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TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The meeting was called to order at 7:00 p.m. by Chair Kathy Rundberg followed by the Pledge of Allegiance. Other Board Members in attendance were Jean Horn, Rob Van Etten, Ann Marie Vadney, Bob Court and Pat Bruno. Joseph Caputo was absent due to work. Also in attendance were Councilmen Chuck Irving and Jeff Ruso.

NEW BUSINESS

Lands of Jay F. & Corina J. Skidmore – Minor Subdivision Application for Lot Line Adjustment with Frederick & Phyllis Ingraham

Minor Subdivision Application had been received, denied by Planning Board and referred to Zoning Board of Appeals since acreage involved was less than two acres. (See 6/9/2016 Minutes). Copy of notarized Agent's Authorization Form for Frederick Ingraham to represent the Skidmore's, copy of the Skidmore's deed, Frederick & Phyllis Ingraham's deed and Short EAF had been received. Minor Subdivision fee of \$60.00 was charged and paid during meeting since a Lot Line Adjustment fee has not yet been established by Town Board. Application intent is to subdivide .10 of an acre from the Skidmore parcel to be added to the Ingraham parcel. Mr. Ingraham was present.

Intended Use of Property: Lot Line adjustment with neighbor.
Location of Property is: 1365 Acquetuck Road

Mrs. Rundberg questioned if the Board was going to go through everything for the lot line adjustment? It was noted that this application was started prior to the passing of the lot line adjustment legislation and therefore it was to be completed by the old process. Ms. Vadney commented that she thought once this was approved, we could. Mr. Van Etten pointed out that he could back out of it and just do the form. Mr. Ingraham questioned and start all over again? Mrs. Rundberg pointed out that he had gone to the ZBA and we have the ZBA's approval. That would not make that that clean. We should continue as the ZBA did. Mr. Van Etten responded but that is up to Fred because according to the new law all he has to do is fill out the new form for the assessment of it. Mrs. Rundberg then pointed out but we started this before the new law. Mr. Van Etten commented that we will then have to have a Public Hearing on it. Mrs. Rundberg responded that she could waive the Public Hearing if she didn't feel it was necessary. The \$60 is a definite in response to Ms. Horn's question of whether he would still have to pay the \$60. Ms. Rundberg and the Clerk both advised that the Supervisor had said that this should be finished as it was started (i.e. via the subdivision process). Ms. Vadney questioned the Supervisor said that and that she had an issue with that. The Clerk responded if she had an issue with that, she would need to take it up with the Supervisor. She was just following his direction. Mr. Van Etten questioned when he said that. Ms. Vadney continued that it was her understanding that Tal had sent a memo saying that once this was approved by the Board, we could adhere to it whether or not it was in process or not.

Mrs. Rundberg continued let's start with this. I have already said that I can say that we don't have to have a Public Hearing. If we go forward with the subdivision without a Public Hearing, we are doing the same thing as what you want to do, so let's get Fred out of here. Ms. Vadney responded, Kathy we are with you and Mr. Van Etten responded he didn't want to see Mr. Ingraham have to go through another Public Hearing.

Ms. Rundberg continued reviewing the application. **Bounding property owners and directly across the road** are Brennan, Tank/DiBartolomeo; Ingraham, Tydryn/Langer; Norris and Dragon. **Licensed Surveyor** is Charles Hite. There are no delinquent **taxes**. There was no one present in the audience wishing to comment. The Clerk, also the Clerk for the ZBA, advised for the record that there were no members of the Public present for the Area Variance ZBA Public Hearing.

Mr. Ingraham had filled out Part 1 of the Short Environmental Assessment Form; Mrs. Rundberg moved right to the Part 2 and went through it as follows:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning Regulations?*- **NO**
2. *Will the proposed action result in a change in the use or intensity of use of land?* - **NO**
3. *Will the proposed action impair the character or quality of the existing community?*- **NO**

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4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? - **NO**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? - **NO**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? - **NO**
7. Will the proposed action impact existing:
 - a. public/private water supplies? - **NO**
 - b. public/private wastewater treatment utilities? - **NO**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? - **NO**
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)? - **NO**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? - **NO**
11. Will the proposed action create a hazard to environmental resources or human health? - **NO**

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 [of which we have none] there is a need to explain why and we skip right on down to the bottom because we had none.

Check this Box if you have determined based on the information analysis above and any supporting documentation that the proposed action may result in one or more potentially large or significant adverse environmental impacts. We then jump down to the next box because we have none.

Check this box if you have determined based on the information and analysis above and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

Mrs. Rundberg continued that she was making the determination of a negative declaration as Planning Board Chair.

It was moved by Vadney and seconded by Horn **to approve the negative declaration for the lot line adjustment/subdivision pending approval of further resolution on the Planning Board's part.**

AYES: Rundberg, Horn, Van Etten, Vadney, Court, Bruno

NAYS: None

ABSTAINED: None

ABSENT: Caputo

Mrs. Rundberg further advised that she was approving/signing the Minor Subdivision Application since we do not yet have a Lot Line Adjustment Application.

ZBA resolution granting the Area Variance allowing this lot line adjustment to proceed to the Planning Board for approval consideration was read into the record as follows:

WHEREAS, Jay F. & Corina J. Skidmore of 1365 Acquetuck Road, Ravena, Parcel Tax Map 6.00-2-19, wishing to complete a .10 acre lot line adjustment with neighboring property owned by Frederick & Phyllis Ingraham located at 1373 Acquetuck Road, bearing Tax Map Number 6.00-2-18, had submitted an Area Variance Application at the July 6, 2016, Zoning Board of Appeals Meeting; and

WHEREAS, a Public Hearing, having been duly published in THE DAILY MAIL, was held on said application at the New Baltimore Town Hall on August 3, 2016, with members of the public offering no comment; and

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WHEREAS, after discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its August 3, 2016, Regular Monthly Meeting, it was

RESOLVED, that this action be granted a negative declaration for the purpose of SEQRA; and be it further

RESOLVED, that the application for an Area Variance is hereby granted with no conditions.

Moved by Linger;
Seconded by Eckl

Ayes: Linger, Eckl, Albano, Meredith Nays: None Abstained: None Absent: Greene

Resolution Granting Town of New Baltimore Planning Board Minor Subdivision Approval

WHEREAS, the parties mentioned before us, Jay F. and Corina J. Skidmore represented by their Authorized Agent, Frederick Ingraham, are seeking minor subdivision approval for a lot line adjustment between their property and that of Frederick & Phyllis Ingraham; and

WHEREAS, at time of minor subdivision application submission, there was not yet a Lot Line Adjustment Law as part of the Code of the Town of New Baltimore; and

WHEREAS, Kathy Rundberg, as Planning Board Chair, has gone forth with the agreeance of the Planning Board Members, to waive required Public Hearing on the Minor Subdivision Application and with the knowledge that no one from the public was present or any public comment offered at the Town of New Baltimore Zoning Board of Appeals Area Variance Application Public Hearing on August 3, 2016; and

WHEREAS, after discussion by members of the Town Planning Board at its August 11, 2016, Regular Monthly Meeting, it is

RESOLVED, that the application for a Minor Subdivision is hereby granted, with no conditions, to allow the lot line adjustment between the Skidmore and Ingraham properties to proceed as would have been handled under the new Lot Line Adjustment Legislation just in effect.

Moved by: Vadney
Seconded by: Horn

Ayes: Rundberg, Vadney, Horn, Court, Van Etten, Bruno
Nays: None
Abstained: None
Absent: Caputo

Mr. Ingraham was advised the next step will be the map, about which Surveyor Charles Hite also has questions. A subdivision map will be needed in this instance since the lot line adjustment is being treated as a subdivision. Map should reflect Planning Board approval box and other normal information included for a subdivision. The Clerk advised that Mr. Hite was questioning what the Board would want to see on the map in addition to the piece that is being transferred. Mrs. Rundberg suggested that the approval box should be a bit larger than normal for approval comments. The Clerk suggested that the comments Mrs. Rundberg wanted to see on map be e-mailed to Mr. Hite and downloaded right on the map. Comment to read as follows:

Per decision at August 11, 2016, Planning Board Meeting, this lot line adjustment to allow transfer of .10 acres from Parcel with ID#6.00-2-19 to Parcel with ID #6.00-2-18 was handled and approved as a minor subdivision. Public Hearing was waived due to no public comment at August 3, 2016, Zoning Board of Appeals Public Hearing for required Variance to allow for this transfer to take place.

Mr. Ingraham was advised upon receipt of the maps, she would come in, stamp and sign them. He would then have 60 days, since this was completed as a subdivision, to file them in the County Clerk's office

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rather than the 30 days spelled out in the new Lot Line Adjustment legislation.

The Clerk pointed out, and the Chair agreed, that there will have to be a special letter or another color form that goes with the maps for filing in County Clerk's Office when a lot line adjustment because of the 30-day filing requirement as spelled out in the new legislation versus the 60 days allowed for filing subdivision maps. Mrs. Rundberg further commented that the Town Board might want to consider adjusting it to make it 60 days. Ms. Vadney pointed out that it does say in the law that the Planning Board can modify that 30 days. She further pointed out that the Planning Board had suggested, when reviewing the proposed law that it be 60 days, the same as for subdivisions, but that the Town Board had not done that.

The Board briefly recessed their discussion on lot line adjustments to finish discussion with Mr. Ingraham. He was advised if Mr. Hite had any questions to have him contact the Board. The Planning Board wording for the map would be e-mailed to Mr. Hite tomorrow. Mr. Ingraham thanked the Board.

In response to question from Mr. Court and Ms. Vadney regarding ZBA Public Hearing process, the Clerk advised it is the same as for the Planning Board. Certified letters are sent. No one came to the ZBA Public Hearing or sent comment. Mrs. Rundberg clarified that it is right in the Town Law, that she as Planning Board Chair, has the right to waive a Public Hearing. Comment was made that it would be nice if the two Boards, Planning and ZBA, could arrange a night for just one Public Hearing when an applicant needs to go before both Boards. Mrs. Rundberg advised that she had made the request in the past but it does not happen. The Clerk pointed out in many instances, the ZBA is only dealing with one aspect of an application, the Planning Board is dealing with everything else (i.e. ZBA dealing with a height variance for building height and the Planning Board everything else). In this instance, it would have been possible to combine all into one Hearing.

Minutes

It was moved by Vadney and seconded by Court to approve the minutes of the June 9, 2016, Regular Monthly Meeting as presented.

AYES: Horn, Van Etten, Vadney, Court, Bruno

NAYS: None

ABSTAINED: Rundberg (not present at June meeting)

ABSENT: Caputo

Correspondence

1. 6/20/2016 letter from Attorney Michael J. Biscone, re: Bristol Manor/William B. Brandt

It was noted this was correspondence received prior to July meeting but a July meeting not held since there was no business to come before the Board. He had initially asked to be put on the July 14 agenda. However, the CEO is just finishing review of the plans submitted and will provide his comments in the very near future to the Planning Board.

2. 7/13/2016 Notice of Plat Filings from Greene County Economic Development, Tourism & Planning - (Mack & Hallock Maps)
3. 7/13/2016 Memo from Greene County Economic Development, Tourism & Planning, re: Ellen Rettus Planning Achievement Awards
4. Copy of ZBA Chair Pat Linger's 8/9/2016 letter to Frederick Ingraham, re: Jay F. & Corina J. Skidmore
5. From Iroquois Gas Transmission System, 6/28/2016 memo, re: Guidelines for Landowners, Developers and Contractors.
6. Building Permit Applications: 1 carport; 1 ground mount solar system; 1 home addition; 2 roof mounted solar system; 2 manufactured homes; 1 pole barn; 1 replacement sign; 1 replacement of side steps with deck addition; 1 garage; 1 home renovations; 2 decks; 1 deck replacement; 1 septic tank replacement; 1 foundation repair; 1 shed; 1 carport replacement.

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7. Demolition Permit Applications: 2

8. From Assessor Bennett, copy of May and June, 2016, Greene County Real Property Tax Service Transfer Reports.

Public Comment

Eleanor Alfeld asked for explanation with regard to #5 under Correspondence. The Guidelines were offered for her review. It was emphasized it was just their General Guidelines and did not pertain to any specific project in New Baltimore or elsewhere.

