

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

Minutes of the Planning Board Meeting –August 21, 2017

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

Present: Jay Wilkinson, Chairman, Dawn Szurek, Marilyn Phillips, Jonathan Riedinger, Susan York, Planning Board Clerk and Kim Caron, Recording Secretary. Jack Kadlecsek joined the meeting at 7:30 p.m.

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the May 15, 2017 meeting minutes needed to be approved. Mrs. York has previously provided comments. Ms. Phillips 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

None.

Lot Line Change Application

South, Seaback and Van Guilder (226.-1-1.112, and 226.-1-1.2 & 226.-1-1.113)

Mr. Wilkinson stated that this is an application for a lot line change. Mr. Wilkinson stated that the property is located on Peaceable Street. Mr. Wilkinson stated that the purpose of the application is to correct a zoning violation. Mr. Wilkinson stated that Duane Rabideau is the representative for the applicants. Mr. Wilkinson stated that the Board looked at the original proposal at the May meeting and there were several issues raised. Mr. Wilkinson stated that all of the issues raised at that meeting have been corrected.

Mr. Wilkinson stated that some of those issues were that there is a garage that was built on the Seaback property that is encroaching on the South property. Mr. Wilkinson stated that

the Seaback lot is also a pre-existing non-conforming lot. Mr. Wilkinson stated that the lot line change will make the garage location zoning compliant and increase the lot size to the current requirement of 2 acres. Mr. Wilkinson stated that Duane took all of the comments from the May meeting and went back to his clients to come up with the plan that is now before the Board. Mr. Wilkinson stated that the new plan reflects a 2 acre parcel and the side lot line has been straightened.

Ms. Phillips stated that the applicant's addresses are missing from the drawings.

Zoning Report

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

Correspondence

None.

Town Board Liaison

Mr. Grasso would be present.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Ms. Szurek. All were in favor. Agenda meeting closed at 7:25 p.m.

BUSINESS MEETING

Opened at 7:30 p.m. with the Pledge of Allegiance.

Minutes

Mr. Wilkinson made a motion to approve the draft of the May 15, 2017 meeting minutes with changes incorporated. Ms. Phillips seconded the motion. All were in favor.

PUBLIC HEARING

None.

SUBDIVISION APPLICATIONS

None.

LOT LINE CHANGE APPLICATIONS

South, Seaback and Van Guilder (226.-1-1.112, and 226.-1-1.2 & 226.-1-1.113)

Duane Rabideau from Van Guilder Associates appeared before the Board.

Mr. Wilkinson stated that the issues from the plan submitted at the May meeting have been corrected.

Mr. Rabideau stated that their application is for a lot line change between Brian Seaback's property at 1435 Peaceable Street and the South's property located at 1449 Peaceable Street which has been revised from the May meeting comments. Mr. Rabideau stated that the garage located on the Seaback property was built over the South's property line. Mr. Rabideau stated that the lot line adjustment would make the garage zoning compliant with the proper setbacks and acreage. Mr. Rabideau stated that they also added the scale that was missing from the drawing.

Mr. Wilkinson inquired if the deeds were going to be merged to consolidate everything.

Mr. Rabideau stated yes.

Ms. Phillips asked that the addresses of the applicants be added to the drawings.

Mr. Rabideau stated ok.

Mr. Wilkinson made a motion to declare the Planning Board as lead agency status for the purposes of SEQRA and classify the action as an unlisted action with a negative declaration relative to SEQRA for the South/Seaback lot line adjustment located on Peaceable Street. Mr. Kadlec seconded their motion. All were in favor.

Bud South, 1449 Peaceable Street, asked if he could speak before the Board. Mr. South expressed his frustration at having to give up a piece of his land because someone built a garage on his property. Mr. South stated that the property has been in his family for years and due to a subdivision of that property without the lienholder's knowledge he would still have all of his family's land. Mr. South stated that he is not happy that he has to give up any of his land because it is his land.

Mr. Wilkinson stated that the garage being built partially on his property is a zoning violation. Mr. Wilkinson stated that the garage could be torn down or moved to meet the setback requirement. Mr. Wilkinson stated that Mr. Seaback could also go to the ZBA for a variance. Mr. Wilkinson stated that if the application goes through the Planning Board, a non-conforming condition cannot be created.

Mr. South stated that Mr. Seaback told him he was building a shed. Mr. South stated that what is there is not a shed.

Mr. Wilkinson stated that the Planning Board is not forcing this application. Mr. Wilkinson stated that there are other options.

Mr. South again voiced his frustration and stated that the garage should not have been built. Mr. South stated that he does approve of this lot line change but is angry about it.

Mr. Wilkinson made the motion to waive the Public Hearing, application fee, park fee and engineering review of the South/Seaback lot line change adjustment. Mr. Kadlecsek seconded the motion. All were in favor.

The Board completed the short EAF form.

Mr. Wilkinson made a motion that the Planning Board approve the Seaback/South lot line change located on Peaceable Street contingent upon the addresses of the applicants being added to the drawings and authorize the chairman to sign the mylars as Resolution 2017-04. Mr. Kadlecsek seconded the motion. All were in favor.

Resolution 2017-04 was made.

Mr. Wilkinson reviewed the map requirements and 62 day time clock.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

None.

TOWN BOARD LIAISON

Mr. Grasso was present.

Mr. Grasso stated that Bob Gizzi has resigned as the building and zoning inspector. Mr. Grasso stated that the Town Board hasn't taken any action other than to conduct some interviews. Mr. Grasso stated that the Board appreciated his service and was sad to see him go.

Ms. Phillips inquired if it would be one person wearing two hats.

Mr. Grasso stated that was an option. Mr. Grasso stated that it would be based on the experience of the candidates.

Mrs. York asked if there was any update on the cell tower.

Mr. Grasso stated that there is no update. Mr. Grasso stated that he spoke to Verizon's attorney about a week ago and they did not have any new information. Mr. Grasso stated that the application is still pending for the Hunt property. Mr. Grasso stated that the Board has received a petition against the current pending location.

Ms. Szurek asked for an update on the Stewarts project.

Mr. Grasso stated that an end date has not been set yet. Mr. Grasso stated that DOT did not institute a turn restriction on the access points.

Mr. Grasso stated that for the Board's information pertaining to park fees, the monies have been used for improvements to Elmer Smith Park including the tennis courts, basketball courts and the electric service.

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

The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary