

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

**September 23, 2019**

The Agenda Meeting of the Town Board of the Town of Charlton, Saratoga County, New York was held at the Charlton Town Hall, 758 Charlton Rd, Charlton, NY and called to order by Councilman Grasso at 7:30 p.m. to set the agenda for the October 15th meeting.

Councilman Grasso lead the salute to the flag.

Present: Councilman Grasso, Councilwoman Heritage, Councilman Ranaletto, Councilman Robbins, Town Clerk Brenda Mills, Attorney Craig.

Excused: Supervisor Grattidge

**RESOLUTION #167**

**Approval of Minutes**

Motion by Councilman Ranaletto

Seconded by Councilwoman Heritage

BE IT RESOLVED that the Town Board hereby approves the minutes from the Town Board Meeting on September 9, 2019.

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

**ANNOUNCEMENTS**

The Town Board will hold a Budget Workshop on September 30th at 6:30p.m. The date is to be determined for a second workshop in October.

Town Offices will be closed for Columbus Day, October 14<sup>th</sup>. The Town Board Meeting will be held on Tuesday, October 15<sup>th</sup>.

The Highway Department will begin Fall brush pick up the week of October 28<sup>th</sup>. Limbs should be curbside by October 27<sup>th</sup>. Bagged leaf pick up will begin the week of November 4<sup>th</sup>. Bags should be curbside by November 3<sup>rd</sup>.

**COMMUNICATION**

Andy Halpin, Associate Executive Director of Captain/Community Human Services did a short presentation of the many services that Captain/CHS offers. In particular, the CareLinks and Wellness programs were highlighted and are volunteer programs that provide services that senior citizens can use, such as transportation, visits, light housekeeping, shopping and appointment assistance, etc. They also offer help to fight hunger, homelessness, and crisis intervention for families. They have about 540 volunteers that gave over 60,000 hours of volunteer time. They offer services to all of Saratoga County with 6 Towns, including Charlton that contribute financially to their organization. Currently 6 Charlton residents use their CareLinks program and 2 residents use the Wellness program.

## **DISCUSSION**

The Board has received the Sales Tax and Mortgage Tax reports for the month.

Councilman Grasso said that he and Highway Superintendent Heritage walked the Dawson Road/Crane Street intersection and discussed plans for the intersection. One option is for better signage and clearing of bushes on the adjacent property. Another option is to make the intersection a T intersection. He feels that making the intersection a T intersection is the best option. Bob Smialek, neighboring property owner said he is in favor of the T intersection. Nancy Hauenstein, neighboring property owner said that she has heard from people on Dawson Road that they have had some trouble with the current intersection. Suzanne Voigt of Dawson Road said that the Hauenstein bushes are about 3 times their original size, and if they were cut back, that might be enough to help the situation without the expense of changing the intersection, but if they do change the intersection, they need to change the grade as well. Councilman Grasso said that the Town would prefer not to incur the expense if it wasn't necessary, but the Highway Superintendent said that he feels that his department can do most of the work and absorb the cost. Suzanne Voigt said that many bicyclists use the road, and children get off the bus there so anything that the Town can do to make it safer is appreciated. Councilman Grasso said that he looks forward to getting the project done this fall.

## **MOTIONS, AUTHORIZATIONS AND RESOLUTIONS**

### **RESOLUTION #168**

#### **RESOLUTION CANCELING AND RELEASING THE LETTER OF CREDIT FOR BORDEAU BUILDERS, INC., REGARDING THE DEER RUN PROJECT**

Motion by Councilwoman Heritage

Seconded by Councilman Robbins

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Absent. **CARRIED.**

### **TOWN OF CHARLTON COUNTY OF SARATOGA STATE OF NEW YORK**

#### **RESOLUTION NO. 168**

**September 23, 2019**

#### **RESOLUTION CANCELING AND RELEASING THE LETTER OF CREDIT FOR BORDEAU BUILDERS, INC., REGARDING THE DEER RUN PROJECT**

**WHEREAS**, Bordeaux Builders had in place an irrevocable letter of credit for the construction of all phases within the Deer Run Subdivision in the Town of Charlton, listing the Town as a beneficiary, which said Letter of Credit was previously reduced by resolution of the Town Board dated November 9, 2015, and

**WHEREAS**, the Town Engineer has received a request from Ingalls & Associates, LLP, engineers for Bordeaux Builders, Inc., by letter dated August 9, 2019, requesting that the Letter of credit be reduced to \$00.00 and cancelled; and

**WHEREAS**, the Town Engineer, Michael McNamara of The Environmental Design Partnership, has advised the Supervisor and Town Board by letter of September 13, 2019, a copy of which is attached to this resolution, that he has reviewed the request for cancellation of the Letter of Credit, has, along with the Town Highway Superintendent, walked through all three phases of the development and confirmed that all work has been done and completed as required, and that the Letter of Credit for this project can be eliminated.

**NOW BE IT RESOLVED**, that the Town Board of the Town of Charlton hereby accepts the request of Bordeau Builders, Inc. and the recommendations of the Town Engineer, and reduces the letter of credit to \$0.00, canceling and releasing in full the letter of credit for Bordeau Builders, Inc., regarding the Deer Run development, as work to all phases within the Deer Run Subdivision has been completed.

Moved by	Councilwoman Heritage	Voting: Councilman Grasso	Aye
		Councilwoman Heritage	Aye
Seconded by	Councilman Robbins	Councilman Ranaletto	Aye
		Councilman Robbins	Aye
		Supervisor Grattidge	Absent

The resolution was duly adopted on September 23, 2019.

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Brenda Mills, Town Clerk

Councilman Grasso said that the next resolution being considered tonight is to acknowledge that the Town Board has received a Revised Exceptional Use Application from Cellco Partnership DBA Verizon Wireless, and accepting the application with the Town Board having primary jurisdiction over the application in accordance with the Town's Zoning Ordinance. The application was originally submitted to the Town Board in 2016, for a tower on the Hunt property at 764 Charlton Road. A public Hearing was held in January 2017. Reviews were done by the Town Board and various Board and Committees. Questions were raised. Review was done by the Town Engineer and he raised a number of questions that the applicant needed to answer in the revised application. This is a revised application for the same property. The Councilman introduced Dave Brennan, Attorney representing Verizon. He did not give a presentation as he had nothing new to present since his presentation two weeks prior. The Councilman said tonight the Board is not approving the application, they are just formally taking receipt of it, and also accepting jurisdiction over the application and referring it to various Boards and Committees for review. He asked that the Boards and Committees submit their comments by October 31<sup>st</sup>. Upcoming steps would be for a Public Hearing, even though it is not required, he feels it would be a prudent thing to do. He will talk to the Supervisor about setting the date for the public hearing, but feels that it would be at a meeting in November. The Town Board would continue to consider the application and eventually decide if they want to approve the application, deny the application, or approve it with any conditions that need to be changed in it. The Board has anticipated the application for a long time and they are ready to dive in to it. He feels that the Board is going to end up being the SEQR lead agent. The Board needs to determine what type of classification that it is. It is either going to be considered unlisted or a Type 1 action, so SEQR is going to be needed. As the Lead Agent, the Town Board will have to make a SEQR determination before they can take any formal action on the application. They will have to do a very thorough environmental review and review the full EAF. By reviewing the full EAF, it will help the Board classify the application, and whether it is unlisted or Type 1. Type 1 requires coordinating the review with any other involved agencies, a 30 day waiting period and the preparation of a full EAF. Unlisted is just a short EAF. Attorney Brennan has submitted a Full EAF.

**RESOLUTION #169**

**RESOLUTION ACKNOWLEDGING RECEIPT OF THE REVISED TELECOMMUNICATIONS TOWN EXCEPTIONAL USE PERMIT APPLICATION FROM CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND ACCEPTANCE BY THE TOWN BOARD OF PROMARY JURISDICTION OF SUCH APPLICATION PURSUANT TO THE ZONING ORDINANCE OF THE TOWN OF CHARLTON**

Motion by Councilman Ranaletto

Seconded by Councilwoman Heritage

Discussion: Councilman Grasso asked the Town Clerk to keep a copy of the application available for public review, and asked for her help in distributing the applications to the various Boards and Committees that need to review it. He said that the Cell Advisory Committee could provide feedback on the application materials.

Roll Call: Councilman Grasso: Aye, Councilwoman Heritage: Aye, Councilman Ranaletto: Aye, Councilman Robbins: Aye, Supervisor Grattidge: Absent. **CARRIED.**

**TOWN OF CHARLTON  
COUNTY OF SARATOGA  
STATE OF NEW YORK**

**RESOLUTION NO. 169**

**September 23, 2019**

**RESOLUTION ACKNOWLEDGING RECEIPT OF THE REVISED  
TELECOMMUNICATIONS TOWN EXCEPTIONAL USE PERMIT APPLICATION FROM  
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND ACCEPTANCE  
BY THE TOWN BOARD OF PRIMARY JURISDICTION OF  
SUCH APPLICATION PURSUANT TO THE ZONING ORDINANCE  
OF THE TOWN OF CHARLTON**