Lot Line Adjustment Discussion (Cont'd)

Ms. Vadney asked to clarify with regard to the 30 days in the Lot Line Adjustment Legislation, the Planning Board has to approve it upon request from the grantor or the adjacent landowners if they want to extend that. She did not want a misinterpretation of what she had said earlier. It is a 30-day requirement for them to submit to Greene County versus 60 days for a regular subdivision; but they have to request it and then the Planning Board has to approve it.

Further with regard to the Lot Line Adjustment Legislation, Mr. Court pointed out in 4F, it says:

Unless a Variance is granted, an altered lot line shall not be approved where such conveyance would cause a parcel to fail to meet the minimum lot size or setbacks required by any Town of New Baltimore local law or regulation.

He then questioned does that mean this gentleman here tonight would still have had to go to the ZBA for the Variance? Nothing was changed? Mrs. Rundberg responded we are not sending them to the ZBA; Mr. Court responded according to this, we have to. We have to deny them. Ms. Vadney pointed out it was easier for Mr. Ingraham tonight than if we had gone to the Lot Line Adjustment process. If you read our Lot Line Adjustment Law, he would have had to provide deeds, etc. Mrs. Rundberg responded in our Town Law, the Planning Board Chair has the right to waive.

Discussion continued with regard to F. and whether the word "Variance" in first line meant Variance or Lot Line adjustment. Caution was expressed that one had to be careful how they read this paragraph particularly in regard to "would cause parcel to fail to meet minimum lot size". Interpretation of this by the Clerk was that if a lot line adjustment was taking a parcel below the minimum size allowed, it would then have to go to ZBA for a Variance. The Planning Board could not approve it without the Variance having been granted.

Ms. Vadney pointed out it was discussed before this Legislation was approved, the fact that we have many people coming in here with lots that are not Code compliant because they are grandfathered in. The application tonight is a good example because there were two lots that were non-conforming. A deed adjustment was requested to modify those two non-conforming lots. Ms. Vadney continued that she did not feel he needed to get a Variance because he was already grandfathered in with those lots and they are still going to be the same non-conforming lots. If you walk that through, you come in with two non-conforming lots or one non-conforming lot and you are having a lot line adjustment. You will still end up with two non-conforming lots. The Clerk pointed out but they will be different sized. Ms. Vadney continued but that does not matter. Mr. Court advised you could come in with two non-conformings and end up with one conforming and one not. Ms. Vadney then questioned either way, does that mean you have to go to the ZBA? Mr. Van Etten explained I believe what this says is if you have a conforming lot and you change it into a non-conforming lot, then you need a Variance. Ms. Vadney continued but with my example, he would not have had to go to the ZBA. She was told that she was correct.

Mrs. Rundberg continued that her question to the Town Board would have been why only one acre and not less than two? If a person has 1.3 or 1.5, then they are going to have to get a Variance from the ZBA as well as going to the Planning Board. Our Subdivision law is two acres so it should not have stopped at one. In Mrs. Rundberg's opinion, it should have been anything under two since it covers the whole Town. It was pointed out but it is not two acres in all Districts of the Town. It is different in the Hamlet and in one other District in the Town. Question was raised as to how long there has been the two-acre

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requirement and noted since Zoning came in in 1978. Mrs. Rundberg continued anything under two and then emphasized she was not trying to encourage people because as a Planning Board member she did not like lot line adjustments but it is clean. It is done. Let's get them done and out of here.

Ms. Horn questioned even though this has been voted on, could that be changed? She was told that it could be but that there would have to be another Public Hearing on it. We don't have to do SEQR or a Public Hearing; and then noted, the Planning Board has the option of having a Public Hearing if felt it would be best. Ms. Vadney pointed out we thought we would be expediting the process for people and making it easier; but in taking another look at this, we are requiring more information, maps and deeds with this than we do for a subdivision and this has been brought to everyone's attention.

Mrs. Rundberg continued that it really should read a "survey" and not a "map". She felt they meant a "survey" but used the word "map". The Clerk pointed out having worked for the Planning Board for a long time, a "map" could be interpreted as a hand drawn map that could come in drawn on a brown paper bag. Town resident Ellie Alfeld pointed out by having a survey and a survey map, you have concrete proof of what you are supposed to be seeing. The Clerk further pointed out and it needs to be a "field" survey since there is also such a thing as a "deed" survey.

Ms. Vadney continued that she was very concerned about giving this to the Public and then having them come to us. She felt the Board needed to write down some of the issues for clarification. Mrs. Rundberg responded that it would be right in our minutes which the Town Board will read. Ms. Vadney continued this is the only thing we have to hand to people right now, referring to the Lot Line Adjustment Legislation. Mrs. Rundberg responded there will be an application and we will have a checklist for us. Ms. Vadney continued and we can waive whatever we want. Mrs. Rundberg clarified it is not "we" and we don't as a rule waive anything at the Planning Board. She only remembered waiving one Public Hearing on a Site Plan Review.

Ms. Vadney continued the intent of this law is to expedite, make it easier, be in and out. Mrs. Rundberg continued but it is because it is at our discretion, my discretion; and if they have their survey map with them, they pay their fee and we jump through all the hoops that are necessary, I can sign their maps and they can go and have everything filed. Ms. Vadney continued I am only trying to say "what are our responsibilities". Mrs. Rundberg responded that she knew her responsibilities. Ms. Vadney responded that she wasn't saying that Mrs. Rundberg didn't know her responsibilities and to stop being defensive. Ms. Vadney continued the deed, you have a deed for the one owner, you have to provide the deed for the other owner; this is more information. Mrs. Rundberg pointed out that there were two property owners involved. Ms. Vadney continued in a subdivision, they do not provide the other person's deed to the Planning Board. Mrs. Rundberg added because it is not two property owners; it is just one property owner that is doing the subdivision, not two. Ms. Vadney continued but there have subdivisions come before us with lot line revisions, adjustments and they have one owner or sometimes they have two owners. Is that correct or not correct? The Clerk added you are thinking of the recent Turan subdivision?

Mr. Van Etten questioned are you talking parcels or owners? Mrs. Rundberg responded that she felt the Planning Board Members should take the law home, read it about ten times, write down their comments and submit them not only to the Town Board but to the Planning Board as well. The Clerk pointed out it says they are to come in with their survey map and their deed(s) right then and there. She questioned what if they come in with that survey map and the Planning Board finds that this lot line adjustment that they are wanting to do is not going to fly for some reason and there are the deeds drawn up? So really, shouldn't they be bringing in the map before the deeds are drawn up? It could result in additional expense for the property owner. Ms. Vadney continued with regard to the checklists, it is going to be a little different than what we are used to, as well as what the citizens are used to. It was noted that there will be new checklists required for not only lot line adjustment but solar as well and yet a different checklist (instruction sheet) to go with the Lot Line Adjustment Application. Mrs. Rundberg pointed out this is a new law. We have to digest it slowly and there are always situations that change. We haven't had a normal subdivision in a long time; there is always something that is odd.

Councilman Irving commented when you have a subdivision with multiple owners there is usually only one attorney involved. Mrs. Rundberg responded not always, most often it is just the property owner(s) and sometimes it is the surveyor representing the property owner(s) or an authorized representative. He then questioned how often do you see multiple owners and was informed it is a lot. With regard to the

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Turan property, it included subdivision, lot line adjustments and multiple property owners. Also, when trusts are involved and/or the property owner has passed away, there can be multiple owners. Mr. Irving commented that guidelines needed to be put together and he would be happy to work with the Board.

He continued that he had feedback from throughout the community that there were problems going through the Planning Board. Mrs. Rundberg questioned they have had problems? She pointed out there is a slow down if the Planning Board has to send them to the Zoning Board of Appeals for a Variance before they can proceed before Planning Board. Mr. Irving continued it is something he has heard throughout the community and he didn't know if there was merit to it or not. Some people just like to complain. Town resident, Ellie Alfeld, pointed out some people don't like to be delayed between the application and the public hearing and then coming back.

It was noted that is the thing we are afraid of, "the coming back". We have to do it right. The Clerk pointed out well, they have to come at least twice. It was added three times, if they have to bring their maps in; but the third time is not necessarily back before the Board. Mr. Irving continued with the new lot line, we will have to come up with some guidelines. Mrs. Rundberg responded as we use this, we will find areas where it may need improvement or tweaking maybe. Mr. Irving continued we don't want to tweak it too much. We want to get it resolved in a short time. Mrs. Rundberg responded that she understood they would not want to keep touching it. She was in agreement with that but you keep coming up with different situations.

With regard to a Lot Line Adjustment Application, the Clerk advised she had some good samples, had spoken with the Supervisor and the Chair and she would be working on the draft of an application.

Bristol Manor Discussion

In response to Mrs. Rundberg's question as to whether there were any more questions or concerns, Jeff Ruso came forward and emphasized he was speaking as a Town resident for public comment, not as a Town Board Member, with a level of experience and wanted to offer some to the Board and to Mr. Biscone in terms of this Bristol Manor. I can remember it being on, off, who knows what, who knows when. It has to be ten years or something to that effect. That project seems to be...I don't know what is going on. Mrs. Rundberg responded that it has to be seven or eight years. Mr. Ruso questioned what can I offer to you as individuals or Board Members and/or to Mr. Biscone. I have been operating that kind of organization. Mrs. Rundberg responded that he was speaking to the wrong person since it was currently with the Building Department, not before the Planning Board but that the Board would be glad to hear what his input was. Mr. Ruso continued any advice possible, I have been running these kind of facilities. I have been a licensed operator since 1992 and I didn't start out at the top.

I have been before Planning Boards in the Town of Harpersfield, East Greenbush for a unit and I know there was one other so if you folks have any operational questions or this guy, I will be glad to answer them. Mr. Ruso emphasized I have no vested interest in them. I have never met Mr. Brandt. I met Mr. Biscone only once or twice. It was pointed out that it is the matter of the application, he hasn't gotten to the stage of a complete application. Mr. Ruso continued all I know is that this is taking forever and I was going to offer help to anyone so this thing can get going or it will set for however many more years. Mrs. Rundberg responded it is not due to us and Mr. Ruso responded that he wasn't suggesting it. He was just passing the information on. He clarified if I can be of help, I want to be of help. I am not laying blame. I do not know the details of who has or hasn't done, who hasn't filled out what forms; I just know it is taking forever. Mrs. Rundberg suggested that he come to a meeting when he is here and Mr. Ruso responded that he thought he would be present at this meeting and he would suggest the same thing to him. I am just looking to see we need to fish or cut bait with this. When I say "we" I am talking about him, get it going, get it going at your end and everybody else's. I continue to see Bristol Manor on the agenda. Mrs. Rundberg responded that it was her dream to see it done by the end of 2016. Also, as an operator, I do not understand some of the things going on at that end. I go in to a Town Board/Planning Board/Zoning Board in those various communities. I think Town of Ghent was another one I failed to mention. We are serious about our business and we are serious about getting it operational. Mrs. Rundberg responded we would love to have one in our Town. Mr. Ruso continued if it took more than three visits to the Town, whichever Board it might be, we would be yelling and screaming, come on, let's go.

Mrs. Rundberg questioned if Councilman Irving was on the Board when he last came. Mr. Irving

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responded that he came once and wasn't well prepared. Mr. Ruso continued all I wanted to say to him and to anyone else as individuals if you have any questions about the operations of one of these things, I am not a planner, an engineer, a surveyor. I am none of those things. Operational, I know it backwards and forwards. Comment was again made that we would love to see the facility in the Town. Mr. Ruso responded not you guys but there are a lot of people who do not want it. I know that. It was then noted that was not from anybody here.

Ms. Horn responded if the owner really wanted it up, I think it would be up. Ms. Vadney questioned the status. Mrs. Rundberg responded Steve has finished up reviewing the site plan as to all the technicalities on a site plan as Bob and Rob would know. He will give his comments to us very soon and to Mr. Biscone and then those items have to be addressed for Mr. Biscone to come before us. Mr. Van Etten questioned if he had submitted an application. Mrs. Rundberg responded it is considered a Site Plan Application. Mr. Van Etten questioned how long? Mrs. Rundberg responded [period of time not understood; Mr. Ruso speaking at same time] but he is the only Code Enforcer for the Town.

Ms. Vadney commented as a Planning Board Member, I would like to say something. So we are waiting for Steve because I don't want anyone to say it is the Planning Board. Mrs. Rundberg continued and I communicated with him yesterday in regards to the Site Plan and I will receive his comments on the Site Plan very soon. Mr. Ruso questioned so does that mean the guy has submitted his stuff and it is in someone else's hands?

The Clerk asked to be recognized and commented having been here since this started back in 2006 or whenever it was, the basic problem is they would come. They would do a little bit of work and then they would disappear for six months. Mrs. Rundberg added longer. The Clerk continued and then they would come back again, do a little bit and then they were gone again. Mrs. Rundberg added we gave him a letter with 13 items. Each item was written out for him. Mr. Ruso responded that he had heard about that. Ms. Vadney continued so now the status is, is that plan, the whole site plan building there, everything there has been modified because of the Code changes and that is what Steve is reviewing? Mrs. Rundberg responded that he is reviewing the structure and all that, all the Codes, fire, size of rooms, where the bathroom is, venting, plumbing, parking, etc.

Ms. Vadney continued my question is after the complete Site Plan. Okay, he has a complete Site Plan but my question now is that. Mrs. Rundberg interrupted and said you can't say it is complete until we say it is complete. Ms. Vadney continued he has completed a Site Plan to the Planning Board and that Site Plan, even with our review, I am questioning why they have not come before us or did you tell him not to because even our review can be going on simultaneously when they come before us. Mrs. Rundberg responded I didn't tell them not to come. Ms. Vadney responded I am not saying you did Kathy. I am trying to understand why we are waiting. Mr. Van Etten added why we are waiting for Steve is what you are saying? Ms. Vadney continued why are we waiting for Steve, plus can't we be processing this simultaneously? Mrs. Rundberg responded if he had the 13 items. He still hasn't responded even to my letters.

Ms. Vadney continued then this is a whole new Site Plan. It is my understanding. Am I correct? Mrs. Rundberg responded, no, it is not. It is the same Site Plan it was six years ago. It has been modified a little bit. Ms. Vadney continued then it is not the same Site Plan as six years ago if it has been modified which it may incorporate the items in the letter. It was noted that it would not. [Everyone spoke at once.] Ms. Vadney continued my only question is it doesn't look like it is hung up in the Town of New Baltimore's ball court and I am not saying that it is. What I am saying is they were going to come before us and Michael Biscone had an illness. So now my issue to protect us, bottom line Town of New Baltimore, is are they coming before us or are they waiting for Steve's comments. Mrs. Rundberg responded why don't you ask Michael what he is waiting for. How would I know what he is waiting for. Ms. Vadney continued that is what my question is.

The Clerk clarified. There are two laundry lists. There is the laundry list that CEO Pebler put together last fall when he looked at the Plan and then there is our laundry list. There are two separate laundry lists. He could have been coming with our laundry list, working on that, while Steve was working on the other but he didn't. Mr. Van Etten commented so we haven't dropped the ball. Mrs. Rundberg emphasized we have not.

Mr. Court pointed out he came in once with a set of plans that were not conforming with our Codes today,

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so he had to re-write everything there. The parking was wrong, the lot coverage was wrong. Mrs. Rundberg continued we gave him a list, but it was not our fault that he had to start over; it was because of Codes, State Codes, Health Codes, DEC, DOT. Ms. Horn added and with how long it has been happening, the process, it has changed since it started.

Mr. Ruso emphasized I did not come before you to suggest any fault. I was just coming before you to suggest...Mrs. Rundberg commented well Rob doesn't know either and neither does Pat, you haven't experienced this at all yet. There may be negative comments out there but it certainly is not the Planning Board. Mr. Ruso commented I think someone else said it, Chuck said no matter where you go there is a negative comment. Mr. Irving commented I did not come to try to find fault either but there is fault. Mr. Irving added it is not the Planning Board but it is the circumstances that is making this lengthier than it should be and it needs to be addressed.

Mr. Irving added and we are not going to solve it tonight. Ms. Vadney commented we don't know if he even incorporated any of these items. Ms. Horn added unless he comes here, we don't know. Mrs. Rundberg advised the Board when she became Chair, she sat and went through the entire large file and made a list for him, which she should not have had to do. He should have had it. It was noted for the record that he decided to cancel coming in July due to illness in his family. Mr. Court pointed out we could not even determine what it was—was it assisted living or was it senior living. That was our last meeting when he wasn't even sure. The Clerk pointed out that CEO Mantor has raised the question which is it because both have been mentioned in material that he has reviewed.

Ms. Vadney continued Jeff will understand this. They have all the facilities for like a skilled nursing. Mrs. Rundberg responded no, it is senior housing. Then all of a sudden he wanted it to be a nursing home. It was noted not a skilled nursing home. Ms. Vadney continued but it can be because he has the dining room, the kitchen. So he started out with the one, a more supervised type of setting and then he is going to this and saying he is going to incorporate the requirements for the more restrictive in case down the road he wants to do it. Well, he has to do one or the other. Mrs. Rundberg pointed out there is a whole lot of different stuff. For some reason they think they can come in with the extra kitchen and all that extra. They don't want to do all the requirements except the ones that they want to do to make it a skilled nursing. Noted more restrictive. Mrs. Rundberg pointed out so then he jumps back to the other again.

Mr. Ruso pointed out to the Board Members it cannot be a skilled nursing facility. There is only one skilled nursing facility right now under construction in the entire State and that is in Delhi, NY. There is not going to be one in Greene County on top of what is already here. Assisted living, yes. Senior housing, yes. Floor plans are not terribly different and can be easily altered. How you bill and what the level of services is. Ms. Horn added or the size of the rooms, if it is senior living it is an apartment; if it is assisted living, it is basically a room. Mr. Court pointed out we didn't have senior living in our Code, it says multi-family. He couldn't put that many residents on that small piece of property if he wants to call it senior. He knew that and that is why he changed it to assisted living so he could get all those units put in there.

The Clerk advised for point of clarification. In the minutes all along, it was assisted living. Then he went to senior housing and then back to assisted living. Skilled, the only mention he made of anything skilled was he had the kitchen and dining room facilities at the one end in case at some point in the future they were able to put a dementia unit. Mr. Ruso pointed out I think the onus is clearly on them. They weren't clear on what they were talking about and that is why I was offering because maybe they don't know what they are talking about. It was further noted there is a standard floor plan for assisted living facilities. A number of these facilities, The Atrium, are located in the Albany area, all with the same floor plan..

It was noted possibly an Engineer should be coming in to handle the project. Back early in this project, Dr. Gertzberg's engineer or builder came in, handled the Site Plan process for Dr. Gertzberg's new dental office; and in a matter of three months, the approval process was completed and the office being built. On other projects, it has been the Engineers as well and they have moved right along.

Mr. Irving emphasized the Town of New Baltimore is business friendly and we are going to be professional and they need to be professional too when applying for things. That is the message we are going to give out as a Town. It was noted that Package Pavement was just before us and they did not

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have a problem. It was further noted that the project has been talked about for so long that people no longer believe it is coming and further felt that is part of the negative comment being heard. There were even a couple of special meetings to help move it along. Mrs. Rundberg added and she would welcome holding more Work Meetings to help this move along. Mr. Ruso apologized for opening the can of worms. He did not mean it from that respect. He just meant to say what can I do to help? Mrs. Rundberg again emphasized that you are asking the wrong people.

It was noted they went so long in between appearances, that rules and regulations have changed. DEC came out with new regulations with regard to SWPPP which sent them back to the drawing board on that plan; and further noted that erroneous information had apparently been provided to more than one State agency that all Town approval had been received. Upon these agencies checking with the Town, they have learned otherwise, including DEC then requiring that they abide by the new SWPPP Regulations.

In summation, Mrs. Rundberg again emphasized we are business friendly. The Planning Board, not just the Chair, has spent hours and hours on this project in meetings and the Clerk as well has spent many hours on minutes.

Adjournment

At 8:15 p.m., it was moved by Vadney and seconded by Rundberg to adjourn the meeting.

Ayes: 6 Nays: 0 Abstained: 1 Absent: 1

Respectfully Submitted,
Marjorie Loux, Clerk