

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

March 25, 2024

The Board 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 Grasso at 7:32 p.m.

Present: Supervisor Grasso, Councilman Glavin, Councilman Robbins, Councilman Tasse.

Excused: Councilman St. John

Also present: Town Clerk Mills, Attorney Craig.

The salute to the flag was recited.

APPROVAL OF MINUTES

MOTION #90

Approval of Minutes

Motion by Councilman Robbins

Seconded by Councilman Glavin

BY MOTION the Town Board approved the minutes of the Town Board Meeting on March 11, 2024.

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

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

SUPERVISORS REPORT

Announcements:

The Town Offices will be closed March 29 and 30th for Good Friday and Easter weekend.

A Primary Election will be held on Tuesday April 2, from 6am-9pm.

Town Updates

Supervisor Grasso said that he attended the annual installation banquet for the Charlton Fire Department. There were many people in attendance. As part of the ceremony, recognition was done of the commendation awards that have been received by Chief Christian DeCapria and Assistant Chief Aaron Dyer, while they both work full-time for Saratoga Springs Fire Department. They both volunteer many hours and bring their expertise to Charlton.

Supervisor Grasso said that he and Supervisor Barrett from Clifton Park attended a Wedding Anniversary party for Herb and Joyce Jackson, bot long time members of the Ballston Lake Emergency Squad (BLES). A proclamation from Saratoga County was read to honor their combined 130 years of service to the BLES.

Torben Aabo has submitted a comment that the microwave at the Community Center is not working. If anyone has a microwave that they would like to donate, they can contact the Town.

Financial Updates:

The Mortgage Tax for the months of January and February combined was \$14,430.00. The budgeted amount of the two months was \$16,667.00. For the year 2024, the total projected mortgage tax is \$100,000.00.

COUNCILMAN REPORTS

Councilman Robbins said that we are still looking volunteer organizations that would like to fundraise as food vendors for Party in the Park. He reminded organizations that we want to keep prices low and provide good value.

Councilman Glavin said that the Town is putting out a bid for a Water Tower Inspection this week. The bids are due by, and will be opened on April 25th. The Board plans to award the bid at their May 14th meeting.

MOTIONS, RESOLUTIONS AND PROCLAMATIONS

RESOLUTION #91

RESOLUTION APPROVING THE ADVERTISING TO SEEK BIDS AND PROPOSALS REGARDING THE REQUIRED INSPECTION OF THE TOWN'S POTABLE WATER STORAGE TANK

Motion by Councilman Tasse
Seconded by Councilman Glavin

Roll Call: Councilman Glavin: Aye, Councilman Robbins: Aye, Councilman St. John: Absent, Councilman Tasse: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK**

**RESOLUTION NO. 91
March 25, 2024**

**RESOLUTION APPROVING THE ADVERTISING TO SEEK BIDS AND PROPOSALS
REGARDING THE REQUIRED INSPECTION OF THE TOWN'S POTABLE WATER
STORAGE TANK**

WHEREAS, the Water District Superintendent of the Town of Charlton Water District No. 1, together with the Town Engineer, the Environmental Design Partnership, have advised the Town Board that the potable water storage tank located on Cherry Lane in the Town of Charlton is due for an inspection; and

WHEREAS, the Water District Superintendent and the Town Board have requested that the Town Engineer, Charlie Baker, P.E. of Environmental Design Partnership, prepare a Request for Proposals (RFP) outlining the details of the inspection and requesting bids from qualified companies for the services to be provided, a copy of which RFP is attached to this resolution and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to publish a Notice to Bidders in the Daily Gazette, the Town of Charlton designated newspaper, requesting bids and proposals for the inspection of the potable water storage tank of Charlton Water District No. 1, located on Cherry Lane, which bids must be received by the Town Clerk no later than 12:00 p.m. on Thursday, April 25, 2024, at which time the Town Board will open any and all bids so

received by that time and date for purposes of considering such bids at its May 13, 2024 agenda meeting scheduled to convene at 7:30 p.m., where it is anticipated that the bid award will be made by the Town Board.

Moved by Councilman Tasse

Voting: Councilman Glavin Aye

Councilman Robbins Aye

Seconded by Councilman Glavin

Councilman St. John Absent

Councilman Tasse Aye

Supervisor Grasso Aye

The resolution was duly adopted on March 25, 2024.

Brenda Mills, Town Clerk

RESOLUTION #92

RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2023 FORD INTERCEPTOR SUV FOR THE TOWN OF CHARLTON CONSTABLES

Motion by Councilman Tasse

Seconded by Councilman Robbins

Discussion: Supervisor Grasso said that typically, the Town has a 3 year rotation of the police vehicles. Currently, we have a 2019 Dodge Charger and a 2022 Ford Explorer. The next planned police car purchase was to occur in 2025. With Greg Parks now being full-time, it would be advantageous, at least for a period of time, to have 3 vehicles available for police use. The Supervisor said that he looked for grants to buy the new vehicle, but could not find any. Funding of the new vehicle will come out of our ARPA funds, and an ARPA requirement is that planned purchases need to be contracted by the end of 2024. Councilman Glavin asked if the Town has to go get the car. Constable Gary Parks said that he will make a few trips to New Jersey. One trip to take some wiring down to the dealer and another trip to go and pick up the car. It will save the Town a delivery charge. Councilman Robbins thanked Gary Parks for the work that he puts in to install radios and equipment on the cars. Councilman Tasse asked how long before we take delivery of the car. Gary Parks said that the car is in stock, but will probably be 6-12 weeks before it is ready.

Roll Call: Councilman Glavin: Aye, Councilman Robbins: Aye, Councilman St. John: Absent, Councilman Tasse: Aye, Supervisor Grasso: Aye. **CARRIED**

TOWN OF CHARLTON COUNTY OF SARATOGA STATE OF NEW YORK

RESOLUTION NO. 92

March 25, 2024

RESOLUTION AUTHORIZING THE PURCHASE OF A NEW 2023 FORD INTERCEPTOR SUV FOR THE TOWN OF CHARLTON CONSTABLES

WHEREAS, Constable Parks has advised the Town Board that it would be prudent and necessary to purchase a new 2023 Ford Interceptor SUV that would be used by the Town of Charlton's Constables; and

WHEREAS, Constable Parks, in accordance with Town Procurement Policy, properly advertised for and sought proposals for such, and did obtain a proposal off an existing public contract from Brooks Buxton of Neilsen Ford, of 170 Ridgedale Avenue, Morristown, New Jersey, 07936, a copy of which proposal is shown on the attached document presented to the Town Board by Constable Parks; and

WHEREAS, Constable Parks has recommended to the Town Board that he be authorized to purchase the new 2023 Ford Interceptor SUV, as equipped and with full option features, for the sum of approximately \$60,902.56.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Charlton hereby authorizes the expenditure of the sum of up to \$60,902.56, plus any additional miscellaneous costs, taxes and expenses, in order to pay for and obtain the new 2023 Ford Interceptor SUV from Brooks Buxton of Neilsen Ford, of 170 Ridgedale Avenue, Morristown, New Jersey, 07936, referenced in this resolution and as shown on the attached proposal for use by the Town Constable's Department; and it is further

RESOLVED, the Town of Charlton Town Supervisor is hereby authorized to enter into and sign all necessary documents and pay all amounts needed in order to effectuate same.

Moved by Councilman Tasse

Voting: Councilman Glavin Aye

Councilman Robbins Aye

Seconded by Councilman Robbins

Councilman St. John Absent

Councilman Tasse Aye

Supervisor Grasso Aye

The resolution was duly adopted on March 25, 2024.

Brenda Mills, Town Clerk

Re: Jeremy Jordan Exceptional Use Permit application

Supervisor Grasso provided the Board with a revised resolution which addresses the location of the fencing which is intended to screen the materials and vehicles at the site. Mr. Jordan was going to put some stakes out to show where he would like the fence. Supervisor Grasso said he did not see any stakes on the property, but he has spent time considering it, and he still feels that the most appropriate placement of the fencing should be still in line with the building. Supervisor Grasso said that the revised conditions in the resolution address the location of the fence and allow for temporary daily employee parking in front of the fence.

RESOLUTION #93

RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER SEQRA AND GRANTING AN EXCEPTIONAL USE PERMIT TO JEREMY JORDAN TO RENT AND/OR USE HIS PROPERTY AT 1922 ROUTE 67 FOR STORAGE ASSOCIATED WITH A LAWN AND LANDSCAPE MAINTENANCE BUSINESS

Motion by Councilman Tasse

Seconded by Councilman Robbins

Discussion: Councilman Tasse asked how long the applicant has to make the required changes. A: 90 days. Councilman Robbins asked if we need to list the working hours. Supervisor Grasso said that he did not want the condition to be too restrictive because they offer plowing services, and could possibly be outside of the normal hours. He wants it to be reasonable and enforceable. Councilman Glavin said that he went to view the property today and he is okay with the revisions. He thinks it is good to have the fence in line with the building and he would have been okay with a 10-foot fence extension to the south.

Roll Call: Councilman Glavin: Aye, Councilman Robbins: Aye, Councilman St. John: Absent, Councilman Tasse: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK
RESOLUTION NO. 93
MARCH 25, 2024**

**RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER SEQRA AND
GRANTING AN EXCEPTIONAL USE PERMIT TO JEREMY JORDAN TO RENT AND/OR
USE HIS PROPERTY AT 1922 ROUTE 67 FOR STORAGE ASSOCIATED WITH A LAWN
AND LANDSCAPE MAINTENANCE BUSINESS**

WHEREAS, the Town Board did at its November 13, 2023 meeting, approve a resolution entitled “A Resolution Acknowledging Receipt of the Exceptional Use Permit Application of Jeremy Jordan, to Rent and/or Use His Property at 1922 Route 67 for a Lawn and Landscape Maintenance Business, and the Acceptance by the Town Board of Primary Jurisdiction of Such Application Pursuant to the Zoning Ordinance of The Town of Charlton”, which application requested approval for the use of his property located at 1922 Route 67, in the Town of Charlton, by Maggs Landscape Company, for the purpose of storing vehicles, equipment and materials for a commercial lawn and landscape maintenance business; and

WHEREAS, the above-referenced resolution included identification and receipt of an application from Jeremy Jordan, said application applying for an exceptional use permit authorized by Article VII of the Town of Charlton Zoning Ordinance; and

WHEREAS, the Town Board did at several meetings consider and discuss the application with the applicant, consulted with the Town of Charlton Zoning Enforcement Officer, and consulted with the Town Engineer and Town Attorney regarding issues required to be considered in processing this application according to Article VII of the Town of Charlton Zoning Ordinance; and

WHEREAS, the Town Board voted to retain primary jurisdiction of this application as authorized by Article VII, Section 3(A) of the Town of Charlton Zoning Ordinance rather than have the Exceptional Use issues handled and considered by the Town Zoning Board of Appeals as is allowed thereunder; and

WHEREAS, the Town Board further declared itself as lead agency with respect to all matters involving the requirements of the State Environmental Quality Review Act (SEQRA) with respect to the application and project; and

WHEREAS, the Town Board did authorize the Town Clerk to submit for publication a legal notice for a Public Hearing, to be held on January 8, 2024, which said notice was duly and properly

published in the Daily Gazette, a copy of which legal notice is attached to this resolution and made a part hereof; and

WHEREAS, a Public Hearing on the matter was held on January 8, 2024, at 7:30 p.m., regarding the application for the exceptional use permit before the Town Board, with the applicant making a presentation as to the rental and/or use of his property for the purpose of storage of vehicles, equipment and materials associated with a lawn and landscape maintenance business located on said property, and with members of the public in attendance and members of the Town Board given the opportunity and being able to ask questions of the applicant regarding the proposed project; and

WHEREAS, the Town Board sent out, or caused to be sent out, all of the proper notices to required and discretionary agencies, boards and commissions, allowing sufficient time for their input on the matter, and has considered all of the documentation submitted to it with respect to the requested exceptional use permit, which documentation includes but is not limited to: Comments from the Saratoga County Planning Board dated December 26, 2023; letter from the Town Planning Board dated December 14, 2023; letter from the Town Zoning Board of Appeals; comments from the Town Engineer, Environmental Design Partnership, dated December 21, 2023; comments from the Town Environmental Conservation Committee dated October 28, 2023; comments from the Charlton Building Department dated November 30, 2023, all relating to the Jeremy Jordan application and issues for consideration with respect to, among other things, the use of the property and proposed project and business, as well as having considered all requirements for an Exceptional Use Permit as set forth in the Town Code; and

WHEREAS, Article VII, Section 1 of the Charlton Zoning Ordinance sets forth criteria to be considered by the Town Board in determining whether or not the requested exceptional use permit should be granted; and

WHEREAS, the Town Board hereby determines that the granting of the requested exceptional use permit and operating of the proposed business with the conditions of approval enumerated below will not substantially endanger the health, safety, morals or general welfare of the neighborhood, nor adversely affect the environment, and that the project and proposed business will, subject to the conditions below, fit in with the immediate neighborhood and not cause substantial harm to the rural charm and character of the Town as a whole; and

WHEREAS, the neighborhood character and surrounding property values are not expected to be substantially endangered by the issuance of the requested exceptional use permit; and

WHEREAS, the exceptional use proposed for the site will not cause undue traffic congestion or cause a traffic hazard and the off-street parking spaces are adequate to meet the needs of the business; and

WHEREAS, the Town Board hereby determines that pursuant to Article VII, Section 6 entitled "Consideration of Effect on Neighboring Properties", the applicant has complied with all such requirements and all property owners within 1,500 feet of the proposed project have been properly notified; and

WHEREAS, the Town Board hereby affirms that the criteria set forth in Article VII, Sections 1, 6, and 7 of the Town Code, have been duly considered and addressed, have been met, and/or are hereby in substantial compliance.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby grants the application of Jeremy Jordan, for an Exceptional Use Permit to rent and/or use his property at 1922 Route 67 for storage of vehicles, equipment and materials associated with a lawn and landscape maintenance business, subject to and conditioned on the following being complied with within ninety (90) days from approval of this resolution:

1. Uses shall be limited to those stipulated in the exceptional use permit application. Any material changes to the proposed use or operation of the site shall be subject to review, consideration, and approval by the Town Board after proper filing of an amended or new Exceptional Use Permit application;
2. The property shall be used for storage only. No on-site repair or maintenance activities are allowed;
3. No vehicles, equipment or materials shall be stored in front of the building face (and extended to both side lot lines) outside of daily working hours;
4. All stored equipment and materials shall be predominantly screened from view by the existing building or required privacy fence;
5. All building mounted lighting shall be downlight style (source of illumination not visible above 90 degrees above nadir);
6. No exterior storage of petroleum products or lawn care chemicals permitted;
7. No building mounted or ground mounted signage permitted;
8. Installation of an 8' high solid commercial grade black or brown vinyl privacy fence, or other suitable commercial grade weather retardant wood or composite earth tone material acceptable to the Code Enforcement Officer, extending from the front building face and extending to the east to a point within five (5) feet of the eastern property line, and extending to the west 80 feet, with a return to the north a distance of 20 feet, with no greater than one opening of a maximum width of 15 feet on each side of the building to permit the passage of vehicles and equipment to the rear of the property;
9. No exterior restroom facilities;
10. No development of any on-site water supply or wastewater disposal systems;
11. All employee parking shall be located to the rear of the privacy fence, with the exception of the temporary parking of no more than four vehicles during daily working hours in front of the building and privacy fence;
12. Any salt or de-icing products shall be to the rear of the privacy fence, on an impermeable surface and covered;
13. Property owner shall obtain approval from the New York State Department of Environmental Conservation for any work within 100 feet from the New York State Department of Environmental Conservation wetlands and provide proof of approval to the Town of Charlton Building Department;

14. Installation of a minimum of one (1) shrub or tree for every five (5) feet of privacy fence installed on the street side of the fencing;

15. Requirement that the applicant/property owner formally advise and come before the Town Board in the event there is a change in the use or activity by the existing tenant, **or**, in the event there is a tenant change, regardless of the new tenant's activity or business.

AND IT IS FURTHER RESOLVED, that the Town Board of the Town of Charlton, as SEQRA lead agency, has determined that the activities and improvements set forth with respect to the Jeremy Jordan application as referenced in this resolution are an Unlisted Action under SEQRA, will not have a significant effect on the environment, and that the Town Board has and hereby does declare a negative declaration under the State Environmental Quality Review Act with respect to the said application; and

IT IS FURTHER RESOLVED, that the Clerk of the Town of Charlton is hereby directed to establish and maintain a file readily accessible to the public containing the SEQRA documents referred to herein and including the resolutions of the Town Board pertaining to the SEQRA aspects of the referenced application.

Moved by Councilman Tasse

Voting: Councilman Glavin Aye

Councilman Robbins Aye

Seconded by Councilman Robbins

Councilman St. John Absent

Councilman Tasse Aye

Supervisor Grasso Aye

The resolution was duly adopted on March 25, 2024.

Brenda Mills, Town Clerk

RESOLUTION #94

RESOLUTION TO ORDER POSTED ROADS IN THE TOWN OF CHARLTON WITH A FOUR TON GROSS WEIGHT LIMIT ON A TEMPORARY BASIS

Motion by Councilman Glavin

Seconded by Councilman Tasse

Roll Call: Councilman Glavin: Aye, Councilman Robbins: Aye, Councilman St. John: Absent, Councilman Tasse: Aye, Supervisor Grasso: Aye. **CARRIED**

**TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK**

RESOLUTION NO. 94

March 25, 2024

**RESOLUTION TO ORDER POSTED ROADS IN THE TOWN OF CHARLTON
WITH A FOUR TON GROSS WEIGHT LIMIT ON A TEMPORARY BASIS**

WHEREAS, the Town Board has been advised by the Town of Charlton Superintendent of Highways that he intends to post certain roads with a four-ton limitation, effective immediately; and

WHEREAS, the Town Board desires to assist the Highway Superintendent in the enforcement of this posting limitation and as authorized by New York State Vehicle and Traffic Law §1660, subsection 11; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby affirms and authorizes, pursuant to §1660(11) of the New York State Vehicle and Traffic Law the direction and order of the Superintendent of Highways of the Town of Charlton that all Town roads as posted will be temporarily limited to any and all vehicles having no more than a gross weight of four tons; and it is further

RESOLVED, that this restriction and limitation shall take effect as of the date of this Resolution and such restriction shall become effective upon posting of such highways by the Superintendent of Highways or his designee; and it is further

RESOLVED, that such limitation shall continue in effect until such time as conditions permit the withdrawing of the order; and it is further

RESOLVED, that notice is hereby given that any person or persons violating this order shall be subject to enforcement as provided in §1800 of the New York State Vehicle and Traffic Law.

Moved by Councilman Glavin

Seconded by Councilman Tasse

Voting: Councilman Glavin	Aye
Councilman Robbins	Aye
Councilman St. John	Absent
Councilman Tasse	Aye
Supervisor Grasso	Aye

The resolution was duly adopted on March 25, 2024.

Brenda Mills, Town Clerk

ABSTRACT OF CLAIMS

MOTION #95

Approval of Abstract of Claims

Motion by Councilman Glavin

Seconded by Councilman Robbins

BY MOTION, the Town Board approved the processing of Abstract 6, voucher numbers 131-155 in the amount of \$85,149.11 which was audited by Town Board members.

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

PRIVILEGE OF THE FLOOR:

Bob Delaney, resident, said that he lives on Cook Road and he owns a dump truck that when empty weighs over 4-ton. What does he do about the weight limit? Supervisor Grasso said that exception is made for personal vehicle use accessing one's property.

Robin Sevinsky, resident, said that at the last ZBA meeting, they were going to be discussing the Nate Smith application for an Exceptional Use Permit. She asked what the outcome was. Attorney Craig said that the application was semi complete, as the applicant did not have full-size survey maps and the ones provided could not be read. Mr. Smith has been asked to bring the full-size maps to the next meeting, and if the application is complete, the ZBA will schedule a public hearing.

Courtney Pettis, resident, asked how long the 4-ton weight limit is in effect for? Highway Superintendent Heritage said it will probably be done at the end of April. Ms. Pettis also asked who to contact regarding the microwave for the Community Center. A: Torben Aabo.

MOTION #80

Motion to adjourn the meeting

Motion by Councilman Glavin

Seconded by Councilman Tasse

BY MOTION the Town Board adjourned the meeting at 8:15pm.

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

Respectfully submitted,

Brenda L. Mills
Town Clerk