

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Public Hearing**  
**Lands of Mary Jane Vinci, Ann Marie Costanza, Carol Ann Young, William Costanza –**  
**Minor Subdivision Application**  
**January 10, 2019 – Page 1**

Location: Rte. 144  
# of lots: 2 - Lot #1. 9.1 acres  
            Lot #2 – 1.4 acres

The Public Hearing was opened at 7 p.m. by Chair Rob Van Etten. Other Board Members in attendance were Ann Marie Vadney, Bob Court, Pat Bruno, Bill Boehlke, Lee Salisbury and Frank Orlando. Present was the Costanza family's authorized representative, John Cashin, as well as Santo Costanza, father of the property owners. Needed notarized agent authorization forms received and in file.

Parcel, subject of the subdivision, is being subdivided into parcels of 9.1 acres and 1.4 acres. Lot #1 will be merged with property currently owned by John Cashin & Susan O'Rorke. With the merger of the 9.1 acres, the need for the easement and right-of-way, as discussed at last meeting, will no longer be needed.

Green cards were received for certified letters sent to:

Don Hendrickson	John Ablett
Blane Moss	Betty Costanza
Susan O'Rorke	Susan Friday
Santo Costanza.	

White receipts were presented for certified letter sent, but green cards not yet received, to:

David Spence	Robert Dufek.
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All requiring notification had been notified.

There were no questions from the Board and no members of the public present coming forward wishing to address the Board regarding this subdivision.

Part 2 of the Short EAF was gone through 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**
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**

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Question was addressed to Mr. Cashin while the Chair was going through the EAF regarding the old original deed and what the property used to look like. Mr. Cashin had answered the question to the gentleman's satisfaction.

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While waiting for the balance of the 15 minutes to elapse, discussion turned to boundary line adjustments. Attorney Biscone explained how it is handled in the Town of New Scotland. It is an administrative approval only. There is no filing of maps with the County Clerk, no Board appearance. You have to file a map with the Building Inspector, who reviews it all, with regard to the merging with the other deed. Town of Colonie follows the same rule. Ms. Vadney questioned no maps are filed with the County? Mr. Biscone responded not on lot line adjustments, it is an exercise in futility and a waste of time.

Mr. Boehlke pointed out the way this is written in our Code [Chapter 114], the glitch with this boundary line adjustment is what we are talking about, not an altered lot line but a boundary line adjustment. The hang up with this is that deeds have to be drawn up first and brought here. Mr. Biscone added and that is what you have to do in New Scotland [Several words not understood.] Mr. Van Etten pointed out that is okay as long as you don't have a glitch in the process and then have to have the deeds done over again. That is/was our concern. It was further noted we have a 62-day approval time limit for the initial approval. If we can tell the applicant what has been presented will be fine. Then they can go, have the deed(s) drawn up knowing they aren't being done in vain, present them within the 62 days and it is done.

It was further noted that apparently, this Code was modeled after that of another Town. The Planning Board, having concerns, submitted comments and recommended changes to the Town Board, which were not considered prior to the passing of the legislation. Attorney Biscone urged the Board to have the Code amended. There will be more of these situations arising that don't need to go through the subdivision process. It was noted that the altered lot line process needs to be further addressed as well.

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At 7:15 p.m., it was moved by Van Etten and seconded by Vadney to close the Costanza Public Hearing.

Ayes: 7    Nays: 0    Abstained: 0    Absent: 0

Respectfully Submitted,  
Marjorie B. Loux, Clerk