**WHEREAS**, the Town Board has received a revised application from Cellco Partnership d/b/a Verizon Wireless, applying for an exceptional use permit for a telecommunications tower to be located at 764 Charlton Road, as required by Local Law No. 1 of 2015 entitled "A Local Law Relating to Telecommunications Towers in the Town of Charlton" and Article VII, Special Exceptions to Designated Land Uses of the Zoning Ordinances for the Town of Charlton as adopted September 14, 2015; and

**WHEREAS**, the Town Board has reviewed such revisions to the application, consulted with the Town of Charlton Zoning Enforcement Officer and the Attorney for the Town regarding issues which need to be considered in processing this application and as set forth in the aforementioned Town of Charlton Zoning Ordinance; and

**WHEREAS**, the applicant had made several presentations to the Town Board, providing an overview of such application and has requested it to move forward as soon as practicable according to the required terms and procedures of the aforementioned legislation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Charlton hereby formally accepts the revised telecommunication tower exceptional use permit application of Cellco Partnership d/b/a Verizon Wireless, subject to the Applicant providing the filled in complete Exceptional Use Permit Application form, and completed Full Environmental Assessment Form, a copy of which application is attached to this resolution and made a part hereof; and it is further

**RESOLVED**, that the Town Board will retain primary jurisdiction of this application as authorized and set forth in Article VII, Section 3(A) of the Zoning Ordinance of the Town of Charlton; and it is further

**RESOLVED**, that the Town Board will review the application and make a determination as to whether the application constitutes an Unlisted or Type I Action under the State Environmental Quality Review Act (SEQRA); and it is further

**RESOLVED**, that the Town Board will refer said amended application to the Charlton Planning Board, the Charlton Zoning Board of Appeals, the Charlton Environmental Conservation Committee, the Charlton Historical Review Commission, and the Town Engineer, and request an advisory opinion from each due by October 31, 2019, for the Town Board's consideration as set forth in Section 3(g)(iii) of the aforementioned Local Law No. 1 of 2015; and it is further

**RESOLVED**, that said revised application will also be referred to the Saratoga County Planning Board and the Charlton Code Enforcement Officer for comment, as well as filed in the Town Clerk's office.

Moved by	Councilman Ranaletto	Voting: Councilman Grasso	Aye
		Councilwoman Heritage	Aye
Seconded by	Councilwoman Heritage	Councilman Ranaletto	Aye
		Councilman Robbins	Aye
		Supervisor Grattidge	Absent

The resolution was duly adopted on September 23, 2019.

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Brenda Mills, Town Clerk

**PRIVILEGE OF THE FLOOR**  
(recording of voices inaudible)

Teresa Swett, Maple Avenue resident, said that she represents a group of Maple Avenue residents who are opposed to a tower being erected on the 764 Charlton Road site. She gave the Clerk copies of a letter to be distributed to the Town Board, which included a copy of a letter from Attorney Bowitch raising many concerns about the cell tower site. She has aesthetic concerns about a tower, and feels that a booster works fine. She wants to make sure that the Town Board knows that there are people opposed to a cell tower. She asked about the Public Hearing and wants to give everyone an opportunity to voice public comment. Councilman Grasso said that the point of the Public Hearing is to let everyone say what they want, whether they are for or opposed to the application. He thanked Mrs. Swett for giving the Board written materials to refer to.

Julianna Mayer, Hagaman (and Charlton Taxpayer), asked about the maximum height of the tower. She said that a former Board member asked to have 20 feet taken off of the tower. She feels that the Jockey Street tower is ugly. She feels there are more reliable means of obtaining cell coverage. Boosters are available, why not help people get boosters? There is cell coverage by satellite via the internet. She is not in favor of another cell tower in Charlton. Why not put it on the water tower? The people of Cherry Lane complained about the aesthetics, health and devaluation of real estate. That applies to both sites. Why aren't those people voicing their complaints about both sites? She said if the Board insists on installing a cell antenna, she would ask that it be put on public land so that the Town can get the revenue.

Jim Glavin, resident, asked if the application could be put on the Town website.

Councilman Grasso asked the Town Board to familiarize themselves with the Zoning Ordinance Appendix B14, Telecommunications Towers. It make references about how to go about the review, how they are supposed to first consider existing tall structures, and in what cases they can consider other sites. This application is not on an existing tall structure. Someone said that this application is a done deal, but it is not a done deal until the Town Board makes a final decision.

**RESOLUTION #170**

**Abstract of Claims**

Motion by Councilman Robbins

Seconded by Councilwoman Heritage

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract #116, voucher numbers 578 – 611 in the amount of \$166,239.67 and Abstract #20, voucher Number 2001 in the amount of \$1,494.01.

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

**RESOLUTION #171**

**Adjournment of Meeting**

Motion by Councilman Ranaletto

Seconded by Councilman Robbins

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

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Brenda Mills  
Town Clerk