

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

Minutes of the Planning Board Meeting – July 20, 2020

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

Present: Jay Wilkinson, Chairman, Dawn Szurek, Chris Mitchell, Dave Crudele, Jonathan Riedinger, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk 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 May 18, 2020 meeting minutes needed to be approved. Mrs. York has previously provided comments. Mr. Crudele provided a comment. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Mr. Wilkinson stated that there were no Public Hearings.

Subdivision Applications and Lot Line Changes

Schaus/Roy and Northeast (247.-2-55 and 247.-2-56)

Mr. Wilkinson stated that the application was originally before the Board in October of 2019 for a lot line adjustment of the backland of Schaus to be conveyed to the neighbor Roy. Mr. Wilkinson stated that Joe and Holly Schaus own 334 Stage Road which is comprised of 38.9+/- acres of land on two different deeds. Roy own 330 Stage Road which is comprised of 28+/- acres. Mr. Wilkinson stated that after the lot line adjustment, the Schaus parcel will decrease to 10.9+/- acres and the Roy parcel will increase to 34 +/- acres.

Mr. Wilkinson stated that the initial application for this lot line adjustment was withdrawn because the parties could not come to a financial agreement. Mr. Wilkinson stated that the parties have now come to terms and are ready to proceed. Mr. Wilkinson stated that Dave Bogardus of Northeast Land Development will be representing the applicants. Mr.

Wilkinson stated that the application was forwarded to the Saratoga County Planning Board when the application was originally before the Board in October. Mr. Wilkinson stated that the Board has received county approval. Mr. Wilkinson stated that the Board can proceed with the application.

Ellms and Northeast (237.-1-33.11)

Mr. Wilkinson stated that the Ellms are being represented by Dave Bogardus.

Mr. Wilkinson stated that Sally Ellms owns property located at 468 Charlton Road which is comprised of 54+/- acres. Mr. Wilkinson stated that the applicant is proposing a two lot subdivision to create a 6.99+/- acre lot for a single family home for their son. Mr. Wilkinson stated that if the subdivision is approved, the Ellms parcel will decrease to 47+/- acres of land and will contain the existing house, outbuildings and improvements. Mr. Wilkinson stated that he has reviewed the drawings and they seem to be missing the perk test data. Mr. Wilkinson stated that the Board needs the perk test data to move the application forward. Mr. Wilkinson stated that the AG Data Statement is also missing the parcel of land that is being farmed by Dave Wood that was the old Palmer farm across the street.

Ball/Stone (247.-1-72)

Mr. Wilkinson stated that this is an application for a lot line change. Mr. Wilkinson stated that the Ball's were before the Board for a subdivision and have now sold the property and moved to Texas. Mr. Wilkinson stated that 2 acres was sold to Beth Bryant and the 6 acre subdivided lot was created for a single family home. Mr. Wilkinson stated that the Stone's were not happy with that subdivision and sent a letter to the Board that was read into the record at the January meeting. Mr. Wilkinson stated that he told the Stone's that if they were unhappy with the subdivision that they should buy the lot. Mr. Wilkinson stated that is exactly what the Stone's did and after a number of phone calls and emails the Stone's decided that they would like another 1.4 acres in the back of the property to clean up the property lines. Mr. Wilkinson stated that there are purchase agreements in place between the new owners of the former Ball property and the Stone's. Mr. Wilkinson stated that the Stone's attended the last zoom meeting for some guidance on proceeding with their intended plans. Mr. Wilkinson stated that the meeting ended after 40 minutes and many of the Board members were not able to reconnect. Mr. Wilkinson stated that Mr. Keniry was able to get back into the meeting and advised the applicants on the procedure for applying for the lot line change. Mr. Wilkinson stated that when he last spoke to Eileen Stone, the Ball were unable to move forward with their closing without a release from the bank that could take months. Mr. Wilkinson stated that they are supposed to close in August. Mr. Wilkinson stated that the Board needs to confirm the remaining acreage of the original Ball parcel.

Zoning Report

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

Correspondence

None.

Town Board Liaison

Mr. Grasso will give his report during the Business Meeting.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Ms. Szurek. 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

Mr. Wilkinson made a motion to approve the draft of the May 18, 2020 meeting minutes with changes incorporated. Mr. Riedinger seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS and LOT LINE CHANGES

Schaus/Roy and Northeast (247.-2-55 and 247.-2-56)

Dave Bogardus appeared before the Board.

Mr. Wilkinson stated that this application was before the Board in October of last year for a lot line change. Mr. Wilkinson stated that the application was put on hold by request of the applicant. Mr. Wilkinson stated that the applicants have come to terms and are ready to proceed.

Mr. Bogardus stated that Joe Schaus and his wife are the owners of 2 properties located on Stage Road that total 38 acres. Mr. Bogardus stated that one of the parcels has no road frontage. Mr. Bogardus showed the properties on the drawing. Mr. Bogardus stated that the Roy's are the neighbors. Mr. Bogardus stated that the intention is to merge the two Schaus parcels and cut out the existing house and convey the remaining 28 acres to the Roy's. Mr. Bogardus stated that the land is all woods and not being used. Mr. Bogardus stated that after the lot line change, the Schaus parcel would consist of 11 acres and the Roy parcel will consist of 34 acres. Mr. Bogardus stated that this fixes a problem and is a land transfer only. Mr. Bogardus stated that no construction is planned.

Mr. Schaus inquired of the map shown is what gets sent to the County and filed as a final map.

Mr. Wilkinson stated that the map before the Board is the map that the Board is considering for approval and will go to the County if approved.

Mr. Schaus and Mr. Bogardus had a conversation about additional copies of the maps.

Mr. Keniry stated that when the Board acts by final determination it approves a particular map. Mr. Keniry stated that if there are any issues with the map to make sure that they are ironed out before final determination by the Board. Mr. Keniry stated that the map approved is the map that is recorded with the County.

The applicant and his representative had additional conversation about land limitations.

Mr. Keniry stated that the product of a lot line change is 2 lots so that the end result is that the Roy's will merge title to the new land and the Schaus's will merge their respective titles to their new lands.

Mr. Bogardus stated correct three deeds to two.

Mr. Wilkinson made the motion to waive engineering review, application and park fees and the Public Hearing for the Schaus/Roy lot line change. Mr. Mitchell seconded the motion. All were in favor.

Mr. Keniry stated that this application is also a Type II action and therefore exempt from SEQRA.

Mr. Wilkinson made the motion to approve the Schaus/Roy lot line adjustment located on Stage Road and that the property transferred to the Roy's will be merged with their existing lot and the remaining lands of Schaus will also be merged together as Resolution No. 2020-03 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion. Roll call vote was taken:

Ms. Szurek: aye

Mr. Crudele: aye

Mr. Mitchell: aye

Mr. Riedinger: aye

Mr. Wilkinson: aye

Motion carried.

Resolution 2020-03 was made.

Ellms and Northeast (237.-1-33.11)

Dave Bogardus appeared before the Board.

Mr. Wilkinson stated that Sally Ellms owns a 54 acre property located at 468 Charlton Road. Mr. Wilkinson stated that the application is for a two lot subdivision to create a 7 acre lot for their son Garth. Mr. Wilkinson stated that after the subdivision the Ellms parcel will consist of 47+/- acres and will contain the existing house and outbuildings.

Mr. Bogardus supplied the septic information.

Mr. Bogardus showed the Ellms parcel on the drawing and the proposed 7+/- acre lot to be subdivided out. Mr. Bogardus stated that the new lot would have 433 feet of frontage and the remaining acreage of Ellms will have 355 feet of frontage. Mr. Bogardus stated that the farm has retained the right of way to a pre-existing gravel road to get to the tree farm. Mr. Bogardus stated that there is a 100 foot separation distance. Mr. Bogardus stated that the DEC wetlands are located in the adjacent area shown on the drawing. Mr. Bogardus stated that there will be no construction within the 100 foot buffer zone. Mr. Bogardus stated that they have shown the building envelope with the house location, driveway location and locations of the well and septic systems. Mr. Bogardus stated that the soils are good and the sight distance is excellent, meeting the requirements for the speed limit.

Ms. Szurek inquired how many previous subdivisions have there been on the property.

Mr. Wilkinson stated that there have been two other subdivisions.

Mr. Wilkinson inquired as to the perk test rate.

Mr. Bogardus stated that the information is at the top, 1" in 3 minutes.

Mr. Wilkinson asked that the information be added to the drawings.

Mr. Wilkinson stated that the AG Data Statement doesn't show the Wood farming operation across the street from the property.

Mr. Bogardus stated that he will add the information.

The Board completed the short EAF form.

Mr. Wilkinson stated that the application will be forwarded to the town engineer for review and to the County Planning Board.

Mr. Wilkinson made a motion to schedule the Public Hearing for August 17, 2020 at 7:30 p.m. Ms. Szurek seconded the motion. All were in favor.

Mr. Wilkinson stated that the Public Hearing cards would be provided and would need to be completed and returned to Town Hall for mailing.

Mr. Wilkinson made the motion to declare the Planning Board as lead agency for the purposes of SEQRA and to declare the action as unlisted with a negative impact declaration relative to SEQRA. Mr. Crudele seconded the motion. Roll Call vote was taken:

Ms. Szurek: aye

Mr. Crudele: aye

Mr. Mitchell: aye

Mr. Riedinger: aye

Mr. Wilkinson: aye

Motion carried.

Ball/Stone (247.-1-72)

Mr. Wilkinson stated that this is an application for a lot line change with the Stone property and the back lands of Ball. Mr. Wilkinson stated that a 6 acre parcel has already been subdivided from the Ball parcel. Mr. Wilkinson stated that Kevin and Eileen Stone are purchasing the 6 acre lot and some additional land behind their lot consisting of another 1.4 acres. Mr. Wilkinson stated that the Ball's own a 60.12+/- parcel and when this is complete, the Ball parcel will decrease to 58.17+/- acres and the Stone parcel will increase to 30.11+/- acres after the merger.

Eileen Stone appeared before the Board. Mrs. Stone stated that they are purchasing the 6 acre lot from the Balls who are also selling the farm. Mrs. Stone stated that they are trying to time it to happen within the next couple weeks. Mrs. Stone stated that the surveyor has produced a metes and bounds description and the attorneys are working on the deeds.

Mrs. Stone stated that in having the properties surveyed it was discovered that the 2004 survey was off by .11 acres. Mrs. Stone stated that it changes their request to be actually a 1.52 lot line adjustment.

Mr. Keniry stated that would not be a problem. Mr. Keniry stated that the Planning Board does not do title searches and doesn't file check the accuracy of maps. Mr. Keniry stated that the representations made to the Board are accepted on their face.

Mr. Wilkinson made the motion to waive engineering review, application and park fees and the Public Hearing for the Ball/Stone lot line change. Mr. Crudele seconded the motion. All were in favor.

Mr. Keniry stated that this application is also a Type II action and therefore exempt from SEQRA.

Mr. Wilkinson stated that the application will be referred to the Saratoga County Planning Board for review.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None

TOWN BOARD LIAISON

Mr. Grasso stated that the changes to the subdivision regulations and review guide have been sent to the town attorney Jim Craig for review.

Mr. Grasso stated that the Town Board has received an application from the Holbrook Farm for a commercial solar array to be placed by the cell tower. Mr. Grasso stated that it was denied by the building department and has been forwarded to the town attorney and Mr. Keniry for interpretation on the steps in order to give the applicant due process.

Mr. Grasso stated that there is a “campground” located at the corner of Maple Ave. and Route 67. Mr. Grasso stated that the Board has received no formal application to do so.

Mr. Grasso stated that the Town Hall is now open. Mr. Grasso stated that there is still no court night.

Mr. Grasso stated the town received a grant to improve the trails at the Elmer Smith Park. Mr. Grasso stated that there will also be a new sign that is being painted by Dave Crudele’s son.

Mr. Grasso stated that the town has been on water restrictions. Mr. Grasso stated that in July there was a supply issue and the town went to odd even watering, then all use was restricted due to a pump being down at the pump house. Mr. Grasso stated that the town is back to odd even watering.

Mr. Grasso stated that the town is going to see a major impact from the lack of sales tax revenue. Mr. Grasso stated that next year will be a challenge.

Mr. Grasso stated that there is a culvert replacement project happening on Peaceable Street. Mr. Grasso stated that they hope to have it completed by end of September.

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

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary