

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

Minutes of the Planning Board Meeting –March 20, 2017

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

Present: Jay Wilkinson, Chairman, Connie Wood, Dawn Szurek, Bruce Gardner, Marilyn Phillips, Bill Keniry, Esq., Planning Board Attorney, Mike McNamara, Town Engineer, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Chris Mitchell and Jonathan Riedinger joined the meeting at 7:15 p.m. Jack Kadlecek 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 February 20, 2017 meeting minutes needed to be approved. Mrs. York has previously provided comments. Ms. Szurek provided comments. No other comments were provided. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

None.

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 perk tests have been done and the information has been added to the drawings. Mr. Wilkinson stated that new perk tests were required because the information from the previous tests was for a location different than the proposed location of

the septic system. Mr. Wilkinson stated that if the location of the proposed septic system is changed again, another perk test will be required and will be witnessed by the zoning officer.

Mr. Wilkinson stated that new maps were expected.

Mr. Wilkinson stated that the application was forwarded to the County and Mr. McNamara and comments were received. Mr. Wilkinson stated that the Public Hearing was held last month.

Mr. Wilkinson stated that the only remaining issue was the perk test and that should be resolved tonight.

#### Town Board referral for a Site Plan Review

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

Mr. Wilkinson stated that Chuck Marshall would be present. Mr. Wilkinson stated that new plans were submitted on 3/16/17. Mr. Wilkinson stated that Mr. McNamara has issued a comment letter today regarding the new drawings. Mr. Wilkinson stated that the Board would like to review the concerns regarding the plantings and landscaping plan.

Mr. McNamara stated that the comments in his letter of today are all solvable.

Mr. Wilkinson stated that he would like to review the comments during the business meeting. Mr. Wilkinson stated that the Board would also like to open a set of plans and review the plantings. Mr. Wilkinson stated that the Board members have compiled a list of what the Board would like to see planted and the locations.

#### Zoning Report

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

#### Correspondence

Mr. Wilkinson stated that the NYPF conference is being held 3/27-3/28.

Mr. Wilkinson stated that the Board received a letter dated February 21, 2017 from Charles Marshall with answers to the questions raised at the February 20, 2017 meeting regarding the proposed Stewart's.

Mr. Wilkinson stated that the Board would be drafting an advisory opinion letter to the Town Board on the proposed Stewart's Shop at 147 and 67.

Town Board Liaison

Mr. Grasso was present.

Mr. Grasso stated that the Town Board has accepted the Exceptional Use Permit application for Stewarts and granted conditional approval subject to the site plan review. Mr. Grasso stated that the Zoning Board of Appeals has granted the requested variances. Mr. Grasso stated that the Town Board would like the Planning Board to act on the site plan approval with due process.

Mr. Wilkinson inquired if the Town Board would like the Board to wait until all changes have been received and vote next month or grant conditional approval.

Mr. Grasso stated that was up to the Planning Board.

Mr. Keniry stated that it is the obligation of the Board to review the site plan and render to the Town Board its findings as to the adequacy of the site plan to the intended use with any comments.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Gardner. All were in favor. Agenda meeting closed at 7:30 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 February 20, 2017 meeting minutes with changes incorporated. Ms. Phillips seconded the motion. All were in favor.

**PUBLIC HEARING**

None.

**SUBDIVISION APPLICATIONS**

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

Mr. Rabideau appeared before the Board and distributed a few copies of the latest map to the Planning Board.

Mr. Wilkinson stated that the Board has received comments from the County of no significant impact and comments from Mr. McNamara. Mr. Wilkinson stated that the remaining concern was the perk test information.

Mr. Rabideau stated that all issues are addressed with their new drawings. Mr. Rabideau stated that the perk test results from the fill brought in was tested and returned a 1" per 2 minute rate. Mr. Rabideau stated that the soil has been through a freeze/thaw cycle.

Mr. Wilkinson stated that the new drawings prove that the soil can perk. Mr. Wilkinson stated that the location is now up to the buyer. Mr. Wilkinson stated that the buyer can use the area that has been tested or they have the option to have another perk test done that is witnessed by the zoning officer.

Mr. Wilkinson polled the Board about the perk test issue being resolved to move the application forward:

Mr. Kadlecek – yes

Mrs. Wood – yes

Ms. Szurek – yes

Mr. Mitchell – yes

Mr. Gardner – yes

Ms. Phillips – yes

Mr. Wilkinson – yes

The Board completed Part II and III of the EAF.

Mr. Wilkinson made the motion to approve the subdivision application of Joseph and Elizabeth Montemorano at 4619 Jockey Street as Resolution number 2017-02 and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

**Resolution 2017-02 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 on 3/16/17. Mr. Marshall brought new landscaping plans to review with the Board.

Mr. Wilkinson stated that Mr. McNamara has issued a comment letter of 3/20/17.

Mr. Marshall stated that most of the comments were detail oriented and he has nothing to say to disagree with or isn't able to work through. Mr. Marshall stated that the new landscaping plan has the tall trees removed from the front setback. Mr. Marshall stated that he is waiting for the species list from the Board to complete that part. Mr. Marshall stated that the species should not change the orientation of the planting beds.

Mr. Wilkinson stated that he would like to see a clear plan addressing Mr. McNamara's comments from the 3/20/17 letter, for example the septic tank being too close to the property line. Mr. Wilkinson inquired when the location is moved, will it affect anything else.

Mr. Marshall stated that it will be moved over 10 feet and he will resubmit the drawings with the requested changes.

Mrs. Wood inquired if Mr. Marshall has received anything from DOT.

Mr. Marshall stated not yet. Mr. Marshall stated that their meeting was on January 9, 2017.

Mr. Wilkinson asked Mr. Marshall to come back with plans that address the comments from Mr. McNamara's March 30, 2017 letter. Mr. Wilkinson stated that the Board would also like to review the landscaping plan and have a final plan also resubmitted.

The Board, Stephanie Freeman, the new owner of the property immediately next to the proposed Stewart's location, and the applicant sat with the landscaping plans and discussed species of plantings and locations for the final landscaping plan. Screening to the neighbor's property, signage and the materials they are made from and the dumpster enclosure were also discussed.

### **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. Mrs. Wood seconded the motion. All were in favor.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary