

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

Minutes of the Planning Board Meeting – November 15, 2021

Chairman Jay Wilkinson called the meeting to order at 7:15 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Connie Wood, Dave Crudele, Jonathan Riedinger, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Planning Board Secretary. Chris Mitchell joined the meeting at 7:30 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the September 20, 2021 meeting minutes needed to be approved. Mrs. York has previously provided comments. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)

Mr. Wilkinson stated that no new information has been provided. Mr. Wilkinson stated that he has left messages and has not received a response.

Mr. Wilkinson stated that the wetlands delineation was done and the board is waiting for the information to be placed on the maps. Mr. Wilkinson stated that the public hearing would remain open.

Subdivision and Lot line Change Applications

Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)

Addressed above.

Caruso (255.-1-33)

Mr. Wilkinson stated that this is an application for property located at 723 Swaggertown Road. Mr. Wilkinson stated that the parcel is 36.5± acres on the west side of Swaggertown Road. Mr. Wilkinson stated that the applicant is proposing a three lot subdivision to create two new building lots. Mr. Wilkinson stated that Lot 1 will be 2.4± acres with 200 feet of frontage and will contain the existing house and outbuildings, Lot 2 will be a 34.1± acre parcel with 200 feet of frontage and Lot 3 will be a 4.8± acre parcel with 247 feet of frontage. Mr. Wilkinson stated that Lots 2 and 3 will be for single family homes. Mr. Wilkinson stated that an email from the applicant was received by Mrs. York stating that they are unable to attend this evening because they are out of town. Mr. Wilkinson stated that the application submitted was not complete and the applicant is aware what else is needed for a complete application. Mr. Wilkinson stated that the applicant hopes to have everything for the January meeting.

DeSantis (255.-1-31.22 and 255.-1-51)

Mr. Wilkinson stated that this is an application for a lot line change. Mr. Wilkinson stated that this is a family property and the applicant is proposing a lot line change of the back land. Mr. Wilkinson stated that the applicant currently owns a 3.63± parcel and is proposing to increase the acreage to 6.21± after the lot line change. Mr. Wilkinson stated that the remaining acreage which is owned by the applicant and his sisters will be decreased to 5 acres. Mr. Wilkinson stated that there is information missing from the drawing. Mr. Wilkinson stated that the application will need to be referred to the Saratoga County Planning Board for review and comment.

ZBA request for opinion

Mr. Wilkinson stated that the Davidson application is still before the ZBA but has had some revisions. Mr. Wilkinson stated that the board has provided comments to the ZBA. Mr. Wilkinson stated that there appears to be a wetlands issue. Mr. Wilkinson stated that it does not appear that the building envelope can be maintained without encroaching on the 100 foot buffer area to the wetland. Mr. Wilkinson stated that the ECC has not provided any comments on this proposal.

Mrs. Caron stated that the ZBA attorney, Jim Craig, Esq. has asked that Mr. Davidson's surveyor contact him about the wetlands issue.

Zoning Report

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

Correspondence

None.

Town Board Liaison

Ms. Smith was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mrs. Wood. All were in favor. Agenda meeting closed at 7:30 p.m.

BUSINESS MEETING

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

Minutes

Mrs. Wood made a motion to approve the draft of the September 20, 2021 meeting minutes with changes incorporated. Mr. Crudele seconded the motion. All were in favor.

PUBLIC HEARING (7:30 P.M.)

Heflin and Santos Associates (225.-1-35, -36.1, -36.2, -36.3)

Jay Wilkinson: The Heflin proposed subdivision on Cook Road remains open. I will open the floor up to anyone that wants to add some more information about that. We have nobody here tonight representing Mr. Heflin. Like I said in the agenda meeting, I have left a message for Santos Associates, the surveyor that is consulting with Mr. Heflin and told him we were going to have the continuing Public Hearing tonight and we would have a meeting and if he had any new information we would like to see it or hear from him. A little background here. This is a subdivision on Cook Road. Garry Heflin owns the property on the east side of Cook Road, Town of Charlton. We published a legal notice for the Public Hearing in the daily gazette back in February 8, 2021. Cards notifying adjoining land owners of the subdivision were mailed on February 1, 2021. Before we officially open the public hearing if anyone wants to speak or add some information that is new for the record please stand, give your name and address for the record. You can speak from the podium or you can take the microphone and stand up here wherever you are comfortable and tell us what information you have on that property.

Karen Staulters, 2140 Cook Road: I have spent most of the afternoon today reading the SEQRA short and long forms. The long form is much more involved and is in three parts otherwise known as the full environmental assessment form. My mom and I think this project contains so much wetlands that it may impact more than just my mother's water supply. We would like to have the planning board consider having the Heflin project submit the full environmental assessment form which is the long form. I found that the long form has more wetland specific questions. The long form in Part II asks what "does the proposed action affect the water quality of any water bodies within or downstream of the site of the proposed action", and in Section 4 on the same form has also a couple of other questions that are pertaining specifically to wetlands. As I presented at the last meeting, the leach field

from the Heflin Lot 1 comes very close to the stream that feeds our pond. Our concern is that there may be contaminants running into the stream and our pond which is environmental impact. I was not able to spot a place on the short form that would address this very well. This is also why we feel that the long form may be in order due to the possibility of affecting our pond and stream and the water supplies of others on the road, not just my moms. Please review the long form to see for yourselves which may be the right form due to all the water concerns that have already been mentioned over many months of public comment and because of all the wetlands that are on this property. Thank you very much for your consideration.

Jay Wilkinson: We have talked about this in the past. I think it was brought up by Alexander Smith, PhD. What we said, in our September meeting minutes, is that we can go back after we get all the information. At that point we have the opportunity to go back and change that from a short form to the long form. We will be looking at that. Right now, we did the short form based on the information we had at that time.

Connie Wood: I was under the impression that any time you went over 5 subdivisions of property you automatically went to long form. That used to be the standard practice on this board. Not that we have had too many of those opportunities. But that was standard. I would certainly agree.

Jay Wilkinson: Ok. Thank you. Anyone else?

Josie Jackson, 2173 Cook Road: I know that the Heflin property hearing has been going on since February of 2021. Of course, I am not versed on the regulation of the town timing regulation. Is there a timeline for someone who applied for this kind of division of property where at some point you folks would just say ok you already met the guideline/timeline. Is there a timeline, do we have a timeline in the town?

Jay Wilkinson: Yes there is.

Josie Jackson: How many months?

Jay Wilkinson: Six months of inactivity. We are getting close. We have run into this before and what we have chosen to do is at the advice of our counsel. Our counsel has written them a letter stating that it has been five months or six months. There has been no activity. What are your intentions? We would like to see you at our next board meeting. Let us know where you stand. In each case they have all come back to the board meeting and they have said they have their reason why they say they will get us more information and then we agree on continuation. It seems like a better approach than the other option which is writing a letter and saying that you have had six months of no activity and the board is throwing the application completely out and then the applicant has to start again. They lose all their fees and I think that all that is going to do is create a bunch of hard feelings and then get this adversary affect when they come before the board they are already unhappy. Right now we haven't had any activity from them since July. We are getting close. I think what I will do is

I will send an email and leave a phone message for Santos Associates tomorrow and tell them that we would like to see them in January and that we are coming up on the requirement. That usually is enough to get everything moving again.

Josie Jackson: Thank you.

Jay Wilkinson: I think you will see activity on this particular subdivision now that the weather is turning to be cold and as I was talking about in the agenda meeting, I don't know if you were here or not, it sounded like the last time I had talked to Santos Associates, Drew who has been handling the account for Mr. Heflin, is that it sounds like it's a smaller firm, I don't know how many people work there but he said they are very busy they are out in the field collecting data and that the weather is going to turn at anytime. Then they have to plot all of that information on the maps and then they have to get it off to the DEC. We did hear the reasons why they haven't gotten us the information and it's been very wet and a lot of rain and when there are nice days they are out there. That's all I really know but we will get an email out and let them know that we are waiting on them and that he is knocking on the door of being past the six months.

Karen Staulters: Over the summer there were two culverts put in in front of this property, one fairly close to my mom's house and the another one by his house. Does that impact the frontage clause?

Jay Wilkinson: No, nothing.

Dave Crudele: I think she is referring to the culverts that the town put in. The town replaced a couple of culverts there.

Karen Staulters: So I was wondering if that would affect the frontage there.

Jay Wilkinson: It shouldn't, not that I am aware of. He still has the frontage there. The town was just replacing culverts.

Dave Crudele: I believe they are preparing to pave the road next season.

John Karm, 2126 Cook Road: My question is more about the procedure in where we stand. So the concerns are being voiced at the meetings there was some emails written and things like that so what was the communication from the planning board to the Heflin's. Was a letter sent or something? Did the Planning Board then collect all these concerns and send them out to the Heflin's in a written form. So that's the questions and if so could we get a copy so we see where the discussion stands.

Jay Wilkinson: The only letter that we have sent them was in July or August asking for specific information so we were on record requiring all of the wetlands to be mapped and verified by the agency of jurisdiction, a hydrology study and a traffic study at the end of Cook Road and Route 67. We are going to send them another letter in email form informing

them that we are coming up on 6 months of inactivity and that we need to know their intentions of how they want to move forward.

Bill Keniry: Inactivity by the applicant as determined by the planning board.

John Karm: So the first letter that was sent to the Heflin's, I guess the only one, could I have a copy or is it posted somewhere on the website?

Mr. Wilkinson provided a copy of the letter.

Jay Wilkinson: This was actually sent back in March and it tells what we specifically wanted and we have not received that from them as of yet.

Suzanne Carreker-Vogt: So they haven't responded to that letter?

Jay Wilkinson: They responded by saying that they are working on it. We did get partial information from Santos on what they considered the front of the lots where the buildings were going to be of where the wetlands were and we do have a map that showed that. We said that's nice but we need more information. We need to understand all the wetlands on the property and how they feed in and where they go. They said ok, it's going to take some time. After that happened I would assume that was around that March time frame we sent them a letter saying we wanted specific things, wetlands delineated and verified by the appropriate agency of jurisdiction, a hydrology study to be completed to assess and determine potential impacts and effects new wells may have on existing wells of neighboring properties and a traffic study performed to determine the impact and affects of seven new homes would have on Cook Road and Route 67 intersection. We asked for that after our March meeting and we got partial information. We are still waiting. It would be appropriate at this time to send the applicant's representative another letter reminding them that we have touched base and getting dangerously close to the six month clock. We always contacted people we have never taken an application and said we are terminating the application for inactivity and you have to start over again and pay all of the fees again. I think that would be counterproductive.

Mrs. Wood: There is a response letter from Mike McNamara from February.

Jay Wilkinson: Board member Connie Wood is stating that back in February, after our January meeting we sent the application to the town engineer with the map that was supplied to see what the town engineer has to say and there is a response there if anyone wants a copy of that. It's preliminary. Again this is all preliminary information. We really can't do anything in a formal way of moving forward until we get all the information. I keep stressing that because I am just as frustrated as everybody out there. It's a year later and we are still in the same spot as when we started. We keep asking for stuff. We did get a little bit. After the town engineer did write that letter we did get a revised drawing and they did move some lot lines around and they did change some things and moved some things based on the comments from the town engineer. If nobody has anything else, we are not going to close

the public hearing, we are going to leave it open until our January 17, 2022 planning board meeting.

SUBDIVISION AND LOT LINE CHANGE APPLICATIONS

Caruso (255.-1-33)

The applicant was not present for the review of this application.

Mr. Wilkinson stated that there are missing items from the drawings. Mr. Wilkinson stated that Mrs. York has been in contact with the applicant. Mr. Wilkinson stated that the drawings are missing the signature block, is not signed or stamped by a licensed surveyor, the building envelopes are missing, there is no narrative of the applicant's intentions, the AG Data Statement is incomplete and needs to be signed and the list of neighboring properties is incomplete.

Mr. Wilkinson stated that the application will be placed on the January agenda.

DeSantis (255.-1-31.22 and 255.-1-51)

Mr. Wilkinson stated that Michael DeSantis owns property at 721 Swaggertown Road which is a 3.63± parcel. Mr. Wilkinson stated that the applicant is proposing a lot line change with 717 Swaggertown Road which is owned by Mr. DeSantis and his siblings. Mr. Wilkinson stated that the proposal is for the back land which will increase Mr. DeSantis property at 721 Swaggertown Road to 6.21± acres and will decrease the remaining property owned by Mr. DeSantis and his siblings to 5 acres.

Mr. Wilkinson stated that the drawings were missing the zoning district and the property owner to the north. Mr. Wilkinson stated that this has been corrected. Mr. Wilkinson stated that the drawing is still missing the contour lines at 10 foot intervals. Mr. Wilkinson stated that can be done for the final drawing.

Mr. Wilkinson made the motion to waive engineering review, park fees, application fees and the requirement for a public hearing. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson asked Mrs. York to refer the application to the county planning board.

Mr. Wilkinson stated that this is a Type II action and exempt from SEQRA

ZBA Request for opinion

Davidson

Addressed in the agenda meeting.

Fitzgerald

Mr. Wilkinson stated that the applicant is requesting variances for the keeping of two miniature horses on the property located at 833 Charlton Road. Mr. Wilkinson stated that the property is .55 acres and the requirement for horses is 5 acres. Mr. Wilkinson stated that he will gather comments from the Board and draft a letter for the board to review.

Mr. Keniry stated that the board could suggest reasonable conditions if the ZBA is going to approve this variance.

Mr. Crudele stated that if approved, it would be setting a precedent.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Ms. Smith stated that the 2022 budget has been approved by the Town Board. Ms. Smith stated that the Board also passed a local law opting out of cannabis retail within the town. Ms. Smith stated that the board also passed two resolutions, one to use monies from the park fund to pay for a survey of mill pond park which will have a matching grant from the county and the other was to use monies from the park fund to remove some trees for more parking.

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

The meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary