

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

**February 22, 2021**

The Agenda Meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held on Zoom and called to order by Supervisor Grasso at 7:32 p.m.

Roll Call: Supervisor Grasso, Councilman Robbins, Councilman Ranaletto, Councilman Glavin.

Brenda Mills, Town Clerk and Attorney Jim Craig were also present.

**APPROVAL OF MINUTES**

**RESOLUTION #70**

**Approval of Minutes**

Motion by Councilman Ranaletto

Seconded by Councilman Glavin

BE IT RESOLVED that the Town Board has approved the minutes of the regular Town Board Meeting on February 8, 2021.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grasso: Aye. **CARRIED**

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

No one chose to speak.

**COMMUNICATIONS**

The Sales Tax report for February was \$93,001.00 which is a decrease of 15.31% from February 2020. Over the past 12 months the Town has received \$1,387,831.00 in sales tax revenue, which is 4.54% less than we had received in the 12 months prior, due to Covid19. The Town Board had budgeted 2021 sales tax receipts to be the same as 2020 sales tax receipts which was off about 5% from 2019.

The Town has received the opinion letter from the Saratoga County Planning Board regarding the Jason **Nemec** project for the old firehouse at 786 Charlton Road. The letter states that they see no significant county wide or intercommunity impact.

The Town Board has received the January financial reports. The total receipts year to date are \$511,046.28 and disbursements are \$405,046.04. The balance on all of the Town funds went from \$1,106,531.14 at the end of December to \$1,212,531.38 at the end of January, a slight increase.

The Planning Board held a Public Hearing on February 15, 2021 for an 8 lot subdivision on Cook Road. One lot houses the owner's home. The Public Hearing had higher attendance than most hearings. Several residents spoke at the hearing about the potential impacts such as: rural character, wetland impacts and lack of well water supply in the area. As a result, the Planning Board decided to take no action and adjourn the hearing until March where they will hear more comments. They are requesting that people that do not want to attend the hearing because of Covid19 concerns, submit written comments to the Town through email. The residents that spoke about impact on the rural character on a project that is zoning compliant, were encouraged to give their feedback to the Town Board because any changes to the zoning regulations such as

minimum lot size, setbacks or allowable density and things like this, are things that the Town Board would need to consider as part of our zoning. Supervisor Grasso said he has noticed that in more recent years, lots that are being subdivided for building homes on are smaller lots. He is concerned that as the Town continues to develop and get projects that are that include smaller lot sizes, it will have an impact on our rural character. Supervisor Grasso said that the Town Board will not be hearing or deciding on the Heflin subdivision application and comments particular to the project should be directed to the Planning Board.

The Town has received a letter of resignation dated February 21<sup>st</sup> from Jim Leupold as Chairman of the Technology Advisory Board (TAB), and said that he would like to remain as a member on the Board. Chris Tasse has shown interest in being involved on the Technology Advisory Board. Mr. Tasse has extensive knowledge in this area, The TAB and some Town Board members worked with Mr. Tasse on a review of the Town's technology and feels that he would be a good fit and a good person to be the Chairman. The Board will vote on appointing Mr. Tasse tonight.

Councilman Glavin said that he has been working on revitalizing the Technology Advisory Board specifically because the Town Hall was having some technology issues related to the server within the Town Hall, as well as other internet related issues. He reached out to the existing TAB members and a couple other people. He asked Chris Tasse to speak on the issues with the Town's technology. Chris said that he was part of a team that did a physical assessment on February 20<sup>th</sup> of the Town's current technology. The first and most urgent need is replacement of the Town Hall server. The server is at end of life and needs replacement. Mr. Tasse reached out to some the Town's existing IT vendors and manufacturers of software utilized by the Town, and tried to get as much information as possible to submit to the Town Board for their review. Mr. Tasse said that the goal of TAB is to provide meaningful information and guidance to the Town Board so that they may effectively and efficiently invest resources into information technologies. The TAB will continue to work with the Town Board and try to get things updated. He said there are 3 top areas that need to be addressed:

- 1) Server replacement
- 2) Town email – The Town needs a unified email solution for record retention
- 3) Highway Application software – upgraded software needed.

Town Court will be reopening on March 4<sup>th</sup>. They will follow the same safety protocols as before.

Councilman Glavin said that he and Supervisor Grasso will be meeting with Spectrum (Charter Communications) next week to see what broadband expansion are available for unserved areas of Charlton.

## **MOTIONS, RESOLUTIONS, PROCLAMATIONS AND AUTHORIZATIONS**

### **RESOLUTION #71**

#### **A RESOLUTION GRANTING AN EXCEPTIONAL USE PERMIT TO JASON NEMEC DESIGN, LLC, FOR A FURNITURE WORKSHOP AND SHOWROOM, ART GALLERY, AND ARTISAN WOODWORKING RETAIL STORE ON PROPERTY LOCATED AT 786 CHARLTON ROAD**

Motion by Councilman Ranaletto

Seconded by Councilman Glavin

Discussion: Jason Nemec said that there were a few items in the proposed resolution that he would like to discuss changing. The items were discussed with the Board and all came to agreement on the following:

- Item #2 - He asked that noise producing equipment be substituted for woodworking equipment.
- Item #3 – Jason said that he would like to be able to have the showroom doors open and be in that area to work with chisels and planers as a showpiece for Charlton. The resolution was amended to say that the doors must be kept closed during woodworking operations that produce noise, dust or odors at the property line.
- Item #7 - Jason would like to have small light fixtures at the entrance and exits of the building for security purposes. The resolution was amended to allow this.
- Item #8 - Jason would like the setback changed for parking as he lost 4 parking spaces when the septic was changed, and he would lose 2 or 3 more with a 40 foot setback. The Board agreed to a 25 foot setback. He will not have parking in front or on the east side of the building.
- Item #12 – He would like to put the trash receptacle out behind the building on the north side. The Board agreed to add north to the resolution. Attorney Craig reiterated that screening would still need to be done whether it is on the west or north side.

Mr. Nemec said that he first needs to close on the property. He will then talk to the Building Department, and do updates to the electric and floors. He would like to get the shop going to fill the gallery. It could take up to 9 months before he could get the gallery open.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grasso: Aye. **CARRIED**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 71,

February 22, 2021

**RESOLUTION GRANTING AN EXCEPTIONAL USE PERMIT TO JASON NEMEC  
DESIGN, LLC, FOR A FURNITURE WORKSHOP AND SHOWROOM, ART GALLERY,  
AND ARTISAN WOODWORKING RETAIL STORE ON PROPERTY LOCATED AT 786  
CHARLTON ROAD**

**WHEREAS**, the Town Board did at its December 28, 2020 meeting, approve a resolution entitled “A Resolution Acknowledging Receipt of an Exceptional Use Permit Application from Jason Nemec Design, LLC and 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 a furniture workshop and showroom, art gallery, and artisan woodworking and retail store on property located at 786 Charlton Road, in the Town of Charlton; and

**WHEREAS**, the above-referenced resolution included identification and receipt of an application from Jason Nemec Design, LLC, said application dated December 11, 2020, applying for an exceptional use permit authorized by Article VII of the Town of Charlton Zoning Ordinance; and

**WHEREAS**, the Town Board has also received additional documentation; including an owners list of neighboring properties to the subject parcel which are located within 1500 feet of the proposed site; a narrative of the exceptional use permit proposal; as well as a Short Environmental Assessment Form; 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 joint public hearing, to be held jointly with the Town Zoning Board of Appeals, and held on January 25, 2021, 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 joint public hearing on the matter was held on January 25, 2021 at 7:00 p.m. regarding the applications for the exceptional use permit before the Town Board and the Use Variance application before the Zoning Board of Appeals; and

**WHEREAS**, during the public hearing the applicant made a detailed presentation as to the proposed project and business intended for the 786 Charlton Road property; and

**WHEREAS**, members of the public in attendance and members of the Town Board and Zoning Board of Appeals were given the opportunity and 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, letters from the Charlton Environmental Conservation Commission, the Charlton Historic District Commission, and the Saratoga County Planning Board, an advisory opinion from the Charlton Planning Board, and an analysis letter with recommendations from Environmental Design Partnership, LLP (Town of Charlton Engineers), all relating to the Nemec application and issues for consideration with respect to, among other things, the use of the property and proposed project and business, as well as all additional requirements for an Exceptional Use Permit as set forth in the Town Code; and

**WHEREAS**, acting in its capacity as lead agency for the SEQRA review, the Town Board has previously determined by Resolution dated February 8, 2021, that the exceptional use permit application and project is properly classified as an unlisted action, and the Town Board did make a negative declaration relative to the environmental significance of the proposed land use which is the subject of the application, and a copy of which resolution is also attached to this resolution and made a part hereof; and

**WHEREAS**, the Town of Charlton Zoning Board of Appeals, did, by resolution on February 9, 2021, grant the applicant's request for a Use Variance limited to allowing, in addition to those uses specifically allowed under the Residential/Agricultural District and specifically subject to the Exceptional Use application and approval requirements set forth in the Town Zoning Code, an artisan workshop, gallery, and retail store for artisan and locally made products, along with some minimal office space to support the current applicant's IT business, all specifically within the confines of the structure as it currently exists; and

**WHEREAS**, Article VII, Section 1 of the Charlton Zoning Ordinance sets forth six 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 will not substantially endanger the health, safety, morals or general welfare of the neighborhood, nor adversely affect the environment (-see attached SEQRA review resolution), and that the project and proposed business will compliment

and fit in well with the immediate neighborhood and the rural charm and character of the Town as a whole; and

**WHEREAS**, the project is appropriately located with respect to ingress and egress, transportation facilities, water supply, fire and police protection, waste disposal and similar facilities; and

**WHEREAS**, the neighborhood character and surrounding property values are not 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

**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 7 criteria set forth in Article VII, Section 1, General Regulations of the Town Code, have been duly considered, have been met, and/or are hereby in substantial compliance; and

**WHEREAS**, the Town Board hereby requires the applicant to formally advise the Town Board in the event the business is or will be closed for a period exceeding one (1) year, and to cooperate with the Town Board in determining any future use of the subject business and property.

**NOW BE IT RESOLVED**, that the Town Board hereby grants the application of Jason Nemec Design, LLC, for an Exceptional Use Permit, subject to and conditioned on following:

1. Uses shall be limited to those stipulated in the exceptional use permit application and granted pursuant to the Use Variance issued by the Town Zoning Board of Appeals. Any material changes to the proposed use or operation of the site shall be subject to review, consideration, and approval by the appropriate board after proper filing of an amended or new Exceptional Use Permit or Use Variance application;

2. There shall be no dust extraction equipment or noise producing equipment operated outside of the building;

3. Doors to the facility shall be kept closed during woodworking operations that produce noise, dust or odors at the property line to minimize the potential for noise, odor and/or dust concerns, and protect the general health and welfare of the public;

4. Any site plan changes to the paved portions of the site shall be subject to review by the Planning Board;

5. Any exterior changes to the building including lighting and signage shall be subject to review by the Historic Review Commission;

6. All existing exterior lights shall be replaced with lighting acceptable to the Historic Review Commission within six (6) months of exceptional use permit approval. Any exterior lighting

shall be International Dark Sky Association dark sky compliant lighting with use of LED fixtures with maximum kelvin of 4,000k;

7. All exterior lighting shall additionally be turned off between the hours of 10:00 P.M. and 6:00 A.M. except for small lights for security purposes at building entrances and exits;

8. All outdoor parking for the use of the facility shall be located on the west side of the building and set back a minimum of twenty five (25) feet from the centerline of Charlton Road;

9. There shall be no more than twenty (20) vehicles parked at the business at any point in time.

10. There shall be no storage of hazardous materials outside of the building, and all such hazardous materials used must at all times be properly stored within the building and properly disposed of in accordance with all applicable local, state and federal laws.

11. There shall be no storage of equipment or materials outside of the building for a period of more than fourteen (14) consecutive days;

12. Any refuse from the facility shall be stored indoors or stored in a waste receptacle on the west or north side of the building properly screened from view from Charlton Road and adjacent properties;

13. Handicapped accessible parking shall be provided in accordance with NYS Building Code requirements, subject to review and approval by the Town of Charlton Building Inspector, prior to placing the proposed use in operation; and

14. Exterior display of wares for public display or viewing shall be set back a minimum of twenty-five (25) feet from the centerline of Charlton Road.

MOTION BY: Councilman Ranaletto	Voting: Councilman Glavin	Aye
	Supervisor Grasso	Aye
SECONDED BY: Councilman Glavin	Councilman Ranaletto	Aye
	Councilman Robbins	Aye

The resolution was duly adopted on February 22, 2021 .

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Brenda Mills, Town Clerk

Supervisor Grasso said that there is currently an open seat on the Town Board because he vacated his seat when he became Supervisor in January. Applications were sought in January and February, several people expressed interest and were interviewed. The Board has decided to appoint Jenna Smith to fill the vacancy which term will end December 31, 2021. She may run for election this fall to begin a new term starting January 1, 2022.

#### **RESOLUTION #72**

#### **A RESOLUTION TO TEMPORARILY APPOINT JENNA SMITH AS A MEMBER OF THE TOWN BOARD OF THE TOWN OF CHARLTON**

Motion by Councilman Robbins

Seconded by Councilman Ranaletto

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grasso: Aye. **CARRIED**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 72,

February 22, 2021

**RESOLUTION TO TEMPORARILY APPOINT JENNA SMITH  
AS A MEMBER OF THE TOWN BOARD  
OF THE TOWN OF CHARLTON**

**WHEREAS**, the Town of Charlton has a duly elected Town Board, comprised of five (5) members, four councilpersons and one supervisor, all elected for staggered terms; and

**WHEREAS**, one of the elected Board Members, Joseph Grasso, has transitioned from Deputy Supervisor to, and was appointed as Town Supervisor, effective January 1, 2021, to fill the vacant seat of the former Supervisor who retired at the end of 2020, leaving open his council seat on the Town Board; and

**WHEREAS**, pursuant to New York State Town Law Article 4, Section 64(5), whenever a vacancy shall occur or exist in any town office, the Town Board or a majority of the members thereof may appoint a qualified person to fill the vacancy as set forth in the above-referenced New York State Town Law; and

**WHEREAS**, the vacant seat was properly noticed and advertised for, and several candidates were interviewed and considered for the position; and

**WHEREAS**, Jenna Smith, of 4551 Jockey Street, Ballston Spa, N.Y., was one of those who showed interest in the position that was interviewed, possessing the experience, knowledge, and qualities needed and expected for such, and is willing to accept a Town Board appointment to fill that portion of the unexpired term of Joseph Grasso from February 23, 2021, until December 31, 2021; and

**WHEREAS**, the Town of Charlton is further required to fill that position for the next term which will begin January 1, 2022 and terminate December 31, 2025, by election, which replacement election will be processed with the required legal procedures which apply to the filling of individual councilperson positions.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby temporarily appoints Jenna Smith, of 4551 Jockey Street, Ballston Spa, New York, 12020, as a councilwoman of the Town Board of the Town of Charlton, which appointment will take effect February 23, 2021, and terminate December 31, 2021; and it is further

**RESOLVED**, that the salary for Town Board member Jenna Smith shall be at the rate as set forth in the approved Town of Charlton Town Budget for the tax year 2021, pro-rated for this year from February 23, 2021 until December 31, 2021.

MOTION BY: Councilman Robbins	Voting: Councilman Glavin	Aye
	Supervisor Grasso	Aye
SECONDED BY: Councilman Ranaletto	Councilman Ranaletto	Aye
	Councilman Robbins	Aye

The resolution was duly adopted on February 22, 2021.

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Brenda Mills, Town Clerk

**RESOLUTION #73**

**A RESOLUTION TO AUTHORIZE THE EXPENDITURE FOR SERVER UPGRADE AND COMPUTER REPLACEMENT AT THE TOWN HALL**

Motion by Supervisor Grasso  
Seconded by Councilman Glavin

Discussion: Councilman Ranaletto asked if the Board should get other quotes for the equipment and the IT provider. The Supervisor and Attorney Craig confirmed that IT services fall under professional services and the requirement for multiple quotes does not pertain. Councilman Glavin said that it would not hurt to have additional quotes. The TAB will work on getting quotes.

BE IT RESOLVED, that the Town Board hereby authorizes the expenditure for replacement of the Town Hall server and replacement of aging computers as a cost not to exceed \$15,000.00

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grasso: Aye. **CARRIED**

**RESOLUTION #74**

**A RESOLUTION TO APPOINT CHRIS TASSE AS A MEMBER AND CHAIRMAN OF THE TECHNOLOGY ADVISORY BOARD**

Motion by Councilman Glavin  
Seconded by Councilman Robbins

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grasso: Aye. **CARRIED**

TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK

RESOLUTION NO. 74

February 22, 2021

**A RESOLUTION TO APPOINT CHRIS TASSE AS MEMBER AND CHAIRMAN OF THE TECHNOLOGY ADVISORY BOARD**



WHEREAS, on February 21, 2021 the Town Board received the resignation from Jim Leupold as Chairman of the Technology Advisory Board, and

WHEREAS, the Town Board has met with Chris Tasse who shows the interest, knowledge and ability to be an asset to the Technology Advisory Board, and, Jim Leupold has expressed his desire to remain as a member of the Technology Advisory Board.

NOW BE IT RESOLVED, that the Town Board hereby appoints Chris Tasse as member and Chairman of the Technology Advisory Board for the remainder of term ending December 21, 2021, and reaffirms that Jim Leupold will remain as a member of said Board.

Moved by	Councilman Glavin	Voting: Councilman Glavin	Aye
		Councilman Ranaletto	Aye
Seconded by	Councilman Robbins	Councilman Robbins	Aye
		Supervisor Grasso	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: February 22, 2021

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Brenda Mills, Town Clerk

## **ABSTRACT OF CLAIMS**

### **RESOLUTION #75**

#### **Approval of Abstract of Claims**

Motion by Councilman Robbins

Seconded by Councilman Ranaletto

Discussion: Supervisor Grasso said that he added a voucher to the abstract today for payment to William J. Keller which was payment for Peaceable Street Culvert Replacement project that was part of the BridgeNY grant. The payment must be made before the State can reimburse the Town.

The Town Board members audited Abstract #104, voucher numbers 105 - 133 in the amount of \$287,700.52.

Roll Call: Councilman Glavin: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grasso: Aye. **CARRIED**

## **PRIVILEGE OF THE FLOOR**

Jay Wilkinson, resident and Planning Board Chairman said that the proposed lot sizes for the Heflin subdivision is between 3 and 21 acres. About 10 residents spoke at the Public Hearing with concerns about loss of rural character, lack of well water, water is not potable, extensive wetlands, and increase of traffic. Mr. Wilkinson said that the Subdivision regulations written in 1995 and the 2015 Zoning Ordinance do not reflect the Town's Comprehensive Plan. Additionally, the Zoning Ordinance is not in line with the Subdivision Regulations. The Planning Board would like to change the Subdivision Regulations to make both documents compatible. Mr. Wilkinson offered to Chair a team to get this accomplished. This would give the Planning Board the tools that they need to address things properly. They would also like to look at design and construction standards.

Marna Posluszny, resident, commended the Planning Board Chairman for conducting a good Public Hearing last week. She echoes support of revising the documents. Her take-away from the Planning Board is to listen to the constituents. She is concerned with wetlands getting filled in.

Bob Delaney, resident Cook Road, said many houses have been built on Cook Road which is zoned agricultural. He wants our zoning to represent our rural character.

Eileen Stone, resident, said that it is very dangerous to turn onto Route 67 from Cook Road because the rise in the road on Route 67. She is concerned for safety and for preserving rural character. She does not feel that 200 feet of road frontage is enough, and also feels that wetlands are important. Supervisor Grasso said that he will speak with D.O.T. to see if there is anything that can be done about the Cook Road/Route 67 issue.

Alexander Smith, resident on Cook Road, agrees there should be reconciliation between the Comprehensive Plan and the Zoning Ordinance. He said that 2 of the lots being subdivided are wetlands and unbuildable, so why are they being subdivided? He has concerns about both the quantity and quality of the ground water. As a resident of Cook Road, he notes that the quantity of ground water is quite low and the quality is quite poor. He worries about the impact of adding 20 % more housing to Cook Road. He asked if the Town looked into a hydrologic study of the recharge rates of ground water. He said there are other resources such as the US Geologic Survey and the DEC ground water program. He will be providing extensive written comments and concerns to the Town Board and Planning Board in the next few days.

Supervisor Grasso said that Mr. Smith's comments are all good comments, but the Town Board has no jurisdiction of this subdivision application, so the comments should be made to the Planning Board.

Suzanne Voigt, resident, said that she is concerned in general about preserving wetlands. New homes built on her road have affected the water for existing homes. She encouraged the Town Board to update the Town's regulations so that they are all aligned.

Councilman Glavin said that he appreciated the attendance of the approximately 30 people that joined the meeting tonight.

## **RESOLUTION #76**

### **Motion to adjourn the meeting**

Motion by Councilman Robbins

Seconded by Councilman Glavin

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

The meeting adjourned at 9:07 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk