

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

Minutes of the Planning Board Meeting – March 19, 2018

Chairman Jay Wilkinson called the meeting to order at 7:15 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Jack Kadlecek, Connie Wood, Marilyn Phillips, Dawn Szurek, Chris Mitchell, Jonathan Riedinger, Bill Keniry, Esq., Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary.

**AGENDA MEETING**

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the February 19, 2018 meeting minutes needed to be approved. Mrs. York has previously provided comments. Ms. Phillips provided a comment. No other comments were provided. 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 Application for a lot Line Change

Hodgkins and Van Guilder (246.-1-1.12 & 62.11)

Mr. Wilkinson stated that this is property owned by Bruce Hodgkins. Mr. Wilkinson stated that this is a 54 ± parcel of vacant land located on the north side of Charlton Road. Mr. Wilkinson stated that Bruce and Carolyn Hodgkins own the adjoining 3.72 acre parcel located at 910 Charlton Road. Mr. Wilkinson stated that the proposal is to increase the acreage of 910 Charlton Road to a 5.54 acre parcel decreasing the vacant land parcel to 52.2 acres. Mr. Wilkinson stated that Duane Rabideau would be presenting the proposal.

Site Plan Presentation to the Planning BoardCapital Care (256.-1-103)

Mr. Wilkinson stated that the Board owes the Town Board an advisory opinion letter regarding the revisions to the original special exception permit granted. Mr. Wilkinson stated that the Town Board is the lead agency. Mr. Wilkinson stated that the original plan approved contained an 840 square foot building that was not built and an increase to parking spaces from 37 spaces to 54 spaces. Mr. Wilkinson stated that the plans were sent to Mr. McNamara for review and comments were received. Mr. Wilkinson stated that the Board needs to get the advisory opinion letter to the Town Board before the Public Hearing on March 26<sup>th</sup>. Mr. Wilkinson stated that he has drafted a letter for the Board to review.

ZBA Request for an opinionRossdeutscher/James and VanGuilder (246.-3-108, 107)

Mr. Wilkinson stated that this is a request for an area variance. Mr. Wilkinson stated that the Planning Board has been asked to provide an opinion to the ZBA.

Mr. Wilkinson stated that the Board has been working on an advisory opinion letter that can be reviewed during the Business Meeting.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that he has drafted a letter to the Town Board regarding the Capital Care expansion plan.

Town Board Liaison

Mr. Grasso was present.

Mr. Grasso stated that two Charlton property owners closed on conservation easements protecting over 400 acres of farmland. Mr. Grasso stated that the Town Board applauds land owners willing to make the forever commitment to keeping the land undeveloped.

Ms. Szurek stated that the Saratoga Plan currently offers workshops. Ms. Szurek stated that it is a lengthy process.

Mr. Grasso stated that Marshall Heritage was appointed as the Highway Superintendent in February and has been doing a great job. Mr. Grasso stated that the highway crew did a

great job of covering while the Board considered applicants. Mr. Grasso stated that the Highway Department has done a great job through the plowing season.

Mr. Grasso stated that there is currently a vacancy at the Town Board level to replace Marshall Heritage. Mr. Grasso stated that Penny Heritage has been recommended. Mr. Grasso stated that Mark Hodgkins is also leaving the position on the Town Board. Mr. Grasso stated that Mr. Hodgkins is selling his house and moving and will be resigning his position as of the end of April. Mr. Grasso stated that the position will be open to applications.

Mr. Grasso stated that the Public Hearing for Capital Care is on March 26, 2018. Mr. Grasso stated that depending on comments received action may be taken.

Mr. Grasso stated that Verizon may come back to the Board to advance their application for the location at 764 Charlton Road and give the Board an update.

Mrs. Wood inquired why the solar panel application for Rick Snyder on Eastern Avenue was denied.

Mr. Grasso stated that the application was denied because the solar array did not meet the 200 foot setback to the right of way to Eastern Avenue.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:28 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 19, 2018 meeting minutes with changes incorporated. Ms. Szurek seconded the motion. All were in favor.

### **PUBLIC HEARING**

None.

### **SUBDIVISION APPLICATION for a LOT LINE CHANGE**

#### **Hodgkins and Van Guilder (246.-1-1.12 & 62.11)**

Mr. Rabideau appeared before the Board.

Mr. Wilkinson stated that Bruce and Carolyn Hodgkins own property located at 910 Charlton Road containing their house and outbuildings on 3.72 acres. Mr. Wilkinson stated that the proposal is for a lot line change to increase the parcel to 5.54 acres and decrease the adjoining vacant land parcel to 52.2 acres.

Mr. Rabideau stated that he is representing Bruce and Carolyn Hodgkins in their proposal for a lot line change between their lands and the lands of Bruce Hodgkins. Mr. Rabideau showed both parcels on the drawing. Mr. Rabideau stated that they are proposing to take 1.79 acres from the vacant land parcel of 54 acres and increase the homestead parcel to 5.54 acres. Mr. Rabideau stated that all of the improvements will be on the homestead parcel.

Ms. Szurek inquired what the reason was for the shape of the lot.

Mr. Rabideau stated that this is the configuration that they want to add to the parcel.

Mr. Wilkinson inquired why the driveway for 910 Charlton Road was still not located on that parcel.

Mr. Rabideau stated that the driveway has been there on the vacant land parcel for the last 35 years and they do not want to change that portion of the property line. Mr. Rabideau stated that since Bruce Hodgkins owns both parcels it should not be an issue.

Mr. Wilkinson stated that the Board's concern is for the future if the parcel ever is sold.

Mr. Rabideau stated that an ingress/egress easement could be drafted based on the buyers attorneys request. Mr. Rabideau stated that is something that can be taken care of if and when the land gets passed on.

Mr. Mitchell inquired if the other driveway was used for farming.

Mr. Rabideau stated that was further down the road. Mr. Rabideau stated that the access to the house was a common entrance. Mr. Rabideau showed the driveways on the drawing.

Mr. Keniry inquired if the two parcels access each other.

Mr. Rabideau stated yes, there is a wide curb cut and each will be on their side without crossing over onto the neighbor piece.

Mr. Keniry inquired if there are two driveways interconnected within the lots to access each lot without going on a public way that continues.

Mr. Rabideau stated yes.

Mr. Kadlecsek suggested including the entire driveway by adjusting the line below it which would solve the rest of the problem.

Mr. Rabideau stated that is wasn't a problem.

Mr. Kadlecek stated that it could be in the future.

Mr. Rabideau stated that it could be taken care of in the future. Mr. Rabideau stated that the owner owns both pieces and any future conveyance will be fixed before it is conveyed.

Mr. Wilkinson stated that this could be taken care of now.

Mr. Rabideau stated that is not why they are before the Board.

Mr. Wilkinson stated that it is the Board's responsibility to grant applications that are reasonable and make sense and are best practice for the Town. Mr. Wilkinson stated that the Board sees this as a problem now and the proposal is only correcting half of the problem.

Mr. Rabideau stated that it is not a problem now.

Mr. Mitchell stated that it could be in the future.

Mr. Rabideau stated that they could offer an easement over that portion of the driveway so when the lot line adjustment is final the easement could be put on the map and made part of the action. Mr. Rabideau stated that it could be addressed in two documents, the transfer and the easement.

Mr. Keniry stated that he is not sure he is following the proposal.

Mr. Rabideau stated that if the lot line adjustment is approved it needs to go to an attorney for a deed and then the easement can also be prepared.

Mr. Keniry stated that if they do the lot line adjustment the metes and bounds description of the real property, and the documents, are filed with the clerk.

Mr. Rabideau stated that they can file the easement at the time of conveyance.

Mr. Keniry stated that when the lot line adjustment is done the easement documents can also be done.

Mr. Rabideau stated that they can add to the map that at the time of the recording of the land transfer, the easement can be filed at the same time.

Mr. Wilkinson made a motion for the Board to enter Executive Session to confer with legal counsel about the legalities of this subdivision. Mr. Mitchell seconded the motion. All were in favor.

The Board entered into Executive Session at 7:45 p.m.

Mr. Wilkinson made a motion to close the Executive Session at 8:05 p.m. Ms. Phillips seconded the motion. All were in favor.

Mr. Wilkinson inquired if the applicant's plan has any changes discussed while the Board was in Executive Session.

Mr. Rabideau stated that they would like to go with an easement for the driveway.

Mr. Wilkinson stated that this is not what the Board is looking for. Mr. Wilkinson stated that at this point the applicant has two options, adjourn to discuss possible solutions or to proceed as is towards a vote.

Mr. Mitchell inquired what the purpose for keeping the driveway with the other property.

Mr. Rabideau stated that it is not a part of the action and not a problem for the applicant.

The Board discussed possible acceptable options for the driveway issue.

Mr. Rabideau inquired if the Board wanted the line moved to make a straight line to include the driveway on 910 Charlton Road.

The Board was agreeable to that plan.

Mr. Keniry stated that if the applicant intends to retain that portion of the driveway, the driveway could be split so that both lots have a driveway.

Mr. Rabideau stated that the entire driveway would be on 910 Charlton Road.

Mr. Kadleck inquired if that would land lock the parcel.

Mr. Rabideau stated that an easement could be created. Mr. Rabideau stated that he thinks they are creating a problem by moving the line.

The Board reviewed the drawings for other solutions for the driveway.

Mr. Rabideau stated that an easement for the driveway is the way to go so that they are not land locking the piece in the back with an easement.

Mr. Wilkinson suggested adjourning to the next month so that everyone can think about the proposed plan. Mr. Wilkinson stated that good points have been offered on both sides.

The Board and the applicant agreed to come back next month.

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

Mr. Wilkinson made a motion to waive the park fees, application fees, public hearing and engineering review. Mr. Kadlec seconded the motion. All were in favor.

Mr. Wilkinson stated that the application was referred to the County Planning Board and comments have been received. Mr. Wilkinson stated that the only comment pertained to the easement for the driveway in case of future sale of the larger parcel to someone other than the applicant.

### **SITE PLAN PRESENTATION TO THE PLANNING BOARD**

#### **Capital Care (256.-1-103)**

Mike Bianchino appeared before the Board.

Mr. Bianchino stated that since their presentation to the Boards, they took the comments from the Boards and the Town Engineer and have prepared preliminary final site plans that address all of the comments. Mr. Bianchino stated that they are requesting a favorable recommendation to the Town Board.

Mr. Bianchino stated that the proposed addition was approved with the original site plan approval of 2008. Mr. Bianchino stated that the proposed additional parking spaces are located outside the existing drive isles and inside the driveline where there are no spots currently. Mr. Bianchino stated that they are requesting to add 27 parking spaces bringing the total parking spaces to 64. Mr. Bianchino stated that after hearing the comments from the Planning Board they went back to the plan and determined that based on the expansion of users they felt the need for 40 spaces during peak hours to handle the existing patients and workers. Mr. Bianchino stated that flu clinics require extra parking and they agree with the Board that more spaces were needed. Mr. Bianchino stated that the new plan has increased parking to a total of 73 parking spaces. Mr. Bianchino showed the location of the additional spaces on the drawing. Mr. Bianchino stated that they feel that this will be adequate to accommodate normal needs and peak flu hours. Mr. Bianchino stated that he discussed the impact of the impervious area on the stormwater management system and Mr. McNamara was comfortable that the additional paving of 3700 square feet of impervious area will still contain 77.8% green space. Mr. Bianchino stated that the existing storm water management area as designed and constructed will accommodate the additional runoff. Mr. Bianchino stated that the grading plan shows the drainage flow. Mr. Bianchino showed the drainage flow on the drawings. Mr. Bianchino stated that there is some damaged pavement by the dumpsters. Mr. Bianchino stated that the plans show that topped and fixed to promote drainage. Mr. Bianchino stated that the plans also show turf reinforcement to stop the erosion of the grass area. Mr. Bianchino stated that they will use the existing piping for the sanitary disposal system. Mr. Bianchino stated that they have added a note to the drawing.

Mr. Bianchino stated that they have verified that the infield depth of that piping will be fine. Mr. Bianchino stated that the original design of the septic system will be sufficient and the owner has stated that ongoing monitoring of the system will be done as well as regular required maintenance of the system. Mr. Bianchino stated that if there is additional expansion in the future, the septic system will have to be reevaluated at that time. Mr. Bianchino stated that building elevations have been provided on the drawing. Mr. Bianchino stated that the addition will be in character with the existing building.

Ms. Szurek inquired if there would be a door on the addition.

Mr. Bianchino showed the location of the door on the drawings.

Mr. Bianchino stated that the existing lighting should be adequate for the new parking spaces. Mr. Bianchino stated that they have included the existing landscaping on the plan as well as showing the existing trees on the east side being relocated away from the new parking spaces and outside of the drainage way.

Ms. Szurek inquired if there were going to be additional handicapped parking spaces.

Mr. Bianchino stated that the code only requires three and there are four there now.

Ms. Szurek stated that logic says that since this is a medical facility that a good amount of handicapped parking spaces are needed. Ms. Szurek stated that her personal opinion is that there should be more.

Mr. Bianchino stated that he could look at that again and check the code for the specifics for a medical facility.

Mrs. Wood suggested some of the spaces near the existing handicapped spaces could be turned into handicapped spaces.

Mr. Bianchino stated that they could do some restriping to move around and maybe get an extra one there.

Mr. Wilkinson stated that the Board could include that in the advisory opinion letter. Mr. Wilkinson stated that the applicant has done a nice job fitting in what's there and all of Mr. McNamara's comments have been addressed. Mr. Wilkinson stated that he is happy with the rest of the plan and the Board agrees that the only issue remains the handicapped parking spaces concern.

Mr. Wilkinson stated that the Planning Board will get their letter to the Town Board.

Mr. Wilkinson drafted a letter to the Town Board and Mrs. York provided the members with a copy.



The Board reviewed and approved the letter with the additional request that there be 7 handicapped spaces instead of 4, which would be 10% of the parking spaces.

### **ZONING REPORT**

The Board reviewed the report.

### **CORRESPONDENCE**

Addressed in agenda meeting.

### **TOWN BOARD LIAISON**

Mr. Grasso was present.

Mr. Grasso gave his report during the agenda meeting.

### **ROSSDEUTSCHER/JAMES and VAN GUILDER (246.-3-108, 107)**

Mr. Wilkinson stated that he has drafted a letter for the Board to review based on comments received from the Board members.

The Board reviewed the draft letter.

Mr. Wilkinson stated that he will send the final draft to Mr. Keniry for review before submittal to the ZBA.

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

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

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary