

Date: February 6, 2024
Subject: Comments re Heflin subdivision
From: Robert E Fenton
Property: Owner of both 2071 Cook Rd and 2135 Cook Rd, Charlton

Discussion:

I attended the Planning Board meeting of January 15 and listened to the discussion. I have attended several of the previous meeting on Mr. Heflin's subdivisions. I wish to state that I am not an expert on Town Land use Regulations nor Planning Board procedures. I also realize that the Chair was newly appointed in that role. However, I have a MS-EE and spent 30 years in industry including 11 years in Management and 26 years as a consultant including at least 6 appearances as an Expert Witness in Arbitration Hearings/Trials and Mediation hearings. I have also served on several Boards of Directors for Not-For-Profits including terms as Board President.

Having said that, I was quite disappointed in the process I witnessed on January 25. Issues were raised that have been repeatedly raised in prior hearings for each of the Heflin proposals, but have not been addressed yet. The Planning Board needed to be more decisive.

1. This area of Charlton is somewhat strange ground water wise. The soil is heavy clay so that it holds moisture, puddles, and supports ponds quite well. I have 3 ponds between my 2 properties. However just below the surface in several areas there is a massive amount of shale, so the water does not percolate well. Wells are difficult and fragile. At each property I have 2 wells and the 3 that I had drilled are each quite deep (>250 feet). The hydrology study should have been completed before the first 4 lots were approved. At the last meeting the Board proposed sending the discussion to the town Engineer. The correct action was to instruct Heflin's representative to get it done and if he needed direction to seek help from the town engineer.

Mr. Alexander Smith who spoke at the meeting had defined a logical scope for the study as below:

Hydrogeologic Investigation: The Planning Board should not make any determination on the subdivision application until a thorough Hydrogeologic Investigation is completed. The following elements be included as part of a complete and comprehensive study:

- Aquifer Characteristics: To understand the geological formations and properties of the aquifer, such as permeability and porosity, to gauge water storage and flow capabilities.
- Groundwater Levels: To monitor existing groundwater levels to assess variations and potential impacts on neighboring wells.
- Water Quality Analysis: Test water samples for various parameters like contaminants, minerals, and pollutants to evaluate potential changes in water quality. Given the proximity to orchards and old farming fields I suggest legacy contaminants such as herbicides and pesticides. More recent data also suggest emerging contaminants such as PFOA and PFOS should also be included in such studies.
- Pumping Tests: Conduct tests to simulate well pumping conditions and observe effects on nearby wells, helping understand potential interference.
- Flow Modeling: Use hydrogeological models to simulate groundwater flow patterns, helping predict the movement of water and potential impacts.
- Well Interference Assessment: Evaluate the potential for interference between new and existing wells, considering factors like proximity and pumping rates.
- Water Demand Projections: To estimate the water demand from the new construction to assess its impact on the aquifer and existing wells.
- Regulatory Compliance: To ensure compliance with local regulations and water use policies during the construction process.

2. Character of the rural part of the Town of Charlton. Cook Road, like most in the rural part of the town has a variety of property lot sizes, road frontages, building setbacks etc. The reason my late wife acquired the former 79-acre Ruoff property at 2135 in 1995 and during her life time refused all offers to sell it, was exactly to avoid the type of development Heflin is proposing. During my lifetime, I continue to support her position unless convinced any development has sufficient safeguards. Also, the property at 2071 was purchased in 2 stages, but I have combined the 2 properties, each a viable building lot, to demonstrate my commitment to maintain the rural character of the road. The proposed Subdivision will unnecessarily change the rural character of Cook Road and runs counter to Charlton's Comprehensive Plan: The Planning Board should describe, in writing, how it plans to reconcile the approval of the proposed subdivision with the vision statements of the Town's Comprehensive Plan.
3. Dangerous intersection. This is clearly a difficult issue. There is little that can be accomplished by the Town because the only 2 feasible solutions require modifications to State Route 67. Either the curve west of Cook Road must be eliminated by realigning the highway or a merge lane must be added to the southeast corner of Cook Road.
4. Some have questioned the type of sub division Heflin has presented. I believe he took advantage of the planning rules by reducing his original 8 lot plan down into 2 separate 4 lot sub divisions as a result of public concern. However, the Planning Board has the opportunity to remedy this with this application.
5. It is not my intent to restrict any property owner from using his property as he deems appropriate. However, it is the responsibility of the Town of Charlton Planning Board to be certain that such use does not harm neighboring property and is full in compliance with Town regulations.

I was amazed that at the end of the meeting that the hearing was to be continued at the February meeting which falls on a NY State and Federal Holiday (possibly an illegal date for such a meeting), in a week of vacations due to local school closings (in fact, I will be away with my daughter and granddaughter) and in too short a time frame to complete the necessary work to be accomplished. I raised my voice objecting to the timing to no avail.