

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

March 13, 2017

The Regular 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 Supervisor Grattidge at 7:30 p.m.

Supervisor Grattidge led the pledge of Allegiance.

Present: Councilman Gay, Councilman Grasso, Councilman Heritage, Councilman Hodgkins, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken.

APPROVAL OF MINUTES

RESOLUTION #77

Approval of Minutes

Motion by Councilman Grasso

Seconded by Councilman Gay

BE IT RESOLVED that the Town Board has approved the minutes of the Town Board Agenda Meeting on February 27, 2017.

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

PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS

No one chose to speak.

ABSTRACT OF CLAIMS

RESOLUTION #78

Approval of Abstract of Claims

Motion by Councilman Heritage

Seconded by Councilman Hodgkins

Discussion: Supervisor Grattidge noted that there was a voucher for road salt that was a substantial amount over the budgeted amount. There is currently \$9,528 in the salt budget, but the voucher was over \$21,000. The Supervisor suggested that money be transferred from the Road Construction- Summer budget line to cover the shortage. The State is awarding the Town additional funds this year and when received, that money can be put back into the Road Construction – Summer line to replenish it.

BE IT RESOLVED that the Town Board has approved the payment of bills as presented in Abstract No. 105, voucher numbers 120-157 in the amount of \$308,643.89.

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

TOWN CLERK'S REPORT

Clerk Mills reported that the Town Clerk's office took in \$506.00 for the month of February. \$433.38 was paid to the Supervisor's Office, and \$72.62 was paid to other Governmental agencies.

RESOLUTION #79

Acceptance of the Town Clerk's Report

Motion by Councilman Gay

Seconded by Councilman Heritage

BE IT RESOLVED that the Town Board has accepted the Town Clerk's reports as read.

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

The Supervisor thanked the Town Clerk for emailing and posting to the website a list of important dates and news in Charlton.

SUPERVISOR'S REPORT

For the month of February, I attended 2 Town meetings and 6 County meetings.

Some of the highlights of the month:

- Attended normal Town and County meetings
- Attended the Association of Towns Annual Meeting in NYC
- Worked on the Charter Agreement

(see financial report on next page)

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MONTHLY REPORT OF SUPERVISOR**TO THE TOWN BOARD OF THE TOWN OF CHARLTON :**

Pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of February, 2017:

DATED: March 6, 2017

SUPERVISOR

	Balance 01/31/2017	Increases	Decreases	Balance 02/28/2017
A GENERAL FUND - TOWNWIDE				
CASH - CHECKING	12,067.48	106,506.63	107,901.66	10,672.45
CASH - SAVING	538,742.83	66,290.69	106,505.48	498,528.04
PETTY CASH	600.00	0.00	0.00	600.00
Park Fees Reserve	60,418.47	5.10	0.00	60,423.57
TOTAL	611,828.78	172,802.42	214,407.14	570,224.06
DA HIGHWAY FUND				
CASH - CHECKING	0.00	98,765.79	97,369.61	1,396.18
CASH - SAVINGS	7,127.37	73,192.19	97,369.61	-17,050.05
CASH, SPECIAL RESERVE	15,481.03	0.00	0.00	15,481.03
TOTAL	22,608.40	171,957.98	194,739.22	-172.84
F WATER #1 FUND				
CASH - CHECKING	0.00	5,214.16	5,214.16	0.00
CASH - SAVINGS	204,516.26	169,831.69	5,214.16	369,133.79
WATER SERIAL BOND	34,317.38	1.32	0.00	34,318.70
CASH, SPECIAL RESERVES	121,312.65	4.65	0.00	121,317.30
TOTAL	360,146.29	175,051.82	10,428.32	524,769.79
SW WATER #2 FUND				
CASH - CHECKING	0.00	114.52	114.52	0.00
CASH - SAVINGS	25,635.65	2,102.19	114.52	27,623.32
TOTAL	25,635.65	2,216.71	229.04	27,623.32
TA TRUST & AGENCY				
CASH - CHECKING	14,503.71	40,161.49	41,671.49	12,993.71
TOTAL	14,503.71	40,161.49	41,671.49	12,993.71
H CAPITAL PROJECTS				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
TOTAL ALL FUNDS	1,034,722.83	562,190.42	461,475.21	1,135,438.04

ANNOUNCEMENTS

The Party in the Park Committee is looking for residents to volunteer to be on the Committee and help planning this year's events. The next meeting is April 18th and then May 23rd.

The articles for the Spring Newsletter are due March 17th in time to get the newsletter mailed during the 1st week of April.

Brush Pick-Up will be held the week of April 24th through April 28th. This is for residential brush and tree trimming only. The Town will not remove whole trees that have been cut down.

COMMUNICATIONS

Supervisor Grattidge said that he received a letter from Computel which offered suggestions on the language used in the Spectrum Cable Franchise agreement.

Little Troy Park has notified the Town that they will be holding their annual fundraiser at the Charlton Tavern on March 27th.

DEPARTMENT & COMMITTEE REPORTS

Zoning – In February, \$409 in fees were collected with a total value of \$440,900.

Water – The Water Superintendent has received his license and is now certified to run the water system on his own.

Constables – In February, there were 34 patrols, 19 complaints, 8 911 calls and 3 accidents & 1 EMT calls responded to. 2,555 miles were traveled, and 90 tickets were issued of which 11 were issued on Route 67.

Dog Control – In February, there were 4 complaints and 7 expired licenses followed up on, 2 licensed dog returned to owners.

Parks – The Committee met on March 6th. They received a quote from Copeland Coating Company to repair and resurface the 2 tennis courts and 1 basketball court. The Committee would also like to have electrical lines run underground for vendors so that they do not have to run extension cords. They said that the Highway Department would be able to do this for them. Supervisor Grattidge said that there would need to be a permissive referendum to take money from the Parks reserve account. Attorney Van Vranken said that the Board would need to pass a resolution, publish the resolution, hold a Public Hearing, and if no one objects, it can be approved. Councilman Grasso said that due to the substantial cost of the project, it might be good to solicit a few comparison bids.

Planning Board – Councilman Grasso said that the Board is reviewing the site plan for Stewarts as well as subdivision applications from Austro/ Bartczak and Montemorano.

Historian – Marv Livingston noted that there is no road sign on the corner of Swaggertown Road at Charlton Road. He said that Linda LaRue and Judy Curtiss have been helping him to label over 1,000 photos that he has. There are 2 to 3 copies of each photo, and he is also making an electronic copy of the photos. He is planning to donate 1 copy of each to the Historical Society. Work on the Charlton Book is proceeding.

ECC – Supervisor Grattidge noted that the ECC has sent their advisory opinion regarding the Stewarts Shops application for an Exceptional Use Permit.

DISCUSSION:

Councilman Grasso asked for an update on the Stewarts Shop application, and asked Chuck Marshall to send the answers to the ECC's questions to the Planning Board.

Chuck Marshall from Stewart's Shops said that they have received variances from the Town. They are waiting on DOT comments, and asked the Board what the Board would want them to do if DOT comes back with a restricted access configuration, and would that trigger the need to go back to the Town Board? Councilman Grasso said that he feels that is more of a site plan related issue. The exceptional use permit is covering the use of the site. Councilman Grasso and Attorney Van Vranken both felt that any minor changes to the site plan such as a turn restriction would not necessitate additional review by the Town Board.

Mr. Marshall said that the only remaining items are the final site plan review by the Planning Board. They have new plans to submit to the Planning Board and there may not be enough time before March's Planning Board meeting, so they are prepared if they have to wait for the April meeting. Stewarts has had a consultant out to the site, and there were no archeological finds of 18th or 19th century material. This has been submitted to the State.

Mr. Marshall said that the only conditions that they are going to ask for regarding the site plan are because of ownership and the way that the contracts were written. They would not do test bits for septic because they have to bring in a fill system, nor would they drill a well until they own the property. Councilman Grasso said that he thinks that they will need to work on these with the Town Engineer.

Councilman Grasso commended the applicant for working with the 3 Boards that have jurisdiction over the project, and for making significant changes to the project to make it more pleasing to the Town. One of the primary concerns that he has is what is going to happen to the vacated store across the street. The Board has built findings into the negative declaration that protects the Town from a building that is unoccupied for more than 2 years. He asked that if Stewarts has tenants interested in the property, that they come to the Town Board to discuss their intended use of the building. The Town Board needs to be careful of any additional use of that property. Supervisor Grattidge said that the property was originally grandfathered and owned by Hoefingers but an Exceptional Use Permit was granted to Stewarts when they bought it, for basically use as a retail store. Chuck Marshall said that they will not lease to a competitor, and the best use would be a professional office building.

Mr. Marshall confirmed that the gas pumps and tanks will be removed and the driveways will somehow be blocked off.

MOTIONS, RESOLUTIONS, AND AUTHORIZATIONS

RESOLUTION #80

Resolution granting an Exceptional Use Permit to Stewart's Shops Corp. for the development of the southeast corner of Route 67 and Route 147 (1334 Sacandaga Road) in order to relocate the company's current location at the northwest corner of the subject highway intersection.

Motion by Councilman Heritage

Seconded by Councilman Gay

Roll Call: Councilman Gay: Aye, Councilman Grasso: Aye, Councilman Heritage: Aye, Councilman Hodgkins: Aye, Supervisor Grattidge: Aye. **CARRIED.**

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

Resolution No. 80

March 13, 2017

**A RESOLUTION GRANTING AN EXCEPTIONAL USE PERMIT TO
STEWART'S SHOPS CORP. FOR THE DEVELOPMENT OF THE SOUTHEAST
CORNER OF ROUTE 67 AND ROUTE 147 (1334 SACANDAGA ROAD) IN ORDER
TO RELOCATE THE COMPANY'S CURRENT LOCATION AT THE NORTHWEST
CORNER OF THE SUBJECT HIGHWAY INTERSECTION**

WHEREAS, the Town Board did on October 28, 2016 receive an original proposed site plan from Stewart's Shops Corp. for the development of 1334 Sacandaga Road in order to relocate the company's current location at the northwest corner of the intersection of Routes 67 and 147 in the Town of Charlton, and

WHEREAS, the Town Board did receive an initial exceptional use permit (EUP) application from Stewart's Shops Corp. dated and filed on November 15, 2016 with an amended EUP application dated December 16, 2016, and

WHEREAS, the Town Board did on December 12, 2016 at its regular Board Meeting approve a resolution entitled "A Resolution Acknowledging Receipt of an Exceptional Use Permit (EUP) Application from Stewart's Shops Corp. and Acceptance by the Town Board of Primary Jurisdiction of Such Application Pursuant to the Zoning Ordinance of the Town of Charlton", and

WHEREAS, the Town Board determined that it would retain primary jurisdiction of the Stewart's Shops Corp. application as authorized by Article VII, Section 3(A) of the Town of Charlton Zoning Ordinance, 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 this application, and

WHEREAS, the Town Board did on January 5, 2017 authorize the Town Clerk to submit a legal notice for a public hearing, to be held jointly with the Town of Charlton Zoning Board of Appeals on January 23, 2017, which legal notice was published in the Daily Gazette on January 6, 2017, and

WHEREAS, on January 13, 2017, the Town Board received a letter of opinion regarding the subject application from Town Engineer Michael McNamara of The Environmental Design Partnership, and

WHEREAS, the Town Clerk submitted an affidavit of mailing notices regarding the proposed public hearing to all neighboring properties located within 1,500 feet of 1334 Sacandaga Road, and

WHEREAS, the Town Board did hold a public hearing with respect to the application of Stewart's Shops Corp. for an exceptional use permit, conducted jointly with the Town of Charlton Zoning Board of Appeals and including participation by the Town Planning Board, on Monday, January 23, 2017 at 6:30 p.m., and

WHEREAS, during the January 23, 2017 public hearing, the applicant did submit additional and amended documentation for consideration by the Town Board, Zoning Board of Appeals and Planning Board, and

WHEREAS, also during the January 23, 2017 public hearing, the applicant did make a detailed presentation as to the proposed site plan for 1334 Sacandaga Road (intersection of Route 67 and Route 147) and presented detailed information regarding the site proposal, including the location of the building, gas pumps and islands, signs, ingress and egress driveways and all other necessary aspects of the plan necessary to describe the proposed new Stewart's Shop location, and

WHEREAS, members of the public in attendance, members of the Town Board, Zoning Board of Appeals and Planning Board were able to ask questions of the applicant and its representatives

regarding the proposed site plan, and

WHEREAS, at the conclusion of the public hearing and following questions raised by the Town Board and the Zoning Board of Appeals, the Town Board did indicate that the Zoning Board of Appeals would be addressing the issue of multiple variances required for this project at its regularly scheduled meeting to be held on Tuesday, February 14, 2017, and

WHEREAS, on January 23, 2017, the Planning Board submitted to the Town Board its advisory opinion regarding the EUP application, and

WHEREAS, the Town, Zoning and Planning Boards did hold a workshop regarding the EUP application on February 9, 2017, and

WHEREAS, the Zoning Board of Appeals did receive a letter dated February 10, 2017 from the applicant regarding its EUP application and consideration of the required variances, and

WHEREAS, the Town Attorney submitted an opinion on February 13, 2017 regarding the EUP application, with particular reference to New York State Town Law Section 274(b), and

WHEREAS, the Town Engineer did submit a detailed opinion letter to the Zoning Board of Appeals on February 13, 2017 regarding the EUP application, with particular focus and identification of items requiring variances from the Zoning Board of Appeals, and

WHEREAS, the Town Board did approve a resolution at its February 13, 2017 meeting determining the environmental non-significance under the New York State Environmental Quality Review Act (SEQRA) regarding the exceptional use permit application of Stewart's Shops Corp., which resolution determined that granting of the proposed exceptional use permit constitutes an unlisted action as defined under SEQRA regulations and the adoption of such resolution would not have a significant effect on the environment and could be processed by the Town Board without regard to SEQRA, and

WHEREAS, the Zoning Board of Appeals did meet on February 14, 2017 and approved a resolution granting six (6) variances to Stewart's Shops Corp. for the property located at 1334 Sacandaga Road (approvals included front setback, maximum building area, parking area to floor area ratio, sign variances, prohibition of mechanical signs and permitted number of fueling positions), and

WHEREAS, the Planning Board did review on February 20, 2017 the revised proposed site plan subject of the EUP application in anticipation of a comprehensive site plan to follow the Town Board approval of the Stewart's Shops EUP application, and

WHEREAS, Planning Board Chairman Wilkinson did receive a letter from Stewart's Shops Corp. responding to Planning Board concerns as expressed at the February 20, 2017 meeting of the Planning Board, and

WHEREAS, the Town Board has now reviewed all of the documentation submitted to it with respect to the requested exceptional use permit, including a letter from the Town Environmental Conservation Commission dated March 6, 2017 which concerns will be provided to the applicant and the Town Planning Board, and in addition to which the Town Board has been advised by the Saratoga County Planning Board that this EUP application has no impact relative to County roads or resources and that all other required responses as set forth in Article VII of the Charlton Zoning Ordinance have been received, 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 will not substantially endanger the health, safety, morals or general welfare of the neighborhood, nor adversely affect the environment (SEQRA review), and

WHEREAS, this project is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities, and

WHEREAS, the off-street parking spaces are adequate to handle expected public access, 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 has by the terms of this resolution affirmed each and every one of the six criteria, and

WHEREAS, the Town Board has determined that following the approval of the EUP, the applicant Stewart’s Shops will be required to submit to the Planning Board a final proposed site plan and complete a site plan review as required by the Town of Charlton Zoning Ordinance, which Planning Board approval will be the final requirement and condition of this application and authorize the Town Building Inspector to issue required permits for the development of this site.

NOW BE IT RESOLVED, that the Town Board hereby grants the application of Stewart’s Shops Corp. for an EUP, subject to compliance by the applicant of the terms and conditions of the SEQRA review, final site plan approval and all other requirements as described in this resolution, and

BE IT FURTHER RESOLVED, that should conditions change during the development of this site in a manner that would require amendments to the terms and conditions of this approval, no such amendments shall be authorized unless and until applicant Stewart’s Shops Corp. shall request a meeting with the Town Board for purposes of processing any request for any alterations or changes to the approved plans, conditions or requirements as are hereby granted.

Moved by	Councilman Heritage	Voting:	Councilman Gay	Aye
			Councilman Grasso	Aye
Seconded by	Councilman Gay		Councilman Heritage	Aye
			Councilman Hodgkins	Aye
			Supervisor Grattidge	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: March 13, 2017

Brenda Mills, Town Clerk

COUNCILMAN REPORTS

Councilman Gay said that he is ready to begin scheduling the Town audits of the six Departments that handle money at the Town Hall. Each audit will be done by 2 Board members.

Councilman Hodgkins said that the Party in the Park Committee met on March 7th and went through their agenda. They are in the process of contacting vendors for the event. The same company will do the fireworks for the same price again this year. They are looking for a music group to perform. They are also looking for a few new people to join the committee to help plan the event. The next meetings are April 18th and May 23rd and the any public that wish to help may attend.

Councilman Heritage said that the Parks Committee is looking for people or groups that would like to do some community service projects. The Committee has projects in the parks that need to be done.

Councilman Grasso said that the representatives from Verizon for the cell antenna project are still working on answers to the questions that the Town Board gave them. Hopefully they will have more information for the Board to review in the next two to four weeks.

PRIVILEGE OF THE FLOOR

Brenda Mills said that her teenage daughter and friends enjoy listening to big band music and encouraged the Board to consider Ray Black's band for Party in the Park.

RESOLUTION #81

Resolution to adjourn meeting

Motion by Councilman Hodgkins

Seconded by Councilman Gay

The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Brenda Mills
Town Clerk