

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

Minutes of the Planning Board Meeting – September 21, 2020

Chairman Jay Wilkinson called the meeting to order at 7:07 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Dawn Szurek, Bruce Gardner, Dave Crudele, Bill Keniry, Esq., Planning Board Attorney and Susan York, Planning Board Clerk. Jonathan Riedinger joined the meeting at 7:11 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the July 20, 2020 meeting minutes needed to be approved. Mrs. York has previously provided comments. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Mr. Wilkinson stated that the draft of the August 17, 2020 meeting minutes needed to be approved. Mrs. York has previously provided comments. Ms. Szurek 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

Gilmore (236.-1-27.1)

Mr. Wilkinson stated that the applicant is being represented by ABD Engineering. Mr. Wilkinson stated that Trinidad Gilmore, owner of 1111 Eastern Avenue, is proposing a two lot subdivision. Mr. Wilkinson stated that the lot is 5.8 +/- acres and the applicant's proposal has Lot 1 being 2.66 +/- acres for a future building lot and Lot 2 being 3.135 +/- acres of land and will encompass the existing home and improvements. Mr. Wilkinson stated that last month the Board took lead agency status and forwarded the application to Mike McNamara and the Saratoga County Planning Board. Mr. Wilkinson stated that responses have been received from both referrals and new maps have been provided.

Subdivision Applications and Lot Line Changes

Gilmore (236.-1-27.1)

Addressed above.

Aabo (247.-1-24.112)

Mr. Wilkinson stated that Jean Aabo is the owner of 510 Charlton Road which consists of 6.74 +/- acres. Mr. Wilkinson stated that the applicant is proposing to subdivide off a 2.78 +/- acre lot for a single family home leaving 3.26 +/- acres that will encompass the existing home and outbuildings. Mr. Wilkinson stated that at the last meeting there was an issue with the frontage for the new lot. Mr. Wilkinson stated that new maps have been submitted showing the new proposed lot will have 202 feet of frontage.

Hvizdak (234.-1-3)

Mr. Wilkinson stated that this application was originally before the Board in July of 2019. Mr. Wilkinson stated that the applicant's Aunt and Uncle owns a 14.8 acre parcel on Waite Road and is proposing a three lot subdivision. Mr. Wilkinson stated that the house and improvements will be located on the proposed 5 acre lot and the two new lots proposed will be vacant land. Mr. Wilkinson stated that the applicant will offer Lot 3 for sale and Lot 2 will be utilized by the owner's nephew. Mr. Wilkinson stated that perk tests were done in 2019 showing 60 minutes/inch. Mr. Wilkinson stated that they have found a better location that gave better perk results. Mr. Wilkinson stated that there were other issues with the drawing that have since been corrected with the submittal of new drawings.

ZBA Referral

Debach Special Use Permit (246.-3-58.2)

Mr. Wilkinson stated that some new information has been received tonight that the Board can review. Mr. Wilkinson stated that this is an application for a Special Exception Use Permit for a home goods store located on Crane Street. Mr. Wilkinson stated that the ZBA has requested comments before their Public Hearing on October 13th.

The Board reviewed the information submitted by the ZBA.

Mr. Wilkinson stated that per conversation with Mrs. Caron, the ZBA will be limiting the business to the current structure being used for the "store".

Zoning Report

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

Correspondence

None.

Town Board Liaison

Mr. Grasso stated that the Cell Tower foundation is in and the road is in. Mr. Grasso stated that the conduit is in place also. Mr. Grasso stated that the tower is set to go in within the next couple weeks.

Mr. Grasso stated that there is still an open spot on the Town Board. Mr. Grasso stated that Alan Grattidge will be retiring at the end of the year leaving another open position.

Mr. Grasso stated that the town newsletter would be going out next week.

Mr. Grasso stated that the Town Board and the ZBA have received an application for the old firehouse. Mr. Grasso stated that the ZBA will be reviewing the application for a use variance.

Mr. Grasso stated that the 2021 budget still does not have a town tax or a highway tax. Mr. Grasso stated that there were decreases made in expenditures.

Mr. Wilkinson stated that the acoustics in the meeting room were very poor. Mr. Wilkinson stated that he is willing to help work on a solution.

Mr. Grasso stated that he had some ideas and welcomes Mr. Wilkinson's assistance.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Crudele. All were in favor. Agenda meeting closed at 7:28 p.m.

BUSINESS MEETING

Opened at 7:32 p.m. with the Pledge of Allegiance.

Minutes

Mr. Wilkinson made a motion to approve the draft of the July 20, 2020 meeting minutes with changes incorporated. Mr. Crudele seconded the motion. All were in favor.

Mr. Wilkinson made a motion to approve the draft of the August 17, 2020 meeting minutes with changes incorporated. Mr. Riedinger seconded the motion. All were in favor.

PUBLIC HEARING (7:30 P.M.)

Gilmore (236.-1-27.1)

John Hitchcock of ABD Engineering appeared before the Board.

Mr. Wilkinson stated that the applicant is being represented by ABD Engineering. Mr. Wilkinson stated that Trinidad Gilmore, owner of 1111 Eastern Avenue, is proposing a two lot subdivision.

Mr. Wilkinson stated that a legal notice was published in the Daily Gazette on September 15, 2020 and notices were mailed to the adjoining neighbors on September 9, 2020.

Mr. Wilkinson reviewed the public hearing process. Mr. Wilkinson opened the public hearing.

John Hitchcock: John Hitchcock with ABD Engineering. It is a 5.8 acre lot located at 1111 Eastern Avenue in the town. The applicant wants to divide it into two lots. The lot to the west is approximately 3.135 acres of land and the lot here to the east would be 2.666 acres of land. Nothing has changed since the last time we met. We added the distance on the map, the southwest corner where the lot line jags next to the pond so we noted that this area was 28 feet. The only other change was we added an easement to the southwest corner of lot 2 because the utility lines run across that part. (Inaudible)

Jay Wilkinson: At this time if anyone has a question about this now would be the time to ask. So if you want to ask a question, please come to the podium and state your name and address for the record.

Judy Mitchell, 1105 Eastern Avenue: Our property adjoins here, we are on the corner of Eastern and Jockey Streets, I have no objections to some of the measurements but my concern is putting in another well. I know there (inaudible) who don't have good water supplies. Right now we do have a good water supply but if someone else taps onto that supply I don't know what it might do to our well or (inaudible) and I don't know if that is something that (inaudible). That's my concern is the water.

Jay Wilkinson: I don't have any answers for you on the water. They have to have a well that produces x amount for them to get a building permit. It says it on the drawing. I should get the drawing out. I understand your concern that if they tapped on and get into the same vein you are into that could affect you. This Board has no power over that and I don't know of any studies that would be something that would have to present at the Town Board level. So there is a standard note on all the drawings that get filed with the county that says "all building permits for dwelling units shall be contingent upon the construction of a water well with adequate flow capable of acceptable potability in accordance with the requirements for NYS Dept. of Health". So that is kind of the buyer beware thing and I know this is staying within the family but other than that I don't have any answers for you. The Planning Board

looks at the bulk requirements. We have a zoning ordinance, is it a 2 acre lot, does it have 200 feet of frontage, can it support a house, does it meet, if you look on that map that was used in the presentation that is on the easel, it will show a building envelope so we know a house can be there and we can meet the setbacks on the sides, the front and the rear. It shows a proposed septic system and a well. So again, the Planning Board would look and see ok everything will fit onto that lot and that's our job, is to look at those requirements. Other than that I don't know how else I can answer your question.

Trent Mitchell, 1105 Eastern Avenue: I live right next door. Why is he subdividing?

Jay Wilkinson: What it says on the application is that he would like to do; he would like to build a new house next door.

Trent Mitchell: Is that gonna be their son's?

Jay Wilkinson: I would assume so. I don't know. You have the land and you can subdivide it. It comes down to, I don't know how many acres you own but as long as you have 200 foot of frontage....

Trent Mitchell: (Inaudible) Is that gonna be his son going to build there?

Bill Keniry: I am sorry sir. I am not aware of who they intend to have occupy that property.

Trent Mitchell: So why is it being subdivided then.

Jay Wilkinson: We can't question that as long as the property meets the requirements, anybody can subdivide their land.

Trent Mitchell: I was under the impression that they wanted to subdivide for the son to live there but apparently I have been misinformed.

Jay Wilkinson: You may be informed right. I mean, again, they don't have to...I'll read you what they said, we ask for a narrative, what are you going to do...

Trent Mitchell: (Inaudible).

Trinidad Gilmore, applicant: (Inaudible) My husband and I, my husband being 82, his abilities walking (inaudible) and the old farmhouse was built by (inaudible). We would like to build a retirement home on the subdivision lot (inaudible). Our youngest grandson is going to take the old farm house and we will build a new house.

Multiple people began talking from the audience.

A question was asked from the audience that was inaudible and the person did not identify themselves for the record.

Jay Wilkinson: Walk up and look at the map it shows it where it is.

Another discussion began at the back of the room amongst the audience members that was not captured by the recording system.

Mr. Wilkinson made a motion to close the public hearing at 7:50 p.m. Ms. Szurek seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS

Gilmore (236.-1-27.1)

Mr. Wilkinson gave a brief recap.

Mr. Wilkinson stated that the Board completed the EAF at the August meeting. Mr. Wilkinson stated that the maps have been revised per Mr. McNamara's comments from his review.

Mr. Hitchcock reviewed Mr. McNamara's letter and the changes made to the drawings. Mr. Wilkinson also reviewed Mr. McNamara's comments and the 9/30/20 letter from ABD Engineering.

Mr. Wilkinson stated that the application was complete.

Mr. Wilkinson made a motion to approve the Gilmore subdivision located at 1111 Eastern Avenue as Resolution 2020-06 and authorize the chairman to sign the mylars. Mr. Crudele seconded the motion. Roll call vote was taken:

Dave Crudele – aye
Jonathan Riedinger – aye
Bruce Gardner – aye
Dawn Szurek – aye
Jay Wilkinson – aye

Motion carried.

Resolution 2020-06 was made.

Mr. Wilkinson reviewed the mylar requirements and fees with the applicant.

Aabo (247.-1-24.112)

Mr. Aabo appeared before the Board. Mr. Aabo's son hung the current drawing on the easel.

Mr. Aabo stated that the road frontage issue has been resolved. Mr. Aabo stated that this is a subdivision at 510 Charlton Road into two lots. Mr. Aabo stated that the existing house will be on the 3.2 acre lot and the newly created 2.76 acre lot will be on Shaddick Road and will be for his son and family to build upon. Mr. Aabo stated that they have shown the driveway cut on Shaddick Road.

Mr. Wilkinson stated that the corrections to the drawing that the Board requested have been made on the new drawings that were submitted.

Ms. Szurek inquired if an updated AG Data statement was provided.

Mr. Wilkinson stated that the Ellms Tree Farm and the Elden Tweed Farm needed to be added.

Mr. Keniry stated that the statement could be revised and initialed by the applicant.

Mr. Aabo made the correction and initialed it.

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

Mrs. York will forward the application to Mike McNamara and the County Planning Board.

Mr. Wilkinson made the motion to schedule the Public Hearing for October 19, 2020 at 7:30 p.m. Mr. Crudele seconded the motion. All were in favor.

Mrs. York provided the applicant with Public Hearing cards.

Hvizdak (234.-1-3)

Todd Hvizdak appeared before the Board.

Mr. Wilkinson stated that this application was last before the Board 13 months ago. Mr. Wilkinson stated that Mr. Hvizdak made a presentation on behalf of his aunt and uncle that they would like to subdivide the approximately 15 acre parcel into 3 lots. Mr. Wilkinson stated that there was an issue with perk tests and some discrepancies with the drawing. Mr. Wilkinson stated that new drawings have been submitted addressing the issues from the previous plan.

Mr. Hvizdak stated that the intent is to subdivide into three lots, with the existing house on 5 acres, another 5 acre lot and lot 3 being 4.86 acres. Mr. Hvizdak stated that he will be purchasing Lot 3 and would be building a house on it in the future. Mr. Hvizdak stated that the perk tests were done in the spring a lot closer to where the house is going to be located.

Mr. Wilkinson stated that the perk tests are so close to not passing that they may fail when witnessed by the Zoning Officer and be unable to obtain a building permit.

Mr. Hvizdak stated that he is aware that he is going to have to put in a raised up system.

Mr. Wilkinson stated that the Board wants to make sure that the applicants are aware that they are creating two lots that may not be able to obtain building permits for residences.

Mr. Crudele stated that the Town's local requirements supersede NYS requirements of 120 minutes to perk. Mr. Crudele referred to page 20 of the Zoning Ordinance.

Mr. Wilkinson stated that the Board can move forward as long as the applicant wants to proceed.

Mr. Hvizdak stated that they would like to proceed.

Mr. Wilkinson stated that the new drawings provided address the issues from the original presentation in 2019.

The Board completed short form EAF.

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

Mrs. York will forward the application to Mike McNamara and the County Planning Board.

Mr. Wilkinson made the motion to schedule the Public Hearing for October 19, 2020 at 7:45 p.m. Mr. Crudele seconded the motion. All were in favor.

Mrs. York provided the applicant with Public Hearing cards.

ZBA REFERRAL

Debach (246.-3-58.2)

Mr. Wilkinson stated that the applicant's store is already in operation.

Mr. Wilkinson stated that he has spoken to Mrs. Caron before the meeting and that the ZBA would be setting limitations on where the store can be located and prohibiting the use of the barns for sales. Mr. Wilkinson stated that the Town Board reviews the special use permits granted on an annual basis. M. Wilkinson stated that the ZBA has done a lot of work on this application. Mr. Wilkinson asked if there were any comments from the Board.

Mr. Crudele stated that a small business would fit in nicely for the town.

Ms. Szurek inquired about ADA accessibility.

Mr. Wilkinson stated that could be a comment in the letter for the ZBA to address.

Ms. Szurek stated that the existing hours, the use of the existing building only and a down lit sign should be included in the comments.

Mr. Wilkinson stated that he will draft the letter and send to the Board for review.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None

TOWN BOARD LIAISON

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

The meeting was adjourned at 8:54 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary