

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

Minutes of the Planning Board Meeting – May 17, 2021

Chairman Jay Wilkinson called the meeting to order at 7:15 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Dawn Szurek, Bruce Gardner, Connie Wood, Dave Crudele, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Planning Board Secretary. Chris Mitchell joined the meeting at 7:25 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the April 19, 2021 meeting minutes needed to be approved. Mrs. York has previously provided comments. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)

Mr. Wilkinson stated that he spoke to Drew Schauffert to see if they would be coming to the meeting. Mr. Wilkinson stated that Mr. Schauffert stated that they do have new information but it has not yet been presented to Mr. Heflin. Mr. Wilkinson stated that they agreed that the Public Hearing would remain open.

Subdivision Applications

Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)

Addressed above.

Case (223.-1-2.12)

Mr. Wilkinson stated that this application was before the Board and completed in January. Mr. Wilkinson stated that this was a subdivision of the lands of Carl and Angela Case

located on Westline Road. Mr. Wilkinson stated that the parcel was 47.5 acres and was subdivided into two lots to create a 2 acre lot for Douglas Case. Mr. Wilkinson stated that an issue arose when they went to file the maps. Mr. Wilkinson stated that there was a typographical mistake on the drawings indicating that the northern course was 440 feet and the southern course was 480 feet. Mr. Wilkinson stated that since this lot was in essence a parallelogram, both courses should be the same. Mr. Wilkinson asked Mr. Keniry for direction.

Mr. Keniry stated this is an innocent good faith typographical error that has occurred. Mr. Keniry stated that there is no intent on the applicant's part on changing the project. Mr. Keniry stated that the Board needs to indicate the facts and authorize the chairman to sign the mylars with the corrected course. Mr. Keniry stated that a new resolution will have to be made for the record.

Mr. Wilkinson stated that the Board will made resolution 2021-07 to correct this error.

Finkle (236.-1-128)

Mr. Wilkinson stated that the Board held a pre-application conference with Mr. Finkle last month. Mr. Wilkinson stated that the property is located at 4136 Jockey Street. Mr. Wilkinson stated that this is an 18 ± acre parcel with 677 feet of frontage on Jockey Street. Mr. Wilkinson stated that the proposal is to subdivide the parcel into three lots to create two new building lots. Mr. Wilkinson stated that Lots 1 and 2 will be 2 acre lots with 200 feet of frontage and one of the lots will be offered for sale and the other lot will be for Mr. Finkle to build a house for himself on. Mr. Wilkinson stated that Lot 3 will encompass the remaining 14 acres and contain the existing home and outbuildings. Mr. Wilkinson stated that the application states that Mr. Finkle's daughter will purchase the existing homestead. Mr. Wilkinson stated that at the last meeting the Board discussed that the mean lot width was not met on the two new lots. Mr. Wilkinson stated that Mr. Finkle was trying to maintain the existing snowmobile trail. Mr. Wilkinson stated that the Board required new drawings with the lots meeting the mean lot width. Mr. Wilkinson stated that new drawings have been submitted that are now zoning compliant.

ZBA Referral

Davidson

Mr. Wilkinson stated that the ZBA met on this application on May 11th. Mr. Wilkinson stated that the Board previously sent a referral letter with concerns about creating a house behind a house situation. Mr. Wilkinson stated that he reached out to the ZBA chairman, Jim Leupold, and provided information from a previous application from the Davidson's to subdivide this land that was denied by the Planning Board. Mr. Wilkinson stated that Chairman Leupold asked that some members of the Planning Board attend the Public Hearing to voice concerns. Mr. Wilkinson stated that himself, Connie Wood and Dawn Szurek attended the hearing and presented the facts to the ZBA.

Fogg

Mr. Wilkinson stated that this is a request before the ZBA for a height variance to allow for the construction of a farm building on the Fogg property located on Stage Road. Mr. Wilkinson stated that the request is for a 4.8 foot variance. Mr. Wilkinson stated that he has drafted a letter for the Board to review during the business meeting.

Zoning Report

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

Correspondence

Will be addressed during the business meeting.

Town Board Liaison

Mr. Grasso was present for Ms. Smith and will provide a report on her behalf during the business meeting.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. All were in favor. Agenda meeting closed at 7:30 p.m.

BUSINESS MEETING

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

Minutes

Mrs. Wood made a motion to approve the draft of the April 19, 2021 meeting minutes with changes incorporated. Mr. Crudele seconded the motion. All were in favor.

PUBLIC HEARING (7:30 P.M.)**Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)**

Mr. Wilkinson stated that he has spoken to Drew Schaufert of Santos Associates and they will not be attending this meeting because they have nothing new to present. Mr. Wilkinson stated that the wetlands delineation has been done but Mr. Schaufert wanted to speak to his client first. Mr. Wilkinson stated that the application will be placed on the June agenda.

Mr. Wilkinson opened the floor to any public comments.

The recording of this public hearing was corrupted due to a problem with the recording device. Minutes will not be verbatim.

Alexander Smith, 2080 Cook Road, stated that he submitted a FOIL request and received numerous documents about this application. Mr. Smith stated that he felt that there were many discrepancies on the applicant's application and environmental assessment form. Mr. Smith provided the attached letter itemizing his concerns with those documents.

Mr. Smith inquired about the letter from DEC about the wetlands that the board has referred to before. Mr. Smith stated that it was not in the FOIL package he received.

Mr. Wilkinson provided a copy of the letter.

Karen Staulters, 2140 Cook Road, stated that she feels that it is important that the DEC and the ACOE walk the property together to verify the wetlands. Ms. Staulters commended the board for the time and effort they have put in to listen to all of the issues from the residents. Ms. Staulters asked if there was any information on the hydrology study.

Mr. Wilkinson stated that Mr. Schauffert did not indicate if that had been done yet. Mr. Wilkinson stated that the board has required that be done as well as a traffic study.

John Karm, 2126 Cook Road, also asked for a copy of the letter from DEC.

Mr. Wilkinson provided a copy of the letter.

Mr. Wilkinson stated that the public hearing will remain open and will be discussed again at the June 21st meeting.

SUBDIVISION APPLICATIONS

Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)

Discussed at the Public Hearing.

Case (223.-1-2.12)

Mr. Wilkinson stated that the Board approved this subdivision located at 1085 Westline Road. Mr. Wilkinson stated that when the applicant went to file the maps at the County, it was discovered that there was a typographical error on the drawings. Mr. Wilkinson stated that new maps have been presented correcting the error.

Mr. Wilkinson made the motion for the Planning Board to approve the corrected subdivision application for Angela and Carl Case, Jr. located at 1085 Westline Road, parcel number 223.-1-2.12, to correct the coordinates in the northern and southern portion of the lot

labeling both coordinates to be 480 feet and authorize the chairman to sign the mylars as Resolution 2021-07. Mrs. Wood seconded the motion.

Roll Call vote was taken:

Ms. Szurek – aye

Mrs. Wood – aye

Mr. Crudele – aye

Mr. Mitchell – aye

Mr. Gardner – aye

Mr. Wilkinson – aye

Motion carried.

Finkle (236.-1-128)

Mr. Wilkinson stated that the property is located at 4136 Jockey Street and is an 18 ± acre parcel of land with 677 feet of frontage on Jockey Street. Mr. Wilkinson stated that the proposal is to subdivide the parcel into three lots to create two new building lots. Mr. Wilkinson stated that Lots 1 and 2 will be 2 acre lots with 200 feet of frontage and one of the lots will be offered for sale and the other lot will be for Mr. Finkle to build a house for himself on. Mr. Wilkinson stated that Lot 3 will encompass the remaining 14 acres and contain the existing home and outbuildings. Mr. Wilkinson stated that the application states that Mr. Finkle's daughter will purchase the existing homestead. Mr. Wilkinson stated that at the last meeting the Board discussed that the mean lot width was not met on the two new lots. Mr. Wilkinson stated that the Board required new drawings with the lots meeting the mean lot width. Mr. Wilkinson stated that new drawings have been submitted that are now zoning compliant.

Mr. Finkle appeared before the Board. Mr. Finkle stated that a note has been added to the drawing specific to the perc tests that were witnessed by the Zoning Officer, Terry Anthony. Mr. Finkle stated that the wetlands and the wetlands note are now on the drawing. Mr. Finkle stated that the proposed houses, wells and septic systems will be located beyond the 100 foot setback to the wetlands. Mr. Finkle stated that note 9 states the wetlands were delineated by North Country and note 10 states the DEC wetlands were delineated by DEC. Mr. Finkle stated that he brought another map that shows this because he received the information late and was not able to have it on the drawings the board has.

Mr. Wilkinson asked Mr. Finkle to put the drawing up on the easel.

Mr. Finkle showed the wetland delineation. Mr. Finkle showed the added notes.

Mr. Wilkinson stated that the 100 foot buffer line to the wetlands has to be shown.

Mr. Finkle stated that it is not on the drawing because he received the information late.

Mr. Wilkinson stated that if the applicant can show the building envelope with the 100 foot buffer then the application can move forward. Mr. Wilkinson suggested leaving both maps for the file and for the Town Engineer.

Mr. Finkle stated that it can be shown.

Mr. Wilkinson asked the board if there were any additional comments.

Ms. Szurek asked what information was going to be referred since the board does not have all the information.

Mr. Finkle stated that the maps dated 5/4 and he can have the 100 foot setback added.

Ms. Szurek stated that the proposed locations of the well and septic should be on the drawings.

Mr. Wilkinson stated that the information from Terry Anthony pertaining to the perc tests meet the requirements. Mr. Wilkinson asked that the test pits be shown on the drawing together with the proposed well and septic locations and the buffers to the wetlands.

The Board completed the short form EAF.

Mr. Wilkinson stated that the application can be referred to the Saratoga County Planning Board and the town engineer for review. Mr. Wilkinson stated that there will be a letter sent with an escrow request from the town engineer.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency for the purposes of SEQRA and classify the action as an unlisted action with a negative impact declaration relative to SEQRA. Mr. Gardner seconded the motion. All were in favor.

Mr. Wilkinson made the motion to schedule the Public Hearing for June 21, 2021 at 7:30 p.m. Mr. Mitchell seconded the motion. All were in favor.

ZBA REFERRAL

Davidson

Mr. Wilkinson thanked Mrs. Wood and Ms. Szurek for attending the public hearing for this application before the ZBA. Mr. Wilkinson stated that the ZBA is waiting for a new drawing to be submitted before moving forward.

Fogg

Mr. Wilkinson asked if there were any concerns from the Board.

Mrs. Wood inquired if this parcel was in the AG District,

Mrs. Caron stated no.

Mrs. Wood stated that the house and outbuildings cannot be seen from the road and can't imagine that this will affect anyone.

Mr. Crudele agreed.

Mr. Mitchell stated that with the type of equipment they have to use they need the height on the buildings.

Mr. Wilkinson stated that he will prepare a draft letter for the Board to review.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso stated that there will be a Memorial Day celebration on 5/31 at 2:00.

Mr. Grasso stated that there will be a farmers market on 6/6 and the museum will be open from 11-3. Mr. Grasso stated that they have filed for the bridge and the northwest culvert on Maple Avenue at the intersection of 67 be repaired. Mr. Grasso stated that it is currently under DOT review. Mr. Grasso stated that the project will be next year or the year after. Mr. Grasso stated that this will be similar to the Peaceable Street repair of last summer. Mr. Grasso stated that this is a town sponsored project and will be extremely challenging. Mr. Grasso stated that the town has filed the MS4 annual report for storm water management.

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

The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary

Mr. Jay Wilkinson
Chairperson, Planning Board
Town of Charlton
758 Charlton Road
Charlton, NY 12019

05/17/2021

Dear Mr. Wilkinson,

I am writing to provide additional written comment on the application for subdivision of the lands currently owned by Garry R. Heflin, 2158 Cook Road, Charlton, NY 12019.

Based upon documents received through FOIL request I provide the following comments to the Town Planning Board specific to the documents/topics listed in bold below.

Town of Charlton Subdivision Application

The subdivision application is incorrect and needs to be revised and resubmitted to the Town.

1. **Area of Wetlands – Federal Wetlands.**
 - a. The applicant responded “Unk”. This is incorrect. The applicant must provide the actual acreage of federal wetlands. Under state law it is the applicant’s responsibility to be aware of the total area of both Federal and State wetlands present on their property.
2. **Stream Names and Classifications**
 - a. The applicant responded “N/A”. This is incorrect. The answer must be revised. There is a permanent stream which flows through the property, tributary to the Mourning Kill.
 - i. NYSDEC PWL-ID 1101-0073
 - ii. WIN # H-299-P27-13-9
 - iii. Class C
 - b. This stream runs through lots 225.-1-36.3 and 225.-1-36.1
3. **Current use of Property**
 - a. The applicant responded “Residential”. This is only partially correct. This should be revised because only the lot with an existing residence is residential. All other lots should be classified for use as forest, wetland, and/or agriculture. The current answer is also inconsistent with the applicant’s responses on the Environmental Impact Assessment form.

Short Environmental Assessment Form (EAS)

The EAS form submitted is incomplete and, in many ways, inaccurate. It should be revised and resubmitted to the town.

1. Question #2 – Due to the presence of wetlands both State and Federal permits will be required for the building of homes on these parcels if within the adjacent areas. Although, permits are not required for the subdivision of lands.
2. Question #4 – Forest and Agriculture should be marked as present.
3. Question 5b – Should be “No”. While permitted under zoning (a) the proposed subdivision’s number of homes, the additional traffic added, and the potential strain on groundwater resources for existing residents, all make the project inconsistent with the Town’s comprehensive plan (See comments submitted by me earlier in the year)

4. Question #6 – Should be “No”. The existing character of this end of Cook Road is predominantly agricultural and Forest. See national landcover data from the USGS for precise landcover percentages.
5. Question #8 – As stated in my previous comments to the Planning Board the subdivision will likely increase traffic by roughly 20%. To the residents of a quiet road that is significant.
6. Question #9 – The Town’s consulting Engineer (McNamara) suggested this question be revised but it has not been. If the proposed subdivision will not meet code requirements, why not?
7. Question #10 – No description has been provided of how potable water will be provided as required.
8. Question 13b – The proposed action will encroach on wetlands and a classified “c” stream (waterbody). These wetlands and permanent stream were not identified in the EAS as required by law.
9. Question #15 – Is the applicant 100% certain that the subdivision and proposed building lots do not contain threatened or endangered species?
 - a. There are significant wetland complexes which exist within the proposed subdivision of lands. There is also a permanent stream. These aquatic habitats are used for the propagation and survival by many different reptiles and amphibians. NYSDEC currently lists 27 different reptiles and amphibians as endangered, threatened, or of special concern. Many of which are native to the area.

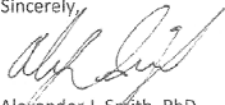
The applicant should be required to complete a full Environmental Impact Statement

Under NYS Public Health Law and Environmental Conservation Law, realty subdivisions, such as the one currently applied for, may be deemed a Type I action under the State Environmental Quality Review (SEQR) by the “lead agency”. Type I actions require completion of a full Environmental Assessment Form. “Realty Subdivisions” are classified as Type I actions.

Given the number of lots being subdivided, the size of the parcels, the common ownership/common control, development along an existing street, and all lots likely being offered for sale at the same time, I believe the Town Planning Board should consider this a Type I action and require the full EAS be completed. Furthermore, we have seen the lack of detail in the application completed thus far. This includes a lack of understanding and disclosure of the potential impact the subdivision may have on existing wetlands, a classified stream, and groundwater. Therefore, as the “lead agency” I request the Town Planning Board consider designating this a Type I action under SEQR.

Thank you in advance for your consideration and I look forward to hearing from you.

Sincerely,



Alexander J. Smith, PhD
2080 Cook Road
Charlton, NY 12019
riversmith@live.com
518-867-2865