

**COUNTY OF GREENE
TOWN OF NEW BALTIMORE
PUBLIC HEARING ON LOCAL LAW 5 OF 2008 REGARDING SUBDIVISION
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Supervisor called the public hearing on the proposed Local Law 5 of 2008 to order at 7:00 p.m. and followed with the Pledge of Allegiance. Present were: Councilwoman McKeon, Councilmen Kuenster, Norris and Byas, Town Clerk Brooks, and 68 members of the public.

Supervisor Louis stated the purpose of the meeting was to hear all present regarding the proposed Local Law 5 of 2008, a local law enacting revised subdivision regulations. This public hearing will be adjourned and will pick up on Wednesday night at 7:00 p.m. for those who may not have been able to make tonight's hearing. Comments on zoning revisions will be held until the zoning public hearing, that will begin at 7:30 p.m. or when this hearing adjourned, whichever is later. The procedure, with each public hearing, will be to sign-up to speak in the back, and so there is a record of each person, individuals will come up to the podium and address the Board. The conservation subdivision features are in the Local Law 4 of 2008, in the hearing that will begin at 7:30p.m.

Ellie Alfeld : I have brought the subject up before the Town Board concerning this and I'm very adamant. I'm mostly concerned with the development on Route 9W at the Greene County/Albany County line, which I believe you have designated for multiple housing possibilities.

David Louis: Under zoning. We're dealing with subdivision right now.

Ellie Alfeld: What I'm trying to say is, when I signed up I happened to be the first one or one of the first ones and so we went in order.

David Louis: Are you saying you'd like to speak on zoning? I can make sure you're first on zoning.

Ellie Alfeld: That's what I would like.

David Louis : That's fine.

Nils Backlund: I signed up to speak because I wanted to preserve my right to speak. I'd like to know what brought us to this point? What prompted us to bring these two documents before this group of people tonight and what's the Board's desire? What are you trying to do with this?

David Louis: The basis for both of these local laws is in the updated Comprehensive Plan of the Town of New Baltimore. The intent of both of these local laws is to follow through on the vision, goals and strategies that are outlined in the updated Town of New Baltimore Comprehensive Plan.

Bob Turan: I'm a resident of New Baltimore for approximately 50 years. I have some property, a fairly large piece, about 150 acres, so I guess you'd consider me one of the larger property owners that could be affected by this subdivision regulation. I've also participated in the Citizens' Planning Advisory Group in trying to put together the vision statement for the Town of New Baltimore, worked to send out the survey to find out the kind of development that people wanted. I think that this new subdivision ordinance captures what we were trying to do with the Comprehensive Plan and I think it's something that a lot of people have worked very hard to get us to this stage. There've been multiple meetings. I've been to a few recently. I think the Town Board has done a very good job of taking what's the spirit of the Comprehensive Plan and putting it into a document that is reflected here tonight. So, I wanted to thank the Town Board for that; I think we're going in the right direction and you have my support.

Bob Knighton: I want to speak in favor of these regulations. I know that this has been a very deliberative process. It's gone on for an extended period of time. There's been a lot of opportunity for people to have input and I think that the proposal that's come up, even with all of the changes since the initial meetings, is a good balance between providing the controls that we need in order to protect community character and giving people an opportunity to appropriately develop their property. Some of the comments I've heard seems to be wanting cake and eat it, too. People say they want to preserve the rural character of the Town of New Baltimore but they don't want to put the rules and regulations in place that will make that possible. People want to be able to come to the Town Board and the Planning Board and have them able to redress a grievance they have,

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or they feel that somebody has done something on the other person's property that isn't fair to them. In order for the boards to be able to act, they need to have the rules and regulations in place in order to follow up on it. Much as we'd like to think so, elected and appointed officials can't simply do what's right or what's common sense. They need to do what's called for in the laws and the regulations. The Town Board members need to approve these laws to protect the community and the rights of property owners. They're elected to do what's right for the whole community, not simply to follow the will of a minority, regardless of how outspoken that minority is. We need these local laws to make our zoning consistent with our Comprehensive Plan. Adopting these laws is the right thing to do for our town. I hope that you'll all have the courage to act accordingly. Thank you.

Jonathan Donald: I've been a resident here for 40 years. I have a major subdivision and, while it's probably grandfathered at this point, I nevertheless felt that what I read in terms of the new subdivision law is very appropriate and speaks to the needs of the community. I hope that other people will agree with that. I certainly support this law.

Phil Hershberger: I'm a relative newcomer to some people here. My wife and I have lived here about 22 years, going on 23, I guess. I think that it's the Board's intent to try and preserve the character. It's well-thought out. I was happy to have participated in the survey when it was sent to my home. I think we're on the right track here. I'm always concerned about little things like what's going to happen to my well? How is my water going to stay clean? Are there going to be regulations in place that are going to make sure that things like that happen? So, I support the Board's plan and appreciate the hard work that's been done.

Sally Russo: I live on Highmount Road and my husband and I own 63 acres. I'm kind of sick of politics right now putting everything ahead of the people, whether it be conservation land we need to be for the people right now and not one of you, not one of you as the Town Board has given two reasons why this would positively impact the people. It's all fine and dandy wanting to preserve conservation land. In New York State, we already have four million acres already in conservation land; another 700,000 acres in conservation easements. Why is that a priority now? Why are we doing this now? I drive around New Baltimore. I see houses for sale; I see houses for rent. People are moving out. Right now we should be focused on the people; it's the people that make the town. As far as the process, I really take exception to the process. We keep talking about all these meetings; a total waste of taxpayers' money and your time and energy if we're not heard. Time and time again as major landowners we haven't been heard. The 50 percent set aside has now been increased with a 10 acre lot; it's even more egregious. As far as the answers to where did you come up with this theory, the theory, I think, was spoken to as done by research by Randall Arendt. He did his research in England. If you haven't noticed, I'm from England so I'm fully aware of what the constraints are in England and there're two big factors that would influence any recommendations coming from that individual. Subdivisions in England go back to the feudal times when people needed to go to the towns to go and sell their vegetables and their meats, whatever. And so, historically, there've been rights of way over people's lands. That's fine and dandy, because it's gone on for years and years and years, but England's not a litigious society. They don't need to worry about lawsuits if people get gorged by a bull or trip over a boulder if they're walking through someone's land. So, for someone to have credibility without any facts and data, no facts and data, we're not like Chesapeake Bay. There is no single shred of evidence to say that that theoretical model, that your consultant based recommendations on, has any weight whatsoever. It doesn't apply here. So, not only are we working on something that shouldn't be a major priority right now, we're going to a data source on a theoretical model that was based in England; two huge, red flags. As a business owner, right now things are tough and business owners need to diversify to stay in business, the recommended changes in that law make it more difficult at a time when it should be made easier. You keep referring to other local towns. The Town of Catskill just made it easier for their businesses. Why don't we ever hear about that? We only ever hear

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about how we're doing such a great job listening to you as residents as compared to Catskill or compared to Coxsackie. The issues are different, they are totally different and again, I take exception to the process. I don't know how we can have two of the advisory committee making recommendations that are also on the Town Board. It just doesn't sit right with me, and it kind of smells of a hidden political agenda. And I really wonder if there's really one of those here, because having attended several meetings I just haven't heard how it's going to positively impact me, my neighbor, my friends, my community. No one can tell me that. So, I don't buy this being in compliance with the Comprehensive Plan. In no way does it have the level of detail that you could transpose from that and put in the recommendations that you've made. You've chosen to do that. So, let us maintain the equity that we have in our properties, let us be good business people that can contribute to the tax roll, and lead us to believe that you can do your job as Town representatives. So, start thinking of the people first. There's a ton of private agencies, government agencies that are already looking after conservation. We don't need something like this right now. We really don't and no one, no one, although I've repeatedly asked, has given me a good reason why we need it now. It doesn't matter how much time we've spent on it. That makes it more important that we stop this now and that we start addressing what's really important to the people here. I also have a statement from another resident that they've asked me to read; what's your protocol for that, David?

David Louis: Is it relevant to zoning? We're dealing with subdivision right now. You've spent most of your time dealing with issues relative to proposed zoning ordinance changes.

Sally Russo: I think I've spent most of my time, well, actually let me use up some more time. Let me swing that balance back, alright?

David Louis: Actually Sally we said we wanted to keep people to five minutes.

Sally Russo: Okay, well I don't think I spent the time, y'know I wanted to have the right to speak. This was a public hearing. On the postcard it said public hearing, you didn't notify us ahead of time that one night it was going to be this, one night it was going to be that.

David Louis: No, we're not doing it one night of each. I'm trying to get through the public hearing on subdivision so we can focus on zoning which I think is what most people are here to speak about, tonight.

Sally Russo: Well, you're wrong. There's a lot of us here to talk about major subdivisions. I don't think I've spoken five minutes, this specifically addresses someone who has issues with the subdivision conservation easement.

David Louis: The conservation subdivision revisions are under the zoning ordinance. They are not under the subdivision ordinance.

Sally Russo: Whatever, whatever. One hundred sixty-eight pages becomes very, very difficult to get your head around.

David Louis: I'll reserve your time under the zoning ordinance, Sally. Is that okay?

Sally Russo: That's fine.

David Louis: Who else wishes to speak on subdivision? Before we move on to zoning? Come on forward.

Steve Pilatich: Taxpayer 28 years in Hannacroix, Town of New Baltimore. I oppose both Local Laws 4 and 5 in their entirety. Deed restrictions of 5 and 10 acres put property costs out of reach for our sons, daughters and grandchildren in the Town of New Baltimore. A developer is not going to pay for 100 acres when they can only use 50 acres. The Town gets to pick and choose what 50 acres they want. The rest of the acres may be undesirable and result in the loss of sale of the property. The developer has no choice for set-aside. It's an ultimatum. You want a permit to do this; you've got to set it aside. The developer can deed 50 acres to a nonprofit organization, receive a nice tax deduction, and that property comes off the tax rolls. Everybody's taxes in the town go up. I believe that eight districts on the Route 9W corridor will decrease the chances of selling their property. Buyers would have to have an interest to fit into that district and decrease

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the value of their property, less buyers. You could be waiting a long time to sell your property trying to find somebody to fit into that slot. If for some reason I can't continue to farm, say I've got the barns and I want Shady Harbor to store boats in the barns. They can't do it. If I want to put a concrete slab, a well and septic and electric on my vacant property, sell the house and barns, buy a camper, travel for six months, come back to Hannacroix and park it on that slab, I can't do it. I got to get a permit from the Town; it doesn't cost you anything for 45 days. So, I can't stay the whole summer though I've paid taxes for 28 years. This is all micromanagement and control of one's choices, income and freedoms. If you read the Hudson River Valley Greenway Act of 1991, revised January 2003, pages 20 #2, pages 21 #3 and all of page 29 you'll see where all these changes are coming from. I'm going to read you part of it. [He reads it.] This town agreed a few years ago not to be in Greenway. As far as I'm concerned, this is a back door to Greenway; putting paths on people's property results in loss of hunting to neighboring property owners. [not able to understand] I believe when elected officials take office they take an oath to uphold the U.S. Constitution [not able to understand]. David Louis: Anybody else on subdivision? I'm going to entertain a resolution at this time to adjourn this public hearing on Local Law 5 of 2008 to Wednesday.

**RESOLUTION
NOVEMBER 3, 2008**

**RESOLUTION ADJOURNING PUBLIC
HEARING ON LOCAL LAW NO. 5 OF 2008**

WHEREAS, the Town Board of the Town of New Baltimore noticed a hearing for tonight, November 3, 2008, and has afforded those in attendance an opportunity to be heard, and

WHEREAS, the Town Board intends to allow the public additional time to present comments and statements regarding Local Law No. 5 of 2008,

NOW, THEREFORE, BE IT RESOLVED, that this public hearing is adjourned to November 5, 2008, at 7:00 p.m. at the Town Hall, County Route 51, Hannacroix, New York.

Councilman Kuenster moved, seconded by Councilman Norris.

The adoption of the foregoing Resolution was duly put to a vote, and upon roll call, the vote was as follows:

Roll Call Vote

Kuenster- Aye

McKeon- Aye

Norris- Aye

Byas- Aye

Louis- Aye

Adopted

This public hearing was adjourned at 7:27 p.m.

Respectfully submitted,

Janet A. Brooks
Town Clerk