

**Town of Charlton
Planning Board Minutes
and Public Hearing Minutes
758 Charlton Road
Charlton, New York 12019**

Minutes of the Planning Board Meeting – January 18, 2021

Chairman Jay Wilkinson called the meeting to order at 7:10 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Dawn Szurek, Jonathan Riedinger, Bruce Gardner, Bill Keniry, Esq. (via telephone), Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Planning Board Secretary. Chris Mitchell joined the meeting at 7:12 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the November 16, 2020 meeting minutes needed to be approved. Mrs. York has previously provided comments. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Case (223.-1-2.12)

Mr. Wilkinson stated that there would be a Public Hearing at 7:30 p.m.

Mr. Wilkinson stated that Carl and Angela Case are the owners of 1085 West Line Road which is a 47 ½ ± parcel that they are proposing to subdivide into 2 lots. Mr. Wilkinson stated that the new proposed lot will be a 2.01 ± acre lot for a future home for Carl's brother and that the remaining 45.5 ± acres will encompass the existing house and improvements. Mr. Wilkinson stated that the application was forwarded to town engineer, Mr. McNamara, in November and a response was received on December 11, 2020 and also forwarded to the Saratoga County Planning Board and a response was received on December 18, 2020. Mr. Wilkinson stated that the AG Data statement required some revisions and that has been done. Mr. Wilkinson stated that the Board took lead agency at the October meeting. Mr. Wilkinson stated that Mr. McNamara's comments were numerous however, the maps have been revised and a new letter from Mr. McNamara was received stating that all of the comments had been addressed.

Copies of the revised maps were distributed at the meeting to planning board members.

Subdivision Applications

Case (223.-1-2.12)

Addressed above.

Heflin and Santo Associates (225.-1-35, -36.1, -36.2, -36.6)

Mr. Wilkinson stated that Garry Heflin owns 4 contiguous parcels of land on Cook Road that add up to $76.7 \pm$ acres. Mr. Wilkinson stated that there is 2475 feet of road frontage on the east side of Cook Road. Mr. Wilkinson stated that Mr. Heflin's residence is located at 2158 Cook Road and consists of $36 \pm$ acres. Mr. Wilkinson stated that the remaining acreage is open land and the applicant is proposing an 8 lot subdivision for future single family homes. Mr. Wilkinson stated that a virtual pre-application conference was held in May, 2020 where the Board looked at two different plans, a cluster plan and a conventional plan. Mr. Wilkinson stated that after receiving feedback from the Board, the applicant is proceeding with the conventional subdivision plan. Mr. Wilkinson stated that at the October meeting, the Board provided feedback about preserving the hay fields. Mr. Wilkinson stated that a new plan has been received reflecting the boards requests.

Town Board Referral for Opinion

Jason Nemec Design, LLC (246.12-1-2)

Mr. Wilkinson stated that after reviewing the application he has drafted a letter for the Board to review.

Mr. Wilkinson stated that the Town Board and the ZBA will be holding a joint public hearing on January 25, 2021 at 7:30 p.m.

Zoning Report

Mr. Wilkinson stated that the Board has received the report for review.

Correspondence

None.

Town Board Liaison

Mr. Grasso stated that town board member, Doug Ranaletto has been appointed as the new liaison to the planning board.

Mr. Ranaletto stated that Alan Grattidge has retired from town supervisor after 19 years and Joe Grasso has been appointed to take his place. Mr. Ranaletto stated that there is still a Town Board vacancy as well as a vacancy on the Board of Assessment Review. Mr. Ranaletto stated that the new ZBA chairman was Jim Leupold and there is a new member named Nate Keenan.

Mr. Ranaletto stated that the ZBA and the Town Board would be holding a joint public hearing on January 25, 2021 at 7:00 p.m. via Zoom for the Nemec Design application for the old firehouse on Charlton Road.

Mr. Ranaletto stated that the septic system at the old town hall and the firehouse are currently being separated so each parcel has their own septic system.

Mr. Ranaletto stated that town hall remains open to the public and the board encourages appointments and meetings to be held via zoom.

Mr. Ranaletto stated that the new cell tower should be operational by mid-February.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Gardner. All were in favor. Agenda meeting closed at 7:29 p.m.

BUSINESS MEETING

Opened at 7:30 p.m. with the Pledge of Allegiance.

Minutes

Mr. Wilkinson made a motion to approve the draft of the November 16, 2020 meeting minutes with changes incorporated. Mr. Mitchell seconded the motion. All were in favor. Mr. Gardner abstained from the vote.

PUBLIC HEARING (7:30)

Case (223.-1-2.12)

Mr. Wilkinson opened the public hearing.

Mr. Wilkinson stated that a legal notice was published in the Daily Gazette on January 11, 2021 and notices were mailed to the adjoining neighbors on December 28, 2020.

Mr. Wilkinson reviewed the public hearing process.

Larry Ruzycky appeared before the Board.

Larry Ruzycky: My name is Larry Ruzycky. I am an engineer hired by the Case's to help them with their two lot subdivision on Westline Road. It's pretty basic. They want one lot for Douglas's to build a single family residence. I don't know what else I can tell you about it.

Jay Wilkinson: We do have a couple people here from the public. Just go through, show where it is on the road. Give us a location graphically.

Larry Ruzycky: It's in between the town line and 67, north of 67. There is some old wooded forest. They did have some kind of a deer farm at one time in that area and there is some type of fenced in pasture area.

Jay Wilkinson: Just go through what you have for road frontage and how you met the bulk requirements.

Larry Ruzycky: This is 273 feet wide and 480 feet deep. It is well in excess of 2 acres. All the wetlands are in back and we don't plan on infringing upon the wetlands area.

Jay Wilkinson: Is there any questions from the public?

There was no public comment.

Mr. Wilkinson made a motion to close the public hearing, seconded by Mr. Riedinger. All were in favor.

Public Hearing closed at 7:38 p.m.

SUBDIVISION APPLICATIONS

Case (223.-1-2.12)

Larry Ruzycky appeared before the Board on behalf of the applicants.

Mr. Wilkinson stated that he would like to review the comments from Mr. McNamara dated December 11, 2020:

1. The drawing title indicates that it is a survey map and also notes that the property is to be conveyed to Douglas & Elisabeth Case. It appears that this drawing has been adapted from earlier work completed in 2017. The project is now a proposed subdivision to create the new lot at the southern boundary. The title makes it unclear as to whether all of the property or just the new lot is being conveyed. We recommend that the title be reconsidered to correctly note the action as a subdivision and also to clarify the conveyance. A more current date may also be warranted at the consultant's discretion.

Mr. Wilkinson stated that the title has been changed.

2. The home shown at the north end now exists but does not match what is shown. While not critical, it would seem advisable to either show the correct location and shape of the building or at least remove the prior figure rather than display incorrect information. The triangle symbols representing “deep hole tests” in front of that structure should also be erased as they cause confusion as to the correct location of the soil test data displayed below note #9.

Mr. Wilkinson stated that the shape and the location have been changed.

3. The well symbol on the proposed 2-acre lot is an existing well and should be so noted.

Mr. Wilkinson stated that this has been done.

4. The proposed lot shows 40-foot side yards on both the north and south and a front yard setback of 40 feet. The property is located in Charlton’s Agricultural Zoning District. Side yard setbacks must total 100 feet with one side being at least a minimum of 40 feet. The front yard setback must be 60 feet. The building envelope available on this lot is considerably smaller than is shown and should be revised. The information listed in note #9 should also be revised accordingly.

Mr. Wilkinson stated that this has been done.

5. The Zoning Ordinance requires a minimum lot width of 200 feet. Lot width is defined in the ordinance as “The mean width of a lot substantially perpendicular to the lot depth.” Our interpretation of lot width and scaling indicates a width of only approximately 180 feet. There is certainly ample room to slide the proposed north line as necessary to achieve the required minimum lot width. This will also improve the available building envelope which is somewhat constrained to begin with and will become more challenging when corrected per comment #4.

Mr. Wilkinson stated that this has been done.

6. A review of the Saratoga County GIS mapping shows substantial federal and NYS DEC wetlands on the property. The federal wetlands fall approximately 50 feet behind the proposed 2 acre lot and the 100-foot DEC wetland setback is an even greater distance of roughly 250 feet behind the new parcel. The nearest wetlands to the existing home at the north end of the property is back near the “pond” label. Both federal and state wetlands cross the entire property from north to south and extend back beyond the County line. While the wetlands should not at all encumber the use of the proposed lot, the approximate limits of the wetlands and the DEC 100-foot setback should be added from the County GIS map.

Mr. Wilkinson stated that this has been done.

7. Note #4 is incorrect in stating that there are no DEC regulated wetlands and is confusing in its referral to federal wetlands. We recommend that note #4 should be deleted.

Mr. Wilkinson stated that this has been done.

8. The soil test data is confusing. The results are noted as coming from “deep hole tests” but there is only one test location shown on the proposed lot. It is unclear if the pluralization of “tests” is an error or if the data refers to the two deep hole locations shown at the north end of the site 1,000 feet from the proposed lot. The date of the deep hole test(s) should be added and the location should be confirmed. The proposed lot will not have a large surplus of area available for a septic system so it is important that soil data and percolation tests be performed in the correct location to ensure that a septic system is feasible.

Mr. Wilkinson requested that on the final map this should be clarified with a note that two tests have been performed and that the stabilization rate was the same in both.

9. Assuming that the soil data does pertain to the proposed 2-acre lot, the conditions would indicate that a conventional septic system can be constructed. Plans have not yet been submitted for a septic system and will be necessary in order to obtain a building permit. Given that the proposed home will have 3 bedrooms plus an in-law suite, the system will likely be larger than the schematic rectangle currently shown on the plan in the south side yard of the lot. Since the tile field must be installed parallel to the contours, it is also probable that it will be located behind the proposed home. These factors should all be considered when additional soil testing is performed pursuant to a building permit.

Mr. Wilkinson stated that the building department will witness the tests before a building permit is issued.

10. There is a dirt driveway currently graded into the lot which intersects West Line Road near the south boundary. Sight distance to the south is very limited by a steep downslope that begins roughly 200 feet south of the driveway entrance. Cars approaching from the south can't be seen until they reach the slope break in the road. While the posted speed limit is 40 mph, the vehicles observed during my visit appeared to be well over that speed. A left turn out of the proposed driveway could be hazardous especially during winter conditions when a northbound vehicle on West Line Road might be forced to aggressively brake. We recommend that either the driveway entrance be moved near the north end of the proposed lot or that the available sight distance be accurately measured and compared to NYS DOT minimum standards for driveway stopping distances for a 55 mph speed.

Mr. Wilkinson stated that the driveway has been moved.

Mr. Wilkinson stated that the Board has a complete application.

Mr. Wilkinson polled the Board to see if there were any additional comments or concerns. There were no additional comments from the Board.

Mr. Wilkinson made the motion to approve the Case subdivision located on Westline Road contingent upon the Tax ID Numbers to be shown underneath each area and that the soil test

data is added as a note for clarification to show that 2 tests were performed and that the stabilization rate of 13 minutes was the same for both holes, as Resolution 2021-01 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion.

Roll Call Vote was taken:

Ms. Szurek – aye

Mr. Mitchell – aye

Mr. Riedinger – aye

Mr. Gardner – aye

Mr. Wilkinson - aye

Motion carried.

Resolution 2021-01 was made.

Mr. Wilkinson reviewed the mylar requirements.

Mrs. York reminded Mr. Ruzycky that the park fee of \$1,200.00 would need to be paid.

Heflin and Santos and Associates (225.-1-35, -36.1, -36.2, -36.6)

Drew Schaufert appeared before the Board

Mr. Wilkinson stated that new drawings were provided for an 8 lot subdivision of the Heflin property on Cook Road. Mr. Wilkinson stated that the initial application was received in May 2020 for a major subdivision. Mr. Wilkinson stated that the Board received two plans, a conventional plan and a cluster plan. Mr. Wilkinson stated that the Board requested that the applicant proceed with the conventional plan to fit the character of the rural neighborhood. Mr. Wilkinson stated that the Board provided additional feedback in October and those comments have been incorporated into the new map. Mr. Wilkinson asked Mr. Schaufert to review the proposal.

Mr. Schaufert stated that the proposal is to take the 4 contiguous parcels that total approximately 77 acres on Cook road and subdivide them into 8 lots, one lot with the existing house and outbuildings and 7 new buildable lots. Mr. Schaufert stated that there is ½ mile of road frontage on Cook Road. Mr. Schaufert stated that there is no problem with sight distance. Mr. Schaufert stated that there are significant state wetlands in the back of the parcels and they are shown on the drawing. Mr. Schaufert stated that perk tests and deep hole tests have been done on all 7 new lots. Mr. Schaufert stated that they have redrawn some of the proposed lot lines at the direction of the board.

Mr. Wilkinson stated that since this area is a rural setting that and in order to maintain the rural character, that the houses be staggered on the lots so that it is not a row of house after house after house. Mr. Wilkinson provided suggestions for moving the proposed house locations on several of the lots.

Mr. Schauffert stated that there is no immediate plan to build on these lots and that it could be years before the lots are sold and built upon. Mr. Schauffert stated that a proposed buyer may not want the location they pick for the lot.

Mr. Wilkinson asked Mr. Keniry that if the building envelope is locked down for the lots and they don't sell for years and the buyer has an issue with the proposed location, does planning board jurisdiction prevail.

Mr. Keniry stated yes if it is a condition of approval. Mr. Keniry stated that the prospective buyer could petition the town for relief if a different location is proposed.

Mr. Schauffert stated that perk tests have already been done extensively. Mr. Schauffert inquired if the board was requesting that the test be done again if the building envelopes are moved.

Mr. Wilkinson inquired if the Zoning Administrator was present for the tests already performed.

Mr. Schauffert stated no.

Mr. Wilkinson stated that they will have to be redone at the time of building permit anyway.

The Board and the applicant discussed different locations for the proposed houses.

Mr. Keniry stated that labeling the drawings could accomplish what the board is requesting and imposing conditions in any approval could be done as well.

Mr. Schauffert stated that he is willing to stagger the houses for some of the lots. Mr. Schauffert inquired how it should be worded and how it would be enforced.

Mr. Keniry stated that the drawing provided could be sent to Mr. McNamara for his review and comment with the direction that the houses will be staggered on the lots and the locations could be locked down at the next meeting.

Mr. Mitchell suggested a 40-50 foot stagger.

Mr. Schauffert stated that could be done with a note.

The board and the applicant discussed staggering the houses on lots 1-3, 6 and 7.

Mr. Wilkinson inquired about maintaining the apple orchard.

Mr. Schauffert stated that due to the location of the wetland, the house can't be put below the wall leaving the orchard as the only other option.

Mr. Mitchell requested an aerial map for the next meeting.

Mr. Schaufert stated that they could put in a no cut zone. Mr. Schaufert stated that he would look into that.

Mr. Wilkinson polled the board as to whether the board should wait for the updated drawings to send to Mr. McNamara, the County Planning Board and to schedule the public hearing or move ahead with what the board has noting the concerns in the referral.

The board agreed to move forward with the application.

There was concern with the question on land disturbance and it was agreed that the applicant would revise the form to note 3.5 acres of disturbance when the lots are all built out.

The board completed the EAF.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency status for the purposes of SEQRA and that the action is an unlisted action with a negative impact declaration relative to SEQRA. Ms. Szurek seconded the motion. All were in favor.

Mr. Wilkinson stated that the application would be forwarded to the county and Mr. McNamara. Mr. Wilkinson asked that new maps showing the proposed house locations staggered on the proposed lots and aerial views be submitted for the next month's meeting.

Mr. Wilkinson made the motion to schedule the public hearing for February 15, 2021 at 7:30 p.m. seconded by Mr. Riedinger. All were in favor.

TOWN BOARD REFERRAL FOR OPINION

Jason Nemec Design, LLC (246.12-1-2)

The Board reviewed the draft letter prepared by Mr. Wilkinson and added some comments. Mr. Wilkinson stated that he will send a revised draft to the board for review and approval before submittal to the town board.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso was present and introduced Doug Ranaletto as the new liaison. Their reports were given in the agenda meeting.

Mr. Wilkinson made a motion to adjourn the meeting. Mr. Mitchell seconded the motion. All were in favor.

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary