

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

Minutes of the Planning Board Meeting – August 20, 2018

Chairman Jay Wilkinson called the meeting to order at 7:10 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Jack Kadlecsek, Dawn Szurek, Jonathan Riedinger, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Planning Board Secretary. Chris Mitchell joined the meeting at 7:20 p.m.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the July 16, 2018 meeting minutes needed to be approved. Mrs. York has previously provided comments. Ms. Szurek provided comments. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

There were no Public Hearing scheduled.

Pre-application Conference

Miller/Hauenstein and ABD Engineers (246.-3-63.1)

Mr. Wilkinson stated that in 2007 Nancy Hauenstein sold 3.73 acres of land to the Millers. Mr. Wilkinson stated that the map was never filed in Saratoga County. Mr. Wilkinson stated that the parcel of land that was sold is actually in both Saratoga County and Schenectady County. Mr. Wilkinson stated that the intent of the application is to create a subdivision in order to get the deed and the map filed.

Subdivision ApplicationsRossdeutscher/James and Van Guilder (246.-3-108, 107)

Mr. Wilkinson stated that this is a proposal for a lot line change between the applicant's parcel located at 47 Vines Road and the James parcel located at 51 Vines Road. Mr. Wilkinson stated that 47 Vines Road will be reduced from 17.7 acres to 17 acres and 51 Vines Road will be increased from 11.8 acres to 12.5 acres. Mr. Wilkinson stated that the applicant's proposal also includes a three lot subdivision of the 47 Vines Road parcel. Mr. Wilkinson stated that the proposal creates two new lots. Mr. Wilkinson stated that Lot 1 will be a 9.8 acre parcel and contain the existing house and improvements. Mr. Wilkinson stated that the newly created Lot 3 will be a 2 acre parcel and the newly created Lot 4 will be a 5.1 acre parcel. Mr. Wilkinson stated that the application was referred to the Town Engineer and comments were received. Mr. Wilkinson stated that at the June meeting the Board requested that Lots 3 and 4 be staked to show the four corners of the proposed house and the proposed driveways for each lot. Mr. Wilkinson stated that the Board is concerned about the location of the houses. Mr. Wilkinson stated that the Board also requested that the topography be shown for Lot 3 so that the Board could see the relationship of the proposed house location to the existing swale located on the parcel. Mr. Wilkinson stated that the calculation for the mean lot width of Lot 3 still remains as an open item. Mr. Wilkinson stated that the Board asked that the calculations be proven to the Board that the mean lot width of 200 feet is met. Mr. Wilkinson stated that at 4:00 p.m. today he received an email from the applicants' representative that the lots were staked by the homeowner. Mr. Wilkinson stated that is not what the Board expected when making the request. Mr. Wilkinson stated that the Board requested that the lots be staked by a surveyor. Mr. Wilkinson stated that the Board is still waiting to conduct a site visit. Mr. Wilkinson stated that the homeowner did put in 3 stakes at the road and 2 stakes in the field. Mr. Wilkinson stated that the Board asked for the 4 corners of the proposed houses to be staked and the proposed driveways for each lot be staked.

Zoning Report

Mr. Wilkinson stated that the Board has received the July report.

Correspondence

Mr. Wilkinson stated that he is currently working with Mrs. York on revising the Subdivision Application instructions. Mr. Wilkinson stated that he has provided everyone with the proposed changes made so far. Mr. Wilkinson stated that his changes are outlined in blue and Mrs. York's changes are outlined in red.

Town Board Liaison

Mr. Grasso will give his report during the Business Meeting.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Kadlecek. All were in favor. Agenda meeting closed at 7:23 p.m.

### **BUSINESS MEETING**

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

### **Minutes**

Mr. Wilkinson made a motion to approve the draft of the July 16, 2018 meeting minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor. Mr. Kadlecek abstained from the vote.

### **PRE-APPLICATION CONFERENCE**

#### **Miller/Hauenstein and ABD Engineers (246.-3-63.1)**

Joseph Bianchine from ABD Engineers appeared before the Board.

Mr. Bianchine displayed the map and showed the Miller parcel and the Hauenstein parcel. Mr. Bianchine stated that prior to 2002, Mrs. Hauenstein owned all of the depicted land on Dawson Road and Crane Street, roughly 50 acres. Mr. Bianchine stated that in 2002 Mrs. Hauenstein sold land to the Millers who built on what is now known as 133 Dawson Road. Mr. Bianchine showed the county line on the drawing. Mr. Bianchine stated that when the Hauenstein parcel was subdivided in 2002 the maps were filed in both Saratoga County and Schenectady County. Mr. Bianchine stated that in 2007 Mrs. Hauenstein sold an adjacent piece of land to the Millers that was in both Schenectady and Saratoga County. Mr. Bianchine stated that the map was filed in Schenectady County but never was filed in Saratoga County. Mr. Bianchine stated that there was a closing and a deed was filed but there was no map filed with those papers. Mr. Bianchine stated that the Millers would like to build on that parcel so they are before the Board to correct what happened in 2007 so they can file maps and get a building permit. Mr. Bianchine stated that the lot meets all of the requirements as it is 200 feet wide and 3.7 acres. Mr. Bianchine stated that test pits and perk tests were done and a raised bed septic system has been designed.

Mr. Wilkinson stated that the original submission to the Board raised concern but the second submittal has all of the required paperwork. Mr. Wilkinson inquired if there were any wetlands on the parcel.

Mr. Bianchine stated that there could be DEC wetlands at the back of the parcel.

Ms. Szurek inquired where the edge of the wetland was located and the buffer area.

Mr. Bianchine showed where there could possibly be wetlands.

Mr. Wilkinson stated that the Board usually asks for the wetlands to be delineated and shown on the drawing.

Mr. Bianchine stated that the wetlands are not on the Millers parcel but on the Hauenstein parcel. Mr. Bianchine stated that there are no wetlands on the Miller parcel.

Mr. Keniry inquired if the outcome of the proposed lot located at 131 Dawson Road to be 3.73 acres with a separate SBL number in Saratoga County?

Mr. Bianchine stated yes.

Mr. Keniry inquired about the other piece of the lot located in Schenectady County having a SBL number in Schenectady County?

Mr. Bianchine stated that the rear land was combined with 133 Dawson and has been done in Schenectady County.

Mr. Keniry inquired if when the merge was done at 133 Dawson Road if the title was merged into one deed.

Mr. Bianchine stated yes.

Mr. Keniry stated that the Board should notify Glenville as a formality.

Mr. Wilkinson inquired if an affidavit was needed from Nancy Hauenstein.

Mr. Keniry stated that the parcels are both owned by the Millers who have signed affidavits.

Mr. Wilkinson stated that the application will be placed on the agenda for next month. Mr. Wilkinson stated that the Board will refer the application to the Saratoga County Planning Board for comments.

### **SUBDIVISION APPLICATIONS**

#### **Rossdeutscher/James and Van Guilder (246.-3-108, 107)**

Duane Rabideau appeared before the Board. Mr. Rabideau stated that the drawing is the same one they have been using.

Mr. Wilkinson inquired if the lot was staked by the homeowner.

Mr. Rabideau stated yes.

Mr. Wilkinson stated that there remains four open items:

1. The calculation of the mean lot width for Lot 3 has yet to be provided. This has been an ongoing request since the June meeting.
2. The Board requested that Lots 3 and 4 be staked out to show the four corners of the proposed house locations and the location of the proposed driveways. The Board assumed that this would be done by the surveyor. The Board would like to conduct a site visit after the stakes have been placed.
3. Additional topography for Lot 3 was requested to be shown on the drawing.
4. New maps, signed and reviewed by a licensed surveyor.

Mr. Rabideau stated that they have done a statistical calculation for the mean lot width of Lot 3. Mr. Rabideau stated that the mean or average is used to derive the central tendency of the data in question. Mr. Rabideau stated that there is 200 feet at the road and 0 feet at the end.

Mr. Wilkinson stated that the Board wants to be shown that the lot meets the criteria. Mr. Wilkinson stated that the bulk of the numbers are far below 200 feet.

Mr. Kadlecsek stated that there are two issues with Lot 3. Mr. Kadlecsek stated that the contrived entrance to Lot 1 also doesn't seem like good planning. Mr. Kadlecsek stated that the concerns go away with a 2 lot subdivision.

Mr. Rabideau stated that the applicant is aware of that and does not want to do a 2 lot subdivision.

Ms. Szurek raised concern with snow removal on Lot 1. Ms. Szurek stated that in a big snow storm there is not a lot of space to put the snow. Ms. Szurek stated that there could be possible controversy between lots 1 and 4.

Mr. Rabideau stated that snow shouldn't be an issue. Mr. Rabideau stated that they will plow the driveway like everybody else does.

Ms. Szurek inquired as to the width of the driveway.

Mr. Rabideau stated that it was 12 ½ feet from the center of the driveway.

Mr. Riedinger stated that he has a concern with the mean lot width of Lot 3.

Mr. Mitchell stated that he also has concerns with the mean lot width of Lot 3. Mr. Mitchell stated that the issue of a house behind a house does not concern him.

Mr. Rabideau provided a sketch to the Board to help show how the mean lot width was calculated. Mr. Rabideau stated that the Board is using the rear lot line into their calculations and it is not intended to be that way and that the rest of the land should not be included in the calculation because it is rear land. Mr. Rabideau stated that you can't mix

rear yard with the side yard as the mean lot width because the mean lot width is between side yard to side yard.

Mr. Kadlecek inquired if the 3 lines shown on the sketch were intended to be a 50 foot separation all the same and parallel to the road.

Mr. Rabideau stated yes, it looks odd because of the configuration.

Mr. Rabideau stated that he understands how the Board is doing the calculations and it is wrong because the rear line is irrelevant to the computation.

Ms. Szurek inquired if they were disregarding the back triangle of the property for the calculation of the mean lot width but using it for the area calculation?

Mr. Rabideau stated yes.

Ms. Szurek stated that it is confusing to use it in one calculation and not in another.

Mr. Kadlecek stated that the sketch does not answer the question for him.

Ms. Szurek agreed.

Mr. Wilkinson asked about the request of staking the parcel.

Mr. Rabideau stated that the house behind a house issue in the ordinance is for the later creation of a second building lot in front or rear of an existing house. Mr. Rabideau stated that would pertain to the creation of another lot out of Lot 4.

Ms. Szurek inquired if the James parcel was part of the original parcel.

Mr. Rabideau stated yes. Mr. Rabideau stated that the part of the ordinance the Board is referring to does not apply to this situation.

Mr. Wilkinson stated that is Mr. Rabideau's interpretation, not the Board's.

Mr. Rabideau stated that Mr. McNamara agrees with the applicant. Mr. Rabideau stated that there was a lot of interpretation going around.

Mr. Wilkinson asked Mr. Rabideau if he was going to stake the lots.

Ms. Rossdeutscher stated that she staked the major points of all the lots and where the houses would go. Ms. Rossdeutscher stated that to do the 4 corners is crazy because she does not know the size of the future houses. Ms. Rossdeutscher stated that the stakes match up to the survey. Ms. Rossdeutscher stated that the driveways are easy because they go right out onto Vines Road, there are no culverts or ditches in the area. Ms. Rossdeutscher stated

that she can put two more stakes where the driveways should go. Ms. Rossdeutscher stated that she put the stakes in measured according to the survey. Ms. Rossdeutscher stated that she believes that they are accurate and give a good representation of the lot lines. Ms. Rossdeutscher stated that she is available anytime to walk the lot. Ms. Rossdeutscher stated that she staked the property for the 2011 subdivision.

Ms. Szurek stated that she drove by and could see the stakes on the road but could not determine any other stakes.

Ms. Rossdeutscher stated that she is willing to meet and walk the lots.

Ms. Szurek stated that the Board requested that wells be shown on the drawings because the Town Board has to approve the water district extension.

Mr. Rabideau stated that the water main runs in front of the parcels.

Ms. Szurek stated that you can't assume that the Town Board will approve the extension.

Mr. Pentkowski stated that the applicant has the right to tie into the water district.

Mr. Rabideau stated that he was told by the water superintendent that they would be able to tie in.

Ms. Rossdeutscher stated that she could have had water but opted out.

Mr. Rabideau stated that they will show proposed wells.

Mr. Wilkinson made a motion for the board to enter into Executive Session to confer with counsel pertaining to the Rossdeutscher application. Ms. Szurek seconded the motion. All were in favor.

Mr. Pentkowski objected to the Board entering into Executive Session.

The Board entered into Executive Session at 8:21 p.m.

Mr. Wilkinson made a motion to close the Executive Session. Mr. Kadlec seconded the motion. All were in favor.

Executive Session ended at 8:40 p.m.

Mr. Wilkinson stated that the Board requires the following 4 items to consider the application complete and move forward:

1. The lots staked, four corners of the proposed average size houses and the proposed driveways, and verified by a professional;
2. New maps to address the topography of Lot 3;
3. Proposed well locations shown on the drawings; and

4. Van Guilder's definition of mean lot width for Lot 3 shown on the drawing.

Mr. Wilkinson stated that these items will be required for the September meeting to move the application forward.

Mr. Pentkowski inquired why a Public Hearing has not been scheduled yet.

Mr. Wilkinson stated that the application is not complete.

Mr. Pentkowski stated that according to the applicant the application is complete. Mr. Pentkowski stated that the Board can't say that they don't like the plan.

Mr. Wilkinson stated that there are four open items that need to be addressed before the Board can schedule a Public Hearing. Mr. Wilkinson stated that the documentation needs to be received 2 weeks prior to the September meeting to be on the September agenda. Mr. Wilkinson stated that if the Board receives the requested information then a vote can be held to schedule the Public Hearing for the October meeting.

Mr. Pentkowski asked how the Board can force the applicant to stake the property.

Mr. Keniry stated that the Board has procedurally sought to do an inspection of the property and the staking performed is not in accordance with the regulations and has also not been verified by Mr. Rabideau's office. Mr. Keniry stated that in order to have an intelligent Public Hearing the Board needs to conduct a site visit before the scheduling of the Public Hearing. Mr. Keniry stated that the site needs to be staked. Mr. Keniry stated that the Board can notice the site visit prior to the Public Hearing. Mr. Keniry stated that the request is very reasonable for the basis to have the Public Hearing. Mr. Keniry stated that the applicant has had more than ample time to get the request done so that the application can be referred to the County Planning Board. Mr. Keniry stated that the question is will the applicant comply with the Board's requests that will bring out accurate facts to allow the Board to review the application on its merits.

Mr. Pentkowski asked where the Board has the right to make the applicant stake the property.

Mr. Keniry inquired if the lots would be staked so that the Board could visit and notice the meeting before the scheduling of the Public Hearing.

Mr. Pentkowski stated that it is already staked by the applicant.

Mr. Keniry stated that the Board will not conduct a site visit unless the requested stakes have been placed and verified by a professional.

Mr. Mitchell stated that the Board has requested that the lots be staked to eliminate the concern about having a house behind a house.



Mr. Pentkowski stated that the Board is obligated to schedule the Public Hearing 62 days from receipt of a complete application.

Mr. Keniry stated that is correct if the application is complete.

Mr. Wilkinson stated that the application is not complete. Mr. Wilkinson stated that if the applicant complies with the Board's request then the application can move forward.

Mr. Pentkowski stated that the Board does not have the authority to say that they don't like the application so change it then a Public Hearing can be scheduled. Mr. Pentkowski stated that the application filed complies with the subdivision regulations and a Public Hearing should have been scheduled. Mr. Pentkowski demanded the Board schedule the Public Hearing.

Mr. Wilkinson stated no, the application is not complete. Mr. Wilkinson stated that the Board has requested additional information to move forward and it has not been provided. Mr. Wilkinson stated that the topography of Lot 3 has not been addressed and the mean lot width calculation has not been addressed since the information was requested in June. Mr. Wilkinson stated that the Board asked Mr. Rabideau for a status update at the July meeting and were told that "the applicant is looking at other options". Mr. Wilkinson stated that there has been no movement on the applicant's part.

Mr. Pentkowski stated that the mean lot width has been addressed and the Board needs to have a Public Hearing and vote. Mr. Pentkowski stated that it is not the applicant's obligation to convince the Board the information is right.

Mr. Wilkinson stated that the Board has requested additional information to move forward to a complete application.

Mr. Pentkowski again demanded that the Board schedule the Public Hearing.

Mr. Wilkinson made a motion for the Board to move on to the next agenda item. Mr. Kadlecsek seconded the motion. All were in favor.

### **ZONING REPORT**

The Board reviewed the report.

### **CORRESPONDENCE**

The Board is working on updating the subdivision regulations and application. Mr. Wilkinson stated that everyone has been provided with Mrs. York's changes and his changes thus far.

The Board reviewed the revisions and made additional comments.

Mr. Wilkinson will make the changes discussed and send it out to everyone to review.

**TOWN BOARD LIAISON**

Mr. Grasso provided the Board with old site analysis maps that were created for the Town.

Mr. Grasso updated the Board about the creation of the proposed Ambulance District. Mr. Grasso stated that it would be one tax rate for all. Mr. Grasso stated that the monies collected will be distributed between the 3 ambulance districts.

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

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary