

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

Minutes of the Planning Board Meeting – April 19, 2021

Chairman Jay Wilkinson called the meeting to order at 7:04 p.m. via Zoom meet.

Present: Jay Wilkinson, Chairman, Connie Wood, Dawn Szurek, Bruce Gardner, Jonathan Riedinger, Chris Mitchell, Dave Crudele, Bill Keniry, Esq. Planning Board Attorney, Susan York, Planning Board Clerk, Jenna Smith, Town Board Liaison and Kim Caron, Planning Board Secretary.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the March 15, 2021 meeting minutes needed to be approved. Mrs. York reviewed her proposed changes with the Board. Mrs. Wood provided a correction. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Womer and Carpenter Associates (223.-1-1)

Mr. Wilkinson stated that last month the Board left the public hearing for this application open. Mr. Wilkinson stated that the Board can close the public hearing and move forward with this application.

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

Mr. Wilkinson stated that discussions will continue on this application. Mr. Wilkinson stated that the board will hear any new information.

Mr. Wilkinson stated that he has not had any contact with anyone on this application. Mr. Wilkinson stated that the board sent a letter requesting additional information and nothing has been received yet.

Gavin and Van Guilder (237.-1-69 and -70.2)

Mr. Wilkinson stated that this is a 4 acre parcel located at 294 Sweetman Road. Mr. Wilkinson stated that the parcel has 514 feet of frontage on the west side of Sweetman Road. Mr. Wilkinson stated that the applicant is proposing a lot line change with the 3.92 acre parcel of land located behind the property. Mr. Wilkinson stated that there are two different tax id numbers. Mr. Wilkinson stated that the proposed lot line change will correct a landlocked parcel and then allow for a subdivision of the entire parcel into two conforming lots. Mr. Wilkinson stated that Lot A will consist of  $5.64 \pm$  acres and contain the existing house and outbuildings and Lot B will be a  $3.28 \pm$  acre parcel for a future home.

Mr. Wilkinson stated that at the March meeting the board took lead agency and completed the short form EAF. Mr. Wilkinson stated that there will be a public hearing tonight.

Hvizdak (234.-1-3)

Mr. Wilkinson stated that this application was last before the board in November of 2020. Mr. Wilkinson stated that at that time the proposal before the board was for a three lot subdivision with many issues. Mr. Wilkinson stated that the applicant asked for some time to rethink their plan and a revised plan has been received for a two lot subdivision.

Subdivision Applications and Lot Line Change ApplicationsWomer and Carpenter Associates (223.-1-1)

Addressed above.

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

Addressed above.

Ward/Gauthier and Northeast (225.-1-15.111 & -15.12)

Mr. Wilkinson stated that this is an application for a lot line change between the back lands of the Wards and lands of the Gauthier's. Mr. Wilkinson stated that the land is wetlands and not buildable. Mr. Wilkinson stated that Norman, Michael and Wayne Ward own 49 acres on the south side of Route 67. Mr. Wilkinson stated that the proposed lot line adjustment is with the adjoining lands of the Gauthier's to the north. Mr. Wilkinson stated that when the lot line adjustment is complete the Gauthier property will be increased to  $6.5 \pm$  acres and the Ward property will decrease to  $46 \pm$  acres. Mr. Wilkinson stated that the board was waiting for County Planning Board approval and their comment letter has been received. Mr. Wilkinson stated that the board could move forward with the application.

Gavin/Van Guilder (237.-1-69 and -70.2)

Addressed above.

Hvizdak (234.-1-3)

Mr. Wilkinson stated that the new proposal is for a two lot subdivision of a 14.8± acre parcel on Waite Road. Mr. Wilkinson stated that Lot 1 will be 5 acres and include the existing house and outbuildings and the newly created lot will be 9.82± acres of vacant land that will be sold to Todd Hvizdak.

Mr. Wilkinson gave the members of Zoom a brief history of the original proposal before the Board.

Mr. Wilkinson stated that percolation tests were done again for the newly proposed Lot 2 and witnessed by Terry Anthony which meets the requirement. Mr. Wilkinson stated that the board can move forward with the application.

Finkle (236.-1-128)

Mr. Wilkinson stated that this is a new application for a subdivision of property owned by Robert Finkle located at 4136 Jockey Street. Mr. Wilkinson stated that the parcel is 18 acres with 677 feet of road frontage on Jockey Street. Mr. Wilkinson stated that the proposal is for a three lot subdivision to create two new lots. Mr. Wilkinson stated that Lot 1 will be 2± acres with 200 feet of frontage, Lot 2 will be the new lot of 2± acres with 200 feet of frontage and Lot 3 will be the remaining acreage of 14± acres and will contain the original farmhouse and outbuildings. Mr. Wilkinson stated that the newly created Lots 1 and 3 will be offered for sale. Mr. Wilkinson stated that there are some issues with the drawings because the lots are non-conforming. Mr. Wilkinson stated that the proposed new lots do not meet the mean lot width requirement. Mr. Wilkinson stated that the board can review the drawings with the applicant.

ZBA ReferralDavidson (246.-3-61.111)

Mr. Wilkinson stated that in February, the board referred the Davidson application to the ZBA for an area variance. Mr. Wilkinson stated that this is property located on Crane Street. Mr. Wilkinson stated that the applicant thinks that there is 401 feet of frontage and the tax rolls show 395.45 feet of frontage. Mr. Wilkinson stated that the applicant would need a 5 foot variance to subdivide. Mr. Wilkinson stated that he has drafted a letter for the board to review.

Zoning Report

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

Correspondence

None.

Town Board Liaison

Jenna 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 7:32 p.m.

**BUSINESS MEETING**

Mr. Wilkinson opened the meeting at 7:33 p.m.

**Minutes**

Mr. Wilkinson made a motion to approve the draft of the March 15, 2021 meeting minutes with changes incorporated. Mrs. Wood seconded the motion.

Roll call vote was taken:

Mrs. Wood - aye

Mr. Gardner - aye

Mr. Mitchell – aye

Ms. Szurek - aye

Mr. Wilkinson – aye

Mr. Mitchell and Mr. Crudele abstained from the vote.

**PUBLIC HEARING (7:30)**

**Gavin (237.-1-69 and -70.2)**

Mr. Wilkinson stated that this is an application for a lot line adjustment and subdivision of property located on Sweetman Road. Mr. Wilkinson stated that the legal notice was published in the Daily Gazette on April 12, 2021 and the adjoining neighbor notices were mailed on March 30, 2021.

Mr. Wilkinson reviewed the public hearing process.

Mr. Wilkinson opened the public hearing.

Duane Rabideau, Van Guilder Land Surveyors: Duane Rabideau from Van Guilder associates here representing Ron and Phyllis Gavin before the board for a proposed lot line

adjustment between parcels of land that they own on Sweetman Road. This is to create building lots A and B. They own two separate deeded parcels where one parcel has the entire road frontage while the other parcel is directly behind the first with no road frontage. The proposal is to reconfigure the two parcels so that the parcel in the rear will now have road frontage and be a zoning compliant building lot. The result will be Lot A which will be the lot on the top and will be 4.77 acres in size with an existing single family house on it with improvements. Lot B, that's the one on the south, will be 3.28 acres in size for a proposed single family house. This proposed lot will have onsite septic and well. We did receive the referral review from the county stating no significant county wide impacts. We also received EDP's comment review letter which indicated that no changes or additions to our proposal. We did add the tax id numbers for the parcels as requested by the planning board. That is our proposal before the board tonight.

Jay Wilkinson: Thank you Duane. At this point I will open it up for anybody that is on our meeting from the public who wants to ask questions about this proposal. Please direct your questions to the board and we will answer them the best that we can and if not we will get Mr. Rabideau involved. With that, it is the public's opportunity to speak.

Robin Sevensky, 838 Charlton Road: How much road frontage for each of the lots?

Duane Rabideau: Where the existing house is for Lot A is about 308 feet of road frontage and for the newly created lot it would be about 206 feet of road frontage.

Robin Sevensky: Thank you.

Jay Wilkinson: Anyone else?

Jay Wilkinson: I move that the public hearing for the Gavin subdivision on Sweetman Road be closed. Is there a second?

Connie Wood: Second

Roll Call vote:

Connie Wood – aye

Jonathan Riedinger – aye

Chris Mitchell – aye

Bruce Gardner – aye

Dawn Szurek – aye

Dave Crudele – aye

Jay Wilkinson – aye

Motion carried.

Public Hearing closed at 7:42 p.m.

**Womer and Carpenter Associates (223.-1-1)**

Mr. Wilkinson stated that this is a proposal for the lands of Catherine Womer at or about 1094 Westline Road on the west side in the Town of Charlton, Saratoga County. Mr. Wilkinson stated that there was a legal notice for the public hearing published in the Daily Gazette on March 8, 2021 and adjoining neighbor notices were mailed.

Mr. Wilkinson reviewed the public hearing process.

Mr. Wilkinson opened the public hearing.

Art Carpenter: The original submission last month was a three lot subdivision. We have modified that and it is now a two lot subdivision. We combined the two vacant lots, two and three, so it is now a 13.27 acre lot with about 1575 feet of frontage on Rocky Ridge Road and 430 feet of frontage on Westline Road. That is the only change that was made.

Jay Wilkinson: Thank you. At this point I will open it up if anyone from the public is on our meeting tonight, this is your chance to ask questions.

Jay Wilkinson: I will ask our counsel, is there a time limit that we should wait?

Bill Keniry: I think Mr. Chairman that you are perfectly fine in this particular instance. This is a public hearing that was adjourned, and it was adjourned pursuant to the published notice to the specific date of today and 7: 30 p.m. and it is now 7:46 p.m. I would suggest Mr. Chairman, that you allow any additional speakers to speak now and then it is certainly within the boards right to close the public hearing if that's what it so determines.

Jay Wilkinson: Thank you. For the second time, I will ask if anybody's on our meeting that would like to speak about the Womer subdivision on Westline and Rocky Ridge Roads, now is your opportunity.

Marna Posluszny, 1145 Peaceable Street: I'd like to just make one statement if I may on that subdivision. I guess it's on this subdivision and then a broad comment for others. I don't know this property too well. I don't know the Westline property to well but I would encourage the planning board to do their due diligence as you seem to be doing thankfully and thoughtfully on the Cook Road larger subdivision. But lessons being learned from development on Peaceable Street adjacent to me is that even something so small as one or two homes, or a subdivision of this type on Westline Road, I would encourage you to be very mindful and proactive in understanding what that parcel has and doesn't have. Its wetland or wet and water issues. We are learning on 1137 Peaceable Street that even the smallest amount of disturbance of soil in the areas where it is so wet. It is a tremendous issue for the town and neighbors and I just encourage you on this and all very small parcels to be very thoughtful in the way you are addressing the issue being raised in discussions about Cook Road. I thank you for that.

Jay Wilkinson: Ok. Thank you.

Jay Wilkinson: I move that the public hearing for the Womer subdivision on Westline Road and Rocky Ridge Road be closed. Is there a second?

Dave Crudele: Second

Roll Call vote:

Connie Wood – aye

Jonathan Riedinger – aye

Chris Mitchell – aye

Bruce Gardner – aye

Dawn Szurek – aye

Dave Crudele – aye

Jay Wilkinson – aye

Motion carried.

Public Hearing closed at 7:51 p.m.

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

Jay Wilkinson: We have the continuation of the Heflin property on Cook Road. A little background is we did ask the applicant for additional information. We have not received anything. I do see the applicant's representative on the meeting tonight and I will let him speak in a minute. If anyone has anything new regarding that property. We have received everyone's letters. We are still keeping an open mind in trying to determine how to proceed with this. We need additional information from the applicant before we can move forward. I will let the applicant's representative speak in a minute and see where we are with what we have asked for and if he has anything new. After that if you have something new that you want to talk about, additional information you can provide to us. Please state your name and address for the record and direct your questions to the board and we will go from there. With that I will turn it over to Drew Schauffert of Santos Associates.

Drew Schauffert: We are getting together the information to answer the questions that were presented by the town engineer and quite a lot of the public questions and we have been getting the wetlands flagged. As you know there is a significant amount out there. That's going to be the first step in ironing out all the issues and have an accurate wetland delineation of both the DEC and ACOE limits and then get those approved by DEC up in Warrensburg. We have also got an engineer working on the SWPPP and it's just a slow process. They can't really do much on the SWPPP until the wetlands are done. It is probably going to be another week or so before we can get all the relevant flags located. I am hoping to have a somewhat slightly revised plan in time for the May meeting.

Jay Wilkinson: That sounds good. With that information is new information we have. Does anyone from the public have questions about that particular project? This would be the time to ask the questions. I'll open up the floor to the public.

John Karm, 2126 Cook Road: Hello, good afternoon. I sent some photos that I have taken, I think on the 19<sup>th</sup> of March of some of the property because it is just next door to me. I would like to know if you have received it. I sent it today, mid afternoon.

Jay Wilkinson: You just sent them today, the pictures?

John Karm: Yes.

Jay Wilkinson: I don't know where you sent them. Did you send them to our clerk or to the town website for the planning board?

John Karm: I used the planning board email address that I sent some previous questions previously.

Jay Wilkinson: Ok.

Sue York: I just saw them. That came through after 4:00 p.m. today. There was no time left to deal with it.

Jay Wilkinson: That's very good information and I'm glad you brought it up and we will get copies of that out to everyone including the applicant's representative so that everyone has that additional information that we can use as we go further in our deliberations.

John Karm: It's just that things look different depending on the time of the year and so those pictures were made on the 19<sup>th</sup> of March.

Jay Wilkinson: Thank you. That will be good information to have and put into the file. As we move forward. I want to reiterate to everyone that we are still gathering information and we are a long ways off from making a decision until we get all the information. We have to review all of the information from the public that has been sent in and what has been discussed in written and verbal comments from zoom and what the applicant has had a chance to respond to everything. At that point we will be able to continue deliberations and asking questions of the applicant and go forward. The public hearing will remain open. It is going to continue on. I encourage anyone that has additional information like what was just brought up to us today, we would like to see it. We are trying to gather everything and find out all of the facts. Does anyone else have anything to add?

Drew Schauffert: I would just ask that whatever you receive be shared with me in the meantime, correct?



Jay Wilkinson: Correct. It will be shared with you just like we sent a list that our clerk sent out.

Drew Schaufert: Yes I received a big package.

Jay Wilkinson: Like our clerk said, she just received it at 4:00 today. It is a little short notice. You will get a copy in the mail plus electronically.

Drew Schaufert: Ok. Thank you.

Jay Wilkinson: We will keep you informed of the whole process so there will be an open line of communication.

Drew Schaufert: Very good.

Marna Posluszny: I'm glad to hear that we are going through the storm water MS4 process for this particular subdivision, seeming to be following the rules. That is good news. It sounds like on other projects that's when it's a smaller piece of property that the town and the planning board really ought to be working together to follow the MS4 program more efficiently. So I'm glad to hear that with the Cook Road property that is being put in place. One thing that I would encourage the planning board to discuss is to have very clear conversations with the developer about the way that, this property, when developed, will be working with such a wet area. I am referencing lessons learned with 1137 Peaceable Street. The process of digging and disturbing land creates difficulties and when you start moving water it does not know property line boundaries. So where sump pump drains are going to be placed in homes when you get to that place, how the properties might be swaled, how drain tiles might be put in, all of that is very important to the folks that are living on Cook Road. Again, with lessons learned on what's going on near me, those kinds of conversations should be, in my mind, proactively had. So I am encouraging the planning board to work with your building and office and the gentlemen that is heading up that and have clear conversations about those levels of detail. When holes are dug in wetland areas and they fill up and then you have to dewater them before you can even look at how to put in a foundation that water goes somewhere and I'm sure the folks on Cook Road don't want it impacting them negatively. Again, some lessons learned that I am encouraging the planning board to take a look at and continue your thoughtful evaluation of this subdivision proposal. Thank you.

Jay Wilkinson: Thank you for those comments. Anyone else have any comments they want to make on the Heflin subdivision?

Ed Snyder, 2165 Cook Road: Good evening Jay. Just a couple of questions for you. Can you just give me an update, and brief the public as well, there are obviously the town engineer's comments but what I believe the board asked for was a series of things to occur, one was a traffic impact study. Can you clarify what the other two items are?

Jay Wilkinson: Yes. We asked for a Hydrology Study of the ground water there and any information that could be gathered from that study to give us some kind of look at what the future may hold for these seven new wells as it is proposed now. It may not be a seven lot subdivision but what is proposed right now is and how that would affect the neighbors. We have a hydrology study we asked for, a traffic study we asked for and we asked for the wetlands to be delineated. We asked for the entire property to be delineated and that it be verified by the agency of jurisdiction be it the DEC or ACOE. As the applicant's representative stated they are in the process of flagging wetlands now and working on that. There will be more to follow, when he gets his information then it will come to the board and we will start conversations at that time and keep the public informed. Hopefully that answered your question. Ed, are you still with us? Ok, I'll ask again, anyone else have any questions.

Karen Staulters, 2140 Cook Road: My mom lives at 2140 Cook Road. My mom lives in the property adjacent to the south end of this property. Now when they do the wetlands, what agency is responsible for mapping that and updating that?

Jay Wilkinson: The map will be put together by the consultant.

Drew Schauffert: I will be mapping it.

Jay Wilkinson: Yes, the consultant will be doing that. Santos Associates will be getting the information from the agency that has jurisdiction over those wetlands, be it DEC or ACOE. They will flag it all and then the flags will turn into lines on a map and then we will go from there.

Karen Staulters: Ok.

Drew Schauffert: We have a certified biologist flagging the wetland this week into next week probably. The flags will be located by accurate survey or GPS and that map will be sent to DEC in Warrensburg for their approval.

Karen Staulters: Ok. Thank you for enlightening us on that process.

Drew Schauffert: You may see some blue flags in the woods next to your property right now.

Karen Staulters: I saw some when I got here tonight.

Jay Wilkinson: Anyone else on the Heflin project?

Ed Snyder: I apologize, my headset died. Yes, thank you for the overview. Just a couple of follow up questions. The applicant's representative just noted that the SWPPP is being prepared but we don't necessarily know what the impacts are going to be and what the ultimate sites are going to be. I don't know how we can prepare a SWPPP based on

unknown cut, fills, ect. or disturbance limits. Also the town engineer noted that the disturbance limits were going to be 4 acres but again not knowing what the ultimate build outs going to be. If we end up exceeding five acres of disturbance for residential property right, we are going to be into post storm water controls what then is going to impact another lot they are going to have to build some sort of retention pond for runoff.

Jay Wilkinson: I will let Drew answer that question.

Drew Schaufert: The SWPPP is on a hold at the moment pending the final approval of the wetland boundary because that's obviously the first step in the flow chart. We have to get the boundary of the wetlands before we can precisely say where exactly the house sites are going to go. After that step is when the SWPPP can be finalized because then we will establish the clearing limits and all of the quantities and the runoff calculations and everything. It will be probably only be a week or two after we have the wetlands approved and then we will have the SWPPP finished and ready for review as well.

Jay Wilkinson: Is that something that, Drew, you could have possibly for next month's May meeting.

Drew Schaufert: I'm not sure. It will probably be a few weeks after delineation. I probably won't have the SWPPP for the May meeting but we should be able to review the wetlands and a proposed preliminary final layout.

Jay Wilkinson: Ok. We will have another plan to look at which will be good.

Drew Schaufert: It will be similar to this. I can already see changes that I will need to make from being out there the last couple of days. I don't want to say right now until I am sure.

Jay Wilkinson: Ok. Good, thank you.

Ed Snyder: Just to clarify, the applicant just noted that the wetlands are being confirmed by Warrensburg which would be the DEC office but again this is going to have to be a joint application so ACOE will also have to verify and be on site during what's called a joint walk. So DEC and ACOE will be onsite to verify the flagged wetlands?

Drew Schaufert: Yes.

Ed Snyder: So we are realistically looking at, by the time a joint meeting gets prepared, you're a month out to get both agencies onsite I would say, right?

Drew Schaufert: It's sounds like you know your stuff. DEC is going to be a lot easier to get out there than ACOE. I am told by the biologist that ACOE very rarely changes their delineation so we are probably going to go ahead with that assumption and get the SWPPP prepared and then when ACOE comes out and they do the joint walk hopefully that will just verify everything that we have done to that point.

Ed Snyder: Ok. Thank you.

Jay Wilkinson: Any other comments for the Heflin public hearing? As I have said, we are going to keep the public hearing open and we will call it again next month at our May meeting so at this time we will move on to the next application.

Kim Caron: There is a person, J. Jackson, with their hand up.

Jay Wilkinson: Go ahead J Jackson. Are you there? Un mute yourself and you can speak. Ok we have to move on.

**Hvizdak (234.-1-3)**

Mr. Wilkinson stated that this proposal was originally for a three lot subdivision which is after many deliberations now a two lot subdivision. Mr. Wilkinson stated that Todd Hvizdak represents his aunt and uncle who own the property. Mr. Wilkinson stated that the new plan addresses the perc issues. Mr. Wilkinson stated that the board has a copy of the letter from Terry Anthony that the percolation rate was 1” in 52 minutes. Mr. Wilkinson stated that prior data from perc tests was conflicting and now the applicant has demonstrated an acceptable percolation rate. Mr. Wilkinson stated that the Board left the public hearing open while the applicant decided on how they wanted to proceed.

Mr. Hvizdak stated that after the last meeting they decided to change their proposal to a two lot subdivision. Mr. Hvizdak stated that the drawings have been revised and turned in.

Mr. Wilkinson stated that the board has received the new drawings and they contain all the information that the board has requested.

Mr. Wilkinson opened the public hearing for public comment.

No comments were given.

Jay Wilkinson: I move to close the Hvizdak public hearing.

Mrs. Wood: Second

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Roll call vote was taken:

Mr. Gardner – aye

Ms. Szurek – aye

Mr. Crudele – aye

Mrs. Wood – aye

Mr. Mitchell – aye

Mr. Riedinger – aye

Mr. Wilkinson – aye

The public hearing closed at 8:18 p.m.

### **SUBDIVISION APPLICATIONS and LOT LINE ADJUSTMENT APPLICATIONS**

#### **Womer and Carpenter Associates (223.-1-1)**

Mr. Wilkinson stated that this is a 29± acre parcel of land located at 910 Westline Road with acreage also across the street at 1580 Rocky Ridge Road. Mr. Wilkinson stated that the application was changed from a three lot subdivision to a two lot subdivision. Mr. Wilkinson stated that the proposed Lot 1 will be the existing house and outbuildings and consist of 16± acres and the proposed Lot 2 will be the remaining acreage across the street consisting of 13± acres and will be for the applicant's son to build a home on. Mr. Wilkinson stated that at the February meeting the board took lead agency and completed the short form EAF. Mr. Wilkinson stated that the application was referred to the town engineer and the county planning board and comments have been received.

Mr. Wilkinson stated that the application was also referred to Galway and Montgomery Counties as the property borders both and no response has been received.

Mrs. Wood stated that her husband hays the field and looked at the map and does not believe that there are wetlands concerns.

Mr. Carpenter stated that the wetlands are located on the other side of Westline Road in Montgomery County. Mr. Carpenter stated that the hay field is dry.

Mr. Wilkinson stated that all of the comments from Mr. McNamara's letter have been addressed and County reply of no significant impact has been received. Mr. Wilkinson stated that the board has a complete application.

Mr. Wilkinson made the motion to approve the subdivision of Catherine Womer who owns property on Westline Road and Rocky Ridge Road in the Town of Charlton, Tax Map parcel id number 223.-1-1 as Resolution Number 2021-03 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion.

Roll Call vote:

Connie Wood – aye

Jonathan Riedinger – aye

Chris Mitchell – aye

Bruce Gardner – aye

Dawn Szurek – aye

Dave Crudele – aye

Jay Wilkinson – aye

Motion carried.

**Resolution 2020-03 was made.**

Mr. Wilkinson reviewed the mylar requirements.

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

Mr. Crudele stated that Josie Jackson was able to type her question into the chat. Mr. Crudele stated that she is asking what was going on with the property that was suggested to be filled in over time.

Mr. Schauffert stated that since that issue came up there has been some talk or implication that Mr. Heflin has been illegally filling in wetlands. Mr. Schauffert stated that the fill that was placed there was placed there by the Town of Charlton Highway Department. Mr. Schauffert stated that the former highway superintendent asked Mr. Heflin if they could get rid of clean fill on his property. Mr. Schauffert stated that all of the fill in the wetland was placed there by the town not Mr. Heflin. Mr. Schauffert stated that is part of lot 7 or 8. Mr. Schauffert stated that there is no proposal to build on that spot as the house sites are either south of the culvert or one is proposed in the orchard.

Mrs. Posluszny stated that the new information is positive in terms on knowing who is responsible for filling in the wetlands. Mrs. Posluszny stated that it is concerning that the Town has potentially placed fill within a wetland boundary. Mrs. Posluszny stated that she is concerned that the town would be placing fill within a wetland. Mrs. Posluszny stated that the town needs a better understanding of its wetlands, who to contact and how to operate in order to mitigate or avoid the idea of environmental degradation as well as the potential issue that placing fill in wetland areas has for the neighbors.

Mr. Wilkinson stated that those comments are better suited for the town board.

Mr. Schauffert stated that he does not know when the wetland was filled in.

Mr. Wilkinson stated that we will see the applicant next month.

Alexander Smith, 2080 Cook Road asked if he could also speak. Mr. Smith stated that the origination of the fill is an interesting way to deflect but the laws are clear that regardless of who places the fill in a wetland, the land owner is responsible.

Mr. Schauffert stated that at the time, Mr. Heflin has a letter from DEC stating that was not a wetland any longer.

Mr. Wilkinson stated that the Board does have that letter and will see what happens with the wetlands delineation.

Mrs. Posluszny stated that it may not be a DEC wetland but it may be an ACOE wetland.

**Ward/Gauthier (225.-1-15.111 & -15.12)**

Dave Bogardus attended the meeting on behalf of the applicant.

Mr. Wilkinson stated that the Board has received County Planning Board approval and can move forward with the application. Mr. Wilkinson stated that the board has already waived the application and park fees, public hearing and engineering review. Mr. Wilkinson stated that the board has a complete application.

Mr. Wilkinson made the motion to approve the lot line change between Norman, Wayne and Michael Ward and Joseph and Colleen Gautier of lands situated on Maple Avenue, Town of Charlton Tax Map Id number 225.-1-15.111 & 15.12 and authorize the chairman to sign the mylars as Resolution 2021-04. Mr. Riedinger seconded the motion.

Roll call vote was taken:

Mr. Gardner – aye

Ms. Szurek – aye

Mr. Crudele – aye

Mrs. Wood – aye

Mr. Mitchell – aye

Mr. Riedinger – aye

Mr. Wilkinson – aye

Motion carried.

**Resolution 2021-04 was made.**

Mr. Wilkinson reviewed the mylar requirements.

**Gavin (237.-1-69 and -70.2)**

Duane Rabideau attended on behalf of the applicant.

Mr. Wilkinson stated that this is a 4 acre parcel located at 294 Sweetman Road. Mr. Wilkinson stated that the parcel has 514 feet of frontage on the west side of Sweetman Road. Mr. Wilkinson stated that the applicant is proposing a lot line change with the 3.92 acre parcel of land located behind the property. Mr. Wilkinson stated that the proposed lot line change will correct a landlocked parcel and then allow for a subdivision of the entire parcel into two conforming lots. Mr. Wilkinson stated that Lot A will consist of  $5.64 \pm$  acres and contain the existing house and outbuildings and Lot B will be a  $3.28 \pm$  acre parcel for a future home.

Mr. Wilkinson stated that the board has received the engineers' comments and approval from the county planning board. Mr. Wilkinson stated that the board has a complete application.

Mrs. York stated that the engineering escrow needs to be funded.

Mr. Wilkinson stated that the board can move forward with the application but drawings will not be signed until the engineering escrow is paid.

Mr. Wilkinson made the motion to approve the lot line adjustment and subdivision of the lands of Ronald and Phyllis Gavin situated on 294 Sweetman Road, Town of Charlton tax parcel id numbers 237.-1-69 and 237.-1-70.2 as Resolution number 2021-05 and authorize the chairman to sign the mylars contingent upon all fees being paid in full to the town including fees to the town engineer being paid in full. Mr. Mitchell seconded the motion.

Roll call vote was taken:

Mr. Gardner – aye

Ms. Szurek – aye

Mr. Crudele – aye

Mrs. Wood – aye

Mr. Mitchell – aye

Mr. Riedinger – aye

Mr. Wilkinson – aye

Mr. Wilkinson reviewed the mylar requirements.

**Resolution 2021-05 was made.**

**Hvizdak (234.-1-3)**

Mr. Wilkinson stated that, as discussed during the public hearing, this proposal has changed from a three lot subdivision to a two lot subdivision. Mr. Wilkinson stated that Lot 1 will be a 5 acre parcel and include the existing house and outbuildings and Lot 2 will be a 9.82 acre parcel that Todd will buy.

Mr. Wilkinson stated that the application was last before the board in November. Mr. Wilkinson stated that the board has taken lead agency and completed the short form EAF. Mr. Wilkinson stated that comments have been received from Mr. McNamara and the county planning board. Mr. Wilkinson stated that the county reply was no significant impact. Mr. Wilkinson stated that the public hearing was closed earlier.

Mr. Hvizdak stated that he has changed the drawings to meet Mr. McNamara's comments.

Mr. .Wilkinson stated that the board has a complete application that meets all the requirements.

Mr. Wilkinson stated that the changes requested on the original plan have been made including the date for the signature block, showing the culvert and the addition of the wetlands. Mr. Wilkinson stated that the drawings need the addition of most recent perc test



information, addition of the septic note and the correction of the minimum requirements listed.

Ms. Szurek inquired if the AG data statement has been revised to include the horse farm across the street.

Mr. Hvizdak stated yes.

Mr. Wilkinson stated yes.

Mr. Wilkinson made the motion to approve the subdivision of James and Daphne Hvizdak with lands located at 14 Waite Road, Town of Charlton tax map parcel id 234.-1-3 contingent upon the map being revised and the following be added:

1. Percolation tests that were witnessed by the Town of Charlton Zoning Administrator Terry Anthony in November of 2020 be added to the map and a note be added to the map with the results;
2. The revision of the Charlton bulk requirements on the left hand side of the map so that the minimum lot area should be 2 acres, minimum lot width 200 feet, and minimum lot frontage 200 feet, correct the setback requirements to the side, it should say 40 feet/100 feet total two sides;
3. The septic note requires approval of an alternate septic system by the NYS DOH the applicant is responsible for contacting DOH to confirm whether they wish to take jurisdiction on the design and provide the Town of Charlton with the DOH response prior to obtaining a building permit.

as Resolution 2021-06 and authorize the chairman to sign the mylars. Ms. Szurek seconded the motion.

Roll Call vote:

Connie Wood – aye  
Jonathan Riedinger – aye  
Chris Mitchell – aye  
Bruce Gardner – aye  
Dawn Szurek – aye  
Dave Crudele – aye  
Jay Wilkinson – aye

Motion carried.

**Resolution 2021-06 was made.**

Mr. Wilkinson reviewed the mylar requirements.

**Finkle (236.-1-128)**

Mr. Wilkinson stated that this is a proposal for a 3 lot subdivision on Jockey Street. Mr. Wilkinson stated that it is an 18.11± acre parcel of land with 677.24 feet of frontage on the

east side. Mr. Wilkinson stated that Lot 1 would be 2 acres, Lot 2 would be 2 acres and Lot 3 would be the homestead parcel of 14.11± acres of land and will include the existing residence and outbuildings. Mr. Wilkinson stated that Lots 1 and 2 would be offered for sale in the future.

Mr. Finkle stated that he would like to build on one of the lots and sell the third lot. Mr. Finkle stated that his daughter would take over the homestead parcel.

Mr. Wilkinson stated that there are a number of issues with the drawings. Mr. Wilkinson stated that the drawings need to show building envelopes including the location of the proposed houses, wells, septic systems and driveway locations. Mr. Wilkinson stated that the lots do not meet the mean lot width requirement. Mr. Wilkinson referred to the zoning ordinance table 4-2 on page 19. Mr. Wilkinson read the definition of mean lot width. Mr. Wilkinson stated that the proposed lots are not zoning compliant.

Mr. Finkle stated that he has no problem with changing the drawings to meet the requirements.

Ms. Szurek stated that the wetland buffer also needs to be shown.

Mr. Finkle stated that he has a field verification set up.

Mr. Wilkinson stated once that is completed it needs to be shown on the maps.

Ms. Szurek inquired if perc tests had been done.

Mr. Finkle stated that he will set that up with Terry Anthony.

Mr. Wilkinson stated that in order to move forward with the application, the board needs to see perc test information, lots that meet the mean lot width requirement, reconfiguration of the lots and the wetlands delineation. Mr. Wilkinson stated that this can be called the pre-application conference and the applicant can go off and make the necessary changes and come back with new drawings next month.

Mr. Crudele agreed with Mr. Wilkinson.

Mr. Mitchell stated that the location of the well and septic systems on the homestead parcel need to be shown also.

Mr. Riedinger agreed.

Mr. Gardner stated that he would also like to see more information on the drawing.

Ms. Szurek inquired as to the unusual shapes of the proposed lots.

Mr. Finkle stated that he was trying to save the snowmobile trail that runs through there.

Mr. Wilkinson stated that, for the next meeting, new drawings would need to be submitted showing the building envelopes, wetlands delineation, perc test information and reconfiguration of the lots to meet all of the requirements.

Ms. Szurek stated that the map shows the proposed lots as 2± acres of land and in past applications the board has required that to be 2 acres.

Mr. Wilkinson stated that was correct and asked that the surveyor remove the “-“sign.

### **ZONING REPORT**

The Board reviewed the report.

### **CORRESPONDENCE**

None.

### **TOWN BOARD LIAISON**

Ms. Smith stated that road side clean up would be this coming Saturday. Ms. Smith stated that they would be meeting at the highway garage for signups and assignments.

Ms. Smith stated that, pertaining to the allegation of the town Highway Department filling in the Heflin wetlands, she would take the issue back to the Town Board.

### **Zoning Board of Appeals Referral**

#### **Davidson (246.-3-61.111)**

Mr. Wilkinson stated that he has drafted a letter for the board to review. Mr. Wilkinson stated that there is a discrepancy between the drawings provided and the tax rolls. Mr. Wilkinson stated that the planning board referred this application to the ZBA for a 5 foot variance. Mr. Wilkinson stated that there are other issues with the proposal. Mr. Wilkinson reviewed the history of this property with the board.

Mr. .Wilkinson stated that he would forward his letter to everyone for comments and approval.

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

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary