

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

Minutes of the Planning Board Meeting –February 20, 2017

Chairman Jay Wilkinson called the meeting to order at 7:05 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Jack Kadlecek, Connie Wood, Dawn Szurek, Bruce Gardner, Chris Mitchell, Jonathan Riedinger, Tracy Bullett, Esq. and her associate, Kasey Hildonen, Acting Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Marilyn Phillips joined the meeting at 7:20 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the January 16, 2017 meeting minutes needed to be approved. Mrs. York has previously provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Mr. Wilkinson stated that the draft of the February 9, 2017 workshop minutes needed to be approved. One comment was provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Montemorano/Van Guilder (213.-1-10)

Mr. Wilkinson stated that there would be a Public Hearing at 7:30 for this application.

Austro/Bartczak/Van Guilder (237.-1-6)

Mr. Wilkinson stated that there would be a Public Hearing at 7:45 for this application.

Subdivision Applications

Montemorano/Van Guilder (213.-1-10)

Mr. Wilkinson stated that this is a proposal for a subdivision of a 49.3 acre parcel located on the west side of Jockey Street to create 2 lots. Mr. Wilkinson stated that Lot 2B will be the existing house, outbuildings and AG fields and consist of approximately 30.1 acres and Lot 2A will be a newly created lot consisting of approximately 19.1 acres and will be offered for sale.

Mr. Wilkinson stated that the application was forwarded to the County Planning Board and approval has been received.

Mr. Wilkinson stated that the application was also forwarded to Mr. McNamara and comments have been received.

Austro/Bartczak/Van Guilder (237.-1-6)

Mr. Wilkinson stated that this is a proposal for a subdivision of a 72.8 acre parcel located on the east side of Peaceable Street to create 2 lots. Mr. Wilkinson stated that Lot 1 will encompass the existing house and improvements on approximately 65.8 acres and Lot 2 will be approximately 7 acres and offered for sale.

Mr. Wilkinson stated that the application has been forwarded to the County Planning Board and approval has been received.

Mr. Wilkinson stated that the application was also forwarded to Mr. McNamara and comments have been received.

Town Board referral for a Site Plan Review

Stewart's Shops (224.-1-46.2)

Mr. Wilkinson stated that Chuck Marshall would be present to review the procedures for the site plan review.

Zoning Report

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

Correspondence.

Mr. Wilkinson asked anyone interested in attending the NYS conference being held 3/27-3/28 to let Ms. York know.

Mr. Wilkinson stated that the Board has received a copy of the ECC letter to Verizon dated 2/7/17 with comments about the Verizon Cell Tower project.

Town Board Liaison

Mr. Grasso was present.

Mr. Grasso stated that the Town Board has requested additional information from Verizon related to the view shed impacts of the proposed tower. Mr. Grasso stated that the Board also requested additional photos. Mr. Grasso stated that the Board asked for additional information on lowering the tower to 110-100 feet. Mr. Grasso stated that Verizon will be flying a drone at the proposed height of the tower to scan around to see what structures and roads are visible. Mr. Grasso stated that the Board also provided comments on the EAF and requested clarification on some of the information.

Mr. Grasso stated that he felt that the Stewarts workshop on February 9, 2017 was productive. Mr. Grasso stated that SEQRA has been done. Mr. Grasso stated that the Board has not made any decisions on the EUP at this time.

Mr. Grasso stated that the Town Board has sent letters to Len Wessell requesting that he find another site for the trucking and hauling operation. Mr. Grasso stated that Mr. Wessell would be back before the Town Board for approval of some of the uses that have historically been on the site.

Ms. Szurek made a motion to close the Agenda meeting, seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:20 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 January 16, 2017 meeting minutes with changes incorporated. Mr. Mitchell seconded the motion. All were in favor.

Mr. Wilkinson made a motion to approve the draft of the February 9, 2017 workshop minutes. Mrs. Wood seconded the motion. All were in favor.

PUBLIC HEARING

Montemorano/Van Guilder (213.-1-10) (7:35 p.m.)

Mr. Wilkinson stated that the legal notice for this Public Hearing was published in the Daily Gazette on 2/6/17 and adjoining neighbor notices were mailed on 1/28/17.

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson acknowledged that new maps were presented encompassing the comments from Mr. McNamara.

Duane Rabideau, Van Guilder & Associates, presented the applicants proposal. Mr. Rabideau stated that he was representing Joe and Elizabeth Montemorano in their proposal to subdivide their 49.3 acre property located at 4619 Jockey Street into two lots. Mr. Rabideau stated that Lot 2B is the northerly portion of the parcel and will be approximately 30 acres and contain the existing residence and improvements. Mr. Rabideau stated that Lot 2A is the southerly portion of the parcel and will be approximately 19 acres. Mr. Rabideau stated that Lot 2A will be for a single family residence serviced by an existing well on the property.

Mr. Rabideau showed the locations for well and septic. Mr. Rabideau stated that the property line between the two lots was set up to follow the land use of the entire parcel. Mr. Rabideau stated that the northern fields are pasture fields. Mr. Rabideau stated that there are no DEC wetlands on the parcel. Mr. Rabideau stated that they have added the comments from Mr. McNamara to the drawings.

Mr. Wilkinson opened the floor to the public.

No one from the public spoke.

Mr. Wilkinson made the motion to close the Public Hearing at 7:40 p.m. Mr. Mitchell seconded the motion. All were in favor.

Austro/Bartczak/Van Guilder (237.-1-6) (7:45 p.m.)

Mr. Wilkinson stated that the legal notice for this Public Hearing was published in the Daily Gazette on 2/6/17 and adjoining neighbor notices were mailed on _____.

Mr. Wilkinson reviewed the Public Hearing process.

Duane Rabideau, Van Guilder & Associates, presented the applicants proposal. Mr. Rabideau stated that he was representing Brian Bartczak in his request to subdivide the lands of Austro located at 1202 Peaceable Street into two lots. Mr. Rabideau stated that the parcel is approximately 73 acres. Mr. Rabideau stated that Lot 1 will be 65 acres and contain the existing house and improvements. Mr. Rabideau stated that Lot 2 would be 7 acres located on the southeast corner of the parcel. Mr. Rabideau stated that Lot 2 would be for a single family home serviced by on site well and septic. Mr. Rabideau stated that the wetlands have been delineated. Mr. Rabideau stated that they have revised the address on the AG Data Statement and added the building lines around the parcel. Mr. Rabideau stated that they

have also added the neighbor's septic, house and well locations and the 200 foot setback to the neighbors well.

Mr. Wilkinson opened the Public Hearing.

John Gay, Town Councilman, spoke in favor of the proposal.

Mr. Wilkinson made a motion to close the Public Hearing at 7:52 p.m. Mrs. Wood seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS

Montemorano//Van Guilder (213.-1-10)

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that he would like to review the comment letter from Mike McNamara dated February 17, 2017.

Mr. Rabideau stated that the percolation tests were performed where the dirt was brought in and piled for their earlier proposal for a restaurant. Mr. Rabideau showed the Board photos of the area. Mr. Rabideau stated that they could design the septic system where it is proposed on the drawings or use the fill area.

Mr. Wilkinson stated that the Board would like to see perk test results before moving forward.

The Board discussed requiring another perk test. This discussion was because the previous perk test and the proposed location of the septic were in different places. The reason for requesting the additional perk test was due to the locations of the septic and the zoning requirement.

Mr. Wilkinson polled the Board about requiring another perk test:

Mr. Kadlecek – yes

Mrs. Wood – yes

Ms. Szurek – yes

Mr. Mitchell – no

Mr. Gardner – yes

Ms. Phillips – yes

Mr. Wilkinson – yes

Mr. Wilkinson stated that the Board is requiring another perk test before moving forward with the application.

Austro/Bartczak/Van Guilder (237.-1-6)

Mr. Wilkinson stated that the application was forwarded to the county and approval was received.

Mr. Wilkinson stated that Mr. McNamara provided comments and all of the requested information has been provided and added to the drawing.

The Board completed Part II of the EAF.

Mr. Wilkinson made the motion to approve the application of Sandra and Casmir Austro for a two lot subdivision at 1202 Peaceable Street as Resolution 2017-01 contingent upon the approximate location of the Ziganto septic system being added to the drawing and authorize the chairman to sign the mylars. Ms. Phillips seconded the motion. All were in favor.

Resolution 2017-01 was made.

TOWN BOARD REFERRAL**Stewart's Shops (224.-1-46.2)**

Charles Marshall of Stewart's Shops Corp. appeared before the Board. Mr. Marshall provided new maps for the Board. Mr. Marshall stated that they are shooting for the March meeting for a final submission for the site plan review.

Mr. Marshall stated that the Town Board has completed SEQRA. Mr. Marshall stated that the ZBA granted all variances required for their proposal to move forward. Mr. Marshall stated that there was one exception to the variances that were approved. Mr. Marshall stated that they changed their request for 12 feet of relief from the front setback requirement to 6 feet, which was more acceptable to the ZBA.

Mr. Wilkinson stated that the Planning Board would need to receive the site plan two weeks before the March meeting to be on the agenda.

Mr. Marshall stated that the plans should be completed next week. Mr. Marshall stated that they would be sending Mr. McNamara the proposed SWPPP.

Mr. Wilkinson stated that the Board would like a copy of the SWPPP.

Mrs. Wood inquired if the applicant has spoken to DOT.

Mr. Marshall stated that they have been in contact with DOT.

Mr. Wilkinson stated that he would like to review page 92 of the Zoning Ordinance which lists the requirements for the site plan review. (Mr. Marshall's responses are in bold)

- *Title of the drawing, including name and address of the applicant and person responsible for preparation of such drawing. **The name and address of the applicant appear on all sheets and the person responsible for the drawing will be added in future submissions.***
- *North arrow, scale and date. **Included on most sheets except T-1.***
- *Boundaries of the property plotted to scale. **All sheets but primarily S-1.***
- *Names of owners of all bounding properties. **Appears on S-1.***
- *Existing watercourses, wetlands and floodplains. **Not applicable.***
- *Grading and drainage plan, showing existing and proposed contours. **Included in future submission – relocating canopy caused change in site grading.***
- *Location, proposed use and height of all buildings. **Appears on T-1.***
- *Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto. **Provided on S-2.***
- *Provision for pedestrian access. **Not applicable for access from major thoroughfares.***
- *Provision for handicapped persons where appropriate. **Provided on S-2.***
- *Location of outdoor storage, if any. **Not applicable.***
- *Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences. **Provided in future submissions.***
- *Description of the method of sewage disposal and location, design and construction materials of such facilities. **Provided in future submissions.***
- *Description of the method of securing public water and location, design and construction materials of such location. **Not applicable.***
- *Location of fire and other emergency zones, including location of fire hydrants. **Not applicable.***
- *Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy. **Not applicable.***
- *Location, size and design and construction materials of all proposed signage. **Provided on T-1 and future submissions to include Charlton Town sign.***
- *Location and proposed development of all buffer areas, including indication of existing vegetative cover. **Provided on S-4.***
- *Location and design of outdoor lighting facilities. **Provided on S-5.***
- *Designation of the amount of building area proposed for retail sales or similar commercial activity. **Interior floor plan to be provided on T-1 for future submissions.***
- *General landscaping plan and Planting schedule. **Provided on S-4.***
- *Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any State of County Permits required for the project's execution. **As requested Stewart's will provide.***

Mr. Wilkinson asked for the location of the pole light referenced on S-7.

Mr. Marshall stated that the rectangles with the small circles on the photometric plan.

Ms. Szurek inquired if they would be down lit.

Mr. Marshall stated yes, they are 15 feet tall.

The Board discussed the proposed tree plantings and offered suggestions for different plantings and the removal of some plantings.

Mr. Marshall asked the Board for a letter of plantings that the Board wants to swap.

Mr. Wilkinson stated that the building area is wrong on the EAF and asked for it to be revised.

The Board raised concern with having a mountable curb to prevent northbound trucks from entering the southbound lane on Route 147.

Mr. Marshall stated that they will provide a mountable curb on the northern side of the driveway.

Ms. Phillips raised concern with the length of the tank of the Brenner Trucks depicted on the plans used for the fuel delivery routing.

Mr. Marshall stated that the truck measures approximately 60 feet which does model the trucks used by Stewart's in actual deliveries.

The Board raised concern with the dumpster enclosure details.

Mr. Marshall stated that the details would be included in future submissions.

Mr. Marshall stated that they have submitted to the State Historic Preservation Department. Mr. Marshall stated that Phase I has been completed and they have requested Phase II.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

Addressed in agenda meeting.

TOWN BOARD LIAISON

Addressed in Agenda meeting.

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

The meeting was adjourned at 9:10 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary