

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

Minutes of the Planning Board Meeting – June 18, 2018

Chairman Jay Wilkinson called the meeting to order at 7:12 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Jack Kadlecek, Connie Wood, Dawn Szurek, Chris Mitchell, Jonathan Riedinger, Bruce Gardner, Bill Keniry, Esq., Planning Board Attorney and Susan York, Planning Board Clerk.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the May 21, 2018 meeting minutes have not been completed. Mr. Wilkinson stated that the Board could vote on the minutes next month.

Public Hearings

Smith and Smith (226.-1-72)

Mr. Wilkinson stated that there would be a Public Hearing at 7:30 on this application. Mr. Wilkinson stated that this is a 30.69 acre parcel located on Peaceable Street. Mr. Wilkinson stated that the applicant is proposing to subdivide the parcel into two lots. Mr. Wilkinson stated that Lot 1 will be a 21.85 acre parcel and will contain the existing house and improvements and the newly created Lot 2 will be a 8.8 acre parcel for a new single family house for the applicant's son. Mr. Wilkinson stated that the Board took lead agency status at the May meeting. Mr. Wilkinson stated that the application was referred to the Saratoga County Planning Board and the Town Engineer for review and replies have been received. Mr. Wilkinson stated that Mr. Smith still has to fund the escrow account.

Gridley/Katz (236.-1-127)

Mr. Wilkinson stated that there will be a Public Hearing at 7:45 on this application. Mr. Wilkinson stated that this is a 5.5 acre parcel located on Packer Road. Mr. Wilkinson stated that the applicant is proposing to subdivide the parcel into two lots. Mr. Wilkinson stated that the newly created Lot 1 will be a 2.3 acre parcel for a new single family house and Lot 2 will be a 3.2 acre parcel and will contain the existing house and improvements. Mr. Wilkinson stated that the Board took lead agency status at the May meeting. Mr. Wilkinson

stated that the application was referred to the Saratoga County Planning Board and the Town Engineer for review and replies have been received.

Subdivision Applications

Smith and Smith (226.-1-72)

Addressed under Public Hearings.

Gridley/Katz (236.-1-127)

Addressed under Public Hearings.

Rossdeutscher/James and Van Guilder (246.-3-108, 107)

Mr. Wilkinson stated that this is a proposal for a lot line change between the applicant's parcel located at 47 Vines Road and the James parcel located at 51 Vines Road. Mr. Wilkinson stated that 47 Vines Road will be reduced from 17.7 acres to 17 acres and 51 Vines Road will be increased from 11.8 acres to 12.5 acres. Mr. Wilkinson stated that the applicant's proposal also includes a three lot subdivision of the 47 Vines Road parcel. Mr. Wilkinson stated that the proposal creates two new lots. Mr. Wilkinson stated that Lot 1 will be a 9.8 acre parcel and contain the existing house and improvements. Mr. Wilkinson stated that the newly created Lot 3 will be a 2 acre parcel and the newly created Lot 4 will be a 5.1 acre parcel. Mr. Wilkinson stated that the ZBA granted an area variance for Lot 1 because it does not meet the requirement of 200 feet of frontage.

Zoning Report

Mr. Wilkinson stated that the Board has not received the reports due to technical difficulties.

Correspondence

None.

Town Board Liaison

Mr. Grasso was present.

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

PUBLIC HEARING

Smith and Smith (226.-1-72) (7:30 p.m.)

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the public notice was published on June 8, 2018 in the Daily Gazette and the adjoining neighbor notices were mailed on May 23, 2018.

Mr. Wilkinson opened the Public Hearing.

Justin Smith appeared before the Board and presented his plan.

Justin Smith: (Inaudible) a subdivision to put a single family lot in to be split off the entire length of the property to approximately 8.8 acres leaving 20.5 acres to the existing property. The proposed place on the map is currently 300 feet back from the road for the house about 60 feet off of the south border of the property (inaudible). There is a couple different acceptable septic areas and proposed well would go in front. That is about it. I am not asking for any special variances or anything out of the ordinary just a simple two lot subdivision.

There was no public comment.

Mr. Wilkinson made the motion to close the Public Hearing. Mr. Kadlecsek seconded the motion. All were in favor.

Public Hearing closed at 7:36 p.m.

Gridley/Katz 236.-1-127) (7:45 p.m.)

Mr. Wilkinson reviewed the Public Hearing process.

Mr. Wilkinson stated that the public notice was published on June 8, 2018 in the Daily Gazette and the adjoining neighbor notices were mailed on June 5, 2018.

Mr. Wilkinson opened the Public Hearing.

Duane Rabideau appeared before the Board.

Duane Rabideau: I am Duane Rabideau from Van Guilder Land Surveyors here representing Katz Excavating and Construction LLC for a proposed two lot subdivision located at 1025 Packer Road. The proposal is to subdivide this 5.5 acre parcel into two single family residential lots off of the road. Lot 2 will be this one here, it is 2.33 acres and it will be used for a residential house. This lot will have proposed on site well and septic system. Lot 2, right here, is where the existing improvements are and is 3.22 acres. (Inaudible) The

changes to the map are minor and (inaudible). As for the (inaudible). We also added the proposed culvert and driveway. (Inaudible) That is our request before the Board tonight.

Brenda Johnson, 1027 Packer Road: You mentioned something about wetlands (inaudible).

Duane Rabideau: Yes the standard notes are on the drawings for wetlands and there are no wetlands on the site, DEC or ACOE.

Jay Wilkinson: For clarification, the Town Engineer is Mike McNamara and he works at Environmental Partnership Design. He reviews all of these drawings to make sure that if there are any issues or concern. He is just saying it will be less confusing to take that note off of the drawings. The standard notes, a list in the information packet that if you were going to do a subdivision if you went in front of the building inspectors office there is a package you can pull out for subdivision, and in there it tells you the things you need to do and it gives you a list of standard notes that you need to put on the drawing and that's the things we look for. I see the Town engineer's point. Whoever looks at this map, let's not confuse them. They are going to be looking for the wetlands because of the note and there isn't any. Mr. Rabideau can clarify how they verified wetlands either by GIS or field survey.

Duane Rabideau: For this one we used the GIS.

Dawn Szurek: So you said you used the mapping from a previous subdivision that was actually surveyed?

Duane Rabideau: That is correct. This lot was a subdivision done previously. We tied this survey into the one done from the previous subdivision. It has been surveyed twice.

Mr. Wilkinson made the motion to close the Public Hearing. Mr. Kadlecsek seconded the motion. All were in favor.

Public Hearing closed at 7:52 p.m.

SUBDIVISION APPLICATIONS

Smith and Smith (226.-1-72)

Justin Smith appeared before the Board.

Mr. Wilkinson stated that the Board is in receipt of the comment letter from Mike McNamara, Town Engineer. Mr. Wilkinson stated that he would like to review the comments and how they have been addressed or will be addressed.

Mr. Wilkinson stated that comment 1 pertained to the parcels having adequate sight distance in both directions and there are no known wetlands.

Mr. Wilkinson stated that comment 2 pertained to the AG Data Statement not including the farm across the street.

Mrs. Smith, wife of the applicant, was present and corrected the AG Data Statement and Mr. Smith, applicant, signed the statement.

Mr. Wilkinson stated that comment 3 pertained to the structure labeled as a “proposed pole barn”. Mr. Wilkinson asked Mr. Smith to have that changed to garage on the drawing.

Mr. Smith stated that he has asked his surveyor to make that change and the surveyor was waiting for Mr. McNamara’s comments to make all changes requested. Mr. Smith will make sure that the change is made. Mr. Smith stated that the garage will be used for tools because he is in the construction business.

Mr. Wilkinson clarified that the garage is not to be used for an operational business.

Mr. Wilkinson stated that comment 4 pertained to the electric fence extending onto the newly created lot.

Mr. Smith stated that the fence was moveable.

Mr. Keniry stated that keeping the horses on Lot 1 and letting them graze on Lot 2 is acceptable.

Mr. Smith stated that the fence is moved around from time to time to graze off the grass that has grown. Mr. Smith stated that the horses are owned by himself and his wife. Mr. Smith stated that they move the fence around to keep the tall grass growing.

Ms. Szurek inquired what would happen if his parents decided to move to Florida or sell the property.

Mr. Smith stated that they would board the horses.

Mr. Wilkinson stated that the Board is just trying to let him know the circumstances with having horses and that Lot 2 does not meet the requirements for the keeping of horses.

Mr. Wilkinson stated that a lot line change could be done with his parents parcel to make Lot 2 meet the requirements for the keeping of horses.

Mr. Wilkinson stated that comments 5 and 6 pertained to the existing culvert being labeled on the plan as not to interfere with it in the positioning of the driveway and that the proposed driveway be added to the drawing.

Mr. Smith stated that he will add the proposed driveway to the drawing.

Mr. Wilkinson stated that the Highway Superintendent will determine the size of the culvert.

Mr. Wilkinson stated that comment 7 pertained to the standard town curb cut note being added to the drawing.

Mr. Smith stated that would be added.

Mr. Wilkinson stated that comment 8 pertained to the septic system location and well locations for Lot 1 being shown on the drawing.

Mr. Smith stated that he has a septic designer and will have the information added to the drawing.

Mr. Wilkinson stated that comment 9 pertained to a typo on the drawing.

Mr. Smith stated that he will have his surveyor make all of the requested changes.

Mr. Kadlecik inquired if the proposed well could be located further from the road.

Mr. Smith stated that the surveyor placed it in its current location but it will actually be further back.

Mr. Gardner asked Mr. Smith to show the location of his parents well.

Mr. Smith showed the location of the hand dug well behind the barn and showed a second well located at the corner of the house that is not hooked up. Mr. Smith stated that the barn well has been used the last 15 years.

Mr. Smith stated that he would like his well located higher up and he is working on the septic location first.

Mr. Wilkinson stated that the Planning Board determined SEQRA last month and Parts II and III of the EAF need to be completed.

The Board completed parts II and III of the EAF.

Mr. Wilkinson made the motion to approve the Smith subdivision located on Peaceable Street contingent upon the existing well and septic locations of the parent parcel being shown on the map, the curb cut note be added to the map, change the "pole barn" structure to "garage", addition of the existing culvert on Peaceable Street and the new driveway culvert and location being added to the map, the actual proposed location of the well for Lot 2 and fixing the typo on the map as Resolution 2018-03 and authorize the chairman to sign the mylars. Mrs. Wood seconded the motion. All were in favor.

Resolution 2018-03 was made.

Mr. Wilkinson reviewed the mylar requirements.

Gridley/Katz 236.-1-127)

Mr. Rabideau appeared before the Board and distributed revised drawings.

Mr. Wilkinson stated that last month the application was referred to the Saratoga County Planning Board and the comment of no significant impact was received.

Mr. Wilkinson stated that the application was also referred to Mike McNamara for review and comments have been received. Mr. Wilkinson stated that he would like to review the comment letter.

Mr. Wilkinson stated that comments 1 and 2 were informational in nature.

Mr. Wilkinson stated that comment 3 pertained to the removal of a wetland note added in error. Mr. Wilkinson stated that comment has been addressed with the revised drawings.

Mr. Wilkinson stated that comment 4 pertained to showing the driveway culvert which has been addressed.

Mr. Wilkinson stated that comment 5 pertained to seeking a better location for the proposed septic system. Mr. Wilkinson stated that perk has been proven and details have been provided to the septic system designer.

Mrs. Wood questioned the 200 foot of frontage and the woods overgrowth and asked for the lines to be staked.

Mr. Rabideau stated that the neighbor knows where the boundary is.

Mrs. Wood questioned the placement of the proposed house. Mrs. Wood stated that it appears to be too parallel with the existing house.

Mr. Rabideau stated that the drawing just shows the building envelope.

Mrs. Wood stated that the house could have been placed better.

Mr. Wilkinson stated that it would have been nice if Mr. Katz was present to answer some questions.

Ms. Szurek inquired how the boundary lines were done.

Mr. Rabideau stated that the boundary lines are per the survey

Mr. Wilkinson stated that he could not find the stakes.

Mr. Rabideau stated that they are based on the 2012 survey and were placed when the 2012 subdivision was approved.

Ms. Szurek stated that the Board likes to see the stakes when the minimums are the case.

Mrs. Wood and Mr. Wilkinson agreed that the overgrowth is confusing as to where the boundaries are located for the 200 feet of frontage.

Mr. Wilkinson polled the Board.

Mr. Kadlecek stated that he would like to see the pins in the ground.

Mr. Mitchell stated that the plan meets the zoning requirements and the owner chooses where the house is to be placed.

Mrs. Wood stated that she does not like the look of a house next to a house with the same exact setback. Mrs. Wood stated that there is concern for the comprehensive plan with the residential versus rural look.

Mr. Keniry stated that the Board can request moving the proposed house location but in the end, the purchaser not the builder will be the one living there.

Mr. Mitchell stated that the house location is up to the end user.

Mr. Rabideau stated that he does not know if Mr. Katz has a buyer.

Mr. Wilkinson stated that he would like to Board members to consider moving ahead or requesting more information from the applicant regarding the stakes for the new house versus where the existing house is located.

Mr. Gardner stated that the property supports construction and he is ok with moving forward.

Mr. Riedinger stated that he is ok with moving forward.

Mr. Mitchell stated that the lot meets the setbacks and he is ok with moving forward.

Ms. Szurek stated that she is concerned with the random look and would like to have Mr. Katz's input.

Mrs. Wood stated that she would like to see the stakes and speak with Mr. Katz.

Mr. Kadlecek stated that he would also like to see the stakes and include the other end of Lot 2.

Mr. Wilkinson stated that he would also like to see the stakes and speak to Mr. Katz.

The Board agreed on majority rule to defer the application to July to obtain more information.

Mr. Keniry requested stakes with ribbons.

Mrs. Wood asked for 3 stakes for the frontage.

Mr. Wilkinson stated that, going forward, he would like to see stamped maps as provided by other surveyors for applications.

Mr. Rabideau stated that the final maps are stamped.

Mrs. Wood stated that she was told that stamped maps are required.

Rosdeutscher/James and Van Guilder (246.-3-108, 107)

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that the proposal is for a three lot subdivision to create two new lots for single family homes and a lot line change with the neighbor Mr. James. Mr. Wilkinson stated that at the last meeting the Board discussed that the ZBA granted a variance on Lot 1 of the 200 foot of requirement of road frontage. Mr. Wilkinson stated that Lot 1 is considered a legal lot. Mr. Wilkinson stated that the Board is in a position of what it needs to move forward. Mr. Wilkinson stated that he will review the list of things. Mr. Wilkinson stated that Mike McNamara has looked at the proposal and has provided a comment letter dated June 14, 2018.

Mr. Wilkinson stated that he has some questions that he would like to review first before reviewing Mike McNamara's letter. Mr. Wilkinson stated that when the Board looks at this subdivision application, his personal opinion is that the Board would not have a problem with this if it were a two lot subdivision. Mr. Wilkinson stated that what gives the Board concern is Lot 3. Mr. Wilkinson stated that on Lot 4 the lines have been adjusted. Mr. Wilkinson stated that his opinion is that the line should come back perpendicular to Vines Road. Mr. Wilkinson stated that if that was a straight line that went all of the way back down and met with the James property and that was a two lot subdivision, this would be very easy to move along and the Board wouldn't have any issues. Mr. Wilkinson stated that in looking at Lot 3, the calculated square feet has been added at the town engineer's request. Mr. Wilkinson stated that it has been established that the lot is 2 acres. Mr. Wilkinson stated that the mean lot width, in his view, is not met. Mr. Wilkinson stated that if you look up in Webster's dictionary the definition of mean: is a mathematical average, something midway between two extremes, in this case it does not add up. Mr. Wilkinson stated that he would like to see the mean lot width calculation for Lot 3 and advise the Board of the result. Mr. Wilkinson stated that he understands Mr. McNamara's comments and his version of the intent of the zoning and the subdivision regulations. Mr. Wilkinson stated that the mean lot width should be 200 feet for the total length. Mr. Wilkinson stated that with all of the

concerns with this subdivision and these lots it is very hard for the board to visualize what is in front of them. Mr. Wilkinson stated that the Board is concerned about houses behind houses, location of houses, and unusual lot lines between Lot 1 and Lot 4. Mr. Wilkinson stated that if the applicant insists on moving ahead with a three lot subdivision, then the Board would like to see the driveways staked and the four corners of the house so that the Board can conduct a site visit to try to understand where everything lines up. Mr. Wilkinson stated that this is not a usual subdivision and the Board would like to see by site visit the plan.

Mrs. Wood stated that she would love to see it staked out. Mrs. Wood stated that it is difficult to visualize it on a map.

Ms. Szurek stated that she would also like to see it staked out and where the house location is in relation to the ponding area.

Mr. Wilkinson stated that Mr. McNamara did request additional topography be added for that location and during a site visit the Board could see that.

Mr. Gardner stated that this would have been cleaner if it was done as a major subdivision from the start. Mr. Gardner stated that there can be confusion for future homeowners and the property lines in terms of who owns what is going to be difficult.

Mr. Riedinger stated that he would like to see it staked out.

Ms Szurek questioned if public water was available for these new lots.

Mr. Grasso stated that there is public water located on the south side of Vines Road. Mr. Grasso stated that the water lines run past this parcel. Mr. Grasso stated that Mike's letter is wrong and it has been clarified that an extension will have to be approved. Mr. Grasso stated that the Town Board would need to approve adding these parcels to the water district.

Mr. Rabideau stated that he has spoken to Mr. Flynn, Water Superintendent about the water extension.

Mr. Wilkinson stated that proposed wells need to be shown on the lots in case the Town does not approve the extension. Mr. Wilkinson stated that proposed well locations, staking of the houses and driveways and a site visit are needed in order for the Board to move forward. Mr. Wilkinson told Mr. Rabideau to inform the Planning Board Clerk when the stakes were in place so that a site visit could be scheduled.

ZONING REPORT

The Board did not receive a report because they are having technical difficulties.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso was present.

Mr. Grasso stated that Stewarts and the Unrein's have come to an agreement. Mr. Grasso stated that 3 blue spruce and arborvitaes will be planted and 200 feet of fence will be staked out. Mr. Grasso stated that the fence will be a 6' foot high vinyl fence. Mr. Grasso stated that he took back the information to the Town Board and they will approve an amended site plan to document the fence. Mr. Grasso stated that there still remains the issue of the snowmobile trail. Mr. Grasso stated that the trail had been changed to cross the Unrein property and that needs to stop.

Mr. Grasso stated that Stewarts will donate the old building to St. Mary's Urgent Care. Mr. Grasso stated that there will be 4-5 employees and house high end x-ray equipment. Mr. Grasso stated that they will not likely need a site plan review.

Mr. Wilkinson reviewed some of the proposed changes that the Board would like to see to the subdivision regulations.

Mr. Grasso stated that the subdivision application for Vines Road has physical access to water but a water extension needs to be approved by the State. Mr. Grasso stated that wells should be shown on the proposed lots to take the issue for subdivision off the table.

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

The meeting was adjourned at 9:48 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary