

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

Minutes of the Planning Board Meeting – June 21, 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, 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 7:25 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the May 17, 2021 meeting minutes needed to be approved. Mrs. York has previously provided comments. Mr. 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 new maps have been provided that have answered some of the board's questions. Mr. Wilkinson stated that the new maps have some wetland information on them. Mr. Wilkinson stated that the hydrology study and the traffic study have not been provided. Mr. Wilkinson stated that the Public Hearing remains open.

Finkle (236.-1-128)

Mr. Wilkinson stated that the property is located at 4136 Jockey Street. Mr. Wilkinson stated that this is an 18 ± acre parcel with 677 feet of frontage on Jockey Street. Mr. Wilkinson stated that the proposal is to subdivide the parcel into three lots to create two new building lots. Mr. Wilkinson stated that Lots 1 and 2 will be 2 acre lots with 200 feet of frontage and one of the lots will be offered for sale and the other lot will be for Mr. Finkle to build a house for himself on. Mr. Wilkinson stated that Lot 3 will encompass the remaining 14 acres and contain the existing home and outbuildings. Mr. Wilkinson stated that the application states that Mr. Finkle's daughter will purchase the existing homestead. Mr.

Wilkinson stated that the Board was concerned with the mean lot width not being met on the two new lots. Mr. Wilkinson stated that at the last meeting the applicant provided drawings that had all the lots being in compliance with the mean lot width requirements. Mr. Wilkinson stated that the town engineer has responded with a letter with concerns pertaining to the wetlands located on the property. Mr. Wilkinson stated that the wetlands have been delineated on the property but have yet to be verified by the DEC. Mr. Wilkinson stated that once that is done the lots may have to change. Mr. Wilkinson stated that he will propose to keep the public hearing open to allow the applicant to answer the concerns from the town engineer's letter. Mr. Wilkinson stated that the board does not have a complete application until the comments from the town engineer have been addressed.

#### Subdivision Applications

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

Addressed above.

Finkle (236.-1-128)

Addressed above.

Ward (225.-1-15.1)

Mr. Wilkinson stated that the Ward's were first before the board in 2008 for a subdivision. Mr. Wilkinson stated that the second subdivision was in 2016 and the third subdivision was in 2019. Mr. Wilkinson stated that in 2021 the Wards completed a lot line change with the neighboring parcel belonging to the Gauthier's. Mr. Wilkinson stated that he does not believe that this makes the new subdivision request a major subdivision; however, in looking at the zoning ordinance, a lot line change is listed as a subdivision.

Mr. Keniry stated that the board has considered a subdivision an action that creates a lot. Mr. Keniry stated that a lot line change is treated as an exempt subdivision. Mr. Keniry stated that he does agree that as a technical matter there is a subdivision when a lot line change is done since it requires a map to be filed, but the board has always looked at it as an exempt subdivision since it is not creating a new lot.

Mr. Wilkinson stated that the drawings show campers on the property. Mr. Wilkinson stated that this raises the issue of a non-conforming use on the property.

Mr. Keniry stated that it is advisable to get the applicants view of what is going on with that lot and how many uses are in place.

Mr. Wilkinson stated that he would like to suggest a site visit. Mr. Wilkinson stated that the last time the board had a site visit on this property it was discovered that there were numerous wetlands.

Zoning Report

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

Correspondence

Will be addressed during the business meeting.

Town Board Liaison

Ms. Smith was present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Crudele. All were in favor. Agenda meeting closed at 7:25 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 May 17, 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: This public hearing has been left open from the May meeting. We have asked the applicant for additional information and part of that information has been supplied.

Drew Schaufert appeared on behalf of the applicant.

Jay Wilkinson: All of the board members have received copies of the revised drawings. They have had the wetlands designated. The lots are still 8 lots but they have been moved around and reconfigured to work with the wetlands and keep the 100 foot buffer.

Drew Schaufert: I think everyone's familiar with the property. Its 76 acres on Cook Road south of Route 67. We have proposed an 8 lot subdivision with 7 new lots. The applicant lives in a house on the property already. Currently there are 4 approved lots that are on the tax rolls. The proposal is to take those 4 lots and make them into 8 lots total. We had not had the wetlands delineated last time we were here and that has now been done to a great extent. The front half of the property the western end along Cook Road. We have not done the rear yet and that really has no direct affect on the positioning of any of the proposed

improvements so we were going to table that until later in the summer. Based on the wetlands delineation, we have had to reconfigure a few of the lots. Lot 1 has been changed. We utilized the house site much farther back off the road and basically the configuration of Lots 1 and 2 are basically flip flopped. (Inaudible) We have changed lots 6 and 7 as well to utilize the available upland that was found in that location. I believe previously Lot 7 was much smaller and now we have a Lot 6 that's 4 acres 200 feet of frontage and Lot 7 is 10 acres and Lot 8 is the same as it was before. Because of the 100 foot separation distance from the wetland we had to move the proposed house and septic system farther out towards 67. That's the changes to the proposal.

Jay Wilkinson: I will open this up to the public for comments.

Suzanne Carreker-Voigt, 133 Dawson Road: Who did the delineation and when was it done?

Drew Schauffert: Quensar Environmental on April 21, 2021.

Suzanne Carreker-Voigt: Do you know what the percability is on these sites for septic and sewage; you know water and all that, that things going to be feasible lots/house sites?

Drew Schauffert: By and large all the perc test results are up here and there have been deep hole tests. Some of the house sites have been moved and we are going to have to go back out there and fill in a couple of those that have been moved. Based on the results we got the first time I am pretty confident that will be a fairly good result.

Suzanne Carreker-Voigt: And do you have any idea of the hydrology of it, that wherever you are pulling the water from to provide water to the houses can actually support this many houses?

Drew Schauffert: I have no data. Mr. Heflin has a well in front of his house and it has plenty of water that is good water. It is an older well.

Suzanne Carreker-Voigt: That is my number one concern since we have had so much problems with water every time a new house is built on Cook Road that other houses start getting affected. I don't know if there is any protocol or any environments or where they are drawing well waters from and can they support this addition.

Jay Wilkinson: We have asked the applicant to perform a hydrology study by specialist in that particular area of hydrology and then get back to us. That is one of the open items that we need from the applicant and just so everybody knows that there will be no decisions made at tonight's meeting. We are just, again, collecting information and continuing to move forward with the process. There is still open items. The applicant's representative is aware of what is still open and needs to be done. It just takes time to get all of this information. When we actually get to the application, right now we are just doing the public hearing, we will go through those things and the applicant will give us an update. Right now we are just talking about the new information we have or if you have anything that you can

provide to the board that hasn't already been talked about. We have all of the letters that are all a part of the record for this project that have been submitted by all the neighbors expressing concerns for more traffic on the road, hydrology, density, all those different concerns and the applicant has a copy of those letters too and they will all be addressed in due time. This process could take 3 months, could take 6 months before we receive everything. Right now it all depends on the applicant continuing to provide us with the information. This is just the first piece. We need two more pieces before we can even get to the point where we can start talking about it.

Josie Jackson, 2173 Cook Road: Can you make this map public?

Jay Wilkinson: The Map?

Josie Jackson: Yes the map.

Jay Wilkinson: Yes.

Josie Jackson: Will it be on the town website or can we take a picture of it?

Jay Wilkinson: I don't have a problem with you taking a picture of it. It shows all the home sites and it shows septic.

Josie Jackson: Thank you.

John Karm, 2126 Cook Road: Will this document be available as part of the minutes so we can review it please?

Jay Wilkinson: The Map?

John Karm: Yes.

Jay Wilkinson: We can ask the applicant's representative to supply us with a pdf file and then we can put that on to the website and then you can go in and review it. They did send one out in the beginning of this project for review and input of what else is needed on the drawings. We can do that.

Alexander Smith, 2080 Cook Road: Just curious, the last meeting I provided comments on SEQRA review and I was just curious did the board have time to review that, whether or not there was consideration of whether or not you might rethink the jurisdiction and naming it a Type I action.

Jay Wilkinson: No. I have looked at your comments. You wrote an excellent letter and brought up a lot of great points. That is something we still have to discuss. We haven't discussed it as of tonight's meeting. It will be discussed later in the business portion of this application when we get to it.

Many residents took this time to take pictures of the drawings.

Ed Snyder, 2165 Cook Road: Have the new plans been submitted to the county?

Jay Wilkinson: It has not, just to the town. I don't feel that we have the final plan yet. It has not gone to the town engineer yet either. I didn't want to waste the applicant's money. There are questions that need to be answered and we can't answer those until we get the other two pieces of information we asked for.

Ed Snyder: Understood I was just curious because the other plan was sent to the county. Just wanted to make sure.

Jay Wilkinson: Our clerk let them know that we got new plans. We sent it to them for information only and asked that they wait to review it at their monthly meeting because we are still in the discovery stage.

Ed Snyder: Ok.

Jay Wilkinson: So if nobody has anything else, what we are going to do is adjourn this public hearing for the Heflin subdivision on Cook Road to our July 19, 2021 meeting and will continue it then. Hopefully we will have more information from the applicant on the other pieces of information we asked for, the hydrology study and the traffic study.

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

Mr. Wilkinson stated that this is a proposal for a subdivision on the east side of Jockey Street, Town of Charlton, Saratoga County. Mr. Wilkinson stated that the legal notice was published in the Daily Gazette on June 14, 2021 and notices were sent to the adjoining property owners on May 27, 2021.

Mr. Wilkinson reviewed the public hearing process.

Mr. Wilkinson opened the public hearing.

Bob Finkle: This is a two new lot subdivision on Jockey Street just south of Packer intersection on the remaining 18 acres my parents farm that we have had for about 9 years. There will be two lots to build two houses, one for me so that I can renovate the farmhouse as I retire (inaudible) and one to sell. The wetlands have been delineated on the property. Lot 2 has a small finger of wetland. House and wells have been shown on the plans. I am still waiting on DEC's required determination of what the buffer is so that I can get the maximum 100 foot buffer. Lot 1 has no wetlands. Test pits and perc tests have been completed and on the plans. At the last board meeting they requested a full wetlands delineation from DEC and site distance review which is on the drawing. (Inaudible).

Mr. Wilkinson opened the hearing for public comment.

Suzanne Carreker-Voigt: Can you show where the roads are in relation to the existing lot and where you live.

Bob Finkle showed the roads on the drawing.

Suzanne Carreker-Voigt: So two small lots one big lot?

Bob Finkle: Yes.

Jay Wilkinson: We will adjourn this public hearing for the Finkle subdivision on Jockey Street until the July 19, 2021 meeting.

### **SUBDIVISION APPLICATIONS**

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

Mr. Wilkinson reviewed the applicant's proposal.

Mr. Wilkinson stated that at the last meeting the board took lead agency, scheduled the public hearing and referred the application to the Saratoga County Planning Board and the town engineer. Mr. Wilkinson stated that the county replied no significant impact. Mr. Wilkinson stated that there were concerns raised in the letter from the town engineer. Mr. Wilkinson stated that the new town engineer, Charlie Baker, requested that the wetlands delineation that was completed needs jurisdictional determination from the DEC.

Mr. Finkle stated that the wetlands have been delineated and flagged. Mr. Finkle stated that the review by the DEC still has to be completed. Mr. Finkle stated that he has contacted them but has not received a response.

Mr. Wilkinson stated that the DEC review has to be completed prior to approval.

Mr. Finkle stated that he did put the 100 foot buffer on the drawings and both the well and septic locations are well beyond the buffer. Mr. Finkle stated that he is in agreement to leave the public hearing open until the information is received from the DEC.

The Board was also in agreement.

Mr. Wilkinson stated that the other comments from the town engineer were regarding the perc information which has been done. Mr. Wilkinson stated that the town engineer has requested that additional information be provided about the site distance once the driveway locations are determined.

Mr. Finkle stated that he has submitted plans addressing the sight distance issue. Mr. Finkle stated that they did the actual distances and they are in excess of the requirement. Mr. Finkle stated that there are two different speed limits in that location and the charts have been adjusted and the information has been added to the new plans.

Mr. Wilkinson stated that the proposed wells and test pits are shown but the proposed septic locations are not.

Mr. Finkle stated that he does not know how many bedrooms the houses are going to be. Mr. Finkle stated that he will have them engineered when he pulls the building permit.

Mr. Wilkinson stated that before final drawings are approved the board would like to see proposed locations for a typical septic system to ensure everything fits within the building envelope.

Mr. Wilkinson and the applicant verified the amount of disturbance as referenced in the EAF completed by the applicant.

Mr. Wilkinson stated that the board would like to see the houses staggered within the building envelope.

Ms. Szurek questioned the side yard setbacks for the proposed lots.

Mr. Finkle stated that they are still at 40/40 and referred to note #5.

Ms. Szurek stated that those can be corrected with the building envelope is put on the drawings.

Mr. Wilkinson stated that the board needs DEC information before moving forward.

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

Mr. Wilkinson stated that at the March meeting the board requested that the wetlands be delineated and verified by the agency of jurisdiction, a hydrology study to assess and determine the possible impacts and a traffic study to determine the impacts of 7 new houses. Mr. Wilkinson asked the applicant for a status on the board's requests.

Mr. Schauffert stated that the wetlands have been delineated. Mr. Schauffert stated that they are trying to figure out how to do the hydrology study. Mr. Schauffert questioned the need for the traffic study since with 7 new homes they are only increasing the traffic by maybe 14 round trips per day on Cook Road.

Mrs. Wood stated that the intersection of Cook Road and Route 67 is very dangerous. Mrs. Wood stated that she knows people who will not drive north on Cook Road because it is unsafe.



Mr. Schauffert questioned why this was Mr. Heflin's responsibility.

Mrs. Wood stated that the development will add more vehicles and increase the hazard. Mrs. Wood stated that a traffic study needs to be done.

Mr. Schauffert stated that this was a state and town creation and does not believe it is the applicant's responsibility. Mr. Schauffert questioned what happens once the traffic study is done, will the application be denied because the current configuration is not as safe as the board wants. Mr. Schauffert stated that there is nothing Mr. Heflin can do about the situation.

Mrs. Wood stated that the number of houses could change based on the results.

Mr. Schauffert asked if it is determined unsafe and they change from 8 houses to six houses how does the board make that judgment.

Mrs. Wood stated that the board will make determinations based on the information provided from the evaluations of the traffic and the hydrology study. Mrs. Wood asked if the wetlands delineation covered DEC and ACOE wetlands.

Mr. Schauffert stated yes.

Mr. Wilkinson stated that the traffic study was requested due to concerns of the board and the neighbors, to answer the resident's questions and provide information that the town can use to go to the state. Mr. Wilkinson stated that the board is questioning this information based on questions that were brought up during the public hearing and in order to close these items out the board needs answers.

Ms. Szurek stated that the traffic concern is not just for the people that would be living in those houses but also the services they will be using like school buses, lawn services, pool services, mail and package deliveries, etc.

Mr. Crudele clarified that the board is looking for a study based on the increased traffic at the intersection and the increase in the volume of traffic on Cook Road.

Mr. Wilkinson stated that the board needs more information to move the application forward.

#### **Ward (225.-1-15.1)**

Dave Bogardus appeared before the Board.

Mr. Wilkinson stated that the Ward brothers own a 45.3 acre parcel located on the south side of Route 67. Mr. Wilkinson stated that it is east of Maple Avenue. Mr. Wilkinson stated

that the applicant is requesting a two lot subdivision creating one new lot. Mr. Wilkinson stated that Lot 1A-1 will be 31.85 acres and encompass the existing house and outbuildings and the newly created lot 1A-2 will be a 13 acre parcel and be offered for sale.

Mr. Bogardus stated that this will be the last subdivision of the property. Mr. Bogardus stated that Lot 1A-1 will encompass the existing house, pond and outbuildings and front on Route 67 and Maple Avenue. Mr. Bogardus stated that Lot 1A-2 will be located on Maple Avenue. Mr. Bogardus stated that the wetlands have been delineated and located on the property with the 100 foot buffers. Mr. Bogardus stated that the lower corner of Lot 1A-2 has a large upland area and the driveway was put in years ago and was done by permit. Mr. Bogardus stated that there will be no wetland disturbance. Mr. Bogardus stated that the lot cannot be subdivided again without variances.

Mrs. Wood asked how long the driveway was and if there was proof of a permit.

Mr. Bogardus stated that he does not have any proof but that DEC has been there and they will request a copy of the permit. Mr. Bogardus stated that the driveway is 600 feet.

Mrs. Wood stated that any driveway over 500 feet has additional requirements so that an emergency vehicle can turn around.

Mr. Wilkinson stated that the driveway has to accommodate a fire truck.

Mrs. Wood asked about the campers on the property.

Mr. Bogardus stated that there are 3 old RV's parked there.

Mr. Wilkinson stated that there is a problem with having the campers there. Mr. Wilkinson stated that he believes that there are 4 campers. Mr. Wilkinson asked if the campers were in use. Mr. Wilkinson stated that having all of those campers there makes the parcel have a non-conforming use.

Mr. Bogardus stated that they are all for sale.

Mr. Wilkinson stated that they present a non-conforming use like junk cars and is a violation of zoning. Mr. Wilkinson stated that the board has to look at the property as a whole.

Mr. Bogardus stated that he agrees that the campers are a non-conforming use which is why he documented them on the drawings. Mr. Bogardus asked for time for the applicant to remedy the situation.

The board agreed that the campers would need to be removed from the property.

Mr. Keniry stated that in investigating the definition in the code it does give the definition of junk cars. Mr. Keniry stated that if the campers are not motorized than there is more than one use on the property which is not permitted.

Mr. Bogardus requested that the board schedule the public hearing and he will have the applicant take care of the campers within the next 30 days.

Mr. Wilkinson stated that there is some additional information that needs to be added to the drawings. Mr. Wilkinson stated that the curb cut note needs to be added for Lot 1A-2, the note for the driveway over 500 feet, which was provided by Mrs. York and contour lines be added every five feet. Mr. Wilkinson asked for clarification on the application part 1 where the applicant has put in 190 feet of frontage on Maple Avenue.

Mr. Bogardus showed the frontage on Maple Avenue on the drawing.

Mr. Wilkinson asked for clarification on the disturbance amount listed on the EAF completed by the applicant.

Mrs. Wood made the motion to clarify the action as unlisted for purposes of SEQRA and that a negative impact declaration be made relative to SEQRA. Mr. Riedinger seconded the motion. All were in favor.

The Board completed the EAF.

Mr. Wilkinson made a motion to schedule the public hearing for July 19, 2021 at 7:30 p.m. Mrs. Wood seconded the motion. All were in favor.

Mr. Wilkinson clarified that the drawing would need to be updated with the curb cut note, the driveway note and contour lines.

Mrs. York provided the public hearing cards.

Mr. Wilkinson stated that the campers need to be removed.

Mr. Wilkinson requested a site visit.

Mr. Bogardus stated that he will ask the applicants.

The board agreed that they would like to do the site visit the week of the 12<sup>th</sup> in the evening.

Mr. Bogardus stated that he will get dates from the applicant and get back to the board.

## **ZONING REPORT**

The Board reviewed the report.

**CORRESPONDENCE**

Mr. Wilkinson stated that last month the board reviewed a ZBA application from the Fogg's requesting a height variance of 4.8 feet. Mr. Wilkinson stated that this has been granted.

Mr. Wilkinson stated that the ZBA had also referred the Davidson application and concerns from the planning board were given at that public hearing. Mr. Wilkinson stated that the applicant has moved the house location and will be providing revised applications and drawings for review.

Mr. Wilkinson stated that there was also an application to the ZBA for 720 Swaggertown Road. Mr. Wilkinson stated that the ZBA felt this was the same situation as the Davidson application with a house located behind a house. Mr. Wilkinson stated that the ZBA asked the applicant to revise their application to eliminate that situation.

**TOWN BOARD LIAISON**

Ms. Smith stated that the town board has received an application for a special use permit for the old Route 67 Café. Ms. Smith stated that the town board will retain jurisdiction and will reach out to the other boards for comments. Ms. Smith stated that the proposal is to open a similar style café with hours of 6 am to 3 pm. Ms. Smith stated that no alcohol will be served.

Ms. Smith stated that there is a new broadband committee that is a sub-committee to the technology committee that will be locating underserved residents to build accurate maps of the service areas.

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

The meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary