

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

Minutes of the Planning Board Meeting – November 19, 2018

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Jack Kadlecek, 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 7:10 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the October 15, 2018 meeting minutes needed to be approved. Mrs. York has previously provided comments. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

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

Mr. Wilkinson stated that there would be a public hearing on this application at 7:30 p.m.

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 there would be a public hearing at 7:30 and deliberations to follow.

Subdivision Applications

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

Addressed above.

Town Board Referral

St. Mary's Charlton Urgent Care (224.-1-7)

Mr. Wilkinson stated that there is currently a proposal before the Town Board to turn the former Stewart's store into an urgent care facility. Mr. Wilkinson stated that at last month's meeting a representative made a presentation. Mr. Wilkinson stated that the Board sent a draft letter to the engineer citing the Board's concerns. Mr. Wilkinson stated that a newly submitted map and letter answer most of the Board's concerns as well as the Town's engineer's concerns.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the Board is still in the process of reviewing and revising the subdivision review guide. Mr. Wilkinson stated that the changes have been given to Joe Grasso.

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. Kadlecsek. All were in favor. Agenda meeting closed at 7:15 p.m.

BUSINESS MEETING

Opened at 7:32 p.m. with the Pledge of Allegiance.

Minutes

Mr. Wilkinson made a motion to approve the draft of the October 15, 2018 meeting minutes with changes incorporated. Mr. Kadlecsek seconded the motion. All were in favor. The minutes were approved.

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

Mr. Wilkinson stated that this is a proposal for a subdivision and lot line change between parcels located at 47 Vines Road and 51 Vines Road. Mr. Wilkinson stated that the legal notice was published in the Daily Gazette on November 7, 2018 and adjoining property owners were also given notice.

Mr. Wilkinson reviewed the public hearing process.

Duane Rabideau appeared before the Board.

Duane Rabideau: I am Duane Rabideau from Van Guilder & Associates representing Ruth Rossdeutscher in her proposal before the Board for a three lot subdivision and a lot line adjustment with the neighboring property.

Mr. Rabideau showed the two new proposed lots on the drawing.

There will be onsite well and septic systems. Lot 1 has an existing well and septic system and the existing house and outbuildings. The lot line adjustment is between 47 Vines Road and 51 Vines Road down the side of the driveway 7.5 feet wide. This will result in .64 acres to be annexed to the James parcel at 51 Vines Road giving them rear yard land.

Mr. Wilkinson opened the public hearing up for public comment.

Scott Weaver, 53 Vines Road: This is my property and this is my view. I am aware of Ruth's proposal and understand she can do what she wants with her land; I would like to see her retain the rural character of the property. Mr. Weaver then read from the April 11, 2018 ZBA minutes. There is concern about dividing open space. I have downloaded a lot of information on open space. The election materials sent out by Penny Heritage talks about maintaining open space. The subdivision in 2000 created two lots with two dwellings, Glavin's and Miners. Then Miners built a new home which they sold to Ruth. Then in 2011 Ruth subdivides again for her house that she built. Now in 2018 another proposed subdivision of the property. Mr. Weaver read Mrs. Rossdeutscher statements from the July 18, 2011 Planning Board minutes and statements made by Mr. Rabideau from the October 17, 2011 Planning Board minutes. Here we are 7 years later wanting to slice up the property more. Mr. Weaver read his dissertation from the April 11, 2018 ZBA meeting. Will this subdivision change the zoning from agricultural to residential? Will traffic increase? The traffic from Deer Run is already impacting the traffic in the area. Not to mention the strain on the existing water system and the larger septic load. There will be an increase in noise. I have always been protective of that field. Its 7 years later and there is a home behind the old Miner home. You are disrupting the suburban character of the area. The original deed prohibited further subdivision. I spoke to Fran about the deed release and I don't think he realized that there would be more subdividing. Mr. Weaver read an excerpt from the

February Charlton Newsletter pertaining to the farm conservation agreements for the Szurek and Vanderhorst farms.

Jim Glavin, 35 Vines Road: I am just east of Ruth's property. I share 400 feet in common with Ruth. I have been attending these meetings and based on my review I believe Ruth is within her rights in accordance with the Town's requirements and I support her and her desire to develop her own property. I respect the neighbors opinions as well but I do support Ruth in her project.

Jim Grabo, Newman Road: I do the hay on Ruth's property. I am in favor of the development. Taxes are so high it is forcing people to sell their land to support themselves. I heard about environmental concerns and concerns about septic. This is great land. What she wants to do fits in perfectly. I have no objections. Most of the neighbors have no objections.

Mr. Wilkinson made a motion to close the public hearing at 7:45 p.m. Mr. Kadlecsek seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS

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

Mr. Wilkinson stated that the Board and the applicant have been struggling with this project for a year to come up with the plan that has been presented here tonight. Mr. Wilkinson stated that both the ZBA and the Planning Board have had to review this project. Mr. Wilkinson stated that the Planning Board could not even review the project until the ZBA granted a variance for the frontage on Lot 1. Mr. Wilkinson stated that there were numerous concerns presented including the mean lot width of Lot 3. Mr. Wilkinson stated that after a 6 month struggle and a workshop with the Board and the applicant, a new plan has been presented that creates 2 legal lots making the mean lot width concern go away. Mr. Wilkinson stated that the Board asked the applicant to place the houses to preserve the open space which the applicant has done. Mr. Wilkinson stated that the Board did the best they could with the rules the Board is given and the project meets the requirements.

Mr. Wilkinson stated that the lot line adjustment will increase the access in the driveway for the James parcel.

Mr. Wilkinson stated that last month the Board took lead agency status and referred the revised plan to Mr. McNamara and the County Planning Board. Mr. Wilkinson stated that the Board has received Mr. McNamara's approval and County approval.

The Board completed Part II of the EAF.

Mr. Wilkinson made the motion to approve the lot line adjustment between the Rossdeutscher parcel at 47 Vines Road (246.-3-108) and the James parcel at 51 Vines Road (246.-3-107) and the Rossdeutscher subdivision of 47 Vines Road into three lots and authorize the chairman to sign the mylars as Resolution number 2018-07. Mr. Kadlecsek seconded the motion. All were in favor.

Resolution 2018-07 was made.

TOWN BOARD REFERRAL

St. Mary's Charlton Urgent Care (224.-1-7)

Joe Bianchine appeared before the Board.

Mr. Bianchine presented the following information at the last meeting pertaining to their proposal before the Town Board for a Special Exception Use permit.

St. Mary's would like to open an urgent care facility in the former Stewart's Shop located at the corner of Route 67 and Route 147. Stewarts will be donating the building to St. Mary's. There are no proposed site plan changes. The gas pumps and canopy have already been removed. They will repave the parking lot and the entrance and exit will remain the same. The site will remain the same with the exception of the addition of handicapped parking spaces. The building will be renovated on the inside to reflect an urgent care facility. The outside of the building will have a colonial look with the lighting to remain the same. The well has been tested and the results have been sent to DOH. If the septic was designed properly then there will be no need change that but they still have to check. The landscaping will remain the same. The parking will be increased if needed but they believe what exists will be adequate.

The Planning Board prepared a draft letter dated October 24, 2018 citing concerns from the initial presentation. Mike McNamara, town engineer, also prepared a letter dated November 1, 2018 citing concerns from the review of the proposal submitted.

On Saturday, November 17, 2018 a new plan was submitted by ABD Engineering together with a letter in response to the concerns raised in both the Planning Board letter and the Town Engineer's letter.

Mr. Bianchine reviewed their letter and the changes made to the plan to address the Board's concerns and the Town Engineer's concerns.

The Board raised further concerns about the hours that the lights from the poles and the building would be left on overnight. The Board also expressed concern that the lighting be down lighting similar to the new Stewarts lighting. The Board also expressed concern that two handicapped parking spaces would not be enough and requested that 4 spaces be

marked and striped. The Board requested that the enclosure around the dumpster be made of wood or vinyl to make for a more appealing look. The Board inquired how the medical waste was going to be handled and Mr. Bianchine stated that they have a company that handles the medical waste.

Mr. Bianchine addressed the variances raised in the Town Engineer's letter. Mr. Bianchine stated that the variances granted to the former Stewarts site run with the land and do not need to be readdressed by the ZBA.

Mr. Wilkinson stated that the Board is pleased that they took the information from the meeting and the Boards draft letter and came back with a proposal that was a better plan. Mr. Wilkinson stated that he will draft the advisory letter to the Town Board. Mr. Wilkinson stated that the letter will request information pertaining to the construction materials, windows schedule and number of lights be provided, fire lanes and emergency zones be added to the back of the building along with arrows to help with traffic flow and additional handicapped spaces, the materials and size of the monument sign and a planting schedule be provided.

Mr. Bianchine stated that he would look into gathering the additional information that the Board has requested.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

The Board continued working on updating the subdivision regulations and application. The Board reviewed the revisions and made additional comments.

TOWN BOARD LIAISON

Mr. Grasso stated that the Ambulance district passed. Mr. Grasso stated that this will be on the 2019 property tax bill. Mr. Grasso stated that the agricultural exemption will be applied first then the tax.

Mr. Grasso stated that the 2019 budget has passed.

Mr. Grasso stated that the Town Board will hold a Public Hearing on November 26, 2018 on the application from St. Mary's. Mr. Grasso stated that he does not expect a decision until the Town Board meets again on December 10th.

Mr. Grasso stated that Bob Van Vranken is retiring as the Town Attorney and Jim Craig will be taking over the position.

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

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary