

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

Minutes of the Planning Board Meeting – October 21, 2019

Chairman Jay Wilkinson called the meeting to order at 7:05 p.m. at the Charlton Town Hall.

Present: Jay Wilkinson, Chairman, Jack Kadlecek, Connie Wood, Dawn Szurek, Bruce Gardner, William J. Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron, Planning Board Secretary. Chris Mitchell joined the meeting at 7:15 p.m. and Jonathan Riedinger 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 July 15, 2019 meeting minutes and the draft of the September 16, 2019 meeting minutes needed to be approved. Mrs. York has previously provided comments for both. No other comments were made. Mr. Wilkinson stated that the Board could vote on the minutes during the Business Meeting.

Public Hearings

None.

Cell Tower Presentation – Town Board Request for Comments

Mr. Wilkinson stated that Verizon would be making a presentation for the placement of the Cell Tower on the Hunt property located on Charlton Road. Mr. Wilkinson stated that David Brennan, Esq. is present to give the presentation. Mr. Wilkinson stated that he has drafted a letter of comments for the Town Board as a starting point for tonight's discussions. Mr. Wilkinson stated that he has sent the draft letter to Bill Keniry for comments and Bill's comments have been added.

Subdivision Applications for Lot Line Changes

Schaus/Roy and Northeast (247.-2-55 and 247.-2-56)

Mr. Wilkinson stated that Dave Bogardus of Northeast Landscape and Development would be representing Joe Schaus. Mr. Wilkinson stated that the proposal is for a lot line change

with the back land of Schaus conveyed to the Roy property. Mr. Wilkinson stated that he received a call from Joe Schaus that he has not reached terms with the neighbor yet but still wanted to complete the lot line change for conveyance at a later date.

Bryant/Wilkinson/Duff and Northeast (247.-1-73 and 247.-1-7)

Mr. Wilkinson stated that he would be recusing himself for this application. Mr. Wilkinson stated that Dave Bogardus would be representing Beth Bryant and Jay Wilkinson in this application. Mr. Wilkinson stated that the Bryant property is 6.3 acres and located on the west side of Peaceable Street. Mr. Wilkinson stated that the Wilkinson parcel is 3.4 acres. Mr. Wilkinson stated that the lot line change would decrease the Bryant parcel to 5.6 acres and increase the Wilkinson parcel to 4 acres. Mr. Wilkinson stated that they are purchasing 100 feet of frontage to straighten out the lot.

Pre-Application Conference

Ball and Van Guilder (247.-1-72)

Mr. Wilkinson stated that Duane Rabideau would be making a presentation. Mr. Wilkinson stated that the property is located at 692 Charlton Road and consists of 68± acres with an existing house and improvements. Mr. Wilkinson stated that the applicant has provided two different options for subdivision for the Board to review.

Zoning Report

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

Correspondence

Mr. Wilkinson stated that the Board needs to discuss the Holiday Party.

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 Mrs. Wood. All were in favor. Agenda meeting closed at 7:17 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 July 15, 2019 meeting minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Gardner and Mr. Mitchell abstained from the vote.

Mr. Wilkinson made a motion to approve the draft of the September 16, 2019 meeting minutes with changes incorporated. Mr. Mitchell seconded the motion. All were in favor. Mr. Wilkinson abstained from the vote.

**CELL TOWER PRESENTATION**

David Brennan, Esq., counsel for Cellco Partnership d/b/a Verizon Wireless, appeared before the Board.

Mr. Brennan stated that he was before the Board by referral of the Town Board under the Exceptional Use Permit jurisdiction for the cell tower project. Mr. Brennan stated that the project is located at 764 Charlton Road. Mr. Brennan stated that the town needs better cell phone coverage. Mr. Brennan stated that the history of the project started in January 2016, when Verizon did a presentation for the Town Board and the public with a proposed antenna on the water tank located on Cherry Street. Mr. Brennan stated that the lack of public support forced them to look at three other sites. Mr. Brennan stated that the Hunt's, owners of 764 Charlton Road agreed to sign a lease agreement. Mr. Brennan stated that they would be utilizing the existing driveway and existing telephone pole for the project. Mr. Brennan stated that the wires would be underground. Mr. Brennan stated that map details have been provided. Mr. Brennan stated that the existing driveway will need to be improved in the back of the property for the project. Mr. Brennan stated that the tower would consist of a 120 foot mounted pole with the antennae at 116 feet elevation. Mr. Brennan stated that the area surrounding the tower would be fenced. Mr. Brennan stated that there would be 2 concrete pads and no building. Mr. Brennan stated that the project would be completed in sequences totaling about 3 months. Mr. Brennan stated that once the project is complete that a technician would be sent out 4 times a year to inspect the equipment.

Mrs. Wood inquired when the noise evaluation report for the generator would be available.

Mr. Brennan stated that the information was coming.

Mrs. Wood stated that she was not happy that the project does not contain any landscaping. Mrs. Wood stated that she personally feels that there should be some "disguising" of the tower. Mrs. Wood provided a correction to the EAF where the applicant marked "not affecting AG land" should be marked as the tower is being constructed on AG land. Mrs. Wood stated that although not required by the FAA, the tower should have a light on top to draw attention to it. Mrs. Wood also expressed concern that the western part of the town would not benefit from this tower and that there were no plans for the western part of the town.

Ms. Szurek inquired if the tower were higher, would it benefit the western part of the town.

Mr. Brennan stated yes, however, if they transmit too far it messes with other sites. Mr. Brennan stated that he will take the comments on the lighting request back to the applicants.

Mr. Wilkinson inquired why there was no need for a building.

Mr. Brennan stated that he could provide details about the pads and will provide a lighting plan for the base of the site.

Mr. Wilkinson reviewed some of the comments from the letter he drafted to the Town Board.

Mrs. Wood inquired if the towers were prone to fire.

Mr. Brennan stated that he usually says no but they did have a rare instance where one did catch on fire.

Mrs. Wood inquired if the driveway will be able to accommodate fire trucks.

Mr. Brennan stated yes. Mr. Brennan stated that they have to be able to get cranes to the back of the property where the tower will be located.

Mr. Brennan and Mr. Keniry discussed the letter of credit from the property owners.

Mr. Wilkinson stated that he will make some revisions to his draft letter and send it out to everyone for approval before it is sent to the Town Board.

### **VERIZON DISCUSSIONS**

Mr. Wilkinson reviewed his draft letter with the Board. Mr. Wilkinson stated that he would leave the first, third and fourth bullets and add information pertaining to the generator noise and the landscaping plan. Mr. Wilkinson stated that he will remove the “silo” comment and send the revised draft to everyone for final review.

### **SUBDIVISION APPLICATIONS FOR LOT LINE CHANGES**

#### **Schaus/Roy and Northeast (247.-2-55 and 247.-2-56)**

Mr. Wilkinson stated that the concern is do we move forward without a deal with the neighbor. Mr. Wilkinson stated that if the Board grants the approval of the lot line change, the Board has created a land-locked parcel.

Mr. Keniry stated that if the Board is aware that title cannot be merged then the application is to create a landlocked parcel. Mr. Keniry stated that the Board can approve the lot line change with conditions that the rear parcel is to be merged with the Roy parcel. Mr. Keniry stated that the problem arises when the condition cannot be fulfilled and the process was done for naught.

Mr. Bogardus stated that the one parcel is landlocked now.

Mr. Keniry stated that the Board cannot create a landlocked parcel only cure a landlocked situation.

Mr. Wilkinson stated that the application can be put aside until terms can be reached.

Mr. Schaus stated that he agrees with the Board and would like to wait until he has a deal with the Roys.

Mr. Wilkinson stated that the Board will wait to hear from him. Mr. Wilkinson also reminded Mr. Schaus that the 62 day clock is running.

**Bryant/Wilkinson/Duff and Northeast (247.-1-73 and 247.-1-7)\**

Mr. Wilkinson recused himself. Mr. Kadlec would be taking over the chairman position for this application.

Mr. Kadlec stated that the intent of this application is to decrease the Bryant parcel at 1027 Peaceable Street and increase the Wilkinson parcel at 1041 Peaceable Street. Mr. Kadlec stated that the lot line change would transfer .6 acres to the Wilkinson parcel. Mr. Kadlec stated that affidavits have been received authorizing Mr. Bogardus' representation.

Mr. Bogardus approached the Board. Mr. Bogardus showed the properties on the drawing. Mr. Bogardus stated that the proposal is to add 0.693 acres to the Wilkinson parcel making both lots zoning conforming. Mr. Bogardus stated that there is no construction plan for either parcel.

Mr. Kadlec reviewed the contents of the file:

- application form;
- drawing showing both parcels;
- short form EAF;
- list of adjacent properties;
- AG Data Statement;
- Deeds for both properties; and
- description of new parcel.

Mr. Kadlecek made a motion to declare the application complete. Mr. Mitchell seconded the motion. All were in favor.

Mr. Kadlecek made a motion to waive the engineering fee, the application fee, the park fee and the public hearing. Mrs. Wood seconded the motion. All were in favor.

Mr. Kadlecek stated that the Board received County Planning Board approval.

The Board completed Part II of the EAF.

Mr. Kadlecek made the 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. Ms. Szurek seconded the motion. All were in favor.

Mr. Kadlecek made the motion for the Planning Board to approve the lot line change between 1027 Peaceable Street and 1041 Peaceable Street as Resolution 2019-02 and authorize the chairman to sign the mylars. Mr. Mitchell seconded the motion. All were in favor.

**Resolution 2019-02 was made.**

Mr. Kadlecek reviewed the mylar requirements.

**PRE-APPLICATION CONFERENCE**

**Ball and Van Guilder (247.-1-72)**

Mr. Wilkinson recused himself. Mr. Kadlecek would be taking over the chairman position for this application.

Mr. Kadlecek stated that the parcel is located at 692 Charlton Road and is a 68± parcel with an existing house and improvements on an active farm. Mr. Kadlecek stated that the proposal is to subdivide a 6 or 8 acre parcel on the western side of the parcel for a single family home. Mr. Kadlecek stated that the Board has received photos showing both options.

Mr. Rabideau appeared before the Board. Mr. Rabideau stated that the parcel is located 1800 feet on the west side of Peaceable Street and the north side of Charlton Road. Mr. Rabideau stated that the proposal is to create a single family residential lot on the southwest border of the farm. Mr. Rabideau showed the proposal on the drawing. Mr. Rabideau stated that the southwest corner would be cut out. Mr. Rabideau stated that they have provided the Board with two different options for subdivision. Mr. Rabideau stated that the wetlands corridor bisects both lots. Mr. Rabideau stated that the wetlands have been mapped and DEC did conduct a site walk and verified the delineation. Mr. Rabideau stated that DEC has not taken jurisdiction as they are ACOE wetlands. Mr. Rabideau stated that the proposal for the subdivision of a 6 acre lot has the house, well and septic located on the west side of the

parcel. Mr. Rabideau stated that they have maintained the 100 foot buffer from the wetlands for the house but the driveway will be closer than the 100 feet. Mr. Rabideau stated that the proposal for the 8 acre lot places the house, well and septic on the east side of the wetland and will all be located outside the 100 foot buffer but the driveway will be within the 100 foot buffer area. Mr. Rabideau stated that both options meet the requirements of the RA zone.

Mr. Kadlecek raised concern about the driveway drainage into the wetlands.

Mr. Rabideau stated that the driveways would be standard driveways and there should be no issues if done right. Mr. Rabideau stated that they could put in a culvert if need be.

Mr. Kadlecek stated that he would like to see a description of the specific parts if mitigation would be done.

Mr. Rabideau referred to their cover letter and stated that they would make sure that everything was done environmentally right especially the driveway. Mr. Rabideau stated that there was enough room for the house and all the improvements to be constructed out of the wetlands area. Mr. Rabideau inquired what the Board's preference was, house and improvements out of the wetland area or the driveway out of the wetland area.

Mr. Mitchell inquired how much frontage was on Charlton Road.

Mr. Rabideau stated 370 feet.

Mr. Mitchell expressed his preference as option 2 which gives more leeway.

Mr. Kadlecek inquired if there was any information on the soil drainage difference.

Mr. Rabideau stated that they looked at the buildable aspects and, east or west side of the wetland corridor is the same. Mr. Rabideau stated that both are buildable lots with silt/sandy loam soils. Mr. Rabideau stated that he feels option 2 is the better plan but developability is the same on both options.

Mr. Kadlecek stated that there is not enough information specific to the two options for the Board to commit to an option.

Mr. Riedinger and Ms. Szurek raised concern that option 2 was building a house behind a house.

Mr. Kadlecek stated that the existence of the wetlands makes this situation unique. Mr. Kadlecek read from the applicants' narrative.

Mr. Kadlecek stated that option 1 has the driveway less than 500 feet and option 2 has the driveway more than 500 feet. Mr. Kadlecek asked if the applicant would be willing to state

that that the property would not be further subdivided and that all structures will be placed outside of the buffer area.

Mr. Rabideau stated that they can put the building envelope on the drawing.

Mr. Kadlecek stated that he would like to poll the Board.

Mrs. Wood stated that she prefers the most westerly option which puts it away from the other buildings.

Mr. Rabideau stated that subdividing in the corner keeps the farming activities in tact.

Ms. Szurek stated that it all comes down to the applicant's choice. Ms. Szurek stated that she is neutral.

Mr. Mitchell stated that option 2 is better as it has more options for a building site.

Mr. Riedinger stated that he agrees with Mr. Mitchell, there is more flexibility.

Mr. Gardner stated that he would like to wait for more information.

Mr. Kadlecek stated that he agrees that more information is needed. Mr. Kadlecek stated that option 1 has less land being taken away, with less disturbance and a cheaper driveway. Mr. Kadlecek stated that more data would make the applicant's choice easier.

Ms. Szurek inquired if there was any long range planning done for the keeping of horses or llamas or the placement of a barn.

### **ZONING REPORT**

The Board reviewed the report.

### **CORRESPONDENCE**

None

### **TOWN BOARD LIAISON**

Mr. Grasso stated that he does not have an update on the Subdivision Application and Review Guide.

Mr. Grasso stated that the Board's comments on the Verizon Application were appropriate. Mr. Grasso stated that he believes that the Town Board will schedule the Public Hearing for November 25<sup>th</sup>. Mr. Grasso stated that the ZBA will be able to provide comments after the



Public Hearing. Mr. Grasso stated that the Town Board plans to complete SEQRA after the Public Hearing and make a decision in December or January.

Mr. Grasso stated that if this tower is approved it does not eliminate the need for one in the west side of town.

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

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary