

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The Regular Monthly Meeting was called to order at 7:15 p.m. by Chair Rob Van Etten followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney, Jean Horn, Bob Court, Bill Boehlke and Lee Salisbury. Pat Bruno was absent due to vacation.

OLD BUSINESS

Lands of John & Betsy Murray – Minor Subdivision Application

The Public Hearing on this application had been held just prior to the start of this meeting. Mr. and Mrs. Murray remained present.

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**

Being no further questions, resolution was presented as follows:

WHEREAS, John and Betsy Murray wishing to complete a two-lot minor subdivision of property located at 9 West Hawley Lane submitted Minor Subdivision Application at the June 8, 2017, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on July 13, 2017, with members of the Public offering comment; and

WHEREAS, the Short Environmental Assessment Form was reviewed, now therefore be it

RESOLVED, the application be granted a negative declaration for purposes of SEQR; and

RESOLVED, that the Murray subdivision be approved with no conditions.

Moved by: Vadney Seconded by: Court

AYES: Van Etten; Vadney; Horn; Court; Salisbury

NAYS: None ABSTAINED: None ABSENT: Bruno

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The Chair stamped and signed the maps and mylar. One copy was retained for the file. The Murrays were provided with the filing green form and were advised that the maps had to be filed in County Clerk's office within 60 days and green form stamped by County Clerk's office returned to the Planning Board. Mr. Murray thanked the Planning Board for their time and further wished to thank the Town Board for the fact West Hawley Lane is now a paved road.

Lands of Randy Lent, Tammy Parker, Shelly West – Minor Subdivision Application

Randy Lent had appeared before the Planning Board in April to complete a two-lot subdivision and was referred by the Planning Board to the Zoning Board of Appeals because of requested parcel size. He has been to the Zoning Board of Appeals, received the necessary Variance and is now back before the Planning Board. \$60.00 Minor Subdivision Application Fee was paid completing the application. Final maps were laid out for the Board's review. The Board Members had no questions or concerns with regard to the presented maps.

Resolution was presented as follows:

WHEREAS, Randy Lent, Shelly West and Tammy Parker wishing to subdivide a two-acre parcel at 39 Hadley Drive, Hannacroix, bearing Tax Map #17.01-1-9, assigned to the house and Tax Map #17.01-1-8 assigned to the manufactured home but both on one deeded parcel, to place house and manufactured residence on separate parcels, presented Minor Subdivision Application at the April 13, 2017, Planning Board Meeting, were denied by the Planning Board because of proposed lot size of less than two acres per parcel and referred to the Zoning Board of Appeals for Area Variance consideration; and

WHEREAS, Randy Lent, with notarized authorization from his sisters, presented application at the May 3, 2017, Zoning Board of Appeals meeting requesting Area Variance to place the house on 1.65 acres and manufactured home on .35 acres; and

WHEREAS, Public Hearing was held on said application at the New Baltimore Town Hall on June 7, 2017, with members of the public offering no comment; and

WHEREAS, after completion of the Short Form EAF and discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its June 7, 2017, Regular Monthly Meeting, it was resolved that the action be granted a negative declaration for purpose of SEQRA, the action would more accurately document physical property conditions currently existing and therefore granted Area Variance; and

WHEREAS, Randy Lent then returned to the Planning Board on July 13, 2017, to continue the subdivision process; and

WHEREAS, after discussion by the Planning Board Members at the July 13, 2017, meeting taking into consideration that there were no members of the public present at the Zoning Board of Appeals Public Hearing and that the Zoning Board of Appeals at its June 7, 2017, meeting had gone through the Short EAF and issued a negative declaration, it was

RESOLVED, that the Planning Board waive the need to go through another Short Form EAF since Zoning Board of Appeals had issued a negative declaration following its review; and be it further

RESOLVED, that the need for a Public Hearing on the subdivision application be waived since there was no public comment at the Zoning Board of Appeals Public Hearing; and be it further

RESOLVED that the Lent, Parker, West minor subdivision application be approved with no conditions.

Moved by: Vadney Seconded by Boehlke

AYES: Van Etten; Vadney; Horn; Court; Salisbury

NAYS: None ABSTAINED: None ABSENT: Bruno

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The Chair stamped and signed the maps and mylar. Mr. Lent was advised that he needed to file the maps and mylar in the County Clerk's office within 60 days and to return the green form accompanying the maps to the Planning Board after map filing and form completion by the County Clerk's Office.

Christopher and Rebecca Chmielewski – Easement

The Chmielewskis asked to be removed from this evening's agenda.

Lands of Louis LaFalce; Lands of Jacqueline Davis – Lot Line Adjustment

Mr. LaFalce and Mrs. Davis were present.

Van Etten: Now I figured the best way to approach this, since the lawyers always have the end say anyway, was to talk to the Town's lawyer. And his thoughts on it and you guys are all up to speed on the fact that these parcels—all these subdivisions have never been through the Planning Board.

Davis: Well, we have owned the property, the 45 acres that I own, has been in my family's name for over 30 years.

Van Etten: Yes, I understand that.

Davis: So I don't know who would have been the subdivision people.

Van Etten: But I don't think they have ever been before the Planning Board when they were divided off.

Davis: Oh that was way before. That was Cary's.

Van Etten: No evidence of I believe, Marjorie. You researched it, correct?

Clerk: Yes.

Davis: Over 30 years ago.

Van Etten: So in talking to the Town's attorney, rather than go back forever trying to straighten this out, he suggested to treat what you are doing as a Minor Subdivision.

Davis: Okay.

Van Etten: You start fresh there with your two parcels so you will have to do a minor subdivision application.

Davis: For my piece to give it to him? Van Etten: To give to him. Davis: Okay.

Van Etten: Then you are going to have to have new maps done. We will have to have a Public Hearing. Just go through all the motions as if it were a Minor Subdivision. By having the Public Hearing, if anybody has problems with what has happened or is happening, then they will have a chance to weigh in on it.

Clerk: And point of correction is both did come before the Planning Board. It was a matter of they didn't file any maps in the County Clerk's Office.

Van Etten: Okay. Is that what it was? Yet there are other parcels that came off the original parcel going back or are you talking about these two parcels here?

Clerk: I am talking about the parcels at hand, yes. When they were subdivided off from other lands, it came before the Board, as per the information I provided to you people, but the maps weren't filed.

Davis: Do we know who, which person it was?

Van Etten: End result is it never got completed.

Davis: Okay. All right. So my next step is that I have to have it surveyed and file for a minor

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subdivision.

Van Etten: Yes, you have to do a Minor Subdivision Application. Davis: For my piece?

Van Etten: Yes, and then come back and we would declare it a minor subdivision. I don't think we should do that at this point without.

Davis: The application.

Van Etten: And we would set a Public Hearing date and get it done; but you are going to have to have a map showing the parcels .

Davis: All right.

Van Etten: As they are going to be.

Davis: Do I need to have his map too or just mine?

Van Etten: Both.

Davis: Showing what is to be subdivided.

Van Etten: Both, because it is adding on to his so he is going to need a new map too.

Davis: With the added on or with just?

Van Etten: Now, are you adding it on to that parcel or is it going to be a separate parcel?

LaFalce: I am going to add it on because it is no good, nothing on it. There is no road frontage to it.

Van Etten: Then I would say you would have to have two maps.

Court: It is just like the Murray one that we just seen. It is pretty much taking your land, subdividing it, showing the surrounding properties.

Davis: Okay.

Court: When you say she is the only one with a two-lot subdivision, it is the only one that has to be surveyed.

Van Etten: Yes, but if that is being attached to his parcel. Court: He has to show his parcel.

Vadney: Yes, it will just show it. He doesn't necessarily have to have the parcel surveyed. He already has it filed in the County Clerk's.

Van Etten: Yes, but his parcel is going to be different then.

Vadney: Right. On these other maps though they show his parcel.

Davis: The other people that got the four and a half acres from them, did they have it added to their map?

Vadney: They can just file the map that is presented for the subdivision showing.

Court: If you want to stay here a few minutes longer, they are going to be back with their maps.

Van Etten: You see that was sold as a stand-alone parcel, whereas you want to add it to your parcel.

Davis: I don't think we have a choice, do we?

Court: We view hers as a stand-alone subdivision.

LaFalce: Is it better to not add it?

Van Etten: That is totally up to you but you would have two different parcels.

Clerk: But his parcel is non-conforming right now. [?]: His 15 acres?

Clerk: His parcel is also.

Vadney: How many acres do you have now?

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LaFalce: Fifteen. Vadney: Okay, so that is conforming. Davis: I have 45.

Van Etten: No, no, the subdivision process was not completed. No maps were filed with the County.

Court: One, is the way the Murrys are doing it. The second way, would be to have the whole property surveyed as the lines are going to be today, not as they were and that is what we would accept; and that would save a lot of trouble down the road, merging, for you if you did both parcels, get everything surveyed as you want it done.

Vadney: Yes, I agree. Court: Do it now.

Vadney: Yes, because then once it is filed, it is filed for both parcels. How much land are you giving?

Davis: Twenty acres. We are on 9W. I have to move to Virginia. I don't want to take away his pasture lot.

[Several conversations took place at the same time making it impossible to hear who was speaking with whom.]

Davis: How much land are you giving? Davis: 20 acres.

Davis: We are on 9W. I have to move to Virginia. I don't want to take away his pasture lot.

[Conversations continued.]

Davis: We had it here last month. Then you wanted to take it to the attorneys and I just forgot to bring the maps back because we weren't sure which way we were going with the lot line adjustment or a survey. That is where we left it.

LaFalce: When we had the trailer sales years ago, I sold that piece. Davis: That was all surveyed.

LaFalce: My Dad had surveyed the 15 acres off and sold it. Then, I bought the property back.

Court: Maybe someone will disagree but I would consider both of your properties one parcel at this point. Have your survey done, subdivide making it two and then there is no merging down the road for you for that. It is going to be done.

Van Etten: I would think--I don't see how you could file it down at the County without doing a complete survey.

Boehlke: What is the official legal standing of the properties right now? Are they actually two separate properties?

Davis: Yes. I own 45 acres. Van Etten: But it was never filed with the County.

Boehlke: So what was never filed?

Davis: This is my property. I am on 9W, right next to Eagle Tool Rentals. I have the house that sits in front. I own all the way up here. This is my brother, Louie, his property right here. His horses are in this pasture, that has always been a pasture lot. I have to move to Richmond. My company is re-locating me. I don't want to take away his pasture so what we want to do is bring the line up here, give him his pastures and then I could sell this piece. There is clearly a stonewall fence goes all the way up.

Boehlke: You were thinking that was done before and then you found out it wasn't.

Davis: Well, we knew I had this piece of property; but when we had my surveyor look, he said there was a difference between a land line change and a subdivision.

[?] Correct. Davis: And he said I had to come to the Board to discuss which way I had to go.

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Boehlke: This is deeded as one piece right now? Davis: That is deeded as one piece.

Boehlke: So you have to subdivide it and give him a parcel. Davis: Right.

Van Etten: We will do a subdivision process on that piece.

Boehlke: I don't see any other way to do it, Rob.

Van Etten: Yes, yes, correct, then that will all be recorded with the County; but unless he does a map of his, unless he is going to do a stand-alone parcel.

Horn: He can't. [Rest of comment not understood since several with speaking at the same time.]

Boehlke: He doesn't have to have his surveyed. Van Etten: Oh, if she subdivided that.

Boehlke: Just subdivide it and then she gives him the piece that is behind it.

Van Etten: But Jean has a very good point. If it is a stand-alone parcel, it would be landlocked so we can't do that.

Boehlke: But it is not and that is why I was asking. Right now, this is deeded as one piece right here, hers. This is all deeded right now, a 45-acre lot. This right now is deeded, a stand-alone lot, separate holder, 15 acres, so what she wants--there is an existing wall running right up here and I know what she is talking about. I know this property and then she wants to subdivide this right here, give him this because he needs the pasture, a lot, for his horses.

Van Etten: But like Jean just said though, that would make that a landlocked unless it is joined to his parcel here.

Salisbury: Well, he needs to join it to his property here.

Davis: But do we need a separate survey from the one where we separated it to his, to join it or one piece separated to his, to join it?

Vadney: No.

Court: They don't have the subdivision now. You are going to have to survey all this. Put the line where you want it and get your two lots.

Vadney: Survey everything. Boehlke: Because she is going to sell this.

Davis: But if I survey it all and we subdivide it, then. Court: That has road frontage.

Boehlke: Well, maybe I am not understanding what you are saying, Bob. This is somebody else's property, correct?

Davis: Yes, Eagle Tools. Court: This is yours? LaFalce: Yes.

Court: And this is yours? Davis: Yes.

Court: And you are going to put a line here? Davis: Yes.

Court: I am saying don't look at this as two separate parcels. Look at it as one parcel because it never had a—it is a non-conforming subdivision. Technically, it doesn't exist even though you are paying taxes on two separate properties. So if you consider this one parcel, looked at it that way, and I am subdividing, now I am going to put a line through here and I am going to have Lot #1, Lot #2 and that is it. That is the subdivision.

Boehlke: There is a separate deed for here. There is a separate deed for here.

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Davis: We just file the deed with the additional land there.

Boehlke: There are two existing deeds right now. Van Etten: But they are both filed with the County.

Horn: I don't think you could do that, Bob, because there are two separate names.

Boehlke: Because see, they are going to look at the legal standing of those properties right now, Bobby and that is how--they are basically going to start from scratch.

Court: So what we are telling them is to take this property and have it subdivided, Lot #1 and #2.

Boehlke: Well, I don't see any other way to do it.

Davis: Then have it re-surveyed with my Lot #2 and his property together?

Van Etten: You just have your surveys done showing the two parcels. You are going to have to have two separate maps.

Court: I do have a question for Charles. On the Murray one, you simply showed it on their map as to be joined.

Hite: Yes, right and that is their plan and how they will join it. In a lot of Towns, they will simply transfer that parcel of land to the neighboring property. Then that neighbor will then merge it with his. There are a couple of ways it can be done.

1. One way to do it is simply by a tax parcel merger request where for taxing purposes they are just merged together and nothing ever changes.
2. Another way to do it would be that once that neighbor takes a deed to the property, they re-convey the land to themselves with both parcels, their original parcel and the new one they got. They put a simple little paragraph saying the purpose of this conveyance is to merge the two parcels together. That works.
3. Another way would be that once the parcel goes over to the neighbor, you are getting the parcel, is that you would then describe the land in one parcel. Have your surveyor do it or your attorney and then re-convey that to yourself; and at the bottom of the deed, you just put a couple of paragraphs saying where the title source comes from and that it merges them, the parcels together. And you are all set.

So there are three different ways you can do it.

Van Etten: My question is though if they are going to go to the County and it is recorded, we need to have maps showing the new.

Hite: Just the one map, just like on the Murray map, that will work. Now, down at the County, when they are working and making revisions to the tax map, it doesn't always work out perfectly the first time. It may take a year or so to get it right or you might have to—through the years, I have had clients come to me and say, you know, they still have this separate; and they don't have that right but usually when you go down to the County and the Tax Department, you have Ray there, he has been there for 25 years and he has been good through the years at just fixing these for the homeowners and setting it up so that all the parcels are taxed correctly.

Davis: So we are going to do one big survey of the whole of it?

Hite Just your property. Davis: Just my property? Hite: Just your property.

Davis: Okay, I can fill out the application, start the process and have it surveyed.

Horn: But then they would have to have an attorney do one of those three steps, right? They can't just do it.

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Hite: Well, to transfer the deed, an attorney is the only one that can transfer and record the deed in New York State. The surveyors typically will do the description because a lot of the attorneys might be divorce attorneys. They don't do a lot of real estate. They just rely on others to help them out.

Van Etten: It still comes back to his deed, his parcel hasn't been recorded at the County level. So is that going to be an issue?

Davis: The deed hasn't or there is no? Van Etten: The parcel hasn't been recorded.

Davis: It was actually auctioned off originally. Van Etten: Oh, was it?

Vadney: The deed probably has been recorded but the survey hasn't been recorded.

Clerk: The subdivision map was never filed.

Vadney: Right, they are taxed based upon the deed. They know you have a deed down there.

Davis: For the 15 acres.

Hite: So where are they at this point is simply the Board is recommending this would be in your best interest to have all of it surveyed and show it on one map or would you say to them now just, you know, at a minimum do this to get through this.

Vadney: I think based on the background here, I would say, as Rob is saying, get everything surveyed at one time. Then when it is recorded, it is all showing both your parcel and your brother's parcel. Is that what you are saying Robbie?

Van Etten: Well, that is what I got from our attorney unless I misunderstood.

Vadney: And I think that is smart.

Van Etten: But he was saying, you know, have them re-do the maps.

Boehlke: I am still not really clear on, so what part of this property has not been, is subdivided but really not legally subdivided. What are we talking about here?

Clerk: Both of the parcels as they stand now.

Davis: That had to be many years ago because Cary's owned the property.

Boehlke: So this was originally a 60-acre parcel? Is that what you are saying?

Davis: No. It was bigger than that because it was originally Cary's farm way back. Then Gianquintos bought the property and then they sold us the 5 and the 15 acres, so the 20 point something.

[Board Members talking at same time as Davis and Boehlke.]

LaFalce: And the 15 acres was a separate parcel. Boehlke: These all have separate deeds to them?

Davis: Yes, we have deeds on all of them. Boehlke: So what are we talking about?

Horn: They just weren't recorded down at the County.

Davis: The maps weren't but they must have been recorded.

Vadney: How many tax bills do you get?

Davis: I get one; he gets one. Eagle Tool gets one, so they all have different taxes

Vadney: Those are three. Davis: Eagle Tool is the Company between us.

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[Conversation took place that could not be understood.]

Davis: They own separate. He gets a bill; I get a bill.

Clerk: What you have to bear in mind here is your property, maybe 100 years ago or so, was all one; but when the subdivisions took place,

Vadney: Okay, but they get one tax map. They get one tax bill so the County is looking at whatever she owns as one.

Clerk: Yes. What I printed there was from the tax map.

Vadney: Okay, so whatever he has, they are looking at as one. Whatever those subdivisions were back then, if they were real, they would all have different tax maps. Correct?

Clerk: Those maps were not filed. Vadney: So they don't exist.

Horn: It makes them non-conforming if they were not filed.

Vadney: It makes them non-conforming but they are asking. They have two legal pieces of land, correct?

Van Etten: Two deeds.

Boehlke: Well, they have different lot numbers on the tax map. There are tax receipts, right?

Vadney: That is right. They have two deeds. There are two pieces of property.

Boehlke: So I don't understand what we are arguing about. I really don't.

Vadney: Yes, exactly. Let's simplify it. She is going to give him acreage. Whatever happened in the past, they are not paying attention to and they are not getting taxed on it. So they have two tax maps, two deeds down in the County and they are here now to subdivide that one piece and give it to him.

Horn: Right. Vadney: That is very simple. Boehlke: I agree.

Vadney: Okay, so that is what we are doing; and I agree, I think it is a good idea for everything, they follow what we just said here, that you survey the whole property.

Davis: And put in the lines. Van Etten: We need maps to stamp.

Boehlke: Well, you are going to wind up having to survey yours sooner or later any way, you know, when you incorporate the other. There is probably the chance you are going to have to do it any way.

Davis: Are you available to do surveys because you just heard everything? I might have to hire you.

Vadney: Yes because right now, you don't have any maps down there. You have two deeds that we know of and you are being taxed on two deeds. That is what we are dealing with here, Marjorie, right? So if you show everything for both of you, then you file it.

Boehlke: I mean [Several words not understood.] bureaucracy. Let's not get bogged down in it.

Van Etten: Am I wrong if we get two sets of maps stamped and sent to the County, then you are golden?

Davis: One survey, two sets of maps? Vadney: What do you think, Charlie?

Boehlke: If you have a deed, you have to subdivide it if you are giving part of it away.

Van Etten: Am I wrong, Marjorie? How are we going to stamp the maps?

Clerk: Well, I was out of the room for part of the conversation, so I don't know where we are at.

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Vadney: Well, I just summarized for them.

Hilscher: Mr. Chairman, can I? I am not involved here tonight. When you are all done, I have a question. We are going to take two acres from a neighbor up on the Stanton Hill Cemetery so this is related to what you

Hite: Similar situation, correct.

Hilscher: So Mr. Hite who is also our surveyor up there, I think what you have to keep in mind is, and I don't want to take work away from Mr. Hite; but you need to ask the citizen to do the least expensive, to require the least expensive burden that accomplishes what you want to do. The only map, and Charlie will tell me if I am wrong, you need one map. If Mr. LoMonaco up on the hill is giving the Stanton Hill Cemetery two acres, the only thing he has to survey is those two acres. He is going to give us a map. He is going to say here is the two acres. It used to belong to Mr. LoMonaco, now it is going to be transferred; it is a lot line adjustment or whatever you call it in the Town of New Baltimore. The map gets filed at the County. That is all the County needs; and if what's his name needs a merger, anybody can do that. It costs \$15. You take this as a parcel, this as a parcel, merge it and you have to realize anytime it would be good to survey the whole thing. Well, of course, it would be good to survey the whole thing.

Vadney: Okay, back up.

Hilscher: If somebody has got a 60-acre parcel, you are costing them thousands of dollars. Let me just finish. You are making people record multiple deeds. Every time you record the deed, it costs \$300 and some dollars. You don't need to do that. Mr. Hite just told you that, you know, there are three ways to do it. The easiest way is a merger. It costs \$15. Just keep that in mind when—you never want to ask people to spend money that they don't have to spend to accomplish what they want to accomplish.

Vadney: Okay, I think the difference between what you are talking about up there and this is that this property owner doesn't have anything filed in the County other than their deed. They don't have a survey.

Hilscher: Okay.

Vadney: She doesn't have anything, a survey filed in the County. So that is what we are saying. We are hoping that it is going to cost less money if they do it right now. That is not our call though. That is there call.

Hilscher: Right

Vadney: What we are saying, I think, to them is that because neither one of you have anything recorded in the County, it might be in your best interest at this point in time.

Boehlke: But I like your attitude, Ted. Hilscher: But that would be up to them.

Vadney: Absolutely. Hilscher: There are thousands of parcels in Greene County that have no surveys.

Vadney: Absolutely. But what we are saying to them is trying to give them—Robbie spoke with our legal counsel, right?

Van Etten: And he said go through the process so naturally we need a map. You know, because we don't have any actual map to stamp when it is done.

Hilscher: So Mr. Hite, did I explain the two acres or whatever. I came in in the middle so I don't know how many acres but for us, it is going to be two acres. That is the minimum that he has to survey; that is the map that will go down to the County.

Vadney: Well, that is what I think Marjorie said the difference is and it is totally up to you but you don't have anything, you won't have anything recorded in the County Clerk's office. Just like you don't now, which is creating problems for you; and legally, once that is transferred, correct me too anyone in here, if you don't file your new land parcel, it won't be legally subdivided. So hers will be filed but your piece

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will not be filed so you either do it now. I mean you want to be legal. You don't want to come in here 10-15 years from now when you want to sell it or you want to subdivide it, whatever; and you are not legal. Right? You will have your maps there under your name. You need it under your name so the legal process would be to do a survey now. Correct me, anyone, who wants to if I am wrong.

Horn: Do you have surveys that just were never filed? LaFalce: Of my 15 acres?

Horn: Yes. LaFalce: Yes, my Dad did it a long time ago. I don't know who did it for him?

Vadney: Do you have copies of it?

LaFalce: No, my Dad sold the property at an auction and then I bought it from the guy that bought it from my Dad.

Davis: Yes, except mine is Commercial property so it is going to cost me a lot more to survey.

Vadney: And yours is not Commercial property. Well, I am confused.

Boehlke: So it hasn't been surveyed. You don't have a survey on it.

Davis: I don't. It was a family thing. There was a death in the family. It got left to my Aunt, got left to my mother. We took it over to get her out of debt. It was one of those things. We didn't have any; we did the legal deed changes and everything.

Boehlke: It defers all the expenses down the road.

Van Etten: Well, we certainly want to make it as simple and affordable as possible for you.

Davis: I totally agree.

Van Etten: But like I say, if we don't have a map, how do we stamp it?

Hilscher: One question I would want to know if I was sitting where you are sitting is when your family did the subdivisions.

Davis: We never subdivided. We bought it that way. Hilscher: Okay.

Davis: Okay, 30 years ago we bought it that way.

Hilscher: So the subdivisions that were done were done prior to the Subdivision Law.

Van Etten: No. Hilscher: No? Clerk: After. Hilscher: Oh. Okay.

Van Etten: That is the snafu here. Hilscher: Okay, all right. So it is a little complicated, okay.

Van Etten: That is the whole. [Several spoke at once.]

Van Etten: Marjorie has researched it and so that is the snafu. I mean they started on the subdivision process but they never followed through. Correct? And I can't remember what year it was. We have it all. So that kind of complicates it a little bit unless I am looking at it wrong.

LaFalce: [Several words not understood.] all the paperwork.

Davis: Yes but he did the closings from. Hite: Was this Michael or John? Davis: Michael.

Van Etten: Marjorie researched it and it has all been sent over to the Town's attorney. He suggested that we do a subdivision process on your parcel; but in order to do a subdivision.

Davis: We bought the property, the piece that we own, the one piece in '84.

LaFalce: My Dad bought the 5.9 acres where the trailer sales was. My Dad bought that in 1984. . It was

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just 5.94 acres. The 15 acres we leased from his friend, Giaquinto; and then my Uncle came up and bought the other property where Jackie is. My Uncle Lou bought that from him; but the 5.9, my Dad bought that property from Frank Giaquinto and sold it and then I bought it back.

Vadney: If she can fix it, I mean it is in your best interest.

Van Etten: Again, we are not trying to make it any more complicated.

Davis: No, no, no, and we want to do it right. That is why we came to you guys to talk to you.

Vadney: Your surveyor that you hire should be able to tell you the most expeditious and inexpensive way to achieve

LaFalce: Well, he did and we came the last time and we talked about it. Remember, what was it?

Davis: No, it wasn't him; it was Kyle's friend.

LaFalce: Right but what I saying is we talked with him.

Davis: Lot line. Davis: We have a friend that is just out of survey school and he has opened his own business so he was going to help us out; and when he looked into it, he said wait a minute. You have to go talk to these people and that is how we ended up down the road.

Van Etten: Well, just the fact the subdivision process in the past has not been followed through on kind of leaves it a little more complicated.

Davis: Oh, yes. This whole process of giving Louie this property has been very complicated.

Van Etten: And I am going by the Town Attorney's suggestion. We e-mailed him all of what has taken place over the years and that was his suggestion; but by all means if you have your own attorney, we are certainly open.

Davis: The only attorney we have ever used is Biscone.

Horn: And if you can just survey what you are transferring, that would be good.

Van Etten: But we have to have some type of map to send to the County.

Horn: Yes. Well, I guess you couldn't have a map without a survey.

Vadney: But that then leaves him not being recorded.

Hite: Something has to be surveyed there, at a minimum that piece you are transferring, right, would have to be surveyed.

Davis: Well, I have to sell mine any way. I have to move. My company is re-locating me to Virginia.

LaFalce: [Spoke at same time as Davis, not understood.]

Van Etten: Then we come back to the point that Jean just made which is a good point. If that isn't added on to your parcel, are we landlocking a parcel? Am I looking at it wrong?

Court: Well, that is what I am going to say if Charles or whoever does the survey, does it the way that they did the Murray's where they are showing they are going to be linked is that acceptable for us to let it be landlocked and not make them do a right-of-way into it? Then, I would say yes, that would be the way to do it.

Van Etten: That is something I certainly would not want to answer. Maybe, Ted?

Hilscher: Well, it will say on the map. It will say Parcel #2 is going to be merged with Parcel #3 and that is it and the County will take that. Ray Ward will take that and Gordon will take that. That is all that it

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has to say.

Boehlke: If it is a sealed map.

Hilscher: Yes.

Van Etten: Or we can put it in our resolution when we adopt it that that will become part of. Just so long as we do not end up with a landlocked parcel

Davis: So I will fill this out, bring it up and drop it off to you, the application.

Clerk: You really need to get into your survey before, sketch plan, whatever.

Davis: So wait until the survey is done before I fill out the application?

Vadney: I would think that they should fill the application out. The sketch plan, you should be able to-- talk to your surveyor to see how quickly you can get it.

Van Etten: Well, you have your tax maps. Wouldn't they suffice?

Clerk: Well, they would suffice for the classification. Whoever does their survey work, we would have to know when the maps would be ready so we can moved forward.

Davis: I will talk to him tomorrow and I will get back to you all.

Van Etten: Just so you can go ahead and do the application; we can classify it as a minor subdivision and get the ball rolling.

Davis: Exactly. Perfect.

Horn: Jackie, do you have a time frame for this.

Davis: I have to move in 2018. They are going to hand me a piece of paper on January 1 and tell me here is what you are going to get as money to move and you have so many months to do it. My problem is in trying to get it sold before I move.

Van Etten: And by all means, survey only what you have to. I am not trying to run your bill up.

Davis: Just like I said, it is Commercial, my piece is commercial. Thank you very much, appreciate it. I know it is a pain, but we will get through it. Thank you.

New Baltimore Conservancy

Present on behalf of the New Baltimore Conservancy was Peter Melewski. Pursuant to condition in Special Use Permit granted to Scenic Hudson for Long View Park, Mr. Melewski was present to advise the Board of the event to be held at Scenic Hudson's Long View Park on September 16. Rather than a chili cook-off this year, an old fashioned hot dog dinner with ice cream for dessert will be held from 4:30 to 6. A barn dance with the Playing With Fire Band providing the music will follow from 6 to 9 p.m.

Question was raised as to why they had to come before the Board each year before the event was held and could not the resolution be modified so this requirement was not necessary. The Clerk explained at the time Scenic Hudson was before the Planning Board for the necessary Special Use Permit for Longview Park, there was an ongoing issue with loud music at another location in the Town, thus the condition was imposed. Resolution presented as follows:

WHEREAS, the New Baltimore Conservancy manages Scenic Hudson's Longview Park; and

WHEREAS, a condition of the Special Use Permit granted to Scenic Hudson for this Park, requires that any change in land use, more intensive activities on the property, including musical concerts, changes in existing structures and/or use of structures and management of the property from that of the New Baltimore Conservancy will be brought before the Planning Board for consideration; and

WHEREAS, representative of the New Baltimore Conservancy appeared before the Planning Board at its July 13, 2017, meeting to advise the Board of its 2017 special event plans; **NOW THEREFORE BE**

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IT

RESOLVED, that the Planning Board approves the Conservancy having music at its September 16, 2017, event at Longview Park.

Approved by: Vadney

Seconded by: Court

AYES: Van Etten, Vadney, Horn, Court, Boehlke, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Bruno

Mr. Melewski thanked the Board.

Mansion Street Development, LLC – Minor Subdivision Application

Present on behalf of Mansion Street Development was authorized representative Surveyor, Charles Hite. Minor Subdivision Application packet (application, deed, Short EAF, fee of \$60. and map) had been submitted prior to meeting.

Hite: So the property is located on easterly side of Route 9W just a little bit north of the Thruway Exit and a little bit north of that entrance into the Truck Stop. Even for this property, directly behind it is the Truck Stop. It is Commercial Property; and believe it or not, I think at some point the Commercial property is going to get developed in the Town. The proposal is to subdivide the property into two parcels. Lot #1 on the north is roughly seven acres of land. It has over 700 feet of frontage and it is all vacant. Lot #2 will have 2.1 acres and will contain the existing dwelling house and there are a few barns on the property. Now when you look at this configuration of the lots, that Lot #1 has an L-shape to it. It might look a little bit unusual and the reason for that is, Wayne Parks, I know he has it under his LLC, the Mansion Street Development, but he wanted to maximize the frontage for that Lot #1 as Commercial Property because that is the lot that he is going to be selling; and Lot #2 with the house on it, he rents it and he plans to keep that property. In the back with that L-shape, you can see that there is a barn back there. It looks like an old post barn to me; and in laying out the lot or the shape of the parcel, I was trying to leave enough room so that if someone does buy that lot in the future, then they would have room to put a little corral or pen for animals out there and still use the barn. That is the extent of my presentation; if anyone has any questions. [There were no questions].

It was moved by Vadney and seconded by Court to classify the Mansion Street Development, LLC application as a minor subdivision.

AYES: Van Etten, Vadney, Horn, Court, Boehlke, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Bruno

Public Hearing was scheduled for 7 p.m., August 10. Blue sheet containing instructions for sending out of the certified letters was provided. Mr. Hite questioned if the certified letters could be sent out earlier than the ten to fourteen dates cited and was advised yes, the earlier the better.

Anthony LoMonaco 2010 Irrevocable Trust Property

Mr. Ted Hilscher was present to seek some procedural information from the Board. He advised that he was present representing the Stanton Hill Cemetery. Mr. LoMonaco is very graciously donating two acres of property at the north side of Cemetery. Surveyor Charles Hite already has a couple of the borders surveyed, so if you could just let me know what you need from me, from the Cemetery. Charlie is presumably prepared, is going to have a map and it is going to survey the two acres and the map will reflect, there will be a note on the map, that the two acres is going to be combined with the Stanton Hill Cemetery.

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Court: This is just the moving up a line cleanly up and adding two more acres. Hilscher: Yes.

Court: To me it is a lot line adjustment. Van Etten: I thought it had to be under two acres.

Court: I don't think there was anything in the regulations that stated under two acres.

Van Etten: Yes, if it is two acres or more, then it is a subdividable lot.

Hilscher: Well, then we will make it 1.99. How is that? Is that all right?

Court: Lee, did you find anything on that? Salisbury: I don't see anything in the Code Book.

Court: I don't think there is anything in the Code Book that says the amount of acreage. It is just all talk.

Van Etten: I may have been wrong. Vadney: Yes, I thought there was definitely acreage.

Van Etten: It if makes it a.

Hilscher: 1.98. Graciously donating 1.98 acres. So that solves that, that is a non-question.

Clerk: Well, I don't know that it does. There is some language in there.

Vadney: Let's back up a minute. Even a lot line adjustment.

Hite: In the lot Line Adjustment, there is language.

Vadney: Yes, and the work that is involved in a lot line adjustment; remember when we reviewed it? It is equal or more complicated than just a subdivision.

Hite: All right, so we might just want to go through it a little bit because on how you set up those two acres, it might be easier extending one line out. Well, we will have to see. Extend one line out.

Vadney: So to figure out the easiest way to do this is look at both of those things because I actually did a chart back then because I was like concerned that we had not modified it enough because remember that you still needed a survey, you still needed to do your deeds and then you had to get a deed for each piece of property.

Hilscher: But you don't want to do that. That was my point before. That is not necessary. All you need is a map from Mr. Hite of the 1.98 acres and a merger that you give to Gordon. That is all you have to do.

Court: You are going to have to make it two acres for a subdivision, if you are going to do a subdivision.

Vadney: Yes. Court: Because it would fall underneath.

Hite: And they are going to send you to the ZBA. Hilscher: For what?

Hite: I am glad you are sitting down, because it would be a violation of the subdivision regulations, the lot is under two acres.

Horn: That is what we said when they were doing it. Vadney: I know.

Hilscher: But we are not creating a new lot. All we are doing is keeping the same number of lots, we are just altering a lot line.

Boehlke: You are trying to talk logic.

Clerk: You might want to read the Lot Line Adjustment legislation versus subdivision and you would find that it would be more simple to go.

Boehlke: You are thinking logically.

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Hilscher: Whatever, that is why I am here. So we will make it a subdivision.

Court: And make it over two acres.

Hilscher: We will make it 2.01. Mr. LoMonaco has graciously donated 2.01 acres.

Van Etten: Were you were going to do a new map or just a map of that parcel?

Hilscher: A map of that parcel.

Hite: And now I have a survey map and everything for the parcel so it is basically done. It is very easy for me to do.

Van Etten: If you do that with the subdivision thing, then we have a map to stamp that can be sent to the Count.

Court: Did you calculate when the surveys would be ready?

Hite: No, no, we just found this out today. They have been talking about doing things.

Hilscher: So I will have an application for you for August.

Hite: Yes. Hilscher: We will have an application; we will have a map.

Boehlke: As far as cemeteries go, find a good line that works easy for you and we will make it work.

Court: I am a little familiar with this. I know where you guys are thinking of putting the line but it also has to be, you know, you might have to alter that line to get your acreage.

Hilscher: Yes. Court: If it is not enough, you may need to take another 10 feet over here.

Hilscher: That was an approximation and so we would have a Public Hearing, when in September? And you could possibly approve it the night of the subdivision?

Van Etten: I don't see why not. I can't imagine anyone is going to complain about that. I don't think that could be too controversial.

Hilscher: And then we will merge, file our merger and that is all we need to do, terrific.

Clerk: What happens when you are adding to a parcel, and not in this case, it wouldn't because it is a cemetery; but if what you are adding would make it possible for the parcel that it is being added to, to be subdivided creating additional lots beyond the number of lots that could have been, then it has to be handled as a subdivision.

Van Etten: And that is how the wording is in the Code.

Hilscher: Okay, all right, that is good. I am glad; I understand

Van Etten: I think that is your simplest route.

Hilscher: That is great so I will get an application. You need it ten days before your meeting?

Clerk: Yes.

Mr. Hilscher was provided the Minor Subdivision Application and reminded that he would need the necessary authorization from Mr. LoMonaco.

Altered Lot Lines/Boundary Line Adjustments Discussion

Vadney: Before we go any further, it does say *the one acre or at the discretion of the Planning Board*; but then on the other hand when you proceed what I think is implied; I think we put it in there because

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we complained so much about this, remember?

Clerk: Yes, but still even with that one acre adding to it—say for instance, it is not a cemetery, but it is acreage, you add that additional land and it is going to allow them, maybe say they have three acres and then gets this other acre and add it to it. Then that means they could divide it in two, two acre lots.

Van Etten: Right, so that was the whole reasoning behind that not to create another subdividable lot.

Clerk: Right. Even though being a cemetery, we know they are not going to subdivide the cemetery, it still stands.

Horn: Although personally, I don't think that is our problem if they want to subdivide those two acres, those four acres.

Vadney: I don't either.

Clerk: Well, people can do a lot of things, circumventing.

Vadney: They still have to do the survey.

Clerk: And they would have to bring a new deed, LoMonaco's new deed, the cemetery's new deed and they have to bring it all right up front.

Van Etten: We will do the subdivision. That would be the easiest.

Vadney: It is.

Van Etten: Cut and dried.

Vadney: But we want everyone on the Board to be clear as to what exactly was said because I knew there was an acreage in there.

Horn: But it is not two acres. It doesn't say two acres. Does it say two acres?

Vadney: No, one acre.

Salisbury: *Or at the discretion of the Planning Board.*

Horn: So probably thinking less, not more.

Vadney: It could go either way. I think we need to be careful with that because for each one there is the requirement and or it may say *at the discretion of the Planning Board*. If we did one thing at the discretion, we changed it. Then we can also change the requirements for the map. We can also change the requirements for the survey. It is all at our discretion which may put us in a very vulnerable position.

Horn: Yes, but it didn't really say we could have a discretion on all of those things.

Vadney: I think it does if I remember correctly. I haven't looked at this since I wrote all those comments. Just so everyone is clear. You have to have: *A map and survey of the adjacent landowner's property shall also be prepared*. Then we go to the sub-section down here. *The grantor shall convey the parcel of land in issue by way of a proper deed and shall record the same*. So here we go again.

Boehlke: Well, I think Ted is going to do their legal work so probably the best route is the cheapest fee for him.

Vadney: Well, it is not cheap.

Boehlke: No? That is why I am asking.

Vadney: *Prior to approving an altered lot line, the New Baltimore Planning Board shall review, and we have two, either an altered lot line or boundary line adjustment and then it has the subdivision. Those are our choices when they come before us. Right? Okay, so the altered lot line:*

Map and survey of land to be conveyed by the grantor.

Map or survey showing both the adjacent landowners property and the land to be conveyed by the grantor as a single parcel of land.

The deed conveying the parcel at issue to the adjacent land owner.

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The deed of the adjacent landowner which describes his existing property and the parcel being acquired from the grantor, either as a single parcel or as two separate parcels in accordance with the provisions of Sub-Section D above.

which talks about the procedure so what is different? Court: No Public Hearing. [?] The fee.

Van Etten: I thought they had somewhere in there that it said something about surveys having to be done.

Vadney: It does. Vadney: Well, that is the first thing. *The map and survey of the land.*

Salisbury: You need a map. You need a survey. Vadney: Yes, you need a survey.

Van Etten: But of the grantee and the grantor. Clerk: Both. Vadney: Yes.

Boehlke: Because you are adding one to the other.

Vadney: And it does say that because that is what we looked at tonight on subdivision. That is what they did with the subdivision. Okay.

...it shall be properly signed and dated by the duly designated officer of the Planning Board. In the event the approved survey map and the receptive deeds are not filed in the office of the Greene County Clerk, instead of 60 days, they only give 30 days for this.

Clerk: Yes, and I think that we made the recommendation to them that they make that 60 days so all are the same.

Vadney: Yes, we did. Horn: So it was all the same.

Vadney: Not many of our recommendations were taken into consideration.

Horn: Somehow that slipped by.

Vadney: *The altered lot line shall become null and void as though it had never been approved. If it is not in 30 days. The thirty-day time period, however, may be extended upon request of the grantor or the adjacent landowner and upon approval of the Planning Board.*

Unless a variance is granted, an altered lot line shall not be approved where such conveyance would cause a parcel to fail to meet the minimum lot size for setbacks required by the New Baltimore local law.

So, here we are again. If this was .9 or 1.2 acres that the lot line adjustment would create, it would be not a legal parcel so.

Clerk: And we have had one of those, Aquetuck Road.

Vadney: Yes. So a Variance would have to be granted so they are still going to the ZBA. Right, so we didn't achieve anything positive there for the members of the community. *The New Baltimore Planning Board may also require a map, survey map, of the adjacent land owner. We don't really require that for a subdivision but we may require it here. The Town of New Baltimore shall charge a fee. We have a fee schedule for this, don't we? I thought so and then for Boundary Line, there is another set of processing here.*

Clerk: Charlie has our section of the Code and he has digested it pretty well if he does the survey.

Boehlke: He will have a recommendation.

Vadney: Well, I remember writing the recommendations for the Board when Kathy was here and getting everyone's input. So everyone has a better handle on it.

Minutes

The Board has the minutes of the May 11 major subdivision Public Hearing, which they desire more time to review; and the Clerk is still working on the May 11 Regular Meeting minutes. Because the coming to

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the podium requirement was not followed, it was very difficult to hear and get all the residents' concerns into the records. It is being a very time consuming transcription.

Correspondence

1. Copy of ZBA Chair's 6/19/17 letter, re: Lent/Parker/West Variance approval
2. Green form return – Tall Pine Hideaways – Map filing County Clerk's Office
3. Building Permit Applications – 2 house additions; 2 decks; 2 demolition; 1 foundation repair; 1 barn conversion to single family dwelling; 1 aboveground pool, 1 septic repair; 1 shed replacement.
4. From Assessor Bennett, copy of June, 2017, Real Property Transfer Report

It was noted that this report contains the breakdown of the Tall Pine Hideaways property into the 16 lots from the major subdivision.

5. From Iroquois Gas Transmission System - Guidelines for Landowners, Developers & Contractors

Right-of-Way Discussion

Mr. Court advised the Board that he wished to talk a little bit more about the right-of-way issue on the Chmielewski property. He did not see any language in our Town Code Book for right-of-ways for private residences. They do not need 50 feet to get to a landlocked piece of land. There are regulations in the Code with regard to road(s) for major subdivisions, 50, 60 feet. That wide is not needed through the Chmielewski property to the landlocked parcel. In the research Mr. Court had done, the narrowest was 12 feet.

It was further noted that many, many years ago, there was a road that ran from Honey Hollow to Route 26 and it was wondered if bordering parcels to the landlocked parcel had a right-of-way to Route 26 and further noted the Clerk felt prior Planning Boards, when there was the possibility that a right-of-way could become a Town Road required the 50, 60 feet. The Clerk pointed out there is verbiage in one or more deeds that states the right-of-way is in a separately filed instrument. The date and location of filing is left blank and it was questioned if that document was actually filed. That is a key factor at the present time and is why it is important to have a surveyor and attorney in this type of situation.

The Planning Board needs something in writing from the Town Board, giving the Planning Board guidelines on the width of a right-of-way, radius needed for large vehicles to get to the property, etc. Question was then raised are we then responsible to enforce what we start requiring? Do we want to get into that kind of thing and then noted it was felt it was site specific and part of the approval process.

Survey - Corner Markers

Mr. Court wished to discuss further the use of the specified survey markers as directed per our Code [Chapter 115-5 (4) (i) *All lot corner markers shall be permanently located satisfactory to the Town Engineer, at least 3/4 inch, if metal, in diameter and at least 24 inches in length*] While we don't have a licensed engineer working here to inspect these, it doesn't mean that the surveyors can't put in a decent marker. It wouldn't hurt to still stick to the Town Code. With the rock we have in this area the half inch rebar is going to bend and twist in many instances when being driven in the ground.

Someone took time to specify the size in our Code and then questioned:

...Did the Town Board specify it?

...Has it been carried along since Subdivision Regulations first went in in our Town?

Mr. Court pointed out older surveys around his property have the 3/4 inch; the newer do not. The property behind Town Hall, some of the markers are three-quarters, others aren't. Ms. Horn cautioned we have surveyors that don't know. She then questioned the Board if a surveyor, not knowing this requirement, does a 20-acre parcel with the half inch, are we going to tell him I'm sorry we are not going to accept that and have him go back out and change them? Mr. Court responded a lot of the surveyors will not put any iron in the ground up front; and when we go to do the On Site, there are no markers at all. They don't want to put them in until our Board has accepted it. He further pointed out, it states in our Code that the markers will be down and inspected by us.

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Ms. Vadney commented that she felt it should conform to the Code because the crap they were finding being used for markers when doing On Sites (i.e. fence posts, falling down cedar trees) they should be ashamed of themselves. Those markers are not going to last. It was then pointed out and of course monuments (concrete pillars) sunk in the ground are also acceptable. A 100 years ago, boundaries went from tree to tree; stonewall to stonewall but the trees weren't falling down. Mr. Salisbury questioned how are we going to enforce what is in the Code or are we going to change it? It was noted that the Planning Board could not change it nor enforce it. Yes, we can enforce it by requiring it. Then noted, we have to be careful because we don't walk every inch of a big parcel. It is the Town Board that makes the Code changes. There is a whole process that has to be gone through and they are not going to do it for just one change. It was felt it should be on a checklist for the surveyor that all corner markers are to be three-quarter inch steel, 24 inches in length. Question was then raised when would this mandatory requirement kick in?

If it is in our Code, we are stuck with it. Perhaps, we should be handing out a copy of the Subdivision Regulations with applications pointing out this is what is required. Later in the process, the Board needs to ask if these pins are actually in and what are they?

Adjournment

At 9:05 p.m., it was moved by Vadney and seconded by Salisbury to adjourn the meeting.

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

Respectfully Submitted
Marjorie B. Loux, Clerk