

TOWN OF NEW BALTIMORE **Draft 8/1/16**
COUNTY OF GREENE **Approved 8/8/16**
PUBLIC HEARING ON PROPOSED LOCAL LAW 2
ESTABLISHING PROCESS AND REGULATION OF LOT LINE ADJUSTMENTS
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
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Supervisor Dellisanti opened the Public Hearing at 7:01 PM. Also attending Deputy Supervisor Ruso, Councilmember Briody, Irving, and VanEtten, Town Clerk Finke, Tax Collector Jordan, Highway Superintendent Jordan, and 2 members of the public who signed the attendance book.

Supervisor Dellisanti read, “Notice is hereby given that there will be a Public Hearing before the Town Board of the Town of New Baltimore on July 25, 2016 at 7:00 PM at the Town Hall, 3809 County Route 51, Hannacroix, New York to hear those members of the public who wish to be heard regarding proposed Local Law No. 2 of 2016, a Local Law Regarding Altered Lot Lines and Boundary Line Adjustments. All persons wishing to be heard in favor or opposition will have such opportunity at the time and place stated above. By Order of the New Baltimore Town Board, Barbara M. Finke, Town Clerk.”

Supervisor Dellisanti: The announcement I have on this, Local Law 2, Page 3 7. Approval should be 6.

Town Clerk Finke: That was in the old copy; if anyone had an old copy. It has since been updated.

Supervisor Dellisanti: Would anyone like to speak on the Lot Line Adjustment, Local Law 2? I did get from our Attorney some comments from Ted Hilscher, “Tal, it was good talking to you. Thank you for the opportunity to provide comments to the proposed local law. I have the following thoughts. Please make these comments part of the minutes of tonight’s public hearing: 1. The definitions of “altered lot line” and “boundary line adjustment” do not include the idea of the “boundary line agreement”. This is where the boundary line was *unknown*, either due to an imprecise deed description, or the possibility of adverse possession. There is neither a “change” as in the definition of “boundary line adjustment” or a “conveyance” as in the definition of “altered lot line”. You and I run into this fairly regularly. So as to eliminate any possible misunderstanding, your local law should expressly make note of “boundary line agreements” and either expressly subject them to or exempt them from the procedures. I would vote for exemption, so as to minimize the intrusion of government in a peaceful agreement between neighbors. 2. Paragraphs 4(c)(d)(e) requires the filing of two deeds, one accomplishing the conveyance (grantor to grantee), and one by the grantee, describing his or her new parcel. The recordation of deeds is expensive, \$125 for occupied land and \$250 for vacant or commercial. There is no reason for the second deed, describing the new parcel. When Jones has 90 acres, and he sells 5 acres to Smith, Jones does not also have to file a deed describing his remaining 85 acres. The only necessary deed is Jones to Smith. If you are worried that the grantee can convey separately the fraction of the new parcel in the future, you can require language prohibiting such a transfer right in the deed. *Better yet*, the two parties can record at the Clerk’s Office an altered lot line agreement which will exist in both parties’ chains of title and serve to give notice to everyone in the future as to the new boundary line. It is also cheaper to record - \$60 as opposed to \$250 to \$500 for the recording of the two deeds required by this proposed law. Finally, for the grantee to draft a new deed describing his new parcel may be a terrible unnecessary fiscal burden. Let’s say the grantee has 10 or 20 or 100 acres, and is agreeing with his neighbor on a transfer of a strip of land say 40 feet wide and 100 feet long. The grantee will be incurring many thousands of dollars for a new survey of 100 acres if he doesn’t already have a survey. 3. Paragraph 5(D) seems to require the grantor to also file a deed describing his new parcel. This now makes three deeds – (1) grantor to grantee (2) grantor to grantor describing the grantor’s parcel after the conveyance and (3) grantee to grantee, describing the grantee’s parcel after the conveyance. This is all very expensive, unnecessary and burdensome. (A grantor to grantor deed or grantee to grantee deed has no legal significance.) I’m afraid this proposed law is overreaching and contains many requirements which are unnecessary, and some of which are unreasonable and make no sense. The recording of an altered lot line agreement between the parties will accomplish all the Planning Board needs to accomplish. Thank you.’

Supervisor Dellisanti: Mr. Hilscher, thank you for your comments. Anyone else want to speak on the Lot Line?

Alice Allen: This Lot Line adjustment really has me confused on all matters because I leased a property that is half in New Baltimore and half in Coxsackie and the real property transfer at the time of the foreclosure on deed was 290 acres. Monahan Abstract Title did a title search. The Officer of the Court in the Key Bank foreclosure was Mr. Stanzone. All these people signed off

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adjustment. The Deed on the one parcel of property said, and it's the New Baltimore piece and Cocksackie piece, the deed says from David Hyatt and Donna Morrow Snyder that it was 100 acres. When going back through records and trying to put up a fence for a federal grant and things, the property ended up being retax mapped, readjusted land diminished to 64 acres. Now that may cost a couple thousand dollars to get a lawyer, make a new deed, to do this, but there was never, ever a survey of a diminution of land. When I came and brought questions here, Cocksackie to your Attorney how, we don't need anything. We don't need surveys, we don't need this, we don't need that. We're just going by word of mouth and good neighbors. I don't have too many good neighbors. And so when I asked the questions, I got into a lot of trouble in this Town -- not so much here, but in Greene County. And I don't understand for 20 some years if you're paying tax on 290.6 acres and when it comes time to .6, someone has to know that that was 290.6 signed by people, taxes received by towns and counties, and then when a lot line adjustment was approved in the Town of Cocksackie that borders our property and sent to the neighbors and said 'do you have a problem,' everything's checked off no, no, no. And all of my neighbors received nothing. So then the survey comes along and the surveyor says 'I don't have a deed, I'm just surveying by what he tells me it says.'

Supervisor Dellisanti: Is this in Cocksackie or New Baltimore?

Alice Allen: In Cocksackie and all of a sudden I'm saying it goes on survey it says boundaries yet to be established, but approved with boundaries yet to be established on a survey map by this lawyer. This same lot line adjustment guy who's saying this is good for you. So the expense came upon ourselves for attorneys, for town people to say, 'I don't want to hear it.' Then all of a sudden when you hire the attorneys and you hire two to three new surveyors and you pay for these things, like you said it's quite expensive -- \$25,000 for this piece, \$11,000 for this piece -- and the local people Cocksackie was real hard and I'd hate to see the same thing happen here because it greatly affected ourselves and when history was written I feel sorry for this Town because you go to history on the deed, all the parcels all the way date back to the 1800's so they use stone walls or they use these surveys and they use chains and links that don't match up. So when you have a few questions or you're reading a history book that the reservoir was given to certain towns by certain individuals and you go back and the people got paid for them and it wasn't even their land. So I don't know how a lot line adjustment without a deed, without a survey, just by a shake of hands could be okay. When a guy is writing a letter saying 'we don't need this and we don't need that...'

Supervisor Dellisanti and Councilmember VanEtten: That's his opinion.

Councilmember VanEtten: He's not the Town Attorney.

Alice Allen: What happened with ourselves, I don't know how towns and government can delete historical deeds, can delete tax records. These things all happened to ourselves.

Councilmember VanEtten: If I can just speak this is why we did this Lot Line Law because there were a lot of issues. That's why we needed to clearly and that's why Tal, despite what Mr. Hilscher said, feels that these deeds need to be filed so there are no questions later on. There are no problems if somebody wants to sell the land or something like that. That's why he felt it should be like this.

Alice Allen: I don't understand how he could feel it could be this particular way because the subdivision of the lot line all for the same parcel that is partially on this deed in New Baltimore, it wasn't divided into two, it was divided into four lots and I'm still trying to find out the answer.

Councilmember VanEtten: We can't speak to what happened in the past, going forward we pass this law to clear up things. We cannot speak to what happened 20 years ago and we can't speak to what happened in Cocksackie, but going forward we came up with this law written by our Town Attorney, not Mr. Hilscher, to keep some of those problems from happening in the future to our residents.

Alice Allen: But maybe you guys can help me figure out how much is actually in New Baltimore.

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Councilmember VanEtten: You will have to talk to our Assessor.

Alice Allen: I can't do that either.

Supervisor Dellisanti: That's not going to happen tonight.

Councilmember VanEtten: But you can call.

Alice Allen: That's what I'm saying the additional expense is well worth it because when you go to your Court records from these small communities, records are deleted, historical deeds are deleted, everything disappeared and it all became magic.

Supervisor Dellisanti: Have you met with Gordon Bennett on this issue?

Alice Allen: I met with Gordon Bennett and I was thrown out.

Councilmember VanEtten: Our Town Assessor?

Alice Allen: Yes, I was thrown out. Mr. Bennett said 'call the State Police on her because she has no right to ask these questions.' I said 'it's all a matter of record.' I have it on tape.

Councilmember VanEtten: When was this?

Supervisor Dellisanti: When was that?

Alice Allen: Last fall when they had the tax review for what I said I want to know because my real property tax transfer says 290.6 acres. I want to know and he had told me that he was the one that retax mapped. I wanted to know why one deed said it was 100 acres. You read tax maps to 64.9, I wanted to pay the accurate amount of tax and he told the tax review board to 'call the State Police on her and get her out of here.' I handed him my cell phone and said he could call them himself.

Councilmember VanEtten: The BAR?

Ellie Alfeld: You have to remember she's discussing Coxsackie.

Alice Allen: I'm discussing both parties even when I came here.

Ellie Alfeld: Gordon is the Assessor in both Towns.

Supervisor Dellisanti and Councilmember VanEtten: Both Towns.

Ellie Alfeld: He didn't do it with the Board of Assessment Review with me, this was...

Alice Allen: In Coxsackie.

Supervisor Dellisanti and Councilmember VanEtten: Oh, Coxsackie.

Alice Allen: But it was because of both parcels, New Baltimore and here.

Ellie Alfeld: She has appeared before the Planning Board because of problems with this.

Alice Allen: I appeared at the Planning Board in Coxsackie (to Ellie Alfeld) you were there, right?

Ellie Alfeld: I was here when you came here.

Alice Allen: It was just major problems and we're still trying to figure it out all because of lot line adjustments.

Supervisor Dellisanti: Thanks, Alice. Any other comments on lot line?

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Dot Davis: My question is this proposal, are you saying they are going to have to provide a deed and a survey for a lot line adjustment.

Councilmember VanEtten: Yes, they are going to have to.

Ann Marie Vadney: In answer to a couple of the questions here, I've been looking at the proposal here and the purpose of this law was to make it easier for our residents to come before the Planning Board to obtain lot line adjustments. There's been so much confusion. We've had to send them to go and get subdivisions. We had to send them to the Zoning Board which is like a four-five months process. So that's the purpose of this and I think in reading it this final copy, I think we've achieved what our purpose was and that is to expedite and eliminate confusion in the future and when you were asking about the surveys and the maps, they've actually been incorporated in these clauses that if something is very simple to achieve, both parties may not have to provide all of that information. One party will, because by simplifying the process, we also want to insure that the deeds are recorded properly and the surveys are recorded properly so down the road people don't have some of the confusion you're running into. So as I reviewed this, I think that we provide the Planning Board with more flexibility than any other town may have and when someone comes before them to take a look at what's been presented and say 'okay, we don't need to have this other resident spend all this money for a survey when we have a survey from this one.' So I think Tal actually did a nice job with this and I know Rob is on the Planning Board as well and we did review and we went through and we sent out recommendations and they've incorporated a lot of our concerns which are concerns for our residents because we're only here to try to expedite and move things forward and make it as least costly as possible.

Councilmember VanEtten: And if I could add, we did for anybody that was a small lot line adjustment, they had to go to the ZBA for a variance, then come back to the Planning Board. And that's just not necessary and that's what we're trying to avoid so it can be simple and taken care of.

Ann Marie Vadney: And also the ones that were grandfathered -- lots, parcels that were grandfathered in that were not code compliant, but the fact that they are grandfathered in -- is also addressed in here is good because many of the parcels the people that have come in, their parcels have been grandfathered in, but it does not meet the current zoning requirements so that was putting a lot more responsibility, costing them more money when they came in to make those lot line adjustments. We can always move forward with this which I think is excellent and I think that down the road if there's other issues, then the Planning Board will address, contact the Town Board and say to them 'gee, maybe we need to fix a few other quirks and fix it a little bit more.'

Supervisor Dellisanti: This didn't happen overnight and with the help of the Planning Board and the Zoning Board and our Town Attorney, I think it came out with a good product.

Ellie Alfeld: The nicest part is saving the customer time.

Supervisor Dellisanti: Absolutely, that was part of the whole idea.

Councilmember Briody: So what we're going to have is essentially you would have the grantor have the survey done and then the tax maps for each one of the affected parcels would be updated.

Councilmember VanEtten: Right, exactly.

Councilmember Briody: So it would be public record of that change, it wouldn't be just the one, it's just instead of having two surveys done on parcels that are adjusting within proximity.

Supervisor Dellisanti: Exactly.

Ann Marie Vadney: And the deeds as well are addressed.

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Councilmember Briody: Right, the deeds, the records down at Catskill everything so that if you go to sell that piece of property, your property now will meet the adjustment that was made in conjunction with the grantor.

Councilmember Irving: I don't think this is unique to New Baltimore either; there's probably many other towns that haven't been as progressive as we have I'm sure.

Supervisor Dellisanti: Any other comment on Lot Line Adjustment? Hearing none, I'm going to ask for a Motion to close the Public Hearing.

On a Motion by Councilmember VanEtten seconded by Deputy Supervisor Ruso, the meeting adjourned at 7:21.

AYES: Dellisanti, Ruso, Briody, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Supervisor Dellisanti: The Public Hearing is now closed.

Respectfully Submitted,

Barbara M. Finke
Town Clerk