town Clerk

LOCAL LAW NO. 1 OF 2014

**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 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.

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 10'.
- Only non-wetland (upland) areas count toward meeting minimum lot size requirement. The location of NYSDEC and Federal wetlands will therefore need to be determined during Planning Board review, which is customary.
- Changed minimum dairy farm size from 50 acres to 25 acres, livestock farm from 25 acres to 10 acres
- Clarified 5 acres required for keeping of horses

Pages 21-28: Article IV, Section 3. Sanitary Facilities and Water Wells; Modified septic regulations to eliminate Charlton specific requirements, except for the Town's maximum 45 minute percolation rate. Clarified use of imported fill to meet percolation rate not permitted. Septic designs will now just have to comply with standard NYSDEC and NYSDOH requirements. This is consistent with what's used in most municipalities.

Page 31: Article IV, Section 4.J. Signs Permitted; Modified to prohibit LED or Neon signs.

Page 34: Article IV, Section 4.M. Additional Agricultural District Regulations; Modified to clarify in both Residential/Agricultural District and Agricultural District, 5 acres is required for keeping of horses.

Page 39: Article V, Section 2. Code Enforcement Officer/Zoning Administrator; Clarified roles and enforcement actions of Code Enforcement Officer.

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 47: Article VI – Zoning Board of Appeals; clarified title and roles of Code Enforcement Officer/Zoning Administrator and Zoning Board of Appeals.

Page 62: Article V, 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 64: Article VIII, Violations and Penalties; Increases the maximum penalty for offenses from \$50 to \$500.

Page 147: 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 157: 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. Requires Site Plan Review by the Planning Board for all ground mounted solar collectors. Also stipulates setbacks from solar arrays in each zoning district, as follows:

i. Residential Districts

- *Side Yard Setback: 50 feet*
- *Rear Yard Setback: 50 feet*
- *No ground mounted or free standing solar collectors shall be permitted in the Front Yard*

ii. Residential/Agricultural Districts

- *Side Yard Setback: 50 feet*
- *Rear Yard Setback: 50 feet*
- *Front Yard Setback: 200 feet*

iii. Agricultural Districts

- *Side Yard Setback: 50 feet*
- *Rear Yard Setback: 50 feet*
- *Front Yard Setback: 200 feet*

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.

RESOLUTION #169

Motion to adjourn meeting

Motion by Councilman Verola

Seconded by Councilman Lippiello

RESOLVED that the Town Board Agenda meeting be adjourned.

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

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk