

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

Minutes of Planning Board Meeting – November 15, 2010

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

Present: Jay Wilkinson, Chairman, John Kadlecsek, Connie Wood, Mark Hodgkins, Mike Armer, Dawn Szurek, Bill Keniry, Planning Board Attorney, Susan York, Planning Board Clerk and Kim Caron Recording Secretary. Chris Mitchell joined the meeting at 7:10 p.m.

**AGENDA MEETING:**

Mr. Wilkinson stated that there is a quorum of 6.

Mr. Wilkinson stated that Ray Black was away which is why the alternate, Mike Armer is present. Mr. Wilkinson also stated that last month was Mr. Black's last meeting as his official term as a Planning Board member is ending at the end of December.

Minutes

Mr. Wilkinson stated that the draft of the October 18, 2010 meeting minutes needed to be approved. Mr. Wilkinson stated that Mrs. York provided comments. The Board discussed the changes. Mr. Wilkinson and Ms. Szurek provided changes. Mr. Hodgkins also provided a change. Mr. Wilkinson stated that the Board could approve the minutes during the business meeting.

Public Hearings

Mr. Wilkinson stated that there would not be any Public Hearings this evening.

Subdivision Applications and Lot Line Changes

Heflin/Durst (255-1-41.1, 41, 43.1, 43.2, 43.3)

Mr. Wilkinson stated that this application is on hold. Mr. Wilkinson stated that Scott Lansing sent an e-mail that his client is looking at his options and the plans are under review. Mr. Wilkinson stated that this application would be put on the January agenda.

Grabo/Davidson (246-1-61)

Mr. Wilkinson stated that the Board held a public meeting at the site on November 13, 2010. Mr. Wilkinson stated that the Board could discuss the visit during the business meeting.

ZBA Referrals

Mr. Wilkinson stated that there were no ZBA referrals.

### Zoning Administrator Report

Mr. LaFountain was not present, however, a report for the month of October has been provided.

### Town Board Liaison

Mrs. Verola is present.

### Correspondence

Mr. Wilkinson stated that the Planning and Zoning Conference will be on January 26, 2011.

Mr. Wilkinson stated that the Christmas Party will be at Mrs. Wood's house on December 19, 2010. Mr. Wilkinson stated that the ZBA and the ECC will also be invited. Mr. Wilkinson stated that his wife would coordinate the food with those attending.

Mr. Wilkinson made a motion to close the Agenda meeting seconded by Mr. Mitchell. All were in favor. Agenda meeting closed at 7:22 p.m.

## **BUSINESS MEETING**

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

### **Minutes**

Mr. Wilkinson made the motion to approve the draft of the October 18, 2010 minutes with changes incorporated. Mrs. Wood seconded the motion. All were in favor. Mr. Armer abstained from the vote.

### **Subdivision Applications and Lot Line Adjustments**

#### **Heflin/Lansing (255-1-40.1,41,43.1,43.2,43.3)**

Mr. Wilkinson stated that this application is on hold until the January meeting.

#### **Grabo/Davidson (246-1-61)**

Jane Davidson and Richard Wickerham, attorney for George and Jane Davidson, appeared before the Board.

Mr. Wilkinson thanked everyone for attending the site visit. Mr. Wilkinson stated that

Rick Moon was at the site visit to discuss his report and the applicants were there and pointed out things to the Board. Mr. Wilkinson stated that a lot of progress has been made to clean up the property and a considerable amount of work had been done. Mr. Wilkinson stated that the Board is now waiting for the character of the environmental conditions. Mr. Wilkinson stated that the applicants have hired CT Male to do the inspection which will be done tomorrow morning. Mr. Wilkinson stated that the report is required to move forward. Mr. Wilkinson stated that the Board has a complete application and the 62-day clock will expire on Wednesday, November 17, 2010. Mr. Wilkinson stated that the Board and the applicant will need to agree to an extension of time. Mr. Wilkinson stated that he is proposing an extension until February 2011 to give the applicant time to get the report filed with the town and the Board time to get it out to the town engineer and the ECC as well as the members to review. Mr. Wilkinson stated that the report could be addressed at the January meeting.

Mrs. Davidson asked for clarification of the extension.

Mr. Keniry suggested that, if the parties agree, the end date for action should be February 1, 2011. Mr. Keniry inquired if the Board would be willing, if the report was obtained in advance, to hold a December meeting. Mr. Keniry stated that the applicant recognizes that the Board does not usually meet in December. However, if the report was received well in advance would the Board would be amenable to meeting in December with an end date for action of February 1, 2011?

Mr. Wickerham stated that they are not looking for preferential treatment, they are just inquiring if the Board would be amenable to considering the application in December. Mr. Wickerham stated that he has spoken to CT Male and they have advised that once the process has started they anticipate the report being ready in two to three weeks. Mr. Wickerham stated that as soon as the report is available he will forward it on to everyone.

Mr. Armer inquired how long the actual study takes.

Mr. Wickerham stated he was advised about a week or so. Mr. Wickerham stated that it would depend on what was seen tomorrow at the initial inspection. Mr. Wickerham prepared a handout for the Board in which the last page outlines the information given to him from CT Male regarding the site assessment being started tomorrow morning.

Mr. Wilkinson stated that he would need to poll the Board about holding a December meeting. Mr. Wilkinson stated that if the report was received back from the town's consultant and the ECC with their reviews by December 14<sup>th</sup>, would the Board be willing to meet on December 20, 2010.

Mr. Kadlecek stated yes.

Mrs. Wood inquired if other applications could be heard at that meeting.

Mr. Keniry stated that the meeting would be open to the public, however, there could be an abbreviated agenda or a full meeting.

Mr. Wilkinson inquired if the meeting could be a special meeting to discuss just the Grabo/Davidson application.

Mr. Keniry stated that would be fine.

Mr. Wilkinson stated that he proposes only meeting to discuss the Grabo/Davidson application.

Mrs. Wood stated that the Board is giving preference to the Davidson's over Lansing Engineering if the Board meets to only hear their application.

Mr. Schorr stated that the ECC also does not meet in December but they will support whatever decision the Board makes.

Mr. Keniry stated that it is fair to leave it open and if a meeting cannot be assembled then that is fine too.

Mr. Wilkinson stated that it will be left that if all outside reviews are received back by the Planning Board by December 14<sup>th</sup> the Board will make an effort to meet. Mr. Wilkinson stated that would mean getting the report to Mr. McNamara and the ECC the week of December 6<sup>th</sup>. Mr. Wilkinson stated that if that happens then the Board will make a decision.

Mr. Wickerham stated that they would do their best to have the report to everyone as soon as possible. Mr. Wickerham inquired if there were any other issues before the Board.

Mr. Wilkinson inquired who was doing the clean up at the site.

Mr. Wickerham stated that the applicants and their family secured permission before Mr. Grabo passed away to clean up the property and they have been doing so. Mr. Wickerham stated that the family of Jim Grabo is also cleaning up the property as well as the son of the executrix.

Mr. Wilkinson inquired if clean up was going to continue.

Mr. Wickerham stated yes and he also has a call into the estate attorney, Dean Riggi, Esq., and has not yet heard back. Mr. Wickerham stated that in good faith he believes the clean up will continue.

Mr. Wilkinson stated that the long form EAF pertains to the entire 66-acre parcel of land and the one the applicant submitted is lacking some information. Mr. Wilkinson asked the applicant to review the form and re-submit it with the missing information.

Mrs. Davidson stated that she did not know it was lacking information because she completed it with Mrs. York.

Mr. Wilkinson reviewed some of the questions that the Board felt were lacking information such as those pertaining to the pond and the intermittent stream on the parcel. Mr. Wilkinson asked the applicant to revise the form.

Mr. Keniry stated that he raised this issue at the last meeting and pointed out that the reason why the Board is requesting this is to protect the integrity of the action by the Board. Mr. Keniry stated that in anticipation of moving forward the recommendation is to continue to update the information as it becomes known.

Mrs. Davidson stated that she tried her best to answer the questions.

Mr. Wilkinson stated that the Board wants to acknowledge the things that are missing from the form.

There were several small discussions going on at this time.

Mr. Wickerham stated that if he could get a blank form he would ask for CT Male's assistance in completing the form at their visit tomorrow.

Mr. Wilkinson stated that a blank form would be provided.

Mr. Armer explained what the Board was looking for on the EAF form.

Mr. Hodgkins clarified that the form is to be completed on the whole 66 acres.

Mrs. Davidson stated yes.

Mr. Hodgkins inquired if CT Male was inspecting the entire 66 acres.

Mrs. Davidson stated no just the 11 acres, they will be looking for environmental contaminants and the outlay of things on the 11-acre parcel.

Mr. Wilkinson stated that the Board has made their position very clear. Mr. Wilkinson stated that there are letters from Mr. Keniry outlining what the Board is looking for. Mr. Wilkinson stated that the Board needs the characterization of the whole property, meaning the house, the contamination area, etc. Mr. Wilkinson stated that in order for the Board to act, the Board needs to determine if there is enough information to

determine the character of the land.

Mr. Wickerham stated that the assessment will answer the Board's questions. Mr. Wickerham stated that he had also has conversations with Mr. Schorr about what the assessment will cover. Mr. Wickerham stated that they are in good faith compliance. Mr. Wickerham stated that the assessment being done will address the Board's concerns. Mr. Wickerham stated that the assessment will test evidence of contamination and if there is contamination how it will effect the 11-acre parcel the Davidson's are trying to purchase.

Mr. Hodgkins stated that a sketch of the assessment area would also be helpful.

Mrs. Davidson stated that CT Male has spoken to Mr. Schorr and she assumes that from speaking to him that the assessment they are going to do will be acceptable.

Mr. Armer read from the "scope" of the assessment prepared by CT Male. Mr. Armer stated that if the report is inconclusive to the point of concern for the Board, meaning that if the report is what they think, and there are further actions to be done, then the concerns are not addressed until there is action to remedy the findings.

Mrs. Davidson inquired if the Board was looking for samples to be taken.

Mr. Armer stated that if the report says yes, there is evidence, then the Board would require solid sampling from the 11-acre parcel which would mean that the Board is still at a point where we don't have the information we need.

Mrs. Davidson stated that they have subdivided three other parcels from this land and there have not been any contaminates found in their water.

Mr. Armer stated that water patterns change. Mr. Armer stated that if there are signs of petroleum then some sampling would be needed.

Mrs. Davidson stated that she feels that the Board is zeroing in on her and the Board has not requested this from other farms that have been subdivided.

Mr. Wilkinson stated that the Board would be taking a short recess at 8:20 p.m.

The Board returned at 8:33 p.m.

Mr. Wilkinson stated that the Board will move forward with this application once the requested information is received.

Mr. Wickerham stated that they will address the long form EAF with CT Male and get the report to the Board as soon as possible. Mr. Wickerham inquired if there were any

further issues they need to prepare for.

Mr. Wilkinson stated that the Board has made clear what the Board is looking for. Mr. Wilkinson stated that if the information is submitted in a timely fashion, then the Board will advise if there will be a December meeting.

**Zoning Board Referral**

None.

**Zoning Administrator Report**

The Board reviewed the October report.

**Town Board Liaison**

Mrs. Verola did not have a report.

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

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

Kimberly A. Caron  
Recording Secretary