

**Town of Charlton
Planning Board Minutes
758 Charlton Road
Charlton, New York 12019**

Minutes of the Planning Board Meeting –August 15, 2016

Chairman Jay Wilkinson called the meeting to order at 7:03 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Marilyn Phillips, Dawn Szurek, Bruce Gardner, Chris Mitchell, Jonathan Riedinger, Tracey Bullet, Esq., Acting Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the July 18, 2016 meeting minutes needed to be approved. Mrs. York has previously provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Palmer/Wood (247.-1-78)

Mr. Wilkinson stated that this is an application for a subdivision of a 71± parcel located on the south side of Charlton Road to create two lots. Mr. Wilkinson stated that Lot 1 will consist of the existing home and improvements on an 8.75 acre parcel and Lot 2 will be the remaining 62 acres of farmland which will be sold to Dave Wood to continue farming operations.

Mr. Wilkinson stated that at the July meeting the Board took lead agency status and declared the action is an unlisted action with a negative impact declaration relative to SEQRA. Mr. Wilkinson stated that the Public Hearing is scheduled for tonight. Mr. Wilkinson stated that the application was referred to the Town of Ballston by letter from Bill Keniry dated July 28, 2016 because the parcel is located within both towns. Mr. Wilkinson stated that the application was also referred to the County Planning Board and the town engineer. Mr. Wilkinson stated that comments have been received from the County Planning Board and the town engineer.

Subdivision ApplicationPalmer/Wood (247.-1-78)

Discussed above.

Lot Line Change ApplicationHodgkins and Hodgkins (246.-1-63 & 246.-1-62.1)

Mr. Wilkinson stated that Mark Hodgkins has submitted an application for a lot line adjustment between his property located at 912 Charlton Road and vacant land property owned by his brother, Bruce Hodgkins and himself located at 920 Charlton Road. Mr. Wilkinson stated that the proposal is to move the common division line to increase the land at 912 Charlton Road from 3 acres to 20 acres and reduce the vacant land parcel from 71 acres to 54 acres. Mr. Wilkinson stated that the existing driveway to 912 Charlton Road will be realigned to be entirely on the newly created 20 acre parcel.

Mr. Wilkinson stated that at the July meeting the Board took lead agency status and declared the action is an unlisted action with a negative impact declaration relative to SEQRA. Mr. Wilkinson stated that at the July meeting the Board also waived the Public Hearing requirement, park and application fees and engineering review. Mr. Wilkinson stated that the application was referred to the County Planning Board in July 18th and a reply has been received.

Town Board ReferralCharlton Oil Co. Site Plan and application for an amended Special Use Permit

Mr. Wilkinson stated that Charlton Oil Co. has applied for an amended Special Use Permit from the Town Board and the Planning Board has been asked to conduct a site plan review of the parcel. Mr. Wilkinson stated that there is also a request to merge the Charlton Oil Co. parcel with the adjacent parcel also owned by Mr. Wessell. Mr. Wilkinson stated that a lot line application has not been submitted. Mr. Wilkinson stated that there is no date as to when the Town Board wants feedback from the Board. Mr. Wilkinson stated that a Public Hearing has been scheduled for August 22, 2016 at 6:30 p.m. and the Planning Board has been invited to attend.

Mrs. Wood commented that the Public Hearing will trigger the start of the 62 day clock, to which Ms. Bullet agreed.

Pre-application Conferences

None.

Zoning Report

Mr. Wilkinson stated that the Board has received the report for review.

Correspondence.

Mr. Wilkinson stated that the Town Board has requested the Planning Board's 2017 budget needs.

Mr. Wilkinson stated that the Town Board will hold a Public Hearing on September 12, 2016 at 6:00 p.m. regarding the proposal to place a Cell Tower on the water tower located on Cherry Lane.

Town Board Liaison

Mr. Gay appeared on behalf of Mr. Grasso.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. 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

Ms. Szurek made a motion to approve the draft of the July 18, 2016 meeting minutes with changes incorporated. Ms. Phillips seconded the motion. All were in favor.

PUBLIC HEARINGS (7:30 p.m.)

Palmer/Wood (247.-1-78)

Mrs. Wood recused herself and exited the building.

Mr. Wilkinson reviewed the public hearing process.

Mr. Wilkinson stated that the Public Hearing notice was published on August 5, 2016 and the neighbor notices were mailed on July 23, 2016.

Mr. Wilkinson opened the Public Hearing.

Duane Rabideau: I am Duane Rabideau from Van Guilder & Associates here representing Dave Wood and Shirley Palmer in their proposal to subdivide the Palmer property located

on the south side of Charlton Road into two lots. The property is located on the town line bordering the Town of Ballston, right here on the drawing. The intent is to subdivide an 8.62 acre parcel here out of the 71 acres and this 8.62 acre lot will be retained by Shirley Palmer and encompass her existing house and improvements. The remaining 62.5 acres will remain in agricultural use and be purchased by Dave Wood.

Jay Wilkinson: Does anyone from the Public have any questions?

No one appeared.

Mr. Wilkinson made the motion to close the Public Hearing at 7:35 p.m. Mr. Riedinger seconded the motion. All were in favor.

Palmer/Wood (247.-1-78) Deliberations

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that the Board has received the reply from the County of no significant impact. Mr. Wilkinson stated that the Board also received comments from Mr. McNamara dated July 27, 2016. Mr. Wilkinson stated that the only outstanding comment refers to the map title. Mr. Wilkinson stated that Mr. McNamara asked that the map title be changed to the "Shirley M. Palmer Family Trust" in both locations on the mylar.

Mr. Rabideau stated that he made that change today.

Mr. Wilkinson stated that all of the missing information the Board requested be added to the drawing has been done.

The Board completed the short form EAF.

Mr. Wilkinson made the motion to approve the Palmer/Wood subdivision on Charlton Road contingent upon the map title being changed to "Shirley Palmer Family Trust" in both locations on the mylar, the overall title and the lands of notation, as Resolution 2016-03 and authorize the chairman to sign the mylars. Ms. Phillips seconded the motion. All were in favor.

Resolution 2016-03 was made.

Mr. Wilkinson advised Mr. Wood that in past cases the Town Board has waived the park fee on farmland. Mr. Wilkinson suggested Mr. Wood write a letter to the Board requesting they waive the fee.

LOT LINE CHANGE APPLICATION**Hodgkins & Hodgkins (246.-1-63 and 246.-1.-62.1)**

Mrs. Wood returned to the Board.

Duane Rabideau appeared before the Board.

Mr. Wilkinson stated that at the July meeting the Board took lead agency status and declared the action is an unlisted action with a negative impact declaration relative to SEQRA. Mr. Wilkinson stated that at the July meeting the Board also waived the Public Hearing requirement, park and application fees and engineering review. Mr. Wilkinson stated that the application was referred to the County Planning Board in July 18th and a reply of no significant impact has been received.

The Board completed the short form EAF.

Mr. Wilkinson stated that the missing information that the Board requested be added to the drawing has been added.

Mrs. Wood made the motion to approve the lot line change between Bruce and Deborah Hodgkins, and Mark and Bruce Hodgkins on Charlton Road as Resolution 2016-04 and authorize the chairman to sign the mylars. Ms. Phillips seconded the motion. All were in favor.

Resolution 2016-04 was made.

TOWN BOARD REFERRAL**Charlton Oil Co. Site Plan and application for an amended Special Use Permit**

Mr. Wilkinson stated that the Town Board has referred this application to the Planning Board and the Zoning Board of Appeals for review and comments. Mr. Wilkinson stated that the Town Board has scheduled a Public Hearing for August 22, 2016 at 6:30 p.m.

Mr. Wilkinson stated that the Planning Board will do the site plan review of the parcel. Mr. Wilkinson stated that page 91 in the Zoning Ordinance outlines the requirements for site plan review.

Mr. Rabideau appeared before the Board.

Mr. Rabideau stated that he is representing Len Wessell, owner of Charlton Oil Co. in an application before the Town Board for an amended special exception permit. Mr. Rabideau stated that the parcel where the building is located has a special exception permit granted in 1985 for a welding shop. Mr. Rabideau stated that it has developed into what it is now. Mr.

Rabideau stated that the Town has received complaints from neighbors and they would like to take this opportunity to work out the issues within the special exception permit.

Mr. Rabideau showed the Charlton Oil Co. parcel on the map. Mr. Rabideau also showed the adjacent parcel that Mr. Wessell has purchased. Mr. Rabideau stated that they would like to merge the two parcels into one but there were issues with variances. Mr. Rabideau stated that they would need three area variances from the ZBA, for the acreage being only over an acre and for the setbacks to the front and rear of the parcel. Mr. Rabideau stated that one major concern raised is noise. Mr. Rabideau stated that they plan to address that concern by specific hours of operation. Mr. Rabideau stated that they will also address work that can be done outside, parking on Crane Street, moving the location of where they fuel the trucks to the south side of the building, and parking of the trucks in the lot. Mr. Rabideau stated that the drawing has five spots on the south side of the building which would keep the trucks from parking on the road. Mr. Rabideau stated that there are also water and drainage issues on the parcel. Mr. Rabideau stated that currently water backs up into the building. Mr. Rabideau stated that they are proposing a storm system and catch basins south of the wood frame garage on the south side of the building. Mr. Rabideau stated that they plan to remove the existing house on the adjacent parcel. Mr. Rabideau stated that they did not put proposed contour lines on the drawing because the plan is already too busy. Mr. Rabideau stated that their intent is to find the right balance between the commercial uses of the property within the residential area.

Mrs. Wood inquired what was going to be done with the lot once the house was removed.

Mr. Rabideau stated that they will maintain the parcel as is.

Mr. Mitchell inquired if there were pre-existing tanks above ground.

Mr. Rabideau stated yes.

Mr. Mitchell inquired if they would be replacing them with new tanks and the gallon size.

Mr. Rabideau stated that he would find out.

Mr. Gardner inquired how much fuel oil was on the property at one time.

Mr. Rabideau stated that there are 3 to 4 trucks. Mr. Rabideau stated that the trucks go to the port of Albany to fuel.

Mr. Rabideau stated that there is a letter from the owner of the log cabin across the street from the parcel. Mr. Rabideau stated that they are working with him to address his concerns about the headlights from the parking area shining into his residence.

Mr. Mitchell inquired where the water from the roof run off goes.

Mr. Rabideau stated that it goes into the building now but they propose putting a catch basin at the corner and to regrade the surface so that the water runs towards the basin.

Ms. Szurek inquired if there was a concrete floor.

Mr. Rabideau stated yes.

Mr. Mitchell inquired if it was pitched or flat.

Mr. Rabideau stated pitched.

Mr. Rabideau stated that there is proposed screening for the parking area and around the fuel tank. Mr. Rabideau stated that subsurface drainage is a major issue and rain water from Charlton Road.

Mr. Gardner inquired what the other trucks haul.

Mr. Rabideau stated sand, salt and/or asphalt depending on the season.

Ms. Phillips inquired if the little shed on the most southerly line will remain.

Mr. Rabideau stated that he was not sure.

Mr. Wilkinson stated that the Zoning Ordinance, pages 90-91, outline the required information for the site plan review.

Mr. Rabideau stated that their drawing will be two sheets, sheet one being the site plan and sheet two being the grading details.

Mr. Wilkinson stated that the truck turnaround will need to be shown with the proposed parking area.

Mr. Rabideau stated that he will have the information the Board requires.

Mrs. Wood inquired where the employee parking would be located.

Mr. Rabideau stated that the employees will park where the trucks are parked now.

Ms. Szurek asked if the Fire Department has visited the site, to which Mr. Rabideau said they have already done so.

PRE-APPLICATION CONFERENCE

None.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

Mr. Wilkinson stated that he is working with Mrs. York on the 2017 budget and not much will change.

TOWN BOARD LIAISON

Mr. Gay stated that there are a lot of facts pertaining to the Charlton Oil proposal. Mr. Gay stated that the three boards will come together to form a conclusion.

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

The meeting was adjourned at 8:37 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary