

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The meeting was called to order at 7:10 p.m. by Chair Kathy Rundberg followed by the Pledge of Allegiance. Other Board Members in attendance were Joe Caputo, Ann Marie Vadney, Jean Horn, Bob Court, Rob Van Etten and Pat Bruno.

OLD BUSINESS

Patricia Ann Cleveland (f/n/a Patricia Ann Mack) – Minor Subdivision Application

The Public Hearing on this application was held just prior to the start of this meeting. Mrs. Cleveland remained present. Part II of the Short Environmental Assessment Form was gone through during the Public Hearing. The Chair moved to the completion of Part III as follows:

Part 3 – Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3.

Since there is no significant or any impact whatsoever in this instance because it is simply the correcting of a parcel from a non-conforming subdivision, it would be a negative declaration. Resolution presented as follows:

WHEREAS, Patricia Ann Cleveland, formerly known as Patricia Ann Mack, wishing to bring her parcel located at 173 Sunset Hill Road into compliance, submitted a Minor Subdivision Application to the Planning Board at the February 11, 2016, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on March 10, 2016, with members of the Public offering no comment; and

WHEREAS, the Short Environmental Assessment Form was reviewed, now therefore be it

RESOLVED, the Patricia Ann Mack application be granted a negative declaration for purposes of SEQRA; and further

RESOLVED, that the Mack minor subdivision be approved with no conditions.

Moved by: Vadney

Seconded by: Horn

AYES: Rundberg; Caputo; Vadney; Horn; Court; Van Etten; Bruno

NAYS: None

ABSTAINED: None

ABSENT: None

The Chair stamped and signed the map. Mrs. Cleveland was advised she was to file the mylar and two paper copies of the map in the County Clerk's office within 60 days. She was also provided with the Board's green form to be stamped by the County Clerk's office at time of map filing and returned to the Planning Board. Mrs. Rundberg thanked Mrs. Cleveland for coming in to bring her parcel into compliance.

NEW BUSINESS

Lands of Lauren Hallock – Minor Subdivision Application

Minor Subdivision Application, Short Form EAF, copy of deed, \$30 towards application fee and maps had been received prior to the meeting. Present on behalf of the applicant was Attorney Ted Hilscher. Mr. Hallock wishes to divide his 11.74 acres of land located next to Town Hall into parcels of 2.57 and 9.17 acres.

With regard to the application fee for a two-lot subdivision when only one lot is being subdivided off, the policy of considering it two lots has been in effect for many, many years. It

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is viewed as a two-lot because the parent parcel acreage and configuration changes once the new parcel is subdivided off. The Chair directed question to two Town Board Members regarding why considered in this manners and they did not know. They felt opinion should be sought from the Attorney for the Town as to whether it should be \$30 or \$60 going forward.

Mr. Hilscher pointed out with regard to the second lot, Lot #2, in the back, there is a right-of-way along side that goes through the Town Hall parking lot that allows right-of-way to the lot in the back. Question was raised as to whether that right-of-way has always been in the Town Hall deed? It was noted that Mr. Hallock had not left off a copy of the right-of-way easement when bringing in his deed. Mr. Hilscher advised he did not have the Liber and page number for the easement filing nor had Surveyor Charles Hite shown it on his map but it was assumed he had used that document in his survey work. Mr. Hilscher will obtain this information for the Board. Further, Mr. Hallock had told him that sometime around 1993, there was a trade. Details as to why not known but the Town got a little piece of something and Mr. Hallock got a 50-foot right-of-way right along side the parking lot. It is presumed that was recorded and the Town and Mr. Hilscher should have a copy of it, which will be obtained. The Clerk advised when Mr. Hallock brought in his deed, he did have other papers with him including a document bearing former Supervisor David Louis' signature. Mr. Hilscher will obtain a copy of this for the Board to have at the next meeting. It was clarified for the record that that would not have been in Mr. Hallock's most recent deed but would have been a separate document occurring at a later time.

Question was raised as to whether it could interfere with the Town Hall's parking lot. Mr. Hilscher explained the language on the right-of-way says that either party has the use of the right-of-way. You can't build in the right-of-way. It is for egress and ingress so you cannot block it. Mr. Caputo stated that he did not have a problem with it; but for the Board's protection, he would like to see something in writing pertaining to that.

It was clarified that there are no buildings encroaching into the right-of-way and no buildings in the back on Lot #2. There is an old wood road on Lot #2 recently used for logging that took place. All of Mr. Hallock's buildings are shown on the survey and none encroaching into the right-of-way.

In response to question regarding whether Lot #2 would be for sale, Mr. Hilscher responded that he did not believe there was any intent. It is not for sale. Mrs. Rundberg added that she believed the intent was to firm up Mr. Hallock's property lines and to be sure all was in order.

Items received as part of application packet were reviewed. The additional \$30 due was paid and receipt for the \$60 fee provided.

It was moved by Vadney and seconded by Caputo to classify the Hallock application as a minor subdivision.

AYES: Rundberg; Caputo; Vadney; Horn; Court; Van Etten; Bruno

NAYS: None

ABSTAINED: None

ABSENT: None

On Site will be completed by Vadney, Court and Bruno. Public Hearing scheduled for 7 p.m. April 14. Blue sheet explaining Public Hearing certified letter process was provided.

Parcel Lesson

Comment was made that the Hallock property now could not be further subdivided for five years. It was clarified yes, the property can be further subdivided. However, if more than five lots of less than five acres are subdivided out in any consecutive three-year period, then the Realty Subdivision Law kicks in requiring all lots created within that period to have wells and septic systems inspected by the NYS Health Department.

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Subdivided parcels can't be re-combined until a period of at least five years have passed from time of subdivision approval.

MINUTES

It was moved by Vadney and seconded by Caputo to approve the minutes of the February 11, 2016, Smith/Harrison Minor Subdivision Application Public Hearing as presented,

AYES: Rundberg; Caputo; Vadney; Horn; Court; Van Etten; Bruno

NAYS: None

ABSTAINED: None

ABSENT: None

It was moved by Vadney and seconded by Caputo to approve the minutes of the February 11, 2016, Package Pavement Site Plan Application Public Hearing as presented.

AYES: Rundberg; Caputo; Vadney; Horn; Court; Van Etten; Bruno

NAYS: None

ABSTAINED: None

ABSENT: None

CORRESPONDENCE

1. 2/18/2016 239 Response from Greene Co. Planning, re: Package Pavement Site Plan Application
2. From Ruth Pierpont, Deputy Commissioner for Historic Preservation, NYPRHP, 3/7/16 letter, re: Stanton Hill Cemetery.

It was noted that the cemetery has been approved for the State Register of Historic Places and application is now being sent to Washington for consideration on the National Register of Historic Places.

3. Green form return for Smith/Harrison Minor Subdivision Map Filing
4. Building Permit Applications for: 4 Rooftop Mounted Solar Panels, 1 Tasting Area; 1 Home Addition; 1 Pole Barn

With regard to the tasting area application, it was noted this was for the cover over tasting area at the brewery located on East Honey Hollow Road.

5. From Assessor Bennett, copy of Greene Co. Real Property January, 2016 Transfer Report

Solar Farms

The Clerk reminded the Board that they had all received information on a forthcoming solar training session for municipalities. There is at least one solar company currently contacting a lot of the larger property owners in Town looking for sites to establish solar farms. These solar farms are going to be coming very quickly. Question was raised what is the Town's stance on these and how will the Town handle them? It was pointed out it would be up to the Town Board since they are the policy makers of the Town. Currently, it would appear the process would have to be for a Building Permit Application to be submitted, denied by CEO with referral to ZBA and then Site Plan and perhaps even Special Use Permit. These farms could cover 12 to 15 acres; require subdivision since the solar company would be paying the taxes on them. There could easily be a million dollars of equipment located at one of these solar farms.

Ms. Vadney commented I think the real question is a decision from the Town Board as to whether or not they support, as a community, the development of these sites; and if so, do we want an applicant jumping through all the hoops as currently would be necessary or do we want to encourage them into our community and design a process for that?

It was noted that the County is supporting these farms and that perhaps the County should be sharing their information to make it easier for the Towns.

Ms. Vadney further questioned if the assessment rolls will be enhanced, how does the Town want to promote or not promote these? We have a lot of land in our Town and we should be upfront and get it out there before people start coming to the Board.

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Mrs. Rundberg pointed out that it really wasn't the position of the Town Board to promote anything. The Board can enact the necessary legislation so the Town is prepared. Mr. Caputo pointed out no matter what, there will be hoops to jump through, discussion, aggravation and problems as when the first tower in Town when in up on Haas Hill many years ago.

There is nothing the Planning Board can do at the present time other than for members to educate themselves. It was further noted that some Towns currently have moratoriums in place on these farms.

Adjournment

At 7:50 p.m., it was moved by Caputo and seconded by Horn to adjourn the meeting.

AYES: 7 NAYS: 0 ABSTAINED: 0 ABSENT: 0

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