

**Town of Charlton
Saratoga County
Meeting of the Town Board**

PUBLIC HEARING

Regarding AMENDING THE TOWN OF CHARLTON
ZONING ORDINANCE ADOPTED NOVEMBER 13, 2000

**April 13, 2015
7:00 PM**

The Public Hearing for the proposed Local Law amending the Town of Charlton Zoning Ordinance adopted November 13, 2000 was held at 7:00 pm at the Charlton Town Hall, and called to order by Supervisor Grattidge.

Present: Councilman Grasso, Councilman Lippiello, Supervisor Grattidge, Town Clerk Brenda Mills, Attorney Van Vranken.

Excused: Councilman Hodgkins, Councilman Verola

Supervisor Grattidge asked those wishing to speak tonight to sign in.

Town Clerk Mills read the following Legal Notice and confirmed that it was published in the official newspaper, The Daily Gazette on Monday, April 6, 2015:

TOWN OF CHARLTON
COUNTY OF SARATOGA
STATE OF NEW YORK

RESOLUTION NO. 87

March 30, 2015

**A RESOLUTION SCHEDULING A SECOND PUBLIC HEARING ON
PROPOSED LOCAL LAW, ORIGINALLY DESIGNATED
LOCAL LAW NO. 1 OF 2014 OF THE TOWN OF CHARLTON AND
NOW DESIGNATED LOCAL LAW NO. 1, 2015 OF THE
TOWN OF CHARLTON AMENDING THE TOWN OF CHARLTON
ZONING ORDINANCE ADOPTED NOVEMBER 13, 2000**

WHEREAS, a Local Law was proposed as Local Law No. 1 of 2014, by Town Board resolution dated October 27, 2014, a copy of which is attached to this resolution, and

WHEREAS, a local law is now being proposed as Local Law No. 1 of 2015, a copy of which is attached to this resolution, which was introduced at this Town Board meeting of March 30, 2015, by a member of the Town Board of the Town of Charlton, and

WHEREAS, the Town Board desires to hold a public hearing with respect to the adoption of the said amended local law as described above in this resolution.

NOW THEREFORE, BE IT RESOLVED, that the following Notice of Public Hearing amending the current Charlton Zoning Ordinance shall be published in the Daily Gazette as soon

as possible:

“PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Charlton on Monday, April 13, 2015, at 7:00 p.m. at the Charlton Town Hall located at 758 Charlton Road, Charlton, New York, regarding the adoption of a Local Law of the Town of Charlton for the year 2015 which would amend the Town of Charlton Zoning Ordinance as set forth below.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed Local Law will be reviewed at said public hearing.

Any resident of the Town of Charlton shall be entitled to be heard at such public hearing. Copies of said proposed Local Law shall be available in written form at the Town of Charlton Town Clerk’s Office located in the Charlton Town Hall and also on the Town of Charlton website.”

BE IT FURTHER RESOLVED, that the Town of Clerk is directed to cause public notice of said hearing as provided by law.

Moved by	Councilman Grasso	Voting:	Councilman Grasso	Aye
			Councilman Hodgkins	Aye
Seconded by	Councilman Hodgkins		Councilman Lippiello	Aye
			Councilman Verola	Absent
			Supervisor Grattidge	Aye

I certify that this is a true and exact copy of this original as passed by the Town Board of the Town of Charlton on

Dated: March 30, 2015

Brenda Mills, Town Clerk

Councilman Grasso - Thanked everyone for attending tonight’s hearing and for the written and verbal comments that have been provided during this process. He heard that there was a forum over the weekend regarding the zoning changes that did not involve the Town Board. He thanked those that attended and organized it and said that he hoped to hear some of the feedback tonight. Throughout the process they have encouraged the public to give feedback. The purpose of the zoning process was to make the zoning that we have more consistent with the Comprehensive Plan and the Farmland Protection Plan. We also wanted to improve the consistency of the zoning with other State regulations particularly installation of septic systems, and adopt regulations regarding the siting of cell towers and solar arrays. The Board thought that there was an opportunity to make it more user friendly to both the applicants and reviewing Boards. There were inconsistencies throughout the zoning that could be addressed as well. In terms of the process, last spring the Town Board gathered the final recommendations from the ZORC, which has spent years putting together recommendations. Also last spring, the Board took previously considered drafts for a cell tower law and solar array law. Through last summer the Board incorporated all of these things into a draft of the new zoning. Also last summer, the Board held a workshop to openly discuss those proposed amendments. In August the first set of proposed zoning amendments were

drafted. This draft included most but not all of the recommendations that were received from ZORC. Also some things were included that were not recommended by ZORC. They came out of discussion amongst the Town Board from feedback they had gotten in the past. At the same time, the SEQR review was initiated. The draft amendments were made available to the public on the Town website. They were also distributed for other inter agency review, including Planning Board, ZBA, ECC, County Planning, adjoining municipalities, both Town Counsels, Town Engineer and Town Zoning Officer. On December 1st, the first Public Hearing was held. Because of the amount of attendance and extent of public comment, the Board decided to extend the public comment period 2 weeks past the public hearing to provide more opportunity for people to comment on things that they may have heard that night. On December 8th, the Town Board met to review the comments and the status of the zoning changes. On December 29th the Board held a workshop on changes to the zoning amendments. As a result, on January 14th, the Board issued a new draft of the proposed amendments. At the February 9th Town Board meeting during privilege of the floor, about a dozen residents gave verbal comments about the latest draft. At the Agenda Meeting on March 30th, the Board discussed additional changes to the proposed sections, in particular deleting language regarding the keeping of chickens as well as language regarding the sale of agricultural products that had been previously been considered. Also on March 30, the Board decided to hold a second public hearing, even though only one is required during this process. The Board felt it was appropriate to hold another hearing because of the changes that were made. He would like to turn it over to the public to gather more public comments.

The following residents expressed appreciation and thanks to the Board and ZORC for the work that has gone into the proposed zoning changes: John Gay, Marilyn Phillips, Mary Kadlecsek, Torben Aabo, Connie Wood and Eileen Stone.

Additional comments from residents:

John Gay – Understands that zoning cannot please everyone in Town, but hopefully come to a happy medium. The ordinance says consistently, that septic systems shall be designed by professional engineers. However, there are 2 other professions that have been licensed by the State Education Dept to do the work. One is the Land Surveyor who has the additional educational experience, and the second is an Architect on the Architect's own project that he is working on. Reference to this is the Individual Residential Waste Water Treatment Design Handbook. In it, it states in accordance with the State Education law, plans for individual waste water treatment systems must be prepared by a design professional licensed to practice in New York State by the State Education Department.

Marilyn Phillips - Thinks the set-backs for the ground and pole-mounted solar ordinance are too restrictive and would prevent too many Charlton households from being able to choose to have solar systems. Also thinks the decommissioning after 12 months of not being used is an unnecessary and harsh requirement. These days, a vacant house can wait that long to be sold. The solar panels are usually good for 25 years and could easily be an attribute for the sale. Taking the panels down would be an unreasonable expense and could diminish the value of the property.

Mary Kadlecsek – Concerned with solar array setbacks. Does not feel that 200 feet of front setback or the 50 feet back and side setbacks are reasonable..

Torben Aabo – He noted that the Bed & Breakfast language is simple, asked why the whole ordinance can't be so simple. He attended the meeting on Saturday. He suggested that the Board inform residents on the reason why the changes are being made. He suggested waiting on approving the ordinance and setting up a new Committee to incorporate all of the new suggestions.

Bradley Howe – Said he attended the meeting on Saturday and there were about 30 people in attendance. Many of those in attendance had issues with several of the proposed changes. He would like the Town Board to slow the process down. He does not agree with many of the recommended changes, and said the document includes easier septic regulations, longer percolation test rates, no accommodations for wetlands recommendations, overbearing solar restrictions, increased restrictions for backyard farms and horses and does not feel that there is anything good for farms in the new document. He does not want to see Charlton land sold, subdivided and pieced out. He would like to see other options to develop land, giving farmers and land owners a way out, but still retaining pastures and green spaces.

Suzanne Carreker-Voigt – She attended the meeting on Saturday. She is concerned that the ZORC recommendations are not being followed. She does not agree with wetlands in minimum acreage, solar regulations, and change in setbacks. She does not think 2 acre minimum lots should be allowed in rural areas. She would like to see better communications, does not feel website is sufficient tool. Would like to see education of residents as to why changes are being made, and better written ordinances. Would like better enforcement of zoning, rather than "consideration will be given".

Dave Adams – Does not understand the omission of the paragraph regarding special uses which said that the only special uses are the ones in that section. The special uses in the ordinance were put there after considerable thought about balancing the right's of people to do what they want to do against the overall welfare of the people of the Town. To leave out that paragraph opens the door to addition of special uses that might not be appropriate. He recommended that the paragraph be added back in. He would like the Board to take a look at the way the ordinance handles accessory uses of the areas of cell towers as it says that the area should be less than the primary use. He said Ag & Markets says that riding academies and stables are permitted uses, not special uses, and recommends that be listed that way in the ordinance.

Norm McFarlane – He pointed out that the Code requires Manure Management Plan for horses, but it does not give guidance or regulations as to how to do it. He does not agree with raising the violation to \$500. He feels that it is difficult to enforce regulations, and suggested that the Board enforce them equally.

Eileen Stone – Noted the amount of work that has gone into the chicken legislation, and encouraged the Board to continue working on it, even though it has been difficult. She would like the Board to show the public why changes are being made and how they line up with the Comprehensive Plan. She asked if the regulations to increasing acreage for horses, farm stands, relaxing of percolation tests, and 2 acre minimum lots keep Charlton with farms and open space.

Ken Crotty – He would like the Board to explain to the residents, item by item, the reason for the changes. He does not agree with the increase in fines.

Connie Wood – She is concerned with farm stand legislation, feels it would eliminate an Amish family from being able to operate a farm stand. Many of them have potholders and quilts made from cotton that was not grown on their property. It limits people that may have had a bad crop year and need to supplement their income. She feels it is too restrictive. She is also concerned that her farm would be in noncompliance because they keep unlicensed tractors on their property to use for replacement parts.

Adrienne Williams – She is concerned with solar power limitation of 25kwh. She is concerned with farm stand regulations, noted that Bob's Farmstand does not have parking and feels he needs to be protected from this legislation. She is concerned with legislation for unregistered vehicles. She does not feel that 10 days is enough time to correct problems, should be given full 30 days.

Joe DeMartino – Stated he does not like any of the proposed changes. He is currently under contract for solar panels and is concerned with setbacks for solar and does not want the limit of 25 kwh. He does not agree with violation amount. Feels that percolations rates for septic are too lenient, and he is against cell towers. He feels that the comment is too vague that says any activity not listed as an allowed land use in this ordinance is prohibited. He is concerned with spending \$30,000 for a gazebo.

Kevin Stone – He said that the purpose of zoning changes is supposed to be to support the Comprehensive Plan. It is incumbent on the Board to explain how each change is supporting the Comprehensive Plan, and also would like to see an explanation of the declined changes that ZORC made.

David Schweizer – He pointed out not all of Charlton has access to Time Warner, and would like to see that changed for better communications. He suggested using square footage of equipment for calculating solar power, and does not feel it should be defined by wattage production. Suggested that the Board weigh what regulations the Town needs, not what is nice to have. He suggested listening to citizens and avoiding a few loud speakers.

Councilman Grasso asked if anyone else wanted to speak. No one chose to speak.

RESOLUTION #90

Motion to close Public Hearing

Motion by Councilman Grasso

Seconded by Councilman Lippiello

BE IT RESOLVED that the Public Hearing be closed at 8:02 p.m.

VOTE: All Ayes, No Nays, *CARRIED*.

Supervisor Grattidge asked the Board if they wanted to share any input on what was said tonight.

Councilman Lippiello said that there was a lot of good insights and new things that were not brought up in past hearings, and he thinks that the Board needs to consider and take a closer look at.

Councilman Grasso said that he really appreciated the thoughts that people put into their comments tonight. One of the things that he heard tonight was that people want justification for the changes in zoning. He does not feel that the Board could provide the appropriate forum to provide comment and justification for the changes, as he does not think that the Board would know all of the thoughts and opinions that went into the ZORC's recommendations, which took years. He does not think that the Board would get it right, and a lot of people say that you have got to get it right. Since the Town Board took it on, the Board has tried to have a very open and transparent process. The Board has tried not to get into one on one conversations on what changes need to be made. Maybe the Board could have done a better job making people aware of the workshops that took place as early as last summer. He said he has tried to speak to the specific changes on every opportunity they have had. The comments heard tonight are bothersome and it shows that the Board can do better and they will look for opportunities to do better. He also heard tonight that the Board is giving up on things, or that once these changes are made, they are final. The Board agreed when they took on these changes that they would not be final. He said anytime you make this comprehensive of a change to zoning, you don't get everything right. There are things that the Board will continue to look at. There are things like the telecommunications and the solar array laws are totally new. The Board is trying to encourage the use of solar technologies, and they may appear restrictive, but we want to go into it somewhat cautiously. As the Board learns from installations and feedback from the Town and neighbors, expect the Board to make changes to it, to get closer to getting it right. It is very hard to make final decision on zoning. One challenge is that it has to be something that has to be agreed on by the five Board members. Each has deliberated the items individually, and they have to put forth something that they can all agree on. He feels that one of the reasons that Charlton has kept it's rural character is in part because of the zoning that was put in place years ago. He does not see the need to flip the zoning upside down to encourage the rural quality and agricultural practices. He said these are tough decisions, and in summary, he feels comfortable with the draft as drafted. There is no question that there are things that aren't included that he would encourage the Board to take on in the future. The chicken regulation is one example. The Board decided that if there were things that would jeopardize the majority of the changes from moving forward, they would take them aside and deal with them at a later time. The exceptional use permit process also could use some improvement. There were some suggestions regarding the extraction of wetlands from minimum land areas and setbacks to streams and wetlands. The Board has not dismissed these, but will take them on at a later date. The Board is not forgetting them, but did not want to stall the process. The Board did not hear any feedback about the SEQR process. He feels that the documentation is in good shape and he does not feel that any of the changes under consideration would result in significant environmental impacts. There were some specific comments made tonight that he would like to follow up on and Bob said he would like to consider too. They will do that. He does feel comfortable moving forward with the document pretty much as drafted tonight. One comment that did not come up tonight, that came to his attention since the last meeting, was the telecommunications regulations which could restrict ham radio operators from operating or installing new antennas in Town. He had not thought of that previously, so he feels that the Board may want to make some changes to the definition so that there can be ham radio operators in Town. In terms of next steps, the Town Board needs to decide if they want to make any additional changes. He does not expect that there will be another hearing, as he does not feel that the changes that they might make will warrant another hearing. They need to complete the SEQR process. Then they will hopefully move to adopt the zoning amendments and then there would be the rigorous effort of codifying the changes into the zoning

document and publishing it. The Board will continue to learn from it and make sure that it is working the way the Town expects it to do in terms of helping control land use in the Town and supporting the things noted in the Comprehensive Plan.

Supervisor Grattidge said that many of the hot button issues tonight were certainly recommendations that came out of the ZORC. They had been a cross section of a group that represented many aspects of the Town's Boards. The Board has taken their recommendations and is moving forward with it. The paragraph mentioned tonight has been in the zoning book since the first time it was drafted. The horse regulations came out of the Planning Board working with people and finding that they need 5 acres. Trying to recognize smaller farms recognizes the idea that we don't have just 50 acre dairy farms any more, we have smaller farms. That was the idea behind reducing the farm sizes. One thing that we have learned from neighboring Towns is that they try to do this every couple of years so you are not trying to catch up on 15 years.

At 8:15 p.m., Supervisor Grattidge said that the Board would now take a 10 minute recess and then go into the regular Board meeting and that anyone wishing to speak can do so at Privilege of the Floor during the next meeting.

Respectfully Submitted,

Brenda Mills
Town Clerk