

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

Minutes of the Planning Board Meeting – October 15, 2018

Chairman Jay Wilkinson called the meeting to order at 7:00 p.m. at the Charlton Town Hall.

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

AGENDA MEETING

Mr. Wilkinson stated that there is a quorum.

Minutes

Mr. Wilkinson stated that the draft of the September 17, 2018 meeting minutes needed to be approved. Mrs. York has previously provided comments. Mrs. Wood provided comments. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

Mr. Wilkinson stated that there would be two public hearings.

Miller/Hauenstein and ABD Engineers (246.-3-63.1)

Mr. Wilkinson stated that this is a subdivision and a lot line change. Mr. Wilkinson stated that the application was forwarded to Mr. McNamara and comments were received. Mr. Wilkinson stated that the drawing was missing the pond and whether it was located in Charlton or Glenville. Mr. Wilkinson stated that at the last meeting the Board took lead agency status and scheduled the Public Hearing.

Clute and Van Guilder (236.-1-39.2)

Mr. Wilkinson stated that this is a proposal for a subdivision of a 4.96 acre parcel located at 1019 Packer Road owned by the Clute's into two parcels. Mr. Wilkinson stated that Lot 1 will consist of 2.10 acres and will contain the existing house and improvements and Lot 2 will consist of 2.59 acres of vacant land to be used to build a single family home. Mr.

Wilkinson stated that Lot 2 already has a drilled well on the property. Mr. Wilkinson stated that the application was referred to Mr. McNamara and comments were received.

Subdivision Applications

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 Board and the applicant had a "workshop" at the last meeting and concluded that Mr. McNamara's input would be needed to understand the issue with the mean lot width for Lot 3. Mr. Wilkinson stated that a new plan has been submitted by the applicant that meets all of the zoning requirements. Mr. Wilkinson stated that the new plan is a better design and takes the issue of mean lot width out of the equation. Mr. Wilkinson stated that the new plan has been sent to the County for review and to Mr. McNamara. Mr. Wilkinson stated that Mr. McNamara is ok with the new map. Mr. Wilkinson stated that the Board is in a position to schedule the public hearing for next month.

Town Board Referral

St. Mary's Charlton Urgent Care (224.-1-7)

Mr. Wilkinson stated that there is currently a proposal before the Town Board to turn the former Stewart's store into an urgent care facility. Mr. Wilkinson stated that a representative will be making a presentation. Mr. Wilkinson stated that the Town Board has requested an advisory opinion from the Planning Board.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that he and Mrs. York are continuing to work on revising the Subdivision Application instructions. Mr. Wilkinson stated that everyone has seen the proposed changes made so far.

Town Board Liaison

Mr. Grasso will give his report during the Business Meeting.

Mr. Wilkinson made a motion to close the Agenda meeting, seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:27 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 September 17, 2018 meeting minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor.

PUBLIC HEARING (7:30)**Miller/Hauenstein and ABD Engineers (246.-3-63.1)**

Mr. Wilkinson stated that this is a subdivision located at 133 Dawson Road. Mr. Wilkinson stated that the legal notice was published in the Daily Gazette on October 5, 2018 and adjoining property owners were also given notice.

Mr. Wilkinson reviewed the public hearing process.

Joe Bianchine, ABD Engineers: The Millers purchased the property in 2007. The subdivision was never officially done in Charlton nor was it filed in Saratoga County. We are here to rectify the situation so that the maps can be filed in Saratoga County. The Millers currently live at 133 Dawson Road, which is shown on the drawing in green. The red portion outlined in yellow is the piece that the Millers purchased from Nancy Hauenstein in 2007. The project meets the zoning requirements. The intention is for the Millers to build a new house and sell their property at 133 Dawson. This is the Town line and the additional land here in back is located in Glenville. They have approved this subdivision and the map has been filed in Schenectady County. The Hauenstein parcel is shown in red and the remaining acreage is around 31 acres. We received the letter from Mr. McNamara and have added the pond to the map. The pond is located in Glenville. The information requested was added to clear up the confusion and the filing information from Schenectady County has been added as well. Most of the land is wooded. The Millers have just started to clear the land. There is plenty of room for well and septic.

Dave Keil, 110 Dawson Road: What is the frontage of the new lot?

Joe Bianchine: Just over 200 feet.

Jay Wilkinson: Our zoning ordinance requires 200 feet of frontage and 2 acres of land.

Dave Keil: Why wasn't this split before?

Joe Bianchine: The paperwork was not done right.

Dave Keil: Who owns original parcel?

Joe Bianchine: Nancy Hauenstein.

Dave Keil: How many subdivisions have been done on the original farm?

Joe Bianchine: This is the second.

Dave Keil: Third, if hers is the original.

Joe Bianchine: Second off of that.

Dave Keil: How many are allowed?

Jay Wilkinson: The rules change with a major subdivision. You can do more.

Stanley Miller: She can divide in more parcels if approved?

Jay Wilkinson: Yes, every 200 feet and 2 acres can be another subdivision.

Dave Keil: I have been there over 30 years and it is very wet there. Are you going to build there?

Joe Bianchine: Yes with a raised septic system.

Dave Keil: As long as it meets the requirements I have no problem. I would only have an issue if it did not meet. Is the entire parcel in Saratoga County?

Joe Bianchine showed the land located in Schenectady County and the land located in Saratoga County.

Jay Wilkinson: All of the land in Schenectady County has been attached to 133 Dawson Road.

Valerie O'Connor, 126 Dawson: Is that the end of the frontage or can there be further subdivision.

Stan Miller: We don't own that piece.

Jay Wilkinson: They are before the Board to correct what was already done in 2007 in Schenectady County but never officially in the Town of Charlton.

Dave Keil: Will there be a well?

Joe Bianchine: Yes.

Jay Wilkinson made the motion to close the public hearing at 7:45 p.m. Mrs. Wood seconded the motion. All were in favor.

Clute and Van Guilder (236.-1-39.2) (7:45)

Mr. Wilkinson stated that this is a proposal for a subdivision of the 4.96 acre parcel located at 1019 Packer Road owned by the Clute's into two parcels. Mr. Wilkinson stated that Lot 1 will consist of 2.10 acres and will contain the existing house and improvements and Lot 2 will consist of 2.59 acres of vacant land to be used to build a single family home.

Mr. Wilkinson stated that the legal notice was published in the Daily Gazette on October 5, 2018 and the adjoining neighbors were also given notice.

Mr. Wilkinson reviewed the public hearing process.

Duane Rabideau: I am Duane Rabideau from Van Guilder & Associates here representing the Clute's in their proposal to subdivide their property located at 1019 Packer Road into two lots. The property is located ¼ mile west of Maple Avenue on the south side. The 4.69 acre parcel will be split into Lot 1, which will consist of 2.10 acres and will contain the existing home and improvements and Lot 2, which will consist of 2.59 acres and will be vacant for a single family home. Lot 2 already has a drilled well. Both lots meet the zoning requirements for the agricultural district. We have added the 20 foot building line off the pond to meet the zoning. We have received Mr. McNamara's comments and have added the wetlands and adjacent area per the County GIS.

Mr. Wilkinson opened the hearing to the public.

No one appeared.

Ms. Szurek made the motion to close the public hearing at 7:50 p.m. Mrs. Wood seconded the motion. All were in favor.

SUBDIVISION APPLICATIONS

Miller/Hauenstein and ABD Engineers (246.-3-63.1)

Joe Bianchine appeared before the Board.

Ms. Szurek inquired where the pond was located.

Mr. Bianchine stated it was located on the land in Glenville.

Ms. Szurek inquired how far the pond was from the property line.

Mr. Bianchine stated 50 feet from the rear property line.

Mr. Wilkinson stated that there were two comments from Mr. McNamara to address. Mr. Wilkinson stated that comment pertaining to the pond location has been taken care of with the transfer of land to 133 Dawson Road. Mr. Wilkinson stated that the Board would like to see the new map with the dimensions to the closest part of the pond to the property line at 133 Dawson Road. Mr. Wilkinson stated that the comment pertaining to cleaning up the drawing to omit confusion has been taken care of with the red lines now on the drawing.

Mr. Bianchine stated that the new drawings contain a deed reference and colored lines and an inset drawing to clear up any confusion.

The Board reviewed the new drawings.

Mr. Wilkinson stated that the rest of Mr. McNamara's comments are fine.

Mr. Wilkinson stated that perk tests have been done and witnessed.

The Board completed part II of the EAF.

Mrs. Wood asked for a correction to the AG Data Statement.

Mr. Bianchine will provide a corrected one.

Mr. Wilkinson stated that the Board took lead agency status in September and the County reply was no significant impact. Mr. Wilkinson stated that Mr. McNamara's comments have been addressed and shown on the new drawings and the Board has completed the EAF.

Mr. Wilkinson made a motion that the Planning Board approves the Miller subdivision located at 133 Dawson Road in the Town of Charlton tax map 246..-3-63.1 contingent upon:

- the distance from the pond in Schenectady County on Lot 133 Dawson Road be added to show its distance from 131 Dawson Road;
- AG Data Statement updated to show active farms; and
- Board receives new maps with the information discussed during deliberations that addresses Mr. McNamara's comments 2 and 3

and authorize the chairman to sign the mylars as Resolution No. 2018-05. Mr. Kadlecsek seconded the motion. All were in favor.

Resolution 2018-05 was granted.

Mr. Wilkinson reviewed the required number of mylars and copies and the fees due.

Clute and Van Guilder (236.-1-39.2) (7:45)

Duane Rabideau appeared before the Board.

Mr. Wilkinson stated that Mr. McNamara's comments have been addressed.

Ms. Szurek inquired what the green line was.

Mr. Rabideau stated that was the buffer to the wetland.

Ms. Szurek stated that the 100 foot adjacent area overlaps the building envelope.

Mr. Wilkinson asked Mr. Rabideau to modify the building envelope so that the adjacent area does not run through it.

Mr. Rabideau stated that was fine.

Mrs. Wood inquired about the existing well on the newly proposed Lot 2 being used by Lot 1.

Mr. Rabideau stated that Lot 1 will switch back over to its own well.

Mr. Wilkinson stated that the Board took lead agency status at the last meeting and forwarded the application to Mr. McNamara and the County Planning Board. Mr. Wilkinson stated that comments were received from Mr. McNamara and approval was received from the County. Mr. Wilkinson stated that all of Mr. McNamara's comments have been addressed.

The Board completed part II of the EAF.

Mr. Wilkinson made a motion to approve the Clute/Van Guilder subdivision located at 1019 Packer Road tax map 236.-1-39.2 contingent upon the wetlands being added to Lot 2 and the building envelope be modified to be outside of the adjacent wetland area and authorize the chairman to sign the mylars as Resolution 2018-06. Mr. Mitchell seconded the motion. All were in favor.

Resolution 2018-06 was made.

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

Duane Rabideau appeared before the Board. Mr. Rabideau provided new drawings.

Mr. Wilkinson stated that the new drawings address the concerns of the Board.

Mr. Rabideau stated that based on the comments from the Board, they revised the lot line of Lot 3 and retained 2 acres. Mr. Rabideau stated that they balanced the lines so that all of the lots meet the mean lot width requirement. Mr. Rabideau stated that building envelopes have been added on Lots 3 and 4. Mr. Rabideau stated that they were able to maintain the integrity while maintaining open space.

The Board agreed that the changes were acceptable.

Mr. Wilkinson stated that the ZBA granted a variance for Lot 1 so that it could have 188.53 feet of frontage, a site visit was done on September 15, 2018 and a mini workshop was held at the September meeting. Mr. Wilkinson stated that the new map resolves the mean lot width issue. Mr. Wilkinson asked Mrs. York to forward the application to the County Planning Board with the new map. Mr. Wilkinson stated that the new drawings were sent to Mr. McNamara and he did not have any additional comments.

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

Mr. Riedinger made the motion to schedule the public hearing for November 19, 2018 at 7:30 p.m. Mr. Mitchell seconded the motion. All were in favor.

Mrs. York provided the public hearing cards.

TOWN BOARD REFERRAL**St. Mary's Charlton Urgent Care (224.-1-7)**

Joe Bianchine appeared before the Board.

Mr. Bianchine presented the following information pertaining to their proposal before the Town Board for a Special Exception Use permit.

St. Mary's would like to open an urgent care facility in the former Stewart's Shop located at the corner of Route 67 and Route 147. Stewarts will be donating the building to St. Mary's. There are no proposed site plan changes. The gas pumps and canopy have already been removed. They will repave the parking lot and the entrance and exit will remain the same. The site will remain the same with the exception of the addition of handicapped parking spaces. The building will be renovated on the inside to reflect an urgent care facility. The

outside of the building will have a colonial look with the lighting to remain the same. The well has been tested and the results have been sent to DOH. If the septic was designed properly then there will be no need change that but they still have to check. The landscaping will remain the same. The parking will be increased if needed but they believe what exists will be adequate.

M. Wilkinson stated that the Board has been asked by the Town Board to provide an advisory opinion regarding the submitted information.

The Board raised questions pertaining to the number of employees, hours of operation, number of patients per day, parking area and lighting.

Mr. Grasso and Mr. Bianchine stated that the number of employees will be between 4-5, the hours of operation will be 9:00 a.m.-7:00 p.m., the number of patients will be approximately 20 per day, the lighting will remain the same and the parking lot will be striped and additional spaces can be added and striped if it is determined that they are required

There was discussion about the signage for the facility. A monument sign has been proposed. There was also discussion about the existing shed and its state. It was noted that at the Town Board meeting it was stated that the shed will be removed.

Mr. Keniry asked that it be verified that the parking area offers sufficient room for an ambulance. Mr. Keniry also inquired how the lab work was going to be handled as well as how medical waste would be maintained on site and what frequency it was taken off site. Mr. Keniry also inquired as to the security of the medical supplies.

Mr. Wilkinson will take all of the comments that have been made and put into a draft letter for the Board to review prior to the next meeting.

ZONING REPORT

The Board reviewed the report.

CORRESPONDENCE

The Board is working on updating the subdivision regulations and application. Mr. Wilkinson stated that Mrs. York will copy all of the changes made so far and distribute them to the board members.

TOWN BOARD LIAISON

Mr. Grasso stated that the bulk item drop off is this week from 8:00 a.m. to 4:00 p.m.

Mr. Grasso stated that the proposed ambulance district will increase taxes approximately \$.23/\$1000. Mr. Grasso stated that agricultural lands will be exempt.

Ms. Szurek inquired if there was any update on the cell tower.

Mr. Grasso stated no.

Mr. Grasso stated that there have been reported car break-ins at night around the Charlton Heights area. Mr. Grasso advised everyone to lock their cars at night.

Mr. Grasso stated that the Town Board has issued the preliminary budget for 2019.

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

The meeting was adjourned at 9:30 p.m.

Respectfully Submitted,

Kimberly A. Caron
Recording Secretary