

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

Minutes of the Planning Board Meeting – August 17, 2020

Chairman Jay Wilkinson called the meeting to order at 7:05 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Dawn Szurek, Bruce Gardner, Dave Crudele, Jonathan Riedinger, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Planning Board Secretary. Chris Mitchell joined the meeting at 7:35 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that there are no draft minutes to review at this time.

Public Hearings

Mr. Wilkinson stated that there would be a Public Hearing on the Ellms/Northeast application at 7:30 p.m.

Subdivision Applications and Lot Line Changes

Ellms and Northeast (237.-1-33.11)

Mr. Wilkinson stated that the Ellms are being represented by Dave Bogardus.

Mr. Wilkinson stated that Sally Ellms owns property located at 468 Charlton Road which is comprised of 54+/- acres. Mr. Wilkinson stated that the applicant is proposing a two lot subdivision to create a 6.99+/- acre lot for a single family home for their son. Mr. Wilkinson stated that if the subdivision is approved, the Ellms parcel will decrease to 47+/- acres of land and will contain the existing house, outbuildings and improvements.

Mr. Wilkinson stated that the Board took lead agency in July and completed the short EAF form. Mr. Wilkinson stated that the application has been sent to the County Planning Board and Town Engineer Mike McNamara for review and replies have been received.

Ball/Stone (247.-1-72)

Mr. Wilkinson stated that there is a new purchase agreement between the new owners of the former Ball property and the Stones. Mr. Wilkinson stated that revised drawings have been received from the Stone's surveyor showing the lot line change for the 1.5 acres. Mr. Wilkinson stated that the transfer was originally for 1.41 acres but the surveyor discovered a mistake in the 2011 survey and it is actually 1.5 acres. Mr. Wilkinson stated that the parcel is currently 60.12 +/- acres. Mr. Wilkinson stated that when the lot line change is complete, the parcel will be reduced to 58.6 +/- acres. Mr. Wilkinson stated that the Stone's property located at 724 Charlton Road will be 31.74 +/- acres after the merger of their current properties. Mr. Wilkinson stated that at the July meeting, the Board waived the engineering review, application and park fees and the public hearing. Mr. Wilkinson stated that the application has been sent to the County Planning Board and a reply has been received.

Aabo (247.-1-24.112)

Mr. Wilkinson stated that Jean Aabo is the owner of 510 Charlton Road which consists of 6.74 +/- acres. Mr. Wilkinson stated that the applicant is proposing to subdivide off a 2.78 +/- acre lot for a single family home leaving 3.26 +/- acres that will encompass the existing home and outbuildings. Mr. Wilkinson stated that there appears to be an issue with the frontage for the new lot. Mr. Wilkinson stated that it appears that the new lot is .05 feet short of the requirement of 200 feet. Mr. Wilkinson stated that the map is also missing the tax id numbers for the neighboring properties, the drawing is not signed or stamped and the test pit locations for the perk tests are not shown.

Mr. Keniry stated that the applicant has two choices, either to supply the Board with a map that is compliant or to apply to the ZBA for a variance for the road frontage of the new proposed lot.

Gilmore (236.-1-27.1)

Mr. Wilkinson stated that the applicant is being represented by ABD Engineering. Mr. Wilkinson stated that Trinidad Gilmore, owner of 1111 Eastern Avenue, is proposing a two lot subdivision. Mr. Wilkinson stated that the lot is 5.8 +/- acres and the applicant's proposal has Lot 1 being 2.66 +/- acres for a future building lot and Lot 2 being 3.135 +/- acres of land and will encompass the existing home and improvements. Mr. Wilkinson stated that when he looked over the map it appears that the lot is a non-conforming lot that they are looking to subdivide. Mr. Wilkinson stated that he reached out to the engineer and explained the 200 mean lot width requirement and that the current drawing does not meet that requirement. Mr. Wilkinson stated that they also had 40 feet on the side of the pond and he explained that the zoning has changed and that could be as little as 20 feet if they so desired. Mr. Wilkinson stated that the engineer sent a new drawing that meets the requirements. Mr. Wilkinson stated that he also mentioned that the drawing is missing the north arrow, perk test locations, curb cut note and a building envelope.

Zoning Report

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

Correspondence

None.

Town Board Liaison

Mr. Grasso appeared before the Board.

Mr. Grasso stated that the Town Board approved the revisions to the Subdivision and Review Guide by Resolution at the last meeting.

Mr. Grasso stated that the cell tower is currently under construction. Mr. Grasso stated that the access road has been put in and the tower yard has been graded out. Mr. Grasso stated that they haven't started the foundation yet.

Mr. Grasso stated that there have been repairs to the pumphouse and water restrictions were put in place. Mr. Grasso stated that there was a pump down but has since been repaired. Mr. Grasso stated that the water restrictions will be lifted once they have done some testing on the repaired pump. Mr. Grasso stated that a chlorination system will be installed at the pumphouse in a small addition. Mr. Grasso stated that it is required by DOH.

Mr. Grasso stated that Penny Heritage will be resigning as a town board member at the end of August.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Riedinger. All were in favor. Agenda meeting closed at 7:26 p.m.

BUSINESS MEETING

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

Minutes

None.

PUBLIC HEARING (7:30 p.m.)

Ellms and Northeast (237.-1-33.11)

Mr. Wilkinson stated that the legal notice for the Public Hearing was published on 8/10/20. Mr. Wilkinson stated that the neighbor notices were mailed on 7/26/20.

Mr. Wilkinson reviewed the public hearing process. Mr. Wilkinson opened the Public Hearing.

Dave Bogardus appeared before the Board. Mr. Bogardus provided the Board with an updated map.

Dave Bogardus: The property is located at 468 Charlton Road. It is a minor subdivision of the lands of Sally Ellms. It creates one new building lot which is 7 acres and leaves 47 acres on the Ellms property. It has 433 feet of frontage which leaves 353 feet of frontage on the Ellms property. It will be on well and it will be on septic. The septic system is being designed by Harold Burger, P.E. At the last meeting I was asked to do several things. One was to modify the Agricultural Data Statement. That's been done and turned in to Sue York. I was asked to include the perk test (inaudible). That has been done and Mr. McNamara (inaudible) he requested that, he implied that he would like to see more soil test information for the septic system design so the map I provided tonight has a note on it, an additional note for the septic system design that says additional soil testing is required in order to obtain a building permit. (inaudible) The wetlands on the property are DEC wetlands and there is a 100 foot buffer to them. This project, this subdivision does not impact the wetlands at all. Mr. McNamara also asked that I put a note on there that said that this gravel lane that is there now is to be moved so there is a note on there that says to be moved.

Jay Wilkinson: Thank you. At this time I will open it up to anyone from that public that has questions about this subdivision.

Lynn Meyers, 282 Sweetman Road: I'm hearing that its only one house that's going to be built?

Dave Bogardus: Yes for their son, Garth.

Lynn Meyers: Ok. I was just curious because I don't mean to complain but since it's turned into a quite an activity place (inaudible) The other night in our kitchen you could hear the loudspeakers and the music and the talking. You can hear exactly what they are saying so I was concerned if there was going to be several houses or (inaudible).

Dave Bogardus: (Inaudible)

Lynn Meyers: It's not really as quiet as it was years ago when we built the house.

Eric Uttermark, 266 Sweetman Road: When is this gonna stop? He builds one house then he builds another house and another house. When's it gonna end? Same way on Sweetman Road. You put one house in and somebody else puts a second house in. You keep adding houses, houses, houses and like you said the noise of this back in March these fireworks. It scares the heck out my pets and everything else. It's gotten (inaudible) if they are going to do this all year. And number two, (inaudible), we've had to build a new town hall. We've has to build a new firehouse. We have to pay ambulance taxes. When is this building going to stop? You can't keep building all this stuff because somebody wants to build a bunch of houses here and there like up on Spring Road. When does this stop? When is the building gonna stop? I moved here because it was a quiet town. I said it's a good place to live and it's getting worse every time you turn around they are building more houses. I just think maybe you guys should think about that. Thank you.

Lynn Meyers: Is there anything, I mean what are the limitations as far as noise and times. I mean it starts early in the morning and goes til way after dark. It's in the nice time of year when you want to be outside. Even when you are not outside you (inaudible) the loud speakers, the music. Its, I mean, that's not why I moved to Charlton. I moved to Charlton (inaudible). So I'm just wondering if there's any set limits of the times and how long things can be (inaudible).

Jay Wilkinson: The proper place to ask that question in my opinion would be to the Town Board. The Planning Board, all we do is oversee the subdivision of land. We look at the bulk requirements and the requirements for a new lot to subdivide is 200 feet of road frontage, 2 acre lot, it has to be able to perk and you have to show that the land will support a house with a building envelope. So that's our job and if it does not meet that then we would give some guidance of how you may be able to change it with the lot that you have or advise you to go to the ZBA and ask for relief. So I would suggest to both of the people who spoke that if they have concerns about building, we could look at it one way, I look at it as the only way it's going to change is if you let the town board members know that you want less houses in Charlton. I mean you could look at it, every 200 feet now you could put a house. The same with the noise. If you are not, if there is an issue with the noise, then you would bring that up to the town board at a town board meeting and explain to them what your concerns are and hopefully you could go from there. Unfortunately the Planning Board, we are just here to look at the division of land and we have an ordinance that was approved in 2015 and it says 2 acres 200 foot frontage and you can build another lot as long as it perks and some other things. We have no other choice if it meets the bulk requirements we have to approve it. We can't just say no. That would not be fair. A land owner has the right to sell their land.

Lynn Meyers: (Inaudible)

Bill Keniry: She said she wanted to know if this is a single family home.

Jay Wilkinson: Yes one single family home. When you look at it it's the Ellm's three children now, Sasha, Ashley and then it will be Garth and then it's Sally and Chips house if

I am looking at the map correctly. They want their children to live there so they are giving them pieces of land.

Mr. Wilkinson made the motion to close the Public Hearing at 7:45 p.m. Mr. Crudele seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS and LOT LINE CHANGES

Ellms and Northeast (237.-1-33.11)

Mr. Wilkinson stated that the comments from Mr. McNamara's letter have been addressed by the new drawings provided tonight. Mr. Wilkinson stated that the Board took lead agency status at the July meeting and completed SEQRA. Mr. Wilkinson stated that the application was forwarded to the County Planning Board and their reply of no significant impact was received. Mr. Wilkinson stated that the County did make a suggestion to sharing the curb cuts for access on to County Route 51.

Mr. Bogardus stated that they are not going to do that because it is not in the right location.

Mr. Wilkinson stated that a county road permit would be required.

Mr. Bogardus stated that was correct.

Mr. Wilkinson inquired if the building envelope shown on the drawing was where the house was actually going to be built.

Mr. Bogardus stated that yes the location is exactly where Garth wanted it.

Ms. Szurek stated that when there are wetlands on a property the Board usually asks for the building envelope to be locked down.

Mr. Bogardus stated that he would add a note to the drawing.

Ms. Szurek stated that the concern is that if changes are made there could be an encroachment onto the wetlands.

Mr. Bogardus stated that he would put the setback on the map so that they cannot go any closer than shown on the drawings.

Mr. Mitchell inquired if the wetlands were ACOE or DEC.

Mr. Bogardus stated that they were DEC which is why there is a buffer. Mr. Bogardus stated that he could put the setback line here.

The Board agreed.

Mr. Wilkinson asked the Board if there was concern for future owners should a note be added to the drawing citing what activities were allowed within the buffer area. The Board agreed that a note should be put on the drawings.

Mr. Bogardus stated that he would add a note.

Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson made the motion to conditionally approve the Ellms subdivision located at 468 Charlton Road, Tax ID Number 237.-1-33.11 contingent upon a note being added to the drawing specifying what activities are allowed within the wetlands delineated on the property and a line being added to the drawing showing the buffer zone from the wetlands and authorize the chairman to sign the mylars as Resolution 2020-04. Mr. Mitchell seconded the motion. Roll call vote was taken:

Dave Crudele – aye

Jonathan Riedinger – aye

Bruce Gardner – aye

Chris Mitchell – aye

Dawn Szurek – aye

Jay Wilkinson – aye

Motion carried.

Resolution 2020-04 was made.

Mr. Bogardus stated that he will make the requested changes and get the Board the new mylars.

Mrs. York reminded Mr. Bogardus of the park fee.

Ball/Stone (247.-1-72)

Eileen Stone appeared before the Board.

Mr. Wilkinson stated that the new owners of the former Ball property are the Pandori's and they are present. Mr. Wilkinson stated that when the lot line change is complete, the Pandori property located at 692 Charlton Road will be reduced to 58.6+/- acres. Mr. Wilkinson stated that the Stone's property located at 724 Charlton Road will be increased to 31.74 +/- acres after the merger of their current properties.

Mrs. Stone reviewed the map with the Board.

Both the Stones and the Pandori's reviewed the maps.

Mr. Wilkinson stated that the application is straight forward. Mr. Wilkinson stated that the Board looked at this last month and sent the application to the County Planning Board for review. Mr. Wilkinson stated that the county response of no significant impact has been received. Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson made the motion to approve the lot line change between the Pandori's located at 692 Charlton Road and the Stone's located at 724 Charlton Road and that the properties of the Stone's are all merged onto one deed and authorize the chairman to sign the mylars as Resolution number 2020-05. Mr. Crudele seconded the motion. Roll call vote was taken:

Dave Crudele – aye

Jonathan Riedinger – aye

Bruce Gardner – aye

Chris Mitchell – aye

Dawn Szurek – aye

Jay Wilkinson – aye

Motion carried.

Resolution 2020-05 was made.

Mr. Wilkinson reviewed the mylar requirements with the applicants.

Aabo (247.-1-24.112)

Torben Aabo appeared before the Board.

Mr. Wilkinson stated that the map that was provided with the application does not meet the 200 feet of frontage requirement. Mr. Wilkinson stated that if you add the numbers on the drawing it comes up to 199.95 feet.

Mr. Aabo stated that it is 200.02 feet.

Mr. Keniry stated that the application says 200.02 feet but that the drawing shows 199.95 feet.

Mr. Wilkinson stated that the information submitted does not meet the requirements. Mr. Wilkinson stated that the applicant could come back with a map that meets the requirements or go to the ZBA for relief. Mr. Wilkinson stated that the map also needs to be signed by the engineer.

Mr. Aabo stated that he would speak to his surveyor.

Mr. Wilkinson stated that the drawings are also missing the north arrow, the tax id numbers for all neighboring parcels, perk test locations, signature of the surveyor and the correct frontage amount. Mr. Wilkinson asked that 15 copies are submitted.

Ms. Szurek stated that the AG Data Statement is missing the Emerich's, the LaRue's and the Smiths.

Mr. Aabo stated that he would correct the form.

Gilmore (236.-1-27.1)

Mr. Wilkinson stated that this is a proposal for a subdivision on Eastern Avenue. Mr. Wilkinson stated that the applicant is looking to do a two lot subdivision.

John Hitchcock of ABD Engineering appeared for the applicant. Mr. Hitchcock stated that the lot is 6 acres and they are looking to subdivide it into two lots, with Lot 1 being on the west side will consist of 3.28 acres and will contain the existing home and improvements and Lot 2 will consist of 2.52 acres. Mr. Hitchcock stated that the perk tests have been done. Mr. Hitchcock stated that access will be on Eastern Avenue. Mr. Hitchcock stated that Lot 2 will contain two existing sheds with a fenced in area and Lot 1 will contain the house and pond. Mr. Hitchcock stated that they revised the map to meet the mean lot width requirement.

Mr. Wilkinson stated that the map also contains the building envelope.

The Board completed the EAF.

Ms. Szurek requested that the setbacks to the pond be shown on the drawings.

Mr. Wilkinson inquired as to the use of the two sheds in the fenced in area.

Mr. Hitchcock stated that it is an area where dogs are kept.

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

Mr. Wilkinson stated that the application will be forwarded to the Saratoga County Planning Board for review.

Mr. Wilkinson made the motion to schedule the Public Hearing for September 21, 2020 at 7:30 p.m. Mr. Crudele seconded the motion. All were in favor.

Mrs. York provided the Public Hearing cards.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None

TOWN BOARD LIAISON

Mr. Grasso gave his report during the agenda meeting.

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

The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary