

**TOWN OF CHARLTON**  
**SUBDIVISION APPLICATION FORM - PART 1**  
**Information about the property as it now exists**

property owner(s): Nicholas Davidson as listed on the deed

owner's address: 131 Crane Street Scotiary 12302

address of proposed subdivision (if different from owner's address): 123/124<sup>(2)</sup> Crane St, Scotiary

owner's phone number: 518 928 9690 (or) 518 280 3015 if unable to reach.

applicant name (if different from the owner): Carmel Ann Davidson  
(if the applicant is a party with a purchase agreement, include a copy of the purchase agreement)

applicant address: 133 Crane St. Scotiary 12302

applicant phone number: 518-527-5346

consultant name private disposition

consultant address \_\_\_\_\_

consultant phone number \_\_\_\_\_

tax map number(s): 246-3-61.111 size of property (acres): 66 ac. +/-  
(include block and lot numbers if available)

road frontage (feet): 400 on (name of road): Crane St

road frontage (feet): ~~1200~~ on (name of road): \_\_\_\_\_

distance to nearest intersection (feet): 1600 +/- name of cross street: Davison

zoning district: residential \_\_\_\_\_ residential/agricultural X agricultural \_\_\_\_\_

does property have an agricultural exemption: No or a conservation easement: No  
special use permit: no or a variance: no  
if yes to any of the above, please provide permit/variance number, date of issuance, and stipulations

area of (acres): state wetlands 0- federal wetlands 0- flood plain 0-  
(if this information is not known now, it will have to be obtained before the final plan will be complete)

stream name(s) and classification(s) 0-

was this property the result of a subdivision within the last 15 years? \_\_\_\_\_  
if yes, when and by whom: NO

Describe current uses of the property: Residential - Vacant

**TOWN OF CHARLTON**  
**SUBDIVISION APPLICATION FORM - PART 2**  
**Information about the proposed subdivision**

purpose of proposed subdivision: Build house

number of proposed lots: 1 (application fee is \$300 / new lot created - see review guide)

size of minimum proposed lot (acres) 2.4c proposed lot with minimum road frontage (feet) 200

are new roads proposed? NO if yes, how long (feet) \_\_\_\_\_

proposed source of potable water well

proposed method of sewage disposal septic

does the proposed subdivision comply with Zoning Ordinance Requirements for all lots? yes

Consult the review guide for material which must accompany this application. A list of required material is found in Step 2 - Preliminary Application.

SIGNATURE OF APPLICANT Camie Ann Davidson DATE 1/28/21

Print name: Camie Ann Davidson

**PLANNING BOARD USE ONLY**  
Date application received by Town: 2-26-21 Amount of application fee paid \$ 300

signature of town official accepting fee Laurie

Planning Board Case # assigned to application: \_\_\_\_\_ Date of first hearing: \_\_\_\_\_

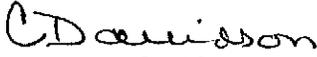
Date escrow account created: \_\_\_\_\_

To Members of the Planning Board

Town of Charlton

I am submitting a request for a 2 acre subdivision from my brother, Nick Davidsons property . I am a teacher at Cocksackie-Athens school, a single parent of a twelve year old who attends Orourke middle school.

I would like to build a three bedroom, two bath, ranch or cape cod style home to remain close to my family and friends.

  
Carrie Ann Davidson

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <u>Druidson</u>			
Project Location (describe, and attach a location map): <u>123 Crane Street Scoters NY 12302</u>			
Brief Description of Proposed Action: <u>Subdivide 2AC off large property for house</u>			
Name of Applicant or Sponsor: <u>Larissa Davidson</u>		Telephone: <u>518-280-3015</u>	
Address: <u>133 CRANE Street</u>		E-Mail:	
City/PO: <u>Scoters NY</u>		State: <u>NY</u>	Zip Code: <u>12302</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>6.8</u> acres	
b. Total acreage to be physically disturbed?		<u>1.2</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>6.9</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>SEPTIC</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>Comie An Dacan</u></p>	<p>Date: <u>1/28/21</u></p>	
<p>Signature: <u>Comie An Dacan</u></p>		

## Town of Charlton

### Application for Subdivision - List of Neighboring Property Owners

In order for a Preliminary Application for a subdivision to be considered complete, a list is required that details all owners of property that are contiguous, adjacent to, or across an established road from the proposed boundaries of the subdivision. Tax Map Numbers, Names, and Addresses are required. Include all active farms within 1,500 feet for a minor subdivision or within 2,500 feet for a major subdivision. Property Class numbers in the 100 series indicate farms and crop land.

Owner Nicholas Davidson Applicant Carmel Ann Davidson

Tax Map # (s) on request for subdivision 246.3-61.111

Tax Map #	Property Class	Name (s)	Address
	1 Family		
246.3-62	Residential	David Shippey	127 Crane St Scotia
	1 Family		
246.3-61.112	Residential	William Vogt	125 Crane St Scotia
	1 Family		
246.3-61.14	Residential	John Fleury	117 Crane St Scotia
	1 Family		
246.3:85	Residential	Michael Tebouch	116 Crane St Scotia
	rural		
246.3.58.2	Residential	Jessica Schoen	129 Crane St Scotia
	rural		
246.3-74.1	Residential	Timothy Kruppenbacher	138 Crane St
	Rural		
246.3-63.11	Residential	Nancy Havenstein	137 Crane St
	Rural		
246.3.61.2	vac + 10	Dokerly	111 CRANE

all  
Scotia  
12307

Signature of Preparer

Carmel Ann Davidson date 1/28/21

**AGRICULTURAL DATA STATEMENT AND CONTROL FORM**

Town of Charlton Tax Parcel No. 246.-3-61.111  
(section) - (block) - (lot)

Consolidated Agricultural District No. 1 or 2 Street Name Crane St  
(circle)

**NOTE:** Section 283-a of the Town Law (effective July 1, 1993) requires that any application for a Special Permit, Site Plan Approval, Use Variance or Subdivision Approval **on property within an Agricultural District containing a farm operation, OR on property with boundaries within five hundred (500) feet of a farm operation that is located in an Agricultural District**, include an Agricultural Data Statement. **ALL** applications requiring an Agricultural Data Statement must be referred to the Saratoga County Planning Board in accordance with amended section 239-m and 239-n of the General Municipal Law (effective July 1, 1993).

**Part I: Agricultural Data Statement**

Name of Applicant C.H. Davidson  
Mailing Address 133 Crane St Scotia ny 12302  
Description of Project Subdivision

Names and addresses of those owners of land within Consolidated Agricultural District No. \_\_\_\_\_ that contain farm operations AND are located within five hundred (500) feet of the project property:

1. Nancy Hunsler 139 Crane St (Sec) Scotia ny 12302
2. Tat. Heppbacher 138 Crane St (Sec) Scotia ny 12302
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Attach to this form a copy of a tax map showing the site of the proposed project relative to the locations of farm operations identified above. Farm Operations are defined as "...the land used in agricultural production, farm buildings, equipment and farm residential buildings" according to Section 301, Article 25 AA of the Agricultural and Markets Law.

**AFFIDAVIT TO BE COMPLETED BY OWNER**

STATE OF NEW YORK )

)SS:

COUNTY OF Saratoga )

Nicholas D. Wilson, being duly sworn, deposes and says that he/she is the owner and/or developer of the real property subdivision known as BIRKBECK ST SECT 14 NY which subdivision is herewith submitted to the Town Planning Board of the Town of Charlton, New York, for its approval, pursuant to the Town Law of the State of New York and other statutes and ordinances in such cases made and provided.

That deponent has authorized George Carmel Davidson to appear on his/her behalf in order to make application for subdivision approval and to obtain all approvals relating thereto.

Deponent states that, from his/her actual knowledge, the map or plan as submitted herewith is true and correct in every detail and correctly sets forth the owners of adjoining lands.

That this affidavit is made as an inducement to the Town of Charlton Planning Board for approval of the aforesaid subdivision plat.

Signed 

Sworn to before me this

19 day of January, ~~2008~~ <sup>2021</sup>

  
Notary Public

SARAH R. KUMPEL  
Notary Public, State of New York  
Qualified in Saratoga County  
Registration No. 01KU6355613  
My Commission Expires March 13, 2021

March 8, 2021

To: Town of Charlton Zoning Board of Appeals

From: Town of Charlton Planning Board

Re: Davidson Subdivision Application Tax ID 246.-3-61.111

The Planning Board has received a subdivision application from Nicholas Davidson of 131 Crane Street, Charlton to subdivision his property. He is proposing a 2 lot subdivision to create a new single family building lot for a family member. The owner believes there is 401 feet of road frontage but the tax roll shows the frontage for this property as 395.45 feet. The Planning Board cannot move forward with the application since one of the parcels created by the action would have less than 200 feet of frontage required by our Zoning Ordinance. I have advised Mr. Davidson he should seek relief from the ZBA to resolve the discrepancy if he want to continue with the subdivision process.

Very truly yours,

Jay Wilkinson, Planning Board Chairman

rec 1-3-2022

To: Town of Charlton Planning Board Members

From: George A. Davidson

Re: 123 Crane Street application for subdivision

Date: December 30, 2021

Enclosed are 15 copies of the following documents pertaining to the two- acre subdivision of lands belonging to Nicholas G. Davidson situated at 123 Crane Street, Town of Charlton.

- (1) Signed and sealed survey map for proposed subdivision
- (2) ZBA resolution approving road frontage variance
- (3) Surveyor's response to ZBA attorney Craig question as to wetland jurisdiction and applicable wetland setback requirements
- (4) Copy of the nearest NYSDEC jurisdictional wetland and 100- foot buffer(blue) map
- (5) Engineer's report as to perk test findings
- (6) Responses to Town of Charlton Planning Board November 1,2021 letter to ZBA regarding Davidson/ Application ZBA case Number 2021-02

Town of Charlton  
ZONING BOARD OF APPEALS  
RESOLUTION NO 2021-02,  
December 14, 2021

RESOLUTION OF ZONING BOARD OF APPEALS  
APPROVING AREA VARIANCE FOR DAVIDSON PROPERTY LOCATED AT  
123 CRANE STREET

MOVED BY: *Dave Taplin*

SECOND BY: *Nate Keenan*

**WHEREAS, Carrie Ann Davidson and Nicholas Davidson**, did present for approval pursuant to Section 267 of the Town Law, a revised application for an approximate twenty-five (25) foot road frontage Area Variance to subdivide off a 2 acre lot for the purposes of building a single family home, at 123 Crane Street, in the Town of Charlton, dated March 9, 2021, with a proposed Site map/old survey, Section of Tax Map showing surrounding lots, and names and addresses of neighboring property owners, and

**WHEREAS**, the Zoning Board of Appeals set, advertised for, and conducted a Public Hearing on November 9, 2021, as is required by law, and after suggesting and obtaining revisions to the application, considered all of the relevant facts, circumstances and subject matter concerning the Area Variance application, including comments and recommendations provided by the Town Planning Board as well as those from the County Planning Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the aforesaid application for an Area Variance be and the same is hereby approved upon the applicants' compliance with the submission requirements and with the following modifications/conditions, if any:

The Zoning Board of Appeals considered the following:

1. **In its consideration of area variances, the Board of Appeals shall take into account the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.**
  - a. There will be no undesirable change in the health, welfare and character of the neighborhood by virtue of the rather minimal road frontage variance of twenty-five (25) feet, as the variance will hardly be noticeable, the property and proposed structures properly screened, and still remain essentially hidden from general view, subject to the condition(s) below.
  - b. The benefit/subdivision cannot be properly achieved by some other method or manner.

c. The requested area variance is minimal, approximately 12.5% of the required 200 feet, is essentially not noticeable by sight, buffered, and cannot be achieved any other way that still allows for the best use of the parcels.

d. The physical and environmental conditions in the neighborhood will not be adversely impacted by grant of the variance, subject to the conditions below.

e. The difficulty was not entirely self-created, as there is and remains a discrepancy between the dimensions on the County tax map and those same dimensions as show on a submitted survey.

**2. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.**

**3. The Board finds that the variance should be granted for all of the foregoing, as well as because:**

a. Subject to the condition(s) below, approval will cause no detriment to the health, safety and welfare of the community.

b. Approval will benefit the applicants without significant detriment to the community and neighborhood.

c. Approval will result in a buildable lot and home constructed in a location and manner generally consistent with the character of the neighborhood, and for the use by the applicant's family.

d. Approval constitutes the minimum variance deemed necessary and adequate for the purposes sought.

**4. The Board finds the area variance to be a Type II action under SEQR, already pre-determined to have no significant adverse impact on the environment, and thus no further SEQR review is warranted or required.**

**5. The following conditions of approval are imposed:**

a. the variance shall be a maximum of twenty-five (25) feet, representing a 175 feet frontage requirement on the roadway for Lot #2 as set forth on the map provided, rather than the required 200 feet as set by Town Code, with an approximate 226 feet of road frontage for the other Lot;

- b. the applicant shall not be allowed to create a 'house behind a house' situation, and thus, in accordance with Town Subdivision Regulations, Design and Construction Standards, any new construction will be limited and restricted to prohibit such, so as to preserve the rural character of the Town and as part of the safe, orderly and efficient use of land and development within the Town.
- c. all other specifications and requirements needed and necessary to meet those conditions disclosed in the plans that were provided to the Zoning Board, and all other conditions as set forth in the record of the meetings, as well as all requirements and conditions of the Town and State Code;

**Now, Therefore Be It Resolved** by the Zoning Board of Appeals of the Town of

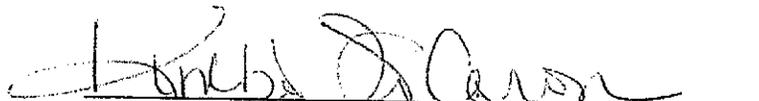
Charlton:

Motion by: Member Dave Taplin

Second by: Member Nate Keenan

	Ayes	Noes
Chairman Jim Leupold	<u>  X  </u>	_____
Member Chip Elms	<u>  X  </u>	_____
Member Richard Potts	<u>  X  </u>	_____
Member Nate Keenan	<u>  X  </u>	_____
Member David Taplin	<u>  X  </u>	_____
Dated: December 14, 2021		

I, Kimberly A. Caron, Clerk of the Zoning Board of Appeals for Town of Charlton do hereby certify that the attached Resolution is a true and accurate copy of the original on file at the office of the Town Clerk of the Town of Charlton, 758 Charlton Road, Ballston Lake, New York, 12019.



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Kimberly A. Caron, Clerk, Zoning Board of Appeals  
Town of Charlton

## Davidson ZBA Application

From: Duane Rabideau (djr@gvglandsurveyors.com)

To: jpc@browncraighunt.com

Cc: janeorgeorge@yahoo.com

Date: Wednesday, November 10, 2021, 01:16 PM EST

Jim,

As per our conversation in reference to wetlands and their associated buffers, the criteria for buffers along the wetland boundaries depends on what state or federal agency has jurisdiction over a particular wetland. If the New York State Department of Conservation (NYSDEC) has jurisdiction over the wetland in question, then there is a 100' buffer added along the wetland boundary in which NYSDEC has control over on what can happen within this 100' strip. If the wetland is under Army Corps of Engineers (ACOE) then there is no buffer along the boundary of the wetland. The jurisdiction of the ACOE ends at the edge of the wetland boundary.

The wetland on the proposed Davidson subdivision has been determined to be only under ACOE jurisdiction, so there is no buffer associated with this wetland complex.

Attached to this email is a copy of the nearest NYSDEC jurisdictional wetland and 100' buffer (blue) to the proposed Davidson subdivision as shown on the Saratoga County GIS.

If you have any questions or need further clarification, don't hesitate to give me a call.

Duane

Reply to: [bwiklow@gvglandsurveyors.com](mailto:bwiklow@gvglandsurveyors.com) <[bwiklow@gvglandsurveyors.com](mailto:bwiklow@gvglandsurveyors.com)>

Device Name: VanGuilder Copier

Device Model: MX-3570N

Location: Not Set

File Format: PDF (Medium)

Resolution: 400dpi x 400dpi

Attached file is scanned image in PDF format.

Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.

Adobe(R)Reader(R) can be downloaded from the following URL:

Adobe, the Adobe logo, Acrobat, the Adobe PDF logo, and Reader are registered trademarks or trademarks of Adobe Systems Incorporated in the United States and other countries.

<https://linkprotect.cudasvc.com/url?>

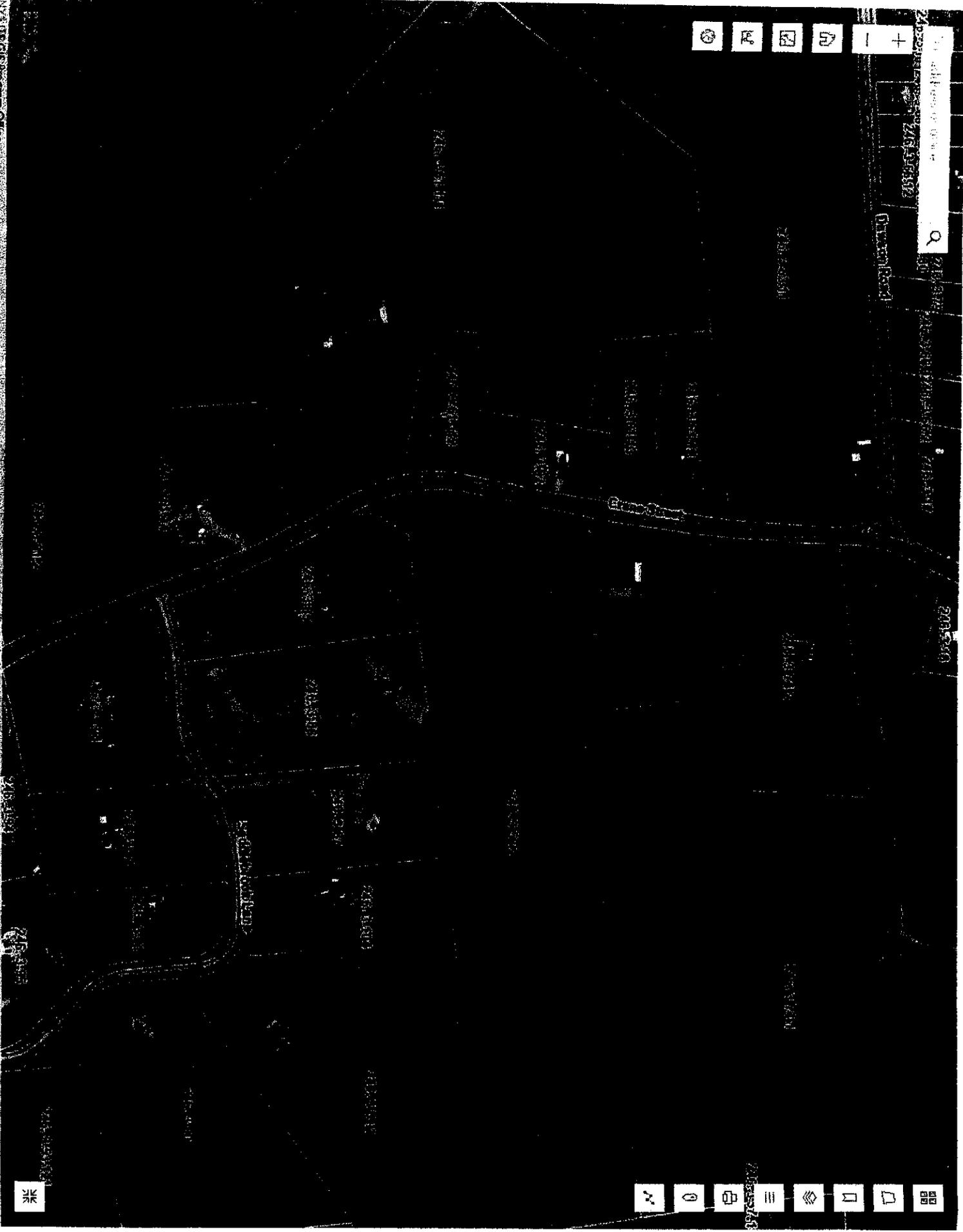
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 Untitled  
2.4MB





Search  
Address or location



**WDK**

**Wayne D. Kant PE PLLC**

2732 Touareuna Rd.

Amsterdam N.Y. 12010

Ph. 518.842.5220 License #070962

To Whom It May Concern:

Re: Deep Pit and Percolation Tests, Proposed Lot, Just West of Driveway to Lands of Nick Davidson, Crane Street, Charlton, N.Y.

I have conducted a site investigation and soils testing on the above proposed lot and find the following.

TP-1 (west) 0-30" Fine Sand, Trace Silt and Gravel.

30"-40" Shale Gravel (Wet)

40" Hard Shale

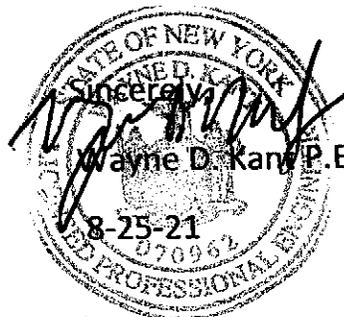
TP-2 (east) 0-28" Fine Sand, Trace Silt and Gravel.

28"-30" Shale Gravel (Wet)

30" Hard Shale

Percolation Tests: 5:47, 8:25, 8:49 min/inch

The area tested is suitable for a conventional shallow absorption system with 18-20" shallow fill.



To: Town of Charlton Planning Board

From: George A. Davidson

Re: Subdivision application 123 Crane Street, Town of Charlton

Date: December 30, 2021

Several members of the Town of Charlton Planning Board attended a September, 2021 Zoning Board of Appeals (ZBA) meeting at which time the ZBA was considering a variance request of approximately five feet of road frontage for a proposed two-acre lot subdivision to the right of the existing driveway at 123 Crane Street. The subdivision purpose was to create a two-acre lot which if approved would then be transferred from my son, the owner of the property, to my daughter. The Planning Board Chairman had previously suggested that I seek ZBA consideration of the five-foot variance as an effective approach to reconcile a difference in road frontage from what several surveys reflected (401.72 feet) versus what the Saratoga County tax map recording reflects (395.45 feet). At the ZBA meeting concern was expressed by Planning Board members that the proposed lot was not suitable since construction of a residence would have been essentially in front of an existing residence on my son's property. It was then suggested that, as an alternative option, consideration be given to a similar subdivision to the immediate left of the existing driveway.

At that time, I indicated to the members present that I would explore the option. I also stated that the lot had wetland and topographical limitations that would make the building envelope restrictive and that a greater variance could be required. A 25-foot road frontage variance was subsequently requested and found to be reasonable by both the ZBA and Planning Board.

I had a preliminary meeting with a representative of the firm of Gilbert Van Guilder, Land Surveyors to ascertain if the lot could in fact meet all the Town's legal requirements for a buildable lot. His response was that it was a very buildable lot. Based upon our meeting, I subsequently contracted with the firm to do a survey of the property. A preliminary survey was presented to the ZBA and the Planning Board. The ZBA recommended a few notations be added to the survey. The changes were incorporated into a revised survey map.

Thereafter, at the November 9, 2021 ZBA meeting, I was provided a copy of a letter dated November 1, 2021 from the Planning Board Chairman to the ZBA outlining several concerns and suggestions to the proposed alternative lot subdivision option.

The items for consideration and my response to same are as follows:

- 1) **Applicant consideration of a different configuration to minimize the narrow strip behind the lands of Fleury to make it more useful to future owners.**

The transfer of ownership of the proposed lot would be from my son, Nicholas G. Davidson to my daughter, Carrie Ann Davidson. The current strip is approximately 70 feet wide and runs within what is an intermittent stream. Widening of the strip would encompass additional wetlands. Due to wetland restrictions and topography of the parcel, any change in configuration would likely be of no value to the new owner, my daughter, or future owners. In fact, the impact of the proposed change would restrict my son's ability to expand the existing pond at some future point which he has expressed interest in doing.

2) **Discrepancy between Saratoga County tax map road frontage (395.45 feet) and surveys (401.72 feet)**

Surveys by two different surveyors reflect the total road frontage at 401.72 feet. I contacted the Saratoga County Real Property Tax Service Agency and should the subdivision be approved, the filing of the new mylars will reflect the correct road frontages for each parcel as will the tax maps.

3) **Driveway as shown on the map appears to cross wetlands.**

I discussed this matter with the surveyor and if, in fact, the driveway crosses over wetlands a crossing permit would be requested. The surveyor indicated that the crossing permit, if needed, would be requested when the building permit is applied for and should not be an issue at that time.

4) **Policy of Planning Board to require and maintain a 100 foot no development buffer from wetlands be they Army Corp of Engineers or NYS Department of Conservation**

I attempted to address this concern by meeting and consulting with the surveyor to ascertain if the buffer could be met. Achievement of a 100-foot wetland setback was determined not to be possible. Had it been possible, I would have directed the surveyor to make the appropriate modifications to the map.

The surveyor stated that the lands in question fall under the Army Corp of Engineers jurisdiction and that the presented survey is not in conflict with Army Corp requirements as to wetland setbacks. Enclosed is a copy of the surveyor's response and wetlands map provided to ZBA attorney Craig regarding his question as to wetland jurisdiction. Please note, the surveyor states that "The wetland on the proposed Davidson subdivision has been determined to be only under ACOE jurisdiction, so there is no buffer associated with the wetland complex". The requirements for a subdivision approval are established by the governing body in each municipality in the State. The Town Council has not adopted any wetland protection laws, as some NYS municipalities have, that would require a wetland buffer greater than the Army Corp of Engineers.

Satisfied that the survey and supporting documentation presented complied with the Town of Charlton governing body adopted laws pertaining to subdivision the ZBA granted the variance. The resolution adopted by the ZBA granting the road frontage variance specifically states, "Approval will result in a buildable lot and home constructed in a location and manner generally consistent with the character of the neighborhood and for use by the applicant's family."

My family and I, as well as the professionals involved to date, are of like mind that the Planning Board proposed alternative lot option results in a substantially better lot for building purposes than the subdivision initially proposed to the right side of the existing driveway. My family has expended considerable time and effort and has incurred substantial cost in pursuing the proposed alternative option. The survey provided to the Zoning Board of Appeals and Planning Board meets or exceeds all applicable zoning requirements adopted by the Town of Charlton governing body. Therefore, my family respectfully requests Planning Board approval of the subdivision.

Thank you for time and effort in reviewing the subdivision application. My family, in particular my daughter and granddaughter who currently live with my wife and I, are eagerly looking forward to having a home of their own and to your favorable approval of the subdivision application.



March 10, 2022

Mr. Jay Wilkinson  
Planning Board Chairman  
Town of Charlton Town Hall  
758 Charlton Road  
Charlton, N.Y. 12019

Re: 2-lot subdivision, Lands of Davidson #123 Crane Street  
Tax map parcel No. 246-3-61.111

Dear Chairman Wilkinson and Planning Board Members:

We have received a proposed 2-lot subdivision plan for lands of Davidson, located at 123 Crane Street. The subdivision plan is dated August 27, 2021, prepared by Gilbert VanGuilder Land Surveyor, PLLC (Todd Westerveld, P.L.S.). We offer the following comments for your consideration.

1. Based on a site visit, and review of the property on Google Earth, it would appear that there may be an issue with sight distance (north, left hand turn from proposed driveway) at the proposed driveway location. Sight distance requirements for new driveway locations is typically governed by the American Association of State Highway and Transportation Officials (AASHTO). We suggest that the board require the applicant to provide a sight distance evaluation (intersection sight distance) of the proposed driveway location. The evaluation should be prepared by a licensed professional with traffic engineering experience. The evaluation should provide the field measured (following AASHTO criteria) available sight distance and provide comparison to the AASHTO requirements based on the posted speed limit (45 mph). Should the report conclude that the sight distance is inadequate, recommendations should be provided to improve the location to meet the criteria (signage is not considered an acceptable mitigating measure for new locations).
2. Due to the presence of a stream corridor (southern side proposed lot), and limited area available for house, septic (primary and expansion) and well, we suggest that a field delineation of wetlands be provided. Based on a Memo provided by VanGuilder (Duane Rabideau), the wetlands shown on the map are US Army Corps of Engineers (USACOE) wetlands and there are no NYSDEC wetlands on the property. Assuming that the wetlands are USACOE jurisdiction, there should be a record of the field delineation and surveyed boundary showing the limits of the wetlands (and a Jurisdictional Determination provided by USACOE). The wetlands shown on the map do not appear to be inclusive (appears to be gap between two sections shown) of the actual site conditions.

3. Based on the wetlands information provided thus far, there is a limited area available for a septic system that meets all required town and state separation requirements. The map actually shows approximately 50% of the system not meeting the required buffers. The map shows a primary location for a proposed system based on a conventional system layout. The deep test pit and percolation test information provided (Wayne Kant) suggest that due to seasonal water, a shallow fill system will be required. Due to the addition of fill to construct a shallow fill system, a larger area is typically required for these type systems, and the separation distances are measured from the toe of the fill limits. Based on the limited area of building envelope shown (based on undocumented wetlands) it would appear that the proposed lot does not contain sufficient area to construct a house, septic (primary and replacement) and a well, that would be compliant with all separation requirements.

We suggest that the applicant provide additional information (as described in the comments above) prior to the board making a decision on the proposed subdivision.

Please do not hesitate to contact me should you wish to discuss.

Sincerely,



Charles D. Baker, P.E.

cbaker@edpllp.com

Cc: Duane Rabideau, P.L.S. by email



## SARATOGA COUNTY PLANNING DEPARTMENT

JASON KEMPER  
DIRECTOR

TOM L. LEWIS  
COUNTY PLANNING BOARD  
CHAIRMAN

March 17, 2022

Susan York, Planning Board  
Town of Charlton  
758 Charlton Road  
Charlton, NY 12019

**RE: SCPB Referral Review #22-A-12-Davison Subdivision**

The applicant proposes to subdivide a 2.01-acre single-family residential lot from an existing +66-acre parcel. The existing 66-acre lot is bisected with the shared boundary of the Town of Glenville (Schenectady Co.). The proposed lot will be entirely in Saratoga County and will access onto Crane Street, a local road.

**Location:** Crane Street (Schenectady County/ Town of Glenville, Ag. Dist. #2)

Received from the Town of Charlton Planning Board on February 25, 2022.

Reviewed by staff of the Saratoga County Planning Board on March 17, 2022.

**Decision:** No Significant County-wide or Intercommunity Impact

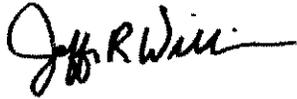
**Comment:** Although the Board responded with a No Significant County-wide or Intercommunity Impact decision, as this proposed action had no impacts to the county/state road and drainage systems nor did it impact the shared municipal boundary with the Town of Glenville, the Board did wish to pass along advisory comment on the proposed subdivision.

The Board recognized the concerns stated in the March 10, 2022, comment/ review letter by Environmental Design Partnership on the behalf of the Town and agreed that the items listed in the letter must be addressed to create a safe environment for the proposed single-family use.

The Board continued with inquiries on the reasoning for the odd shape of the proposed lot and commenting on creating a lot with skewed boundary lines could become an issue in the future as the land changes ownership. The Board questioned about the existence of an overhead electrical transmission wire crossing the area of the proposed lot and whether it created any safety issues during and post construction of the proposed home? The Board also raised concern with the possible impacts to the existing wetlands and drainage corridor surrounding the proposed building envelope of the proposed home. The Board noted that the proposed subdivision appears to be placed in an area of marginal lands that was probably construed because of the need for road frontage. The Board suggested for the applicant to investigate possible alternative areas that may be more suitable to building a single-family home on the 66-acre parcel. The thought was that this could be achieved by establishing a shared access easement agreement to utilize the existing driveway and curb cut onto Crane Street that is currently serving the existing Davidson residence/farmstead.

Please contact this department with any questions you may have regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Williams". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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Jeff Williams, Planner  
Authorized Agent for Saratoga County

**DISCLAIMER:** Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.