

(Approved 3/9/2017)

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The meeting was called to order at 7:02 p.m. by Kathy Rundberg, Chair, followed by the Pledge of Allegiance. Other Board Members present were Joseph Caputo, Ann Marie Vadney, Jean Horn, Bob Court and Rob Van Etten. Pat Bruno was absent due to illness. Also in attendance were Councilman Chuck Irving and Code Enforcement Officer Steve Mantor. Mrs. Rundberg asked that everyone turn off their cell phones or any other digital devices since they interfere with the digital recording.

OLD BUSINESS

William Brandt – Bristol Manor – Assisted Living Facility - Site Plan Application

Present were William Brandt and Attorney Michael Biscone.

Biscone: What I would like to do is get to Mr. Mantor as soon as possible. First, I would like to acknowledge the letter, and I see it is on your agenda of correspondence #1, of a number of documents that we filed with the follow-up to our appearance of 9/8; and to that end, we filed the **approval of En Con extending our SPDES Permit** for a year, actually it was **for two years**. We sent the information from the **Greene County** Attorney's Office that **they no longer want rooms in this assisted living facility**. We sent the information on the Doctor Gertzberg and we will have a further expounding on that in a moment; but in any event, **Doctor Gertzberg's duty**, ongoing duty **to cooperate in the stormwater management plan**. We sent some correspondence about the **road cut** and we have some additional submissions tonight; but what I would like to do before I get into basically an octopus of things is to turn it over to Mr. Mantor who has worked very hard with us in the last 40 days relative to these quite involved plans and I will defer to him for his comments on our submissions, our re-submissions and our to be submissions.

Mantor: I don't think there is much reason to cover all these things but I just want to tell you that the concerns that I had, that you had previously seen in the letter of the 24th of August, have been dealt with in this second set of preliminary plans. There are some minor little tweaks which we will work out; and when I get that done, we will send a letter. It is my understanding, at that point, you will have the plans stamped and ready to go and then we can use them as the actual documents for the Planning Board. So that is really what I have to report at this time. I am encouraged with the cooperation. We had a good meeting.

Brandt: Excuse me, that is a copy of the sprinkler systems.

Mantor: Yes, I have to look at them. I think I stole all you had. We had a real good meeting in fact just yesterday afternoon. We spent about two and a half very productive hours going through things. He was actually good enough to go through my concerns, show me some things; and actually, we went over some other stuff just so I had a better understanding of the project. Good deal.

Rundberg: Would you like to explain, expound on this, Steve, or do you want to wait until the plans are stamped?

Mantor: Well, I can just tell you the basics. I had some concerns about missing drawings that had been given to us. There were a couple of drawings. There were more than one site plan drawing but it had a #2 of 3 on it. So it turned out there were more site plan drawings that I did not see. [Part of comment not understood because the noise from the plans being unrolled and laid out.]

The one concern really was the **fire access road in the back**. They agreed to put that in and they have showed it on the plans going around the back of the building. The **explanation of where the water pumps and tanks are** has been made and notated on here. That was a big one.

Vadney: You are talking about the sprinkler system.

Mantor: All of it, **firefighting water, the water treatment plant and all of that**, water supply. sprinkler water requirements. Now in a second, I will pull out the upgraded drawings that they were good enough to provide from the sprinkler designer and they have the new numbers on it. Things I was looking at. There were some numbers missing that have been added to the sprinkler design about the rooms and the hallways. I am good with that.

Rundberg: What about **the rooms that were too small** for anything?

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Mantor: What they have done is they removed some of the **accoutrements** in there and made them bigger, enough that they meet the newer standard.

Vadney: What is your minimum standard?

Mantor: 120 square feet; but for those particular things, it has to be net square feet which is what I think got us a little bit jammed up. Sometimes you say square feet, that doesn't include, but there were some counters and things in there that detracted from that and it took it down passed the minimum but that has been corrected.

[Unidentified] That is per person?

Mantor: Minimum room size by New York State Code. [Unidentified] For one occupant?

Mantor: No, not necessarily. It is just the minimum room size. It is not very big. Okay, now if you start taking about efficiency apartments and things like that, then the main room does have some considerations for number of people and those meet the standards because they have come with some interesting double, it is actually a double room which is a small knee-wall so you have some decent open area there.

Biscone: We call it a suite.

Mantor: Habitable space, you can't have any bedroom smaller than 120 square feet. That is the thing we sort of tripped over since it was net square feet but they fixed it. They did review and update things to the new set of Codes which is now in effect. There were questions that are still going to be answered. The worst one, the biggest one, the biggest concern was the **energy compliance** drawings. Now they agreed to have the engineer produce the document that shows, there are a number of ways you can do it; but essentially I need a set of calculations for the whole building that shows it meets the energy code and that includes heat, light, windows, [Several words not understood.] and things like that and it all has to come together and meet the energy code. I would say that six years ago, maybe six and a half, that became a more stringent requirement in New York State because the Federal Government would not give us energy dollars unless we do it so it was kind of yeh, that would be a good thing so we don't waste a lot of energy. In the past four years, it has become much more important and I am happy to say we are going to start doing it more efficiently in the Town.

Biscone: We retained a specialist to advise Mr. Mantor of the components that will go into this building to meet these green energy standards. That engineer is Karl Aiken and he will report between now and what we come up with for the next date in a moment to Mr. Mantor showing our full compliance with the components and then the overall building with the green standards. He is a specialist for that purpose so heretofore he has not been used in this project. That is actually the largest outstanding, remaining item. Everything else—go ahead and finish because you are on your last page anyway.

Mantor: Just some little notes and additions, they don't have to actually be added to the drawings but they can be added by page specifications, couple sizes of doors. The width of doors should be 44 inches, they are single swing doors on the various entrances and things like that so we made up a list and you all agreed to put them in there and we will include them as an addendum and that will work.

Biscone: And in that form too?

Mantor: Yes. That is pretty much it. I am very happy with the cooperation that I got.

Vadney: The **electrical drawings**, everything?

Mantor: The electrical drawings are referenced in here and I did find a minor thing because again they weren't from what they call an auto draft thing for a typical building. It turned out that there was actually a component in here for a second elevator that doesn't exist so we get to save a little bit of electrical energy on that one. The electrical drawings are specified in a single line diagram and there is

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also a note in here that says that the electrical contractor has to submit the thing to the Town. Now I had a conversation suggesting that whether the electrical contractor does it, it has to be a stamped drawing or if they bite the bullet and go ahead on their own, it might be a cost savings deal.

Brandt: For whatever it is worth, I sat down with Peter Bullock.

Mantor: Okay. He is a pretty good guy.

Brandt: This electrical plan came from Peter Bullock sitting down. If he can't do it right, we are all in trouble.

Mantor: No, he is good but again we are just going to be looking for a submittal from him with a stamp on it and that is the deal. The same thing with the **fire alarm system**, just a similar note. There is a description of the fire alarm system and what components it should have. The one thing I did note and pointed out is because of the use of **electric heating and cooling** in patient rooms or the resident's rooms, they really don't need **CO detectors** down in there so there will be an economy that you can take from that but we are going to have to take a look at the HVAC component and the AC unit.

Biscone: Yes, that was late this afternoon. Evidently, the alarm system is from a gentleman named Hart Alarms. He is from Green Island. He has done many, many buildings here, maybe even this Town Hall. I recommended him highly. [Several words not understood as plans were being shuffled.] We are using all local contractors for obvious purposes. Anything else? The HVAC was the last thing I had.

Mantor: No, just the HVAC. Like I said there is a potential for savings if you particularly do a close review. What shows on these preliminary drawings compared to-- you really don't need the CO detectors in the rooms; and with the HVAC, heating the main hall, the entranceway and the corridors, you can get by, it is not cutting your short. It is required. You can put them in the corridors every 15 feet and not have them in all the suites. That is the deal.

Brandt: I don't know if it was a DOH regulation at some point.

Rundberg: It might be because they are residences.

Mantor: If you want to put them in, it is really up to you but there isn't going to be anything in there for them to detect. The State Law and the Federal Law, which is pretty specific, says it has to be a CO source and there won't be one in the rooms or suites anywhere.

Vadney: So electric heat in the rooms and then?

Mantor: Yes, they have similar units kind of like when you go into a motel The HVAC unit in the outer wall. That gives each of the residents.

Brandt: Okay. Mantor: Anything else guys?

Vadney: You are satisfied with the requirements for the water, for the fire department and for the sprinkler system?

Mantor: Yes. Like I said. Biscone: The reservoirs you are talking about. Vadney: Yes.

Mantor: The numbers are good and as soon as the drawings are stamped and those numbers remain there, we are good.

Rundberg: And it is stored where?

Mantor: Right here. See this water treatment building. There are a couple of components in there, including the fire pump and the storage tank because what is it, the first 18,000 gallons?

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Brandt: 19,500 for the fire, 16,500.

Mantor: Yes. It meets the requirement which is the worst case with the sprinkler system and the fire hoses.

Vadney: How does that function in an emergency situation?

Biscone: Oh, yes, I have that. We are going to get to that but that is not part of him. Let's let him sit down.

Van Etten: Is that a steel tank?

Mantor: It has to be a steel pressure tank. It is going to be taking line pressure from the well, whatever line pressure the well is going to be.

Van Etten: That is going to be a pressurized tank?

Mantor: No the tank won't be pressurized. It is going to be a suction for the fire pump. But it is probably going to be at line pressure for whatever well is put in and we don't know that yet.

Biscone: You got that tonight too. Rundberg: Bob, do you have any questions?

Court: At this level, these special codes versus the living facilities, you review them and those plans there meet them?

Mantor: It is being built to what is called a high one, institutional one specification, and it does meet that and the Department of Health will have no trouble with that either when they go ahead and work with them. Institutional one is more for commercial construction. It is pretty good.

Rundberg: Ann Marie?

Vadney: Oh, I only have one more about the sprinkler system. You are saying the tank is pressurized, it is not pressurized?

Mantor: It will be whatever the pressure that the well pump puts out, the well pump. The fire system will take any suction from that and discharge it at the appropriate pressure and volumes into the sprinkler system. .

Vadney: You are only using one tank. Usually there is a separate tank for the.

Brandt: There is a series of storage tanks of water. Biscone: Specifically four.

Vadney: For sprinklers. Biscone: Four storage tanks. Vadney: Four storage tanks.

Biscone: For the sprinklers. Vadney: Okay, that is all, thank you.

Biscone: And there is also no smoking in the building.

Horn: One question about water, only because Gertzberg's water is horrible.

Biscone: Yes, we have that right here tonight. We will get that to you, Jean.

Rundberg: We are just being technical with Steve right now.

Biscone: Joey? Caputo: I have nothing.

Biscone: Steve, I want to on the record, thank you for your assistance. We will follow up on these few remaining details via the addendum and we will get you the final plans stamped so that you can then sign off on them in an official nature.

Mantor: Sounds good.

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Biscone: Once again, thank you very much for the cooperation and the guidance.

Mantor: I am happy to help you get this off the dime.

Biscone: Now the next thing that I have is several things to mention plus these brochures. Let's get right to the Department of Health since it seems to be an issue.

Vadney: Are we still on 60 days for **the stamped drawings** and finals?

Biscone: Oh, yes.

Vadney: Okay.

Biscone: We will probably beat the h--- out of that. The **Department of Health** wrote to this Board on January 19, 2016, in correspondence addressing each and every concern of our **closed water system**. I do not know if it made it to your file or not.

Clerk: Let the record reflect that letter did not come to the Planning Board. It went to the Code Enforcement Officer.

Biscone: So you are aware of it then? Clerk: We have it. By accident, I found it. Yes.

Biscone: By accident. Okay. Would you please, no actually we are not going to say that. We are filing a copy with you tonight because apparently it has been for seven months in a different Department in this building. I ferreted this out by working my way up the chain to the Department of Health, who were quite aghast to see that I had not gotten it. In any event, that addressed each and every concern about our water system which has been completely approved by the New York State Department of Health as far back as January 19, 2016, which is this year so obviously this is current.

Rundberg: I will pass this this way and then all the way down the Board. Marjorie, you have a copy.

Clerk: It was in all your packets. Biscone: You have already distributed this?

Clerk: Yes.

Rundberg: I have it, yes.

Biscone: And I have an extra one. Okay, so the Board then has actual knowledge of this now. Okay, so that is great. Number next, you ask about **an evacuation plan**, an emergency services booklet. This was filed quite some time ago. I am going to file it again tonight. It looked like this. You can call it a booklet or a brochure but this is what we generated. We didn't date this because this was filed the last time around.

Rundberg: I never saw this.

Biscone: No, you would not have because this was filed with Lee Davis so you would not have seen this. It is however in what I will call the principal file and there is your Bristol Manor evacuation plan. Actually, you have one that looks like this in the master file. It was colored. Are you saying yes over there?

Clerk: I am saying, no.

Rundberg: No, we don't.

Biscone: Okay, that is fine. You have it now and this is what we had prepared professionally for this. I will get to the outstanding items in a minute. Number next, we did do.

Rundberg: Wait a minute, please. I will pass this this way so everyone can see and then back that way and we will go on.

Biscone: I will stop talking for a while. Do you want me to carry on? We have already done what is called an **archaeological services study** of this. I was going to wait for someone to bring this topic up but let me just trump it down, not to quote a presidential candidate, but in any event, this was done at quite some expense. It is dated '07. It doesn't matter because nothing archaeologically has happened to this site since '07 and you should have this brochure in your principal file. This is my only remaining

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one. We had seven and they are filed. If you do not find that, I will have to reproduce this for you; but again, it is in your principal file and I want this Board, because I don't think there were--maybe Joey, were you back when Lee Davis was on? Only you would have that because everyone else is new. Do you have any recollection of us doing this, Joe? Take a peek for a moment. That is my only remaining copy.

Caputo: Yes, because somebody talked about arrowheads and all that stuff.

Biscone: That is it. That is exactly the discussion that happened that night. So again, this is in your principal file. If you need me to reproduce it, it will be costly but I would prefer that you get it from that. Here is what is outstanding and then you can go through and. Do your check list on your letter.

Rundberg: Did they find anything archaeologically?

Biscone: No, no. Mr. Davis who quite frankly between dark skies and arrowheads was quite thorough. He reviewed that whole thing page by page. There isn't anything there. There wasn't even any Indian hair. So in any event, the **SWPPP plan**, this engineer went to Carolina. He is now coming back. We have SWPPP's approval. Okay, I don't have it. I don't have it because this Hudson Land Design, and this is a very reputable firm that I use with great regularity, hasn't actually given it to me. I will have it available for this Board between now and our next appearance. I know that it is done. I have been advised on April 15, 2014, from Dan Koehler that it was prepared and approved. Unfortunately, Hudson Land Design is now just re-staffing itself because they had some people leave, we found out today that Mr. Koehler is returning and **I will procure the SWPPP's plan**. We will go over where that is in a minute. Please mark that as **outstanding for me to provide to you**.

#2 outstanding will be the road cut that Stantec is doing and this is Bruce Secor. . This was the dichotomy, Madam Chairman, that you and I went over because DOT wanted a SEQR. All right, here is what I have done. I have found your old negative declaration and I have sent it to Stantec and said will they accept that to allow us to proceed with it because we are at odds if you can't give us that yet. Hopefully shortly, you will; but in any event, that is what we are doing with the road cut. Please mark that as still outstanding and hopefully it will be done in the next 30. For sure, it will be done within 60. I don't have anything else other than to go over this map and I would take a break at this moment for you to look over that tick list the Board has I believe it is or something anyhow that we are whittling down.

Vadney: I think there was one item about, you raised the last time, about the use of the **ambulance services** and you said in the brochure you had.

Biscone: That has been waived. Rundberg: We waived that. Biscone: Yes, you waived that.

Rundberg: I think, looking quickly, it would only be the **sign**.

Biscone: Yes and what we are doing on the sign is I will get from the New York State.

Rundberg: And the letter, of course. Biscone: Yes, that is it. The letter?

Rundberg: The letter from Gertzberg.

Biscone: Gertzberg, you got it. He is not writing a letter. Do you really want to know what he said to me on the phone? Okay, I sent you the actual office note in that packet of the letter that you noted in your correspondence, September 13. You will see it on the map. The man hasn't cooperated. It is in your actual records; but in any event, I will get from the Thruway their re-approval with.

Brandt: Excuse me, this is for SWPPP or this is for signage? Rundberg: Signage.

Brandt: The **Thruway**, I asked for an update on our previous permit. They said **they are not issuing any permits until you go ahead and start building**. I told Mrs. Loux about this when it happened maybe a year or two ago, maybe a year.

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Rundberg: We had a drawing at one point. Brandt: Yes.

Rundberg: But it has not changed though. Brandt: Right. Biscone: No.

Brandt: They are not issuing clearance until we start building.

Rundberg: Yes, we went over that.

Biscone: Yes, you are right. And we will get a **Sign Permit** from Mr. Mantor **for the one for 9W** which will have to conform to your current Code and I believe in the Plan.

Brandt: The proposal.

Biscone: Yes, you got a proposal and you can comment on that in a minute because that is going to be the last thing, so yes, that was the last issue. So now I am down to these guys.

[Copies of Site Plan, Sheet 1 of 3, were passed out.]

Biscone: Okay, now you can actually see what is happening where. Here is U.S. Route 9W. Here is the **road cut**. That is shown by Mr. Hite, the actual road cut will vary by a very small amount but it is an engineered road cut that Stantec is doing. That is the Engineer that I briefly told you about. Again, with the negative declaration hold up. So that is where the road is going to go in. Okay. Dr. Gertzberg with his DOT Permit is obligated by the State to now remove his road and tie into our road so there is but one road cut at U.S. 9W. I need all you current members of the Board to be brought up to speed on that. You have also allowed, do you need me to stop for a minute? Do you need to change a tape or something?

Clerk: No.

Biscone: Part of his permit from your Board, the Planning Board, that his builder got was two-fold.

1. To do what I just said on the road; and
2. To grant us the necessary easement to do the **drainage pond** which is in the rear.

Now, understand the Doctor has the right to use this drainage pond as well as we do and that was the accord that I reached by personally appearing in front of the then Planning Board with Dr. Gertzberg's builder. It is depicted on the map as a kind of slashed green area. That is the detention pond where the SWPPP's Permit will empty into. Everybody okay so far? All right. Then the rest you can see where the parking spaces are and Joe might remember that is where we left off at the last approval was these d--- parking spaces and about a car.

Rundberg: Right, I remember that.

Biscone: Okay. So then you have the actual building. Bill, where is this actual road that we were yakking about on the way up to get to the back and I just heard Mantor say it too.

Brandt: Yes, it is right here.

Biscone: This is for the **emergency services people**, we put this **road in to get around the building**. It is identical to the way we constructed these other two motels. Please know that I did Holiday Inn Express and the Best Western. This is the same type of configuration we did to satisfy the local fire company and so we replicated it here. What else do you want to point out on here because otherwise that--what the dickens is this? That is for the proposed restaurant in the front?

Brandt: Yes.

Biscone: That is another project in another day but that is what that green area in the front is. That is going to be a detention pond for what I hope someday to be a Cracker Barrel in the front. Any other

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questions on this? This is only presented tonight for visual effect so that you folks, especially the ones-- Kathy has some re-memory, Joe has some more experience. We wanted to get a visual effect for the Board Members to understand what exactly we are doing here and then I will tell you about what we want for a date and we can answer whatever questions.

[Question not understood.]

Biscone: How wide is that, 60 feet. The macadam, 25. The right-of-way is 60 feet and that is by design and that is what Holiday Inn Express had and Best Western too.

Court: What is the construction of this emergency road?

Brandt: We can do blacktop. I prefer not to do blacktop because it is going to esthetically look like a car { Word not understood.} from the road. We propose to do it with gravel, which will be packed down. .

Biscone: That is what we did at the other two sites.

[Several conversations were taking place at once.]

Court: You know for a large truck or a fire truck, it is going to be a tight radius to pull in. They are going to have to back out.

Rundberg: We had the fire department here and they agreed with it.

Biscone: This hasn't changed.

Rundberg: That is what I am saying.

Biscone: The configuration hasn't changed and neither has their opinion. So there is your visualization of what we want to do. So we have noted what is outstanding. What we would like to have is a report date and what I am suggesting is in December to have a final report date. Mr. Mantor will long since be signed off by then. I will get the rest of these other things; and at the December report date, if you want to, you can schedule it for a Public Hearing. I will defer to you folks making that motion but I will be ready by then. If I understand your calendaring, it would be December 8. If you want, you can make that for a Public Hearing. I will defer to you folks. As you can see, we have done an awful lot in about three months.

Caputo: Yes you have. It has come a long way.

Rundberg: Will they be stamped on December 8?

Biscone: Oh, you are going to be stamped in November.

Rundberg: Then we could schedule a Public Hearing.

Biscone: He is going to sign off in November. I am just not pressing it because he and I aren't even in the Country for your November meeting but he will be long signed off by then. The biggest thing is going to be the road cut people. I have to see if that negative dec.. is going to fly. Otherwise, what I am going to lean on you for is your **SEQR review**, you declaring a current negative dec. Then we get DOT to go ahead and give us the road cut and what we do is we will continue the Public Hearing. I will consent to it remaining open. That is my only hang up that might not be in. Everything else, he will be done and the other two exceptions will long since be done.

Rundberg: Now, you have the copy of the SEQR where I made the corrections for you. Correct?

Biscone: Yes.

Rundberg: Just checking and what I will ask of Steve is that I will send a note to Alan Van Wormer, our Emergency Services.

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Biscone: I called him up twice already and left messages. Rundberg: He may be away.

Biscone: I think he is. What I plan to do is just to give him another photo of that thing, that plan. That is what he really needs to have in whatever files he keeps.

Rundberg: I was going to suggest to him that he stop by Steve's office and see the whole plan.

Biscone: That would be better.

Rundberg: And he can just speak to Steve and that will take care of that.

Biscone: Do you want me to give you an extra?

Rundberg: But I will invite him on the 8th in case he doesn't touch base. Biscone: That will be fine.

Van Etten: The **septic system** is filter beds, are they?

Brandt: The septic system is the same system as at Best Western and Holiday Inn Express.

[Several spoke at once.]

Van Etten: No filter beds?

Brandt: What it is, from the building, it goes into a series of large septic tanks. After the sludge is pretty much removed out of the heavy material, the water goes into aerator tanks where air is pumped and [several words not understood.] bacteria and oxygen is circulated and then that water goes into sand filter beds and then from there it will be discharged.

Van Etten: Is it a covered bed?

Brandt: No, they are open sand filters. By the time that water gets to the filter, you can actually [Several words not understood.] They work very well as long as they are maintained. I do want to say that the water treatment plant is a community water treatment plant.

Rundberg: I saw that.

Brandt: Not only for this property but for this property.

Rundberg: That is right, for the front property.

Brandt: I require that someone comes out there and monitors it.

Rundberg: That is licensed. That is New York State.

Brandt: You know that.

Van Etten: Down the road will the treatment plant accommodate the front lot? Brandt: Correct.

Van Etten: What is the design flow for the treatment plant, you know, per day?

Brandt: I know we calculated off the water usage and we calculated a restaurant so it is for maximum so if we do anything less than a restaurant, it is less water. I don't know the number. I am sorry.

Rundberg: Does the Board have any other questions? Bob, Ann Marie, Rob.

Biscone: How many of these would you like me to leave with the Board? I would like to take one back. I can leave you two.

Rundberg: Marjorie, do you have any questions? Clerk: No

Rundberg: Anyone in the public have any questions? Would anyone in the public like to come up and take a look at the drawings?

Biscone: All right. So what I would ask then is that we consider having someone make a motion to adjourn this to your Thursday, December 8, calendar for a public hearing and then I can also get the

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necessary components out and the letters and so on and so forth to the neighbors with the certified mail, return receipt requested. We always have problems around the holidays. You have Election Day, you have Veteran's Day and you have Thanksgiving, all that fall in between now and then and with those holidays I find that the mailings are [Word not understood.]. To that end, I will defer to the Board if they care to make a motion.

It was moved by Vadney and seconded by **Horn** to hold the Public Hearing for the Brandt Bristol Manor project on December 8, 2016.

AYES: 6 NAYS: 0 ABSTAINED: 0 ABSENT: 1

Biscone: In that motion, I would assume that the meeting will be at 7 p.m. Rundberg: Yes.

Clerk: At some point, we are going to have to put in there, their going back to the ZBA.

Rundberg: They didn't get their approval at the ZBA?

Biscone: She will not talk to me until we are done with you. I am only telling you what I was told over there. That is for that Variance.

Rundberg: For the snow.

Biscone: Well, we got it. We are going to get it again. Let me read my notes.

Rundberg: No, I read it. I must have missed that point. I am sorry.

Vadney: Why do they have to go back?

Biscone: Because it expired. Now can someone refresh me?. Certainly, we will get them out.

Vadney: We need to do the SEQR.

[Several spoke at once.]

Biscone: You are doing that. They won't do that. They refused. What Marjorie is saying is I do have to get a Variance so your approval will simply be predicated on that I go get the Variance from your current ZBA and that is fine and we will do that. Sharon already has your little list that was done ever so many times, correct?

Clerk: It probably better be checked. The names of some of the neighboring property owners may have changed.

Biscone: And who do we get that from, the Assessor?

Clerk: The Assessor's Clerk, Julie. Rundberg: Gordon's office. Brandt: We need the addresses.

Biscone: That is what Julie is going to give us. All right, that is for the certified mail, return receipt requested. Anything else I can answer. You can keep two of those for completion and we will go from there.

Vadney: I have one question. If all of this is completed, the Public Hearing is finished.

Rundberg: When will you break ground? Brandt: When the bank gives me the money.

Biscone: That is what caused this big delay. Remember I was telling you about that. It was the financial crash. It took three years for everybody to poke their heads back out of the fox hole. It was not the Bank of Greene County, it wasn't the National Bank of Coxsackie. That financial crisis went on a completely different level. Ergo the saying, too big to fail. It was those boys that were causing it.

Rundberg: Bill, thank you for flying in and out. Steve, thank you for all the work you have done on it.

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Lot Line Adjustment

Mrs. Rundberg advised that she had spoken with Councilwomen Van Etten on Monday evening between the Public Hearing and Town Board Meeting about the lot line adjustment maximum acreage, questioning why just one acre since our zoning is two unless in the hamlet and was advised that they preferred that it stay at one instead of going to one and a half or one and three quarters because the Town Board is concerned that it would be taken advantage of. From their perspective, they would rather that people wanting an adjustment of more than one acre would have to go to the ZBA and then back to the Planning Board for a subdivision rather than an adjustment. The Attorney for the Town has advised that it is what the Town prefers.

Mrs. Rundberg asked the Board for their opinions. She emphasized that the Planning Board was not criticizing the Town Board but we do subdivisions constantly. She felt it would be more beneficial if it was one and a half or one and three quarter acres rather than having the property owner have to go to the ZBA and then back to the Planning Board to go through the subdivision process. Mr. Court commented that he did not know if it matters whether it is one acre or 100 acres. A subdivision is creating more lots; the lot line adjustment is simply moving the lot line. The land is going to be the same and so are the owners. He did not know why they have so small a restriction on lot line adjustments.

Mr. Van Etten questioned are they concerned about making small lots subdividable lots? Mrs. Rundberg responded but we would not do that as planners; we would not let that happen. Question was then raised what difference would it make if it was made large enough to divide and noted they would have to come back to the Planning Board and go through the subdivision process. Mrs. Rundberg continued that while it is the Board's decision, she felt it should be an acreage amount to match the Zoning. We are trying to help the property owners, speed the process up and still maintain the plan for the Town and the health, safety and welfare of the public. We don't see where we are not helping the public by going to two acres.

Question was raised as to whether there should be a time limit included so they can't turn right around after the lot line adjustment and take further action on the property in a couple of months (i.e. just enough property added to a parcel through a lot line adjustment to make it possible to then come forward to subdivide off a two-acre parcel). With a subdivision, you can't do anything for five years.. It was felt for small amounts there should not be a time frame.

Mrs. Alfeld pointed out the whole idea of the lot line adjustment and what the Town Board is suggesting was to save time; and if the Board goes with what they are talking about, it does not improve the chances of the property owner to move forward speedily as you are doing by keeping it larger than a quarter acre, half an acre. She felt the Town Board was defeating their own purpose by going so low.

Discussion then moved to a two lot subdivision that had taken place some months before which had split the upper portion of the property on the cliff from the lower section bordering on the river and the concern that the Board had not done its due diligence to see that the lower parcel was not landlocked and had the necessary right-of-way to it. The realtor had mentioned when representing the subdivider, the seller, that the lower parcel was to be combined with the property immediately to the south upon completion of the subdivision and purchase of the parcel. There was nothing on the map to indicate a right-of-way or that assumed intent where if it could have been handled by a lot line adjustment the Board would not now have the concern. The Clerk advised the Board that it had been treated by Real Property in the manner the Realtor had discussed and has been combined with the property already owned by the purchaser.

It was moved by Rundberg and seconded by Court that the **Planning Board recommends to the Town Board that the lot size for a lot line adjustment be amended to anything under 1.99 acres rather than the one acre as set forth in the current Lot Line Adjustment Legislation.**

AYES: Caputo; Horn; Rundberg; Van Etten; Vadney; Court

NAYS: None

ABSTAINED: None

ABSENT: Bruno

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Solar Fees

The Clerk had included in the Board Member's meeting packets a summary of the solar fees charged in other municipalities and this evening with a cost comparison chart put together by CEO Mantor. Presently the Town has a \$40 application fee for residential roof mount and ground mount solar but does not have an application fee for commercial solar.

A question was raised as to how much time would be invested for inspections of a commercial development (solar farm) and noted it would be a lot. Question was raised if there was a scale depending on the size of it. It was noted that the summary in some instances reflected a fee per square foot and then noted that CEO Mantor who had left the room on another matter was really needed back in the room for this discussion. Ms. Vadney referred to material handed out at training she, and several other Board Members, recently attended and to the scale provided in particular in that material. Ms. Vadney suggested that copies of the material be made for the Board Members that did not attend so they can take a look at it. Mrs. Rundberg reminded the Board that this discussion could not be carried over to another month; the Town Board was anticipating that the Planning Board would be able to provide them with fee suggestions following tonight's meeting. Mr. Court advised that any municipality accepting and using the New York State Solar Permit Application would be eligible for a \$2,500 grant and could apply to get the money back. It was believed the limit on it was \$12,000 and the permit was only good for units smaller than that which was believed to be the cut off between residential and commercial.

The Clerk advised that she had copies of that application and believed the application was mentioned in the Town's legislation. Mr. Court clarified the application given is just a template and the municipality gets to modify it to its liking. Once modified, it is submitted to the State with a request for the grant money.

Ms. Vadney questioned why we would not want to go with the State form or something similar to it so we can possibly get reimbursed, get the \$2,500. for the Town if we have a project and utilize the form? Mr. Mantor had returned to the room and advised that he had gone to the course, has his material marked up and his intention is to bring it to the attention of Supervisor Dellisanti and the Attorney for the Town, Tal Rappleyea, because they have to look at those costs. Mr. Court reiterated his comments about the State Solar Permit Application and eligibility for a grant if the State Solar Permit Application modified to the Town's liking is used. Within that, it defines what was small residential to what is going to be Commercial. Mrs. Rundberg pointed out but we can still set our own fees. With regarding to the PILOT, you cannot tax the landowner any more than what is being taxed now.

Mr. Mantor explained that Supervisor Dellisanti had asked him to share his cost comparison for PV solar permits with the Board since the Board has been put in an advisory capacity for the fees. The comparison reflects what is going on in other Towns right now. What is shown is what the Towns do going cross-wise and then the ones that have a rate that is based on something else is shown in the gray bars down. He had given an example of what they would charge as a fee based on the size of the installation. The key to that whole thing is that 1KW is approximately 100 square feet of house. If you have a large office building that was going to try to get 500 KWH worth of electricity out of their system, that would be 50,000 square feet. In the Town of Coxsackie, they would charge \$25,000; in the Town of Catskill, they would charge \$10,000 per their current rates; the Town of Athens \$20,000 because they actually have a rate per square foot in their current rules. Based on the available information, Mr. Mantor came up with the average and that is what is initially recommended on the far right. He is still awaiting information from other Towns. His current recommendation is that we look at \$50. for all residential systems under 12KB and then we look at 36 cents per square foot for anything larger in Category 2 and 3 in that law which actually works well with the law we currently adopted. Just as an example, the fee for a large office building would be \$18,000. Your typical large store, the fee would be \$5,720. He again pointed out as he gets more information, and plugs it in, his cost comparison will become more refined. At the present time, we are pretty much the best deal in Town.

Ms. Horn commented that she would be very comfortable with these suggested fees. Some of the other fees are getting pretty high. It was further noted the higher fees could discourage people but it was ultimately up to the Town Board. Question was raised could the more expensive fees be worked into the

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PILOT and then the fee would be paid off over a number of years. Mr. Mantor responded that he had to learn more about the PILOT but his understanding at this point is that this fee is separate from the tax, separate from the revenues generated. This is just the Building Permit Fee, received up front, given to the Building Department to process it.

Question was raised as to how many acres were in 50,000 sq. ft. and noted approximately 12,000 square feet in an acre. It was noted we would probably not see anything that size in New Baltimore, then noted unless another large building is built in the Town or the solar added to an existing large building. Mr. Mantor commented that he would like to see a set fee for the residential and then by the square feet. Mrs. Rundberg pointed out that it would be Mr. Mantor that has to deal with it. Mr. Mantor explained if it is going to be a big thing (i.e. solar farm), it is going to be a lot of work, a lot of inspections. It will be footings, layouts, drainage, fences. Comment was again made that we do not want to be discouraging people; and with receipt of information from more Towns, we will see what is acceptable. Mr. Mantor will share the information as he gets more in from other Towns. He emphasized that it was important to get a fee in place for beyond the residential at this time.

With a solar farm, you are not going to have 100% coverage of the land. You have to take into consideration setbacks, allowable percentage of acreage coverage, access roads, fencing. If you have 12 acres, ten acres would be allowable actual panel coverage. Ms. Vadney commented that she did not feel the Planning Board had enough information before them to make a recommendation to the Town Board at this time. Mrs. Rundberg did not feel that she did either. She was aware that some companies wishing to site solar farms would pay all fees up front. The property owner would not be burdened with any of it. The companies wanted open land, not woodlands but land ready to build on. They wanted a certain amount of acreage but the hindrance in this Town was that we do not have the electrical structure (three phase) in most areas.

It was further noted this would not affect the Property owner's assessment. It is treated as vacant property. The only thing going in the ground are the poles. It has to be near three phase electric. The PILOT is for if you want to create some revenue for the Town. A fee, like \$5,000 a year, is negotiated and worked into the project. It can kill a project but it can also be part of the project, put into the project. They know the yearly fee is there. Some of the companies will pay the taxes on the portion of the land where the farm is for as long as the project is on the land. Then they will reclaim the land when the project is removed. It was then clarified they don't pay the taxes, they pay the property owner a set fee for each acre they are using. Many municipalities are just now establishing their commercial solar fees.

Ms. Vadney again commented on the material received at the training she attended and questioned whether the Board should split up the list of websites contained in the material and check them out to obtain more information. Question was raised if the Board made fee recommendations at this time could they be changed later and it was noted they could be adjusted later. Ms. Horn suggested that the Board go with CEO Mantor's recommendations for the present time so there would be fees in place. If we look at websites, it will be another month and another month and then we will be into next year. Ms. Vadney again commented that she did not feel she could vote on a solid recommendation for the Commercial since it involves a whole lot of other issues including the Agricultural Districts. Ms. Horn pointed out that there are so few places where a solar farm can be sited in the Town. It can only go where there is three-phase electric.

Mr. Caputo suggested the Board go with CEO Mantor's suggestions for right now; and if the Board comes up with something better, it can be tweaked again and put before the Town Board. In the meantime, let's give the Town Board something to work with. It was then pointed out this is just our recommendation; the Town Board doesn't have to go with it. It is a work in progress as Mr. Mantor has information coming in from more municipalities. He took the average of the available data at this point.

Mr. Court questioned to Mr. Mantor when you were looking at the per square foot was that the square footage of what went in the ground or of the panels? Mr. Mantor explained it was the surface area of the panels because there would be space between the panels, roads, etc. There is a pretty good average, believed to be 100 square feet per KW +/- depending on the type of panel being used. That appears to be

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the standard being used now. .You want to take the kilowatts of the proposed generation; then you can use that to come up with a price. Ms. Vadney questioned so what are they paying for surface panels versus the ground since they talked about ground in the training, land coverage. So if you are talking square footage in these fees, what are we talking about? Are we talking about ground coverage or panels because ground coverage would be more if you are doing surface panels.

Mr. Mantor explained when someone builds a house, the Building Department really doesn't care, from the building perspective, how many acres they have, is it minimal or large with marvelous views. All the Building Department cares about is the house so these fees are based on the potential generation power of the panels. So kind of put out of your mind that we are talking about the square footage, the space they occupy, because there are other factors. If it is based on an angle, we can do a lot of math and play around with it. Essentially when they come in and propose to us that they want to put in a 20 megawatt or they want to put in a five megawatt, you just take the megawatts, divide it by the number of square feet per panel and there you go. Mr. Mantor emphasized the training material was not trying to come up with a total planning tool for you. It is just an estimate on what the fees should be for the building permit. This is pretty much what the other Towns around here have looked at and have given their prices based on the square footage of panels.

It was moved by Rundberg and seconded by Horn that the **Planning Board is recommending to the Town Board a \$50.00 application fee for residential solar and a commercial solar application fee of 36 cents per square foot of panel as suggested by CEO Mantor in his Comparison of Cost for PV Solar Permits Chart provided to the Planning Board and with the understanding that the comparison provided is a work in progress based on information received to date.**

AYES: Caputo; Horn; Rundberg; Van Etten; Court

NAYS: Vadney

ABSTAINED: None

ABSENT: Bruno

Lot Line Adjustment (Cont'd)

The Clerk reminded the Board that they did not make a Lot Line Adjustment Application fee recommendation to the Town Board. Resolution presented as follows:

It was moved by Rundberg and seconded by Vadney **that the Planning Board makes recommendation to the Town Board that the Lot Line Adjustment Application fee be \$50.00.**

AYES: Caputo; Horn; Rundberg; Van Etten; Vadney; Court

NAYS: None

ABSTAINED: None

ABSENT: Bruno

Minutes

Ms. Vadney advised the Board that she had changes for the August 11, 2016, minutes as follows:

Third paragraph, fourth line, Page 1, "was approved, we could" add "*go either way*".

Third paragraph, sixth line from bottom, Page 1. "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 had said that and that she had an issue with that." She requested that it be changed to read "*Ms. Vadney said that she doubted that Mr. Dellisanti would direct the Planning Board as such.*"

Mr. Van Etten pointed out the way to clear up that discrepancy would be to listen to the tape. Mrs. Rundberg reminded Ms. Vadney that we do not do verbatim minutes any more. Receiving no response

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she again questioned you know that we do not do verbatim minutes anymore? Ms. Vadney responded that she knew that. Ms. Vadney responded when I make a change, it is because the whole context I don't think is appropriate. It is not exactly how we said it and it also makes a difference when the public reads it.

It was moved by and seconded to approve the minutes of the August 11, 2016, Regular Monthly Meeting with corrections as presented by Ms. Vadney.

AYES: Caputo; Horn; Rundberg; Van Etten; Vadney; Court

NAYS: None

ABSTAINED: None

ABSENT: Bruno

It was moved by Caputo and seconded by Rundberg to approve the minutes of the September 8, 2016, Regular Monthly Meeting as presented.

AYES: Caputo; Horn; Rundberg; Van Etten; Vadney; Court

NAYS: None

ABSTAINED: None

ABSENT: Bruno

Correspondence

1. 9/13/2016 letter from Biscone Law Firm, re: William B. Brandt, Bristol Manor

This letter had been discussed earlier in the meeting.

2. From Assessor Bennett, copy of August, 2016, Greene County Real Property Transfer Report
3. Building Permit Applications: 1 Porch, 1 Deck Re-hab; 1 Manufactured Home; 1 Inground Swimming Pool; 1 Sunroom; 1 Roof Mounted Solar.

Adjournment

At 8:35 p.m., it was moved by Caputo and seconded by Vadney to adjourn the meeting.

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

Respectfully Submitted
Marjorie Loux, Clerk