

TOWN OF NEW BALTIMORE PLANNING BOARD

*Public Hearing  
Lands of Lisa Dippo - Minor Subdivision Application  
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Location: 1202 Medway-Earlton Road  
# of Lots: 2 – Parcel B: 2.10 acres  
Parcel A: 264+/- acres

Planning Board Chair Rob Van Etten opened the Public Hearing at 7:15 p.m. Other Board Members in attendance were Anne Marie Vadney, Bob Court, Pat Bruno, Bill Boehlke and Lee Salisbury. Jean Horn was absent. Present representing Ms. Dippo was Surveyor Charles Holtz.

Mr. Van Etten advised the purpose of this subdivision is for the transfer of a parcel just over two acres from the Dippo parcel to the bordering property owned by Powell, thus increasing the Powell parcel to 4.2 acres.

Mr. Holtz provided the Clerk with the original of the notarized letter of authorization [Copy already on file.] and further advised with regard to list of surrounding property owners provided to him that he had not sent to Powell or Dippo because they are involved parties; and that there was one error—property shown as owned by Kevin Schultz was actually owned by Dennis Spence. Clerk responded that she believed that parcel had recently changed ownership. Mr. Holtz further advised the name Daniel Ferrer also appeared on the list and his property did not border the Dippo parcel. The Clerk responded that the Assessor's Clerk, when preparing the list, had erred on the side of caution in that the Ferrer boundary appeared to just touch at the corner with the Dippo parcel on the tax map. Mr. Holtz responded that it actually didn't.

Green cards were presented for certified letters sent to:

John Fox	McLarnon & Danko
Henry Lockwood	Richard Kraft
Kenneth Scarlata	Walter Way
Alvera Mahnken	Edward Barber
Vincent Ferrer, Trustee	Wilhelmina Neiss
Marjorie McCoy	Gregory Birnbohm
V.H. Heitzmann	

And white receipts for:

Lawrence M. Gile	Ann Haskell
Robert Aberlin	
Dennis J. Spence [instead of Kevin Schultz as on list provided by Assessor's office]	

It was noted that all requiring notification had been so notified.

Members of the public were invited to come forward view the map, ask questions and/or express concerns. Lisa Pearsson commented that she and Richard Kraft own adjacent property. She questioned if all that was happening was that the two parcels are going to be combined. It was explained that yes, the two acres from Dippo was to be combined with property currently owned by Powell. She further questioned if there was to be a change of usage or further subdivision and was advised "no". A number of people were at the table looking at the map and several conversations were going on at the same time. It was pointed out that all property owners around the entire large Dippo parcel had to be notified of the proposed subdivision; where the two acres were being taken from and that the Powells wanted a little additional land as buffer since their home on their present two-acre parcel was quite close to the boundary line.

Mr. Boehlke pointed out to Surveyor Holtz and the Board that it states on the map that it is a lot line revision rather than a subdivision. Mr. Holtz responded that it was a lot line adjustment as far as he was concerned and just the title on the map. Ms. Vadney pointed out that the Board would not be approving it as a lot line revision. It was then questioned if this would be problematic if we didn't approve it as such and how would the map be recorded at the County? Mr. Holtz responded that the Town's law says it is a subdivision but that they were not creating another lot. Ms. Vadney continued that the Board would be

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approving it as a minor subdivision so therefore the map should reflect that. The process being gone through is for a minor subdivision not a lot line adjustment, which is a totally different process. Mr. Holtz again pointed out that it was just the title of his map and had nothing to do with what the Board was doing. Ms. Vadney continued well, if it is recorded, it does. The map would be stamped and signed as an approved subdivision not as a “Lot Line Revision of Lands Belonging to Powell and Dippo” as reflected on the map. Mr. Van Etten did not feel it was necessarily specifying.

The Board again took a look at the map. Mr. Salisbury pointed out that the application identifies it as a subdivision. The Clerk advised the Board that the County does not get the application. Question was raised would it matter to the County; Mr. Holtz indicated that it would not matter to the County. Ms. Vadney responded that she was not an Engineer; she did not know. If we are doing a lot line adjustment in our Code/our Zoning, that is one process. She understood what Mr. Holtz was saying but she would rather not see it on the map. It was pointed out it really isn't a subdivision. Mr. Holtz responded that it is not a subdivision and it is just the title of my map. It doesn't have anything to do with the overall process or to the County at all. It has no bearing.

Surveyor Charles Hite present in the room offered comment on how he handles these types of situations. It is not a subdivision but what I do is just close my eyes, make that revision, call it a subdivision, have the Board stamp it and then file it. The Clerk added and there is a notation on the map as to what is to happen to that newly created parcel. Ms. Vadney pointed out that her only issue was that the Board is calling it a subdivision and she did not know how the County would react to it. She further emphasized that she did not think it reflects what is being done before the Board. Mr. Holtz again commented that it would not affect the County at all. Ms. Vadney responded that she could not argue/answer that beyond she did not think it reflects what the Board is doing. Mr. Van Etten pointed out the application and everything else reflects that it is a minor subdivision. It was further pointed out it would not be necessary to wait another whole month if new maps were prepared with the changed title. Bring the maps in, the Chair would come in and stamp and sign them.

Mr. Holtz pointed out the definition of a subdivision is creating another lot. Another lot is not being created. He was aware of the Town's rules and it is just a matter of the map title. Ms. Vadney summarized that is my position because what we are calling it is consistent with what is in our Zoning. I don't know if the County will have a problem with it. I can't answer that but what I am saying is it does not reflect what we are doing and I don't know how important that is.

Mr. Court pointed out that he did not know the process for the merging of two parcels and questioned if it would be assigned a separate number. Mr. Boehlke commented we aren't going through the process of subdividing this off the Dippo property to be deeded over to the Powells. He was told that is what we are doing. Mr. Boehlke responded well, then that is a subdivision. That route was chosen because the acreage is slightly over the two acres. Mr. Holtz pointed out so basically you do the subdivision and then a lot combination because another lot is not being made. It was then noted that it is actually both. Mr. Holtz explained the definition of a subdivision is taking one and making more than one. We are just doing it all in one shot. Mr. Van Etten did not see it being a problem down the road. He understood Ms. Vadney's point but all the other paperwork indicates that it is a subdivision. It was pointed out the last step would be the removal of the line. Mr. Holtz explained they will be getting an overall new description in the deed. It will state that it is Parcel B as shown on this map. Mr. Van Etten did not want to see the surveyor have to go to the trouble of re-doing the maps since it would not change the outcome.

Mr. Court suggested that a note be added to the resolution that the maps reflect it; it went through the minor subdivision process. That will leave a paper trail for the future. Ms. Vadney pointed out the map is filed in the County as is; and when I, as another Surveyor come in, and look at the map, I am not going to know that that is a subdivision. She had a fear that it would set a precedent. Mr. Holtz questioned why would it matter? Ms. Vadney responded well it might matter if someone comes in to do another subdivision within five years. She emphasized that she didn't want to see him do extra work; but at the same time, she wanted it clear and concise as to what the Board is doing. Mr. Van Etten stated that wording would be put in the resolution so everyone is clear.

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At 7:30 p.m., it was moved by Van Etten and seconded by Court to close the Public Hearing.

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

Respectfully Submitted by:  
Marjorie Loux  
Planning Board Clerk