

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The regular monthly meeting was called to order at 8:10 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, Pat Bruno, Bill Boehlke and Lee Salisbury.

J.B. Car Services – Special Use Permit

Jim Brockett owner of J.B. Car Services was present. CEO Mantor had visited the site, taken pictures now made a part of the file, with e-mail reading as follows:

All Concerned: I stopped by J.B. Car Services on 4/27/2017. This property was in a clean and organized condition. The scrap storage area was being well maintained behind the privacy fence thereby presenting a satisfactory view to the public. Photographs are attached.

The Board Members did not have any questions or concerns to be addressed with Mr. Brockett. Resolution presented as follows:

WHEREAS, James Brockett is the operator of J.B. Car Service, Inc. located at 241 Flatbush Road, West Cocksackie, New York, bearing Tax Map #17.03-1-13 and;

WHEREAS, Mr. Brockett requires a Special Use Permit, renewed annually, and a Second Hand Junk and Auto Parts Dealers License, also renewable annually, to operate his Second Hand Junk and Auto Parts Business at the Flatbush Road location; and

WHEREAS, per resolution of the Town Board dated January 11, 2010, responsibility for the handling of his Special Use Permit was transferred to the Planning Board in accordance with Section 112, Article X of the Code of the Town of New Baltimore, and

WHEREAS, Mr. Brockett appeared before the Planning Board on May 11, 2017, for yearly discussion and renewal of Special Use Permit; therefore be it

RESOLVED, that the Special Use Permit is hereby renewed for a one-year period expiring June 30, 2018, with no additional conditions applying beyond those currently applying to the Permit.

Moved by: Vadney
Seconded by: Bruno

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

NAYS: None

ABSTAINED: None

ABSENT: None

Lands of Karl Zacek and Peter Zacek – Minor Subdivision Application

Public Hearing on this application had been held earlier in the evening. Attorney Deily, authorized agent for the Zaceks remained present. SEQR Short form was completed during the Public Hearing. The Board had no further questions. Resolution presented as follows:

WHEREAS, Karl Zacek and Peter Zacek wishing to complete a three-lot minor subdivision of a parcel located on east side of Route 61 in the Town of New Baltimore had their authorized agent, Attorney Robert J. Deily, submit a Minor Subdivision Application to the Planning Board at its April 13, 2017, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on May 11, 2017, with members of the Public offering no comment; and

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

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

RESOLVED, that the Zacek subdivision be approved with no conditions. Mr. Deily questioned if property location had been referred to as on both sides of Route 61. It was clarified that east side of Route 61 was stated as location in the resolution.

Moved by: Vadney
Seconded by: Bruno

AYES: Van Etten; Vadney; Horn; Court; Bruno; Boehlke; Salisbury
NAYS: None
ABSTAINED: None
ABSENT: None

Final maps will be forthcoming for Planning Board stamp and signature and then for applicant's filing in County Clerk's Office.

William Brandt – Bristol Manor Assisted Living – Site Plan Application

Mr. Brandt's authorized representative asked to be removed from May agenda and moved to June agenda.

Lands of Robert Egan and Gittel Egan under contract to
New York Land and Lakes Development, LLC Major Subdivision Application
Tall Pine Hideaways

Public Hearing on this application had been held earlier in the evening. Alan Lord from New York Land and Lakes, the Egans' authorized agent, remained present as well as Robert Lesperence from New York Land and Lakes.

Van Etten: This leads to discussion on Tall Pine Hideaways. What do you think on the wells?

Court: I want to ask, Alan, you are acting as a representative of the current landowner or for Tall Pines because the subdivision you are looking to do is for your company. You don't own it yet?

Lord: Correct. We have a signed permission form from Mr. Egan who does currently own the property to present this to the Planning Board so technically I am representing him.

Court: Okay, thank you.

Boehlke: So Alan, I think you remember me telling you like do your homework on this water thing, right?

Lord: Yes.

Boehlke: You know it is a big issue, it really is. I think you mentioned that you had a geologist or something that you had.

Lord: I talked to the well driller.

Boehlke: Paul Rath.

Lord: Paul Rath. He indicated to me that he knew of no water problems. He drilled tons of wells over here in New Baltimore; and I had this, which we discussed also, for the Board. There are a number of wells up in that area. I mean everything that is drilled in New Baltimore is way in excess of gallons a minute; and the one right here, this is at the corner of Old Kings Road, right by your property is 30 gallons a minute.

Vadney: How deep is that one?

Lord: That is, I have to go here back to the exact well column, 150. It is 150 feet and it has 30 gallons a minute.

Van Etten: And that is at the corner of Old Kings you said?

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Lord: Yes and Sodom Road. [Murmur of conversation from audience.]

Unidentified: The one that took all our water.

Vadney: Sometimes when the wells are drilled, they are drilled too deep.

Lord: Yes, they can drill right past water with a rotary.

Vadney: [Several words not understood.] on my property. Lightning struck my one well and my uncle, who is a well driller, said don't (There is a name for the drill that goes right by the water.) and they end up 400, 500 feet deep and the water is no good, you know.

Boehlke: Well, see that is probably why--Paul uses a hammer and that is why he comes back and he has different results than [Comment not finished.]

Lord: A big difference between that and the rotary.

Boehlke: There is some difference here you know but this is always a concern when someone is building in proximity to something else especially in a rural area, right, and so this is everyone's biggest concern. I mean it really is. Not everyone that is here doesn't want neighbors. It is about impact you know on neighboring houses. You know we discussed this but a lot of people have very specific concerns. Like Kevin was bringing up. It is not that we need guarantees but we should have some, a little expertise voice in this matter about—like a geologist's possibly, right? Paul is actually a geologist believe it or not.

Lord: Yes, actually he is. I had that discussion with him. Here are 21 wells that are drilled in the Town of New Baltimore on file with DEC.

Boehlke: In that area?

Lord: Well, they are all over in the Town of New Baltimore. I highlighted the ones that are in that area.

Boehlke: I mean these folks are right. That is a pretty peculiar area. I mean I agree with that. It is bedrock on top of the ground.

Lord: And two of the lots already have wells on them. Both had buildings. The old house right at the intersection of 51 and Sodom Road, there is well there. Where Sodom Road takes the bend to the right, there is a well already on that parcel.

Boehlke: You know, here is my gut instinct. I am not here to throw a wrench in Alan's project or anybody else's but look it. I mean this is a Planning Board. We do have serious concerns for neighbors with water. I mean really, we should, we have this many people here that are concerned about this. We should take an extra step. We should. This is just my opinion but we should take an extra step or an extra measure to address these concerns with someone who has a little knowledge in this area. It is not a bad idea.

Van Etten: Have you any suggestions, Alan? I mean you are in development as to how we can further our knowledge of the area as far as the water goes.

Boehlke: I mean seriously, Alan, you have been doing this. Lord: Right.

Boehlke: So how do we allay people's fears about this kind of thing?.

Lord: Again, I think that is the knee jerk reaction of everybody. I hear it at tons of Public Hearings from everybody but I am not hearing specifics about wells going dry or wells.

Boehlke: Well, they have been mentioning here in testimony that they—well, we did have a drought I mean granted. All right, but you know, we have had some concerns expressed. I mean we don't know if they are exaggerated. We don't know if they are true but they have been expressed here in a Public Hearing. I mean it isn't unreasonable.

Lord: I discussed with Paul, and he is a geologist and he is a well driller, because I called him to get input and he didn't see any big cause for concern over here. He indicated to me that he drilled a ton of wells in the Town of New Baltimore, right up in that area; and he had never had a problem finding water.

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Van Etten: Now, did he pound them or did he use a rotary? Lord: What is that?

Van Etten: Did he pound the wells? Lord: Pound.

Boehlke: Yes, he has a hammer driller.

Lord: You know, I don't know what I can do to.

Van Etten: Anybody else have any thoughts? Lee, you are not that far from there either.

Salisbury: I have [Word not understood.] sulphur water myself. I think the whole area does.

Van Etten: I have Sulphur water. My son has Sulphur water. My mother has sulphur water. I mean that is a given in this Town, I am sorry.

Bruno: Yes, like I said [Her comment not understood as Mr. Van Etten was speaking.]

Van Etten: You probably do too. [?] No. Van Etten: No. You don't?

Boehlke: You expressed some concerns here, right, and you got a little knowledge in this thing so let me ask you a question all right, honestly.

Clerk: We will need him to come forward though.

Boehlke: Well, come on up, please. So, really, I mean I will put you on a spot.

Strbich: Go ahead. Boehlke: I am asking you an honest and sincere question.

Strbich: I know what you are going to.

Boehlke: What would you need to hear or see really that you feel would allay your fears or your concerns concerning this?

Strbich: Okay, let me answer it this way. First off, I commend you for doing the subdivision the way you did. You made a statement that you could have put 40 houses out there but you know what, you could have but you would have to put infrastructure through, roads through, anything over 40 houses, maybe 20, you have to have your own water plant, your own sewer plant. There is a reason that you are doing it this way. It is not just for our purpose. All right? Matter of fact, the owner of the property had Halstedt out there 20 years ago and gave him a price on putting roads through. Halstedt told him, and he had one other person. I don't want to quote who it was because I am not sure, he said, you are crazy. There is too much water; there is too much rock. There is too much run-off. What would make us happy as homeowners out there?

Boehlke: This is the best way for him which happens to be [Rest of the comment not understood as Mr. Strbich started speaking.]

Strbich: The owner did not come to the people who own the property around it. I would have bought 30 to 50 acres behind my house. Liza Tivey would have bought 50 acres over there. Steve Olmsted just left. He would have bought 50 acres. Everybody that has lived in that area for 30 plus years would have been very happy and you would not have this problem if he had come to us but it is all about the mighty dollar like Steve said. What would make us happy is if you as a Planning Board--none of you have been to the property.

Salisbury: I have been passed the property.

Strbich: Passed it but you haven't walked on it. Excuse me for my--I am not trying to be.

Vadney: We usually walk the property.

Strbich: What would make us happy, I think, is for us to see studies that prove. I know Paul. Paul hasn't drilled one well. I know Paul. I will call him right now. I have his cell phone number. He hasn't drilled one well around that property, around that area. I have been told a lot of wells in New Baltimore. He hasn't drilled one around that 260 acres. I have good water. She is 400 feet, all right? The yellow house

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at the end of Sodom Road where the truck was all day, there are three wells on that property, dry. He could not keep nobody there, tenant. He could not keep anybody as a tenant because they always ran out of water. If you looked under the house, it is a huge cistern under there. What would make us happy is to see studies that say that this area can handle this development. That is it.

[Several people spoke at once.]

Van Etten: You are talking from a water standpoint.

Strbich: Are there test wells. [The rest of his comment not understood as Mr. Boehlke started speaking.]

Boehlke: Well, Kevin, it is 16 houses on 260 acres. Strbich: I understand that.

Boehlke: It is not a development, okay.

[Comment not understood.] Boehlke: It is not a development.

Strbich: [Several words not understood.] 50 acres on a subdivision, 50 acres. There are 250 acres so wipe 100 right off. All right? Then you get—maybe, I’m a little more vocal because the majority of the subdivisions are down around the end of Sodom Road and 51, that whole area, which is right in the area where that yellow house is that has three wells on it that are dry.

Boehlke: So in your estimation, if this is turned down, no one else is going to ever apply for a lot, for a minor subdivision or to put a house out in that area because it will never support.

Strbich: But I am not saying you have to turn it down totally. What I am asking you is why do you have to approve it tonight? Only because he has [Several words not understood.] he has the closing.

Boehlke: [Several words not understood as Mr. Strbich speaking at same time.] We don’t have to.

Strbich: Let him close on the property if he feels that confident.

Boehlke: Well, we are not going to say we are going to deny it either.

Strbich: The first thing you want to do is call everybody around and you will probably sell most of the land. As far as the bed and breakfast goes, I don’t think any of us is stupid. I mean that is in there because someone wants to put a bed and breakfast there. Okay, come on. There is a smirk on your face.

Lord: [Response not understood as several spoke at once.]

Strbich: It is a permitted use for the area so you didn’t even have to put it in the letter. It is a permitted use for a six bedroom bed and breakfast in that area.

Boehlke: It is the kind of business we are looking for in this area.

Strbich: I understand that. We don’t want to see it a wedding venue like Cocksackie has got three of them. [Several words not understood.] So I think what we want is for you—we get notice of a Public Hearing. You have been hearing about this for how long?

Horn: Two months.

Strbich: And what studies have you seen from the landowner or the developer that our concerns aren’t valid? Granted, we don’t have any to back it up either other than the people who live on the property.

DiBenedetto: I do because my well driller came to my house, came to my property. He told me that he looked at the data in the area and he didn’t have any data on new wells in our area. There was nothing for the surrounding area. He had one well that he did up on 51 on the farmhouse on the corner of 51 and 26 there. He had one well where he had just changed the pump because it changed owners. It was like a foreclosure and he said that it had about seven or eight gallons a minute. That was the only data he had for the whole area.

Van Etten: Who was the well driller?

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DiBenedetto: The well driller is Smith Well Drilling. He is the guy responsible for doing all those big wells where they ran out of water up in that Town up toward Albany somewhere. He is a very prominent well driller. He has been around forever. He is on the other side of the river. When he came over, he could not find any data at all for wells he told me.

Van Etten: The State does have a website.

DiBenedetto: Right. He looked in the computer and there was no data for new stuff. Anything that is there has been there for a while. There is nothing new.

Van Etten: Oh, new data.

DiBenedetto: New data. So like I said for anybody to say they have something new, I am sure he would have found it because it was a concern for me when I was doing my well.

Boehlke: So to just clarify, everybody is concerned mostly with the water.

Strbich: You can drink water out of the end of a septic system today if they had to and I mean that all has to be engineered. It all has to be done by the.

Van Etten: Health Department.

Strbich: Certified by the Health Department. The septic is not a concern. And to be honest with you like he said, when you see a piece of land this size that has been like that forever, nobody wants to see it, nobody wants to see it subdivided, nobody, especially the people that live there. Like I said before, I think that is what irks a lot of the people that are there. No one came to them and said hey.

Boehlke: Well, that is what we are trying to prevent.

Lord: Can I say something first. What you are suggesting isn't legal under the subdivision regulations. You will get a letter in the mail, everybody who got a letter here, once the lots go for sale, prior to them going for sale, every owner will get a letter asking if they are interested in purchasing the lot; but you can't offer.

Strbich: It would be sold as vacant land. It did not say first come, first serve. It didn't say to the people who adjoin the property. It didn't say anything like that.

Lord: Well, no, because that letter was for the Public Hearing here. It is not about sales, okay? You can't sell a parcel of land until it is approved by the Town. Legally, if you came to me and said I want to buy 30 acres and we wrote a contract, we would be in violation of the Subdivision Regulations.

Strbich: Well, no, I understand that but what he could have done or you could have done is come to the people who border that property and say just for your knowledge, this property is going to become subdivided. Are you interested in any of this? I would have said yes. Lots #1,2,3,4,5,6,7,8 and 9 are right on the backside of one my pieces of property. All right, the ones that are on the north side of Sodom Road which would have saved you the hassle of dividing them up into three. Divide it up into one, I will buy it. Well, obviously I would not have been able to do that until after it was approved by the Planning Board if it is approved. I understand that part. All right. That is where a lot of the animosity is coming from around here. This guy who owns this property, and I knew Elif Miller when he owned the property, he didn't come to people and say listen, this is what is going to happen.

Vadney: But that is not an issue for us. That is a private issue and we have nothing to do with that.

Strbich: I understand.

Boehlke: You see here, Kevin, and it boils down to Alan Lord has come here with documentation about existing wells in the area and we

Strbich: We have documentation but it isn't truly certified.

Boehlke: Well, it is DEC though. It is a record of the wells. It is the record of the wells that were drilled and what they were certified to produce.

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Alfeld: When was that number given? That is what I am trying to find out.

Horn: The wells.

Alfeld: Yes.

Boehlke: That is off of an existing website from the Department of Environmental Conservation.

Horn: Probably all different dates.

Alfeld: But do you have any idea of when? [Rest of comment not understood. Several conversations going on at once.]

Vadney: Can we keep one conversation. Alfeld: I can't seem to get an answer either.

Van Etten: Kevin, can you guys make it so that we can get this conversation.

Strbich: [Several words not understood] No, I am good, I am good. I mean that is all. We don't want to see this rushed into. I am not against it. I told you I am a property rights person.

[Conversations continued even though Mr. Van Etten politely asked for quiet so the tapes could pick up the speaker's comments. It did not stop; Mr. Van Etten gaveled for quiet again advising the tapes would not pick up what the person addressing the Board was saying.]

Strbich: [Part of comment not understood. Members of audience still talking.] That is what I am trying to do here. I am trying to protect my property as well as the neighbor's property. I have nothing against them. Let's face it. We are in a world today where pretty soon we ain't going to have no more land. We are a virus. We won't be here anyway but that is a story for another meeting. Show us, that would make us more comfortable—what really bothers me is that not one of you was on that property and you are going to sit here and do a checklist on a SEQR Review.

Boehlke: Well I was on part of the property, Kevin, but the problem is that it is privately owned right now.

Strbich: Do you expect me to believe, Bill, that if you asked the owner. Boehlke: Yes.

Strbich: Of that property if you could walk on there he would have said "no"?

Boehlke: Well, I have walked part of it.

Strbich: Okay.

Boehlke: I have walked part of it.

Strbich: That is all I will say. That is an insult to somebody's intelligent because they would have said please do so. You would know what you are looking at. What you are voting on. The trails go through there.

Boehlke: Well, that is the reason I said to you. It is rock on top of soil.

[Several conversations were taking place at once.] Strbich: You can build on anything.

Boehlke: But again, our concern is, which is your concern, no one is up here with any documentation on your part tonight. Come on. Right, Kevin?

Strbich: I don't have a problem with my well. I don't. I know her well. I mean I know her wells. I have put pumps in her wells. I do know that the yellow house on the end of Sodom Road and 51, there are three wells on that property. They are dry. They might have water in them now because.

Vadney: How long since anyone lived there?

Strbich: Nobody has been there for 20 years. If somebody lived there, it would always go dry. That is all I got to say. Thank you.

Van Etten: In response to your saying we haven't walked it, you know, most everybody here has lived in this Town a long time; and you know you can go 500 feet and you go from rock outcropping to something that would perk a conventional septic system. It varies tremendously and I realize there are wet

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areas back in there. I know that.

Strbich: There are a lot of wet areas. By your own Town's definition, if I pull up your website right now, website pertaining to your Code Book and look under the Town, not the State, the Town's definition of wetlands. You can go back there, any of us can go back there, and find anything you have there. It is not listed on the State map as wetlands but you can go back there and find anyone of the trees and vegetation you are talking about. I understand you can't build on that spot. I mean he did do a job except for like three acres or something. If you have 10 acres of land, yes, you can find a spot to build a house on. I understand that. I am not stupid.

Van Etten: But likewise, with the wells, you can go a half mile and so.

Strbich: [Part of comment not understood.] And if you had documentation on what is under that ground, maybe the State has something, I don't know, where even that would help with the sale of this property, you know. Okay. This was a concern when this went for subdivision. We have had it checked. There are adequate aquifers under this land out here for your wells to support all these places. As I said, I am not against the sale of the land. If I had half a million dollars, I would have bought it all. I don't have that right now.

Van Etten: Like Bill says, we would all love to drive down the road and see nothing but farms and fields but we have to be realistic.

Boehlke: All it is, is it is ideal property to just really subdivide in that fashion. I mean they are large lots.

Strbich: In the way, you have said it before,

Boehlke: Yes, and I mean that is considering you have adequate water and adequate terrain and everything else.

Strbich: I mean I am sure the Town will take care of the roads. The roads really aren't wide enough to support a lot of traffic but there are two ins and outs. There is Old Kings Road, there is Sodom Road.

Unidentified: Right in front of your house, there was an accident last week.

Boehlke: You are old enough Kevin to remember these roads here when we first moved in.

Strbich: When I first moved in, you would not see a car for weeks. That was nice.

Horn: And as he said, the people are not going to buy and divide and build right now. I mean there are other developments.

Strbich: Well, I don't know. I mean that is what somebody else said on the Board but I don't know about that. My personal feeling is there are people waiting to buy some of this property already. That is my personal feeling but we will see how that turns out.

Boehlke: A bank ain't going to hold a mortgage for a half a gallon a minute well either. You know.

Strbich: No, no. Thank you.

Van Etten: Okay, thank you Kevin. Is there anything you can think of, come up with to re-assure anybody else.

Lord: About the water issue?

Van Etten: Yes.

Lord: You can drill a well and we did drill some test wells on a 1,000 acre project that we had over in Delaware County; and what they really proved, I don't know. We had wells on one lot that had three gallons a minute; and then right 400 feet, 500 feet down the road, we had another well and that was 18 gallons a minute.

Van Etten: It is a crap shoot.

Lord: I mean we had a bunch of test wells and you know we had all over the Board, water, you know. You could drill wells right next to each other. Our farm has two wells 100 feet apart. One is a really

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good well and one is not a really good well. Again, it is in hitting depth and so forth. I think it comes back to the kind of rig they use to drill it. Rotary drills can go right passed the water. They miss, if the aquifer is over here and you drill with a rotary, they miss it. .

Boehlke: You seal the wall off.

Lord: You miss that. A pounder, you are busting up the rock. You get the water. There are a million different explanations. As far as mapping of aquifers, I looked. There is nothing over here as far as mapping for water aquifers. Everybody has the same rights to the water under the ground. I don't think 16 parcels across 260 acres is an overburden on water.

Van Etten: Okay, well, we can do the Long Form.

Vadney: You know I think it is just to have people who buy the property understand that in drilling their wells, they might want to consider a certain option instead of just because most people that are buying property, depending on where they are from, would not know the different types of drilling methods.

Alfeld: Sometimes they make it a condition of sale.

Vadney: But I don't know if I would want to go.

Boehlke: Well, it is definitely a condition of mortgage. You are not getting a loan for anything without it.

Vadney: That is right. Right there, that is another.

Boehlke: That is not our [Word not understood.]

Vadney: It isn't, yes.

Lord: And again, we can't make them use a certain well driller.

Horn: No and they are going to put their house where they want to put it.

Vadney: Exactly. I mean that would be asking everyone who comes into our community. To be consistent, you would have to demand that method and we don't have the authority to do that.

DiBenedetto: I don't think that is really his job. I think really his job is how it affects the people you have to deal with everyday which is us, not so much with the person who is going to buy the land because that is their responsibility. It is buyer beware.

Vadney: When you bought your 133 acres, if you came before the Board when you were building, we didn't have the authority to tell you.

DiBenedetto: That is what I am saying. What you have to consider is how it effects the people who live in your community and around that piece of property, not so much what the next person has to go through to get water or septic. That really is not an issue. What is an issue is how it affects everybody who is here right now.

Boehlke: And the affects have to be legitimate.

DiBenedetto: Right, that is what I am saying. If they are not and you don't believe then you have to go where they are. But like I said, it seems like there is a lot of concerned people here tonight and we are all around that property.

Boehlke: The water is a huge issue.

DiBenedetto: Right and it is an issue all over this area. Go on the other side of 9W and you can't get water at all. I had a property over there before.

Boehlke: Well, along 9W, you have artesian wells too.

Van Etten: Like Alan says, you have 260 acres, 16 wells, that is generally a good odds.

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Lord: And going out Old Kings Road, there is a lot of wells a lot closer than we are—There are a lot of houses going out Old Kings Road, one after another. They are a lot closer than our lots are and they all got wells.

Boehlke: Well, see here is the problem right, Alan, if we get a geologist or something the Town is not going to want to foot the bill for the geologist for this. If you pay a geologist, what kind of weight is that going to carry in a meeting? You paying a geologist to come here and testify that there is plenty of water out there, right? You know what I mean?

Lord: Sure.

Boehlke: So it is a quandary, right?

Lord: Yes.

Van Etten: Well, what is everyone's thoughts? Do you want to move forward on the Assessment Form?

Vadney: I think we should.

Van Etten: Okay. All right. Let's do the Environmental Assessment Form.

Vadney: You know, just one other issue that they brought up about these grave yards, etc. If they do not come up on DEC's records, which they did not, we really don't have any authority to.

Boehlke: Well, a subdivision is not going to affect that unless somebody decides to build a house smack on it.

Vadney: Right. It is not showing up.

Boehlke: And that will be handled on an individual basis.

Lord: If somebody want to show me, I mean it is on a 50-acre parcel; and they can only build one house on the 50-acre parcel. If somebody shows me where they are, I will put them on the survey map. I will limit no building in that area if somebody takes me out there.

Vadney: Okay, because, we as a Board, if it doesn't show up on the State-wide records. If he is willing to do that.

Horn: Well, Steve Olmsted knew where it was but I think in a way they are kind of guessing if there is no marker there.

Tivey: [Comment not understood; sitting in back row.]

Strbich: There are markers there.

Horn: Oh, there are markers?

Tivey: Yes. It is the information that has been passed down through many generations.

Strbich: [Comment not understood; sitting in back row and speaking at same time as Ms. Tivey.]

Horn: Well, I mean if it is marked, that is fine. People might appreciate that.

Tivey: [Comment not understood.]

Vadney: And we are not arguing with you. All we are saying is that if it is not on DEC's records when we look up and do all the research

Tivey: Should we let DEC--I didn't even know that it was important to let them know.

Strbich: I think one of the reasons was because nobody wanted to have a park put back there or to have an access for people to come see a slave cemetery.

Tivey: I actually [Rest not understood.]

Strbich: That is why it was never brought out in public but Parks and Recreation would have a field day if they knew there is a slave cemetery back there but you know.

Vadney: Well, actually, it is a historical site so it would be.

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Strbich: I don't know. That is up to you if in good conscience. That is all.

Van Etten: Did somebody excavate it? Do they know for certain that is the case?

Tivey: That is exactly why we didn't make a big issue of it because honestly I live right near it, right around it, in front of it. I didn't want people coming back there excavating and making a big deal of it. I don't want people coming back there excavating, exhuming and making a big deal out of it. So I didn't bring it forward to other people. Ed McCarty and I were going to walk by there some day. He was going to get somebody and I said well, let's keep it quiet.

Boehlke: Well, maybe something to keep on the back burner for now even, seriously.

Lord: It is on a proposed 50-acre lot.

Boehlke: If it is on a 50-acre lot, it is a slim chance that somebody is going to be building right on it, you know.

Vadney: And actually, the new, if someone buys that, if and when, they may be very interested in preserving that and then it would be, you know.

Tivey: I was interested in preserving it.

Horn: And that is not necessarily unusual in this area. I have two graves on my property. I mean I know they are there. I put flowers there occasionally.

Strbich: I have one on my property too.

Horn: But they are there.

Alfeld: I have a cemetery too.

Vadney: But I just didn't want you to think we were just not paying any attention to your concerns about that; but we are limited in our role in regard to that.

Tivey: But should I call them up?

Vadney: But it is not your property though so I don't know. I can't advise you on that. You would have to call and check because it is on someone else's property.

Tivey: [Part of comment not understood.] My ex-husband knows exactly where it is.

Bruno: Maybe you can show Alan where it is. [Several spoke at once.]

Bruno: Well, it hasn't been the best weather either.

Van Etten: Okay. We have too many conversations going on. Any of the comments from the back row probably will not get on the record so if somebody really has something they want on the record, I will allow you to step forward. Go ahead, Kevin.

Strbich: I just have one question I meant to keep asking. Why didn't the owner of the property come forth and subdivide this. Why did he hire you to do it?

Vadney: That really is none of our business.

Strbich: Did you approach him? You don't have to tell me. Vadney: Yes, that is a private matter.

Lord: It is very simple.

Strbich: I am sorry, I just.

Lord: It has been for sale with Heartland Realty for quite a while. He wanted to sell it. It was brought to my attention. The company's attorney for New York Land and Lakes is in Catskill, Chuck Zwickel.

Strbich: Chuck Zwickel, okay.

Lord: And he brought it to our attention. You guys ought to look at this piece of property. I mean we do stuff all over the State. I have done stuff from the Adirondacks to down toward the city out to the Finger

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Lakes. We do stuff all over.

Van Etten: Does that answer your question?

Strbich: Kind of.

Lord: So he wasn't looking to do a subdivision. He was looking to sell his property.

Strbich: You just didn't want to pay the \$520,000. Lord: I don't understand.

Strbich: That is what the price is on it. Lord: No, we are buying the whole property.

Strbich: Okay and then for whatever the asking price was or whatever you negotiated; but on the subdivision, I just wondered why he didn't come and do it himself.

DiBenedetto: They don't do it that way. The person buying it is responsible to get approval.

Van Etten: Okay, we are going to go forward with.

Vadney: Can I just say. So this property has been on the market before you put your proposal in.

Lord: Correct.

Vadney: Okay. I just

Lord: It has been up for sale. Vadney: I wanted to clarify that point.

Van Etten: Okay, we are going to do the EAF, Part 2. Didn't we already go through it once? I was thinking that we had looked through Part 1 with Alan when he first brought it up.

Vadney: Yes, I thought we did too.

Van Etten: Why, did you want to review that?

Court: People will want to see it who are here.

Van Etten: Okay. Do we have Part 1? Do you have a copy of Part I?

Court: I have a couple.

Clerk: Do you have your file there?

Van Etten: Yes, Okay. I didn't know whether it was in there.

Lord: Here are a couple more if people want to read through.

Van Etten: I have the Part 2 right here. What, do you want to go through Part 1 again, Bob?

Court: Most people have a lot of environmental concerns, you know: and they are going to have a lot of questions after our reading these.

Van Etten: All right.

Court: This land is such a vast stretch and it is so diversified. Any one of the questions could apply to probably any part of it or not.

Van Etten: Do you want to read Part 1 and I will do Part 2?

Court: I am not that good of a reader.

Van Etten: Ann Marie.

Vadney: I will do it.

Court: So, just to explain to everyone, we are going to be doing the full Environmental Assessment Form, Part 1 and 2, reading it out so you can hear all the State's concerns when people want to do a major subdivision and there is probably going to be a lot of questions.

Vadney: Maybe we should hold the questions until we get done.

Van Etten: Yes.

Vadney: We already did this once at a prior meeting. We are not required to do this but we are doing it because you are here and we want you to hear everything. All right this is Part 1:

A. Project and Sponsor Information

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Name of Action or Project: Tall Pines Hideaway

Project Location: 87 Sodom Road (Intersection of Sodom Road and County Route 51, Town of New Baltimore, Greene County, New York.

Brief Description of Proposed Action (include purpose or need): Subdivide 260 acres into 16 parcels ranging from 3 to 50 acres in size. Each parcel will have frontage on existing town maintained roads, so no new roads will be built. Each lot will use individual on site residential wells and septic systems.

Name of Applicant/Sponsor: New York Land & Lakes Development LLC

Address: Oneonta, NY

Project Contact: Alan Lord – Agent/Project Manager

Vadney: Mr. Lord is present this evening.

Property Owner: Robert Egan and Gittel Egan

Address: They current reside in the Bronx

B. Government Approvals

B. Government Entity:

- a. City, Council, Town Board or Village Board of Trustees: No*
- b. City, Town or Village Planning Board of Commission: Yes, required*
- c. City Council, Town or Village Zoning Board of Appeals: No*
- d. Other local agencies: No*
- e. County agencies: No*
- f. Regional agencies: No*
- g. State agencies: No*
- h. Federal agencies: No*

i Coastal Resources.

- i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? – No*
- ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?- No*
- iii. Is the project site within a Coastal Erosion Hazard Area?- No*

C. Planning and Zoning

C.1 Planning and Zoning Actions

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? - No

C.2 Adopted Land Use Plans

- a. Do any municipally adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? - No*
- b. Is the site of the proposed action within any local or regional special planning district? (For example: Greenway Brownfield Opportunity (BOA); designated State or Federal heritage area; watershed management plan; or other?) - No*
- c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? - No*

C.3 Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? – Yes*

If Yes, what is the zoning classification(s) including any applicable overlay district? R/A

- b. Is the use permitted or allowed by a special or conditional use permit? - Yes*

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c. Is a zoning change requested as part of the proposed action? - **No**

C.4 Existing Community Services

a. In what school district is the project site located? **Greenville**

b. What police or other public protection forces serve the project site? – **County Sheriff and New York State Police**

c. Which fire protection and emergency medical services serve the project site? - **Medway-Grapeville Fire Company**

d. What parks serve the project site? – **Silver Lake Park, Cecil C. Hallock Memorial Park; Cornell Park; Wyche Park**

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action? **Residential**

b. a. Total acreage of the site of the proposed action? **260 acres**

b. Total acreage to be physically disturbed? – **16 acre (1 acre per lot)**

c. Total acreage owned or controlled by the applicant or project sponsor? – **260 acres**

c. Is the proposed action an expansion of an existing project or use. - **No**

d. Is the proposed action a subdivision, or does it include a subdivision – **Yes**

If Yes,

i. Purpose or type of subdivision? (e.g. residential, industrial, commercial; if mixed, specify types) - **Residential**

ii Is a cluster/conservation layout proposed? - **No**

iii Number of lots proposed? **16**

iv. Minimum and maximum proposed lot sizes? **Minimum: 3 acres Maximum: 50 acres.**

e. Will proposed action be constructed in multiple phases? - **No**

i. If No, anticipated period of construction: **Selling vacant land**

Vadney: That means that can't be identified.

f. Does the project include new residential uses? - **Yes**

If Yes, show numbers of units proposed: **One-Family: 0 Two-Family: 0 Three-Family: 0**

Multiple Family (four or more): 0

At completion of all phases: **One-Family: 16 Two-Family: 0 Three-Family: 0**

Multiple Family (four or more): 0

g. Does the proposed action include new non-residential construction? - **No**

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? - **No**

D.2 Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operation, or both? - **No**

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? - **No**

c. Will the proposed action use, or create a new demand for water? - **Yes**

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If Yes:

i. Total anticipated water usage/demand per day: **Average 400 gallons per house. 6,400 gallons per day; 16 wells across 260 acres.**

ii. Will the proposed action obtain water from an existing public water supply? - **No**

d. Will the proposed action generate liquid wastes? - **Yes**

If yes:

i. Total anticipated liquid waste generation per day: **Based on water usage 6,400 gallons per day**

iii. Will the proposed action use any existing public wastewater treatment facilities? - **No**

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? – **No**

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? - **Yes**

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

8 acres (impervious surface) - ½ acre per lot 260 acres parcel size

ii. Describe types of new point sources: **residential roof tops and driveways**

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? – **Will be treated on site.**

Will stormwater runoff flow to adjacent properties: - **No**

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? – **No**

Vadney: Now some of these will again come up when the individuals submit their plans to build so that is why the answers to these questions are in this form.

f. Does the proposed action include, or will it use on-site one or more sources of air emission, including fuel combustion, waste incineration, or other processes or operations? - **No**

g. Will any air emission sources named in D.2.f (above require a NY State Air Registration, Air Facility Permit or Federal Clean Air Act Title IV or Title V Permit? - **No**

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities - **No**

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? - **No**

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? - **Yes**

If yes:

i. When is the peak traffic expected: **Weekend; Randomly .**

iii. Parking spaces: **Existing: N/A Proposed: N/A Net increase/decrease: N/A**

iv. Does the proposed action include any shared use parking? - **No**

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? - **No**

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fuel vehicles? - **No**

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? - **No**

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? – **No**

Vadney: This is for commercial or industrial projects only so answer is no.

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1. Hours Of Operation

ii. During operations:

- m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation or both? - No*
- n. Will the proposed action have outdoor lighting? – Yes*
 - i. Describe sources, locations, height of fixtures, direction/aim, and proximity to nearest occupied structures: **Residential lighting***
 - ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? - No*
- o. Does the proposed action have the potential to produce odors for more than one hour per day - No*
- p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? - No*
- q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e. herbicides, insecticides) during construction or operation? - No*
- r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? - No*
- s. Does the proposed action include construction or modification of a solid waste management facility? - No*
- t. Will proposed action at the site involve the commercial generation, treatment, storage or disposal of hazardous waste? – No*

E. Site and Setting of Proposed Action

E.1 Land uses on and surrounding the project site.

a. Existing land uses.

*i. Check all uses that occur on, adjoining and near the project site. **Residential; forest; rural, agricultural***

b. Land uses and cover types on the project site.

Roads, buildings and other paved or impervious surfaces – ½ acre per lot

*Forested: **Current: 238 current acreage; After Completion 235 Change -3***

*Meadows, grasslands or brush lands (non-agricultural, including abandoned agricultural): **Current acreage 15; After project completion: 11 Change - 4***

*Agricultural (includes active orchards, fields, greenhouse, etc.): **0***

*Surface Water features (lakes, pond, streams, rivers, etc.): **Current acreage:2 Acreage after project completion: 2***

*Wetlands (freshwater or tidal): **Current acreage 4; Acreage after project completion 4***

*Non-vegetated (bare rock, earth or fill): **Current Acreage: 0 After Completion: 0***

- c. Is the project site presently used by members of the community for public recreation? - No*
- d. Are there any facilities serving children, the elderly, people with disabilities (e.g. schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? - No*
- e. Does this project site contain an existing dam? - No*
- f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? - No*
- g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the*

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project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? – No

h. Potential contamination history. Has there been a reported spill at the proposed project site or have any remedial actions been conducted at or adjacent to the proposed site? - No

iii Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?- No

v. Is the project site subject to an institutional control limiting property uses? - No

E.2 Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? – 2 feet

b. Are there bedrock outcroppings on the project site? - Yes

If Yes, what proportion of the site is comprised of bedrock outcroppings?- 5%

c. Predominant soil type(s) present on project site. – Arnot Channery silt loam, 46%; Arnot Lordstown Channery silt loam: 43%

d. What is the average depth to the water table on the project site? Average: Greater than 80 feet

e. Drainage status of project site soils – Well Drained: 0% of site; Moderately Well Drained: 97% of site Poorly Drained: 10% of site

f. Approximate proportion of proposed action site with slopes: 0-10% - 50% of site; 10-15% - 35% of site; 15% or greater – 15% of site

g. Are there any unique geologic features on the project site?- No

h. Surface water features.

i. Does any portion of the project site contain wetlands or other water bodies (including streams, rivers, ponds or lakes)? - Yes

ii. Do any wetlands or other water bodies adjoin the project site?- Yes

iii. Are any of the wetlands or water bodies within or adjoining the project site regulated by any federal, state or local agency? – Yes

iv. For each identified regulated wetland and waterbody on the project site, provide the following information: Streams – Name 863-516, 863-518; Classification - C

Lakes or Pond – Name – Several Small Ponds; Wetlands – Name – Federal Waters, Federal Waters, Federal Waters Approximate Size: NYS Wetland (in a...

Wetland No. (if regulated DEC) AC-108 Back of Lot #14

Vadney: AC-108 is the designated wetland number? Lord: Yes.

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality impaired water bodies?- No

i. Is the project site in a designated Floodway? - No

j. Is the project site in the 100-year Floodplain? - No

k. Is the project site in the 500-year Floodplain? - No

l. Is the project site located over, or immediately adjoining a primary, principal or sole source aquifer? -

Yes

Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy the project site. - .White tail deer, coyote, Eastern turkey and black bear

n. Does the project site contain a designated significant natural community? – Yes, close by. No building sites near areas.

i. Describe the habitat/community (composition, function, and basis for designation): Pitch Pine Oak-Heath Rocky Summit, Perched Swamp White Oak Swamp

iii. Extent of community/habitat: Currently 1.8 acres; 2.47 acres

o. Does project site contain any species of plant or animal that is listed by the federal

government or NYS as endangered or threatened, or does it contain any areas identified as

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habitat for an endangered or threatened species? - **No**

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? - **No**

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? – **Yes**

If Yes, give a description: **Property leased by former owner for hunting**

E.3 Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? - **No**

b. Are agricultural lands consisting of highly productive soils present? - **No**

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? - **No**

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? - **No**

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? - **No**

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? - **No**

g. Have additional archaeological or historic sites (s) or resources been identified on the project site? - **No**

h. Is the project site within five miles of any officially designated and publicly accessible federal, state or local scenic or aesthetic resource? - **No**

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? - **No**

F. Additional Information – EAF Mapper Summary Report; Town Zoning Map, Greene County Web Map; Tall Pine Hideaways Map showing habitat community; Environmental Resource Mapper and Information; habitat plant/tree information; National Wetlands Inventory Map; Soil Map; Soil Map Legend; Map Unit Legend

G. Verification – Signed by Mr. Lord, Project Manager

Van Etten: Thank you Ann Marie.

Court: I would like to know if there are any members of the public that have any questions or concerns while this was just read?

Strbich: The one thing that caught our attention [Several words not understood.] I think it was about ground water and I think it was 80 feet.

Court: Greater than 80 feet.

Lord: Well that greater, that should have been 180 feet. That was a typo.

Vadney: Could be my eyes too.

Lord: Should be 180, the average well.

Court: What was the aquifer identified in the area? Could you explain that to me?

Lord: Say, that again. Court: The aquifer you identified. Lord: Which one was that?

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Court: Principal aquifer. Lord: There was nothing identified that I know of.

Court: Page 11. Vadney: It said a major.

Horn: At the very bottom of the page. Vadney: It said a major aquifer.

Van Etten: It said name of aquifer. Is that the generic?

Vadney: It may be generic because it just said “principal aquifer”.

Clerk: I believe that is the way DEC answered that question.

Lord: Yes, they answer that for you. If you look at the answer sheet, after my signature, those are the ones that DEC answers for you when you put in your site location.

Clerk: I think that came up when we did the last major subdivision too, “principal aquifer”. The comment was made then, well, what is there an aquifer under everything?

Van Etten: Probably to some degree, yes, sooner or later.

Vadney: There are maps here and the attachments that identify the area Pitch Pine Oak and the wetlands just so.

Van Etten: And probably wetlands.

Vadney: This is all information that when these are prepared, you have to go on the DEC site to identify them.

Tivey: [Part of her comment not understood.] I think I have a pond that is partially on their land and partially on mine. In other words, the pond [The rest of her comment was not understood.]

Vadney: But this clearly stated that they would not be impacted, one of those questions. They actually asked that question, “*Will the ponds, wetlands be impacted*” and it states “*That the ponds, wetlands on the property being subdivided as well as the surrounding properties will not be impacted*”. So in answer to your concern, nothing would be going on near. Building could not happen. The houses have to be site developed away from those areas.

Van Etten: Any other discussion before we go on to Part 2? [There was none.]

Part II

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. – No

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.(e.g., cliffs, dunes, minerals, fossils, caves) – No

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g. streams, rivers, ponds or lakes) – No

Van Etten: Then again, we just went through this in Part 1.

4. Impact on Groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. – No

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Van Etten: I don't see it introducing contaminants.

Vadney: Well actually, it is not going to induce anything just with the subdivision. That would come when they start building the houses.

Strbich: [Several words not understood.] It will only come if you grant the subdivision. I am sorry.

Van Etten: No, no., that is fine Kevin; but as far as the contaminants, the only thing I can see is the septic; and like you said, the septic would be done right. I will go with "no" on that.

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. – No

6. Impacts on Air

The proposed action may include a state regulated air emission source. – No

7. Impact on Plants and Animals -

The proposed action may result in a loss of flora or fauna. – No

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. – No

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. - No

10. Impact on Historic and Archaeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource.- No

Van Etten: We talked about the gravesites but we don't have any documentation on that so I feel we have to go with "no" on it.

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. - No

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA).- No

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.- No

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.- Yes

Court: Well, that was a concern brought up. However, I think it was for Commercial. It says refer back to Part 1 D.2.k.

Van Etten: Okay that was Commercial; and while we are on that, I know there were concerns about the electric. I can't believe that Central Hudson isn't going to, if they see homes being put up, address that.

Court: They might even address it beforehand seeing it being subdivided; and having the potential, they

may start planning for it sooner.

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Boehlke: Again, you can't deny a subdivision, grant a subdivision based on electric.

Van Etten: And we actually had, Marjorie, correct me if I am wrong, some correspondence with Central Hudson recently about us notifying them of possible subdivision. Did we have that a year or so ago, I remember something like that? They sent us a letter.

Vadney: Yes.

Clerk: I thought that was in the Commercial area.

Van Etten: I thought it was about subdivision.

Vadney: Yes, I think it was, Marjorie, but I can't remember why we got, what was going on.

Clerk: We get that every so often.

Vadney: They should be interested in subdivisions from every Town so they can plan.

Van Etten: I am thinking in the back of my mind I remember something along the lines and that is not a bad point.

Vadney: Maybe we should just identify the subdivisions and send them a letter.

Strbich: I think you should identify and you and the Town Board both should both send Central Hudson a letter because our electric out there sucks.

Vadney: Well mine does too.

Strbich: [Comment not understood.]

Van Etten: Do you seriously have low power there?

Benway: And what Central Hudson's answer is everything in your home should be on a surge protector.

Van Etten: Oh really.

Benway: They don't really care. Two refrigerators, two microwaves, tv's and everything in your home should be on a surge protector. It is not our problem.

Salisbury: You are at the end of the line. Is that what is going on?

Benway: State Telephone told me I could probably get three different DSL lines and still not get the speed I am paying for.

[[?] As far as power, if you are at the end of the line you get a voltage drop.

Bruno: Yes, and the DSL depends on how far you are from the station because we are like right on the very end.

[Several conversations took place at once.]

Bruno: My DSL is off more than it is on.

Horn: You at least have DSL; I have a satellite.

[Several spoke at once.]

Van Etten: It is good that we have this conversation, I think, because you are the people impacted. Okay, so do you want to put Impact on Energy, "yes"?

Court: Yes, put "yes". Then you have to answer A to F.

a. The proposed action will require a new, or an upgrade to an existing, substation. – (?)

Van Etten: We can't give that an answer.

Vadney: No, we can't.

b. The proposed action will require the creation or extension of any energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. – No or small impact

Court: Does that refer to Commercial?

Van Etten: Yes but we would say “no”.

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Vadney: If we said “yes” on here, we should not have.

Van Etten: So they jive, it is better that they stay the same.

Vadney: I think that is more commercial. We can’t.

Van Etten: Specify whether it is commercial or residential.

Vadney: We will continue but that has to be changed if it says “yes” on Part 1. It shouldn’t.

Clerk: Remember, we didn’t complete Part 1; the applicant did.

Vadney: Yes.

Van Etten: Well, we reviewed it.

Vadney: We reviewed it, so we have.

Lord: [Several words not understood.] On this part, you can check “yes” and go down through all those boxes would be “no or small to moderate impact”.

Van Etten: As far as the upgrades to the substation, we aren’t Central Hudson. We can’t make that determination.

Horn: So it would be “no” or “small impact”

Van Etten: Okay, so we will just do “No or small impact”.

c. The proposed action may utilize more than 2,500 MW hrs per year of electricity.- No

Van Etten: There again, I would not have an answer on that.

d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed..- No

e. Other Impacts: None

15. Impact on Noise, Odor and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. - No

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.- No

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. - No

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. – No

Van Etten: That completes Part 2 of the Environmental Assessment Form.

Vadney: This doesn’t apply. It is just industrial, commercial.

Van Etten: Just the same, it is not the worst idea to reach out to Central Hudson because I certainly wasn’t aware of that. Would we like to vote on the preliminary plan?

Boehlke: Supposedly, that is what we have a Public Service Commission for.

Vadney: So we need a motion.

Van Etten: What is everyone’s thoughts on this? I certainly understand everyone’s concerns in terms of

the water, you know, but like Alan says it is a hit or miss thing and it is vital too.

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Salisbury: And we are talking single family homes on a large parcel.

Court: It was also mentioned here and I don't know that it needs anything on our end; but, Alan, you mentioned that each deed will have a deed restriction that it cannot be subdivided once again.

Van Etten: So I mean it is 16 houses, period.

Lord: It is on the map; it is in their deed.

Van Etten: It is a total restriction they cannot subdivide further.

Lord: You have a Part III. I just wanted to make sure that didn't get missed. Van Etten: Okay.

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Van Etten: We had "no" on all.

Vadney: Based on what we just went through, there was no environmental impact.

Van Etten: Yes, so the determination.

Vadney: So we would be determining there is no environmental impact.

Van Etten: There is a Type 1 and Unlisted.

Vadney: We have completed 1, 2 and 3 for this project.

Van Etten: We did 1 and 2.

Vadney: Well this is 3 that we are doing right now.

Van Etten: But this is SEQR status. I am not sure what the Type 1.

Vadney: I don't remember what Type 1 is.

Van Etten: Marjorie, would you know what they are asking, the Type 1?

Clerk: You have got me on this one.

Van Etten: Okay. Alan?

Lord: There are some definitions. I mean this project could go either way because there is no; if there were other involved agencies, if we needed permits from many other agencies, like DEC, Army Corps, it would definitely throw it into a Type 1. Type 1 is the safe fall out. It could be an Unlisted because there are no other involved agencies, so you could call it an Unlisted Action.

Van Etten: There is certainly no Corps of Engineers or anything that I know of.

Lord: No. I mean there are Corps wetlands out there but we are not impacting them. We are not looking for permits to cross them or we are not looking for permits for every building, every lot could build without needing a permit to do anything so this particular project could go either way. If there was another agency involved, it would definitely be a Type 1. Probably the safe bet is to call it a Type 1.

Vadney: But there is no one else involved. I am a little confused why you would; oh, in case someone does something to a wetland?

Van Etten: Is that why you are thinking, a Type 1?

Lord: No. Just you could call it a Type 1 with nobody else involved. All you are doing is—there are some tougher thresholds. There is a list of thresholds. I don't have it printed out with me and so forth that jump it up from an unlisted to a type 1.

The Clerk advised the Board that she would get and provide the Board with the information for the future.

Van Etten: Okay. How does everyone feel, unlisted for now?

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Lord: It could be unlisted because there is no one else involved. You aren't looking for permits from any other agency.

Horn: So this is Unlisted, then?

Van Etten: Okay. So you are going to go with Unlisted.

Vadney: Yes.

Strbich: How do you know there isn't that much wetland out there? Are you taking his word for it?

Vadney: No. We have maps. We have already gone over all these things in previous meetings.

Strbich: I know but you have never been there. You are taking him at his word? Vadney: No.

Strbich: So you can't just sit there and verbatim say oh, well, it could be a Type 1 but that would depend on [Rest of comment not understood.]

Vadney: We are going to re-confirm this in the morning.

Lord: No, no, that is not what I am saying. We are not looking for a permit to cross any wetlands. We are not applying for any permits. We are not saying how much wetlands is out there. I am agreeing that there are wetlands out there.

Strbich: There are a lot of wetlands out there.

Lord: Absolutely.

Van Etten: We are clarifying that we are not going to affect the wetlands.

Vadney: That is all we are doing.

Tivey: I was just wondering when you are saying no, no, no, that there is absolutely going to be no impact environmentally, I don't see how that is possible if it is a development [Rest of comment not understood.].

Boehlke: It is really not a development.

Tivey: [Part of comment not understood.] There is flora and fauna out there. I know those woods [Rest of comment not understood.]

Van Etten: Well, you can't do anything without having an environmental impact.

Tivey: [Comment not understood.]

Van Etten: Well, we are worried about the concerns. I mean something that adversely really affects.

Boehlke: Well, you can't do anything without having.

Tivey: I have heard of mosses [Part of comment not understood.] in our woods that are endangered. Without actually having an environmentalist or somebody that really knows how endangered they are.

Boehlke: Well, this is probably why you may prefer something like this ma'am because most of these lots average 16 to 50 acres. They cannot be subdivided later, right? It is a bonus in that area.

Tivey: [Part of comment not understood. Talking at same time as Mr. Boehlke.]] Fine. Okay, I will take your word for it. [Rest not understood.]

Vadney: But the training we have had on preparation of SEQRA's, that would not be a reason, a subdivision like this and in building single family houses.

Tivey: [Comment not understood.]

Strbich: [First part of comment not understood.] Not honest with the question.

Vadney: What I am saying is the training advises you.

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Strbich: But doctor I don't smoke, only once in a while. Now, let's be honest. Yes, I smoke. Yes, there is stuff out there.

Van Etten: We are looking for reasons.

[Several spoke at once.]

Lord: You have to read the thresholds that it gives you. They are reading the questions but you are not seeing the percentage thresholds. We don't even come close to impacting.

Tivey: I am sure on the scale you are talking about. Oh, it is the scale; it is the scale. I am sure you are right. I know that land intimately and I don't know about the big scale of all the development that goes on in the world. I am sure they effect environmental stuff as well. This is in my backyard so I am addressing it in the way that I know.

Van Etten: There is nothing wrong with it. These forms are designed for us to see if there is a reason why we should deny this.

Tivey: I am not even saying that. My motives are a good reason in the scheme of things. I understand. That is just me. What I am saying, I had a problem with hearing.

Van Etten: I understand.

Tivey: No, no, no. That is not true. It is a "yes".

Van Etten: Yes, to some degree. If I go out and mow my hay field, I am making an environmental impact.

Tivey: [Not understood; spoke at same time as Mr. Van Etten.]

Van Etten: I am killing a lot of grasshoppers. This is designed to make it safe for the community. Is there some reason why we should deny this? Like Alan says, there are thresholds.

Tivey: I am just saying it is a concern.

Van Etten: Okay.

Tivey: I am not saying it is not saying it is a good enough reason.

Lord: Just for your information, a lot of these questions, the answers came from data bases that are out in the State like the Parks and Recreation Bureau, DEC website. All this stuff gathers from those, any input they have. They have areas identified as endangered animals, endangered plants and so forth. Not all of them are coming up on this property.

Tivey: Well, right because they don't know. They don't know the property.

[Conversation took place that could not be understood.]

Tivey: Nobody knows the property. That is what I am saying. They have been told by people who do know stuff. [Rest of comment not understood.]

Vadney: Can I just say something to you. We are not disagreeing with you; but all we are saying is that in the forms, there are all kinds of things that are brought up. They come up from charts from the State and that is what we have to go by. You know we get just as frustrated as you are getting and what you are saying, we don't disagree with you; but we have to follow certain guidelines in doing this and how we answer these things.

Strbich: Because you took Lead Agency on the property.

Vadney: Well, we have to take lead agency. Lord: There is no other agency involved.

Vadney: We are the lead agency. Believe us, if we could get rid of this, right, Robbie?

Van Etten: Well, we have gone through the full. Strbich: Sorry, again.

Van Etten: No, no, there is no problem. We have gone through the full environmental assessment forms

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in detail, I think, both 1 and 2 and 3. Anybody want to weigh in before we do this resolution? I totally get the water thing, you know, but it is a crap shoot. It really is, I think.

Tivey: [Several words not understood.] They are the one to lose and then find out later.

Strbich: Well, in one respect if somebody buys one of them lots and they can't get water, then that is there problem.

Van Etten: Buyer beware.

Boehlke: I was going to bring up the point with you, Kevin, because we are facing really in reality the same thing that you would be facing in your business, the Department of Health is going to aye or nay anything you put up. You know what I am saying and it will work, right, when you are done. And on the other spectrum with these wells, there is going to be a bank. There is going to be a whole new mortgage; and if they own that property, they own that house until it is paid for and they are going to make darn well sure, there is a well that is marketable along with that house.

Tivey: [Several words not understood.] The wells will suck the water away from the wells down the road that are pre-existing.

Strbich: There are no guarantees. [Rest of comment not understood.]

Boehlke: Ma'am, if we were talking about a Commercial property that would be looking to put a well in at like 2,500 feet, 4000 feet, absolutely because it is scientifically proven what that does to the water table, right?

Tivey: But I am not talking big wells. My well dries out and it has dried out in the last two years, both years. Last summer it dried out and the summer before it dried out. If there is another house nearby that has a well that has tapped into the same vein as my well has, I am never going to get water. I mean it is done. I have a very fragile well system as it is. If that vein of water is tapped into up the road, I am done. Hearing from a lot of other people and what I know of wells and veins, it is just the water runs in veins. You take another well upstream from it.

Boehlke: I am not a geologist but what perplexes me with this right here is that like Kevin says if you go out on that property, there is a lot of water on that property. How is it that it is not in the ground?

Tivey: I don't know.

Boehlke: And I am not saying that to mock or anything because honestly, I am not a geologist. It probably is very possible you could have a limestone cap, like you could have out there, and not have a whole lot of water underneath it so I am not poking fun. Believe me. But here is what I said before is that really, you know, for that reason I would not be against having maybe some extra expertise, you know, but I am sure this has been done 1,000 times in a 1,000 places. I mean, I don't know. I am new at this. I understand the concerns and it would be a concern of mine.

Tivey: But you are already talking about people who have water problems now and then potentially you have in that application for 6,400 gallons per day. So you put that in there.

Boehlke: Well, now, we are talking 16 homes on 260 acres. Now my question is, is that—there probably have been 16 homes built out there in the last 20 years, off the top, maybe possible?

Tivey: I don't think so; maybe, three. [Several spoke at once.]

Van Etten: Well, Kings Road, I have done two of them. On Kings Road alone, you know, so in the past 20 years.

Strbich: I would say probably half a dozen.

Bruno: You think nobody should build because it might, there is a chance that it might take away from your water?

Boehlke: Well, you see, that is the decision we have to make.

Bruno: Yes.

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[Several spoke at once.] Boehlke: So you are asking us. Bruno: I know he had developed it.

Strbich: That is not what I am saying at all. That is not what I am saying. I am not saying that.

Horn: But that is what we are hearing.

Strbich: I understand your positions sitting on the Planning Board.

Bruno: Yes, I understand. We have no guarantees either way, you know, of saying how that water and when you purchase a home, a property, and you build, I mean, you don't know how it is going to go so it is a crap shoot.

Strbich: That is right. It is more beneficial to have the land already [Word not understood.] People already have a well and their homes. Then we wouldn't have this concern. You can't spite us for having that concern.

Bruno: No, I don't. I don't. I seriously don't. I understand that. I really do.

Strbich: It is buyer beware with each of these properties. It is like that everywhere.

Bruno: You don't know how what one person doing on one land is going to affect.

Strbich: Understood. Van Etten: I would like to do this resolution.

Vadney: I think we should.

Unidentified: When we drilled our well out there, the well driller left our house and went right next door because their well went dry. I felt horrible about it. He went right from our house to his house and they drilled another well right there. In the instant, his well went dry and I can't even see their house from my house.

Unidentified: You are looking for what happens in our area. It is not on the website. New Baltimore is huge so whatever you looked up on the computer as far as New Baltimore, it isn't our little area. These are people who have actually gone through situations where it has happened. It is not well possibly. No, here are the facts. You want facts. They are right here.

Vadney: I had it happen to me but that doesn't mean I am going to say to my next door neighbor who has 200 and some acres, that you can't sell your property or subdivide because well, I wouldn't do that.

Unidentified: Would you be happy about it?

Vadney: Would I be happy about it? You know what, I have to respect my neighbor. It is not whether I am happy about it but I think we have to understand and respect what is going on in our community. Believe me, I understand what you are talking about. I have been flooded. I lost my water but I don't think there is any basis here and it is not like I am not listening. I understand all of that. This land is going to be sold and I would prefer to have a minimal of 16 because it is going to get sold, one way or the other.

[Unidentified] Yes but if it is sold as one property, 200 acres, you put one well put on there.

Vadney: But that is not our job.

Unidentified: That is your job, right now. Vadney: No, it is not our job.

Salisbury: And then the next guy buys it and splits it up into 40 parcels.

Unidentified: It is not your job to subdivide it or not subdivide it?

Vadney: Our job is to listen and review the facts and do what we think is best for our community as a whole and I think that is what we are trying; I mean we are trying to look at every, all the facts that have been presented, all the concerns.

Van Etten: Based on laws, I really don't see.

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Vadney: How we can.

Van Etten: How we have any reason to deny it.

Boehlke: Well, I mean seriously any one of us in the past could have been prevented from building in this Town based on that same criteria. I mean it is absolutely true. My well has been affected by my neighbors when they moved in. I like my neighbors. I mean I am glad I have neighbors and my kids are going to settle in this Town when they get older. It is life. Look at it. We have to have very overriding reasons to prevent someone from purchasing property in our Town with the intent of making a home.

Unidentified: "A" home.

Tivey: You are not talking about a family that has broken up a part of their land to give to their kids. That is a different thing. We are talking about making a development with as many houses on the three-acre parcels, whatever, to make money. It is not about family and community.

Bruno: But anybody selling is looking to make money. That is what a business does.

[Several conversations took place at once.]

DiBenedetto: We tried getting ten acres from the owners about five years ago and they did not want to pay for the subdivision. They said that they were going to keep the property for their kids when they grow up.

[Several conversations took place at once.]

Van Etten: Unfortunately, times change, situations change.

Boehlke: Let me just read. Here is a list of the parcels.

Van Etten: While you are on the water thing though, these figures he gives you for the 6,400 per day, they are high. They are very high. Most homes are lucky to use half of that.

Boehlke: In the Town here, we have a two-acre minimum. Parcel #1 is 35 acres. Parcel #2 is 25 acres, Parcel #3 is five. #4 is six. #5 is eight. #6 is four. #7 is 3.5. #8 is seven. #9 is ten. #10 is 50. #11 is eight. #12 is seven. #13 is five. #14 is ten. #15 is 25 and #16, you have another 50 acre parcel.

Strbich: First eight are within 1,000 feet of my well.

Boehlke: And these are residences. We are not talking commercial properties.

Strbich: The first eight are a 1,000 feet from my well and none will....Well, let's drop it. On any of these maps, which it is supposed to have, is where the well is located on the property. Okay, that are already existing and it is not on there. That is why I am here because every one of them from 1, 2, 3, 4, 5, 6, 7, 8 are 1,000 foot from my well. That is why I am here. You are talking about 260 acres but the first eight subdivisions that you just, or parcels that you just talked about are within 1,000 foot of my well. Yes, you are right. There are two 50-acre parcels somewhere else. But the way they have it subdivided is.

Boehlke: Kevin, I have two wells, actually I have three wells.

Strbich: Around that whole area, right.

Boehlke: I have three wells within 1,000 feet of my house.

Strbich: I don't care. Sorry, I didn't mean that I didn't care about your property. I meant I don't care what happens tonight. I have voiced my opinion. You have been kind enough to listen to me so do your vote. All right, but it really bothers me that not one of you, and I want it on record, were ever out on that property and looked at any one of them sites before you are doing this right now.

Boehlke: We are not geologists.

Strbich: You would see what was there and you would know. You would have a little better feeling for the concerns of the people.

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Boehlke: There is lots of water out there, Kevin, right, and it is like I said again

Strbich: [Comment not understood.]

Boehlke: And that is exactly what I am saying. I am not a geologist.

Strbich: I am not either but your SEQR Review Act specifically speaks about, and so does some of your other Codes speaks about, slopes, land and stuff. It is all there. Everything that you speak about in these Codes is there but none of you would have seen it.

Salisbury: I was out there. I drove by that property and looked at it purposefully. I didn't walk back in it because it was too thick.

Strbich: See, with all respect, there are lots of people that drive by. [Several spoke at once.]

Salisbury: I don't live too far away from there.

Strbich: I am done speaking. Thank you for your time.

Horn: But Kevin to answer that realistically, if we went out there, we could walk for days on 260 some acres and what would we see? We still would not know what water is underground, what water is running this way or that way or whatever. We would see wetlands. We would see rocks. We would see forests. We would see the swamp woods. We would see all those things but what would it really tell us if you are going to divide that up into 50 acres or 25 acres or five acres or whatever. I mean it really wouldn't tell us anything.

Strbich: [First part of comment not understood.] You are going right into the Cocksackie reservoir, which I am sure that you haven't seen because you haven't been out there.

Horn: Yes, I know it goes down from the firehouse too and it goes from the Reservoir all the way down to Cocksackie. Anything could run in all the way from the reservoir to Cocksackie. It goes passed houses. It goes passed barns. It goes passed chicken houses. It goes, everything. You know the water is not pure until it gets to the station.

Strbich: But all those properties are existing. All the stuff that is on them existing properties is already there. Here we are talking about new lots, new construction; but like I said, I commend him for doing it the way he did. It could have been a lot more.

Boehlke: I mean it is done right, Kevin, and it is done the way we like it to be done.

Strbich: The first eight lots, I mean they are on the east side of 51. They are on the west side of 51, wrap up around. There is a shale bank right on the corner of Route 51 and Sodom Road that is filled with water right now; but when the geologist said there is suitable soil there, I am sorry I have to ask you that again because I will go out there with my excavator for free and dig you as many holes as you want. You will be lucky if there is a foot and half of dirt on any of that property. I have spoken. I will be quiet. Thank you for your time but to say it is a negative impact is not true. I understand the percentages for how much land you are talking about on a lot and it will hurt some of us, yes, but it is what it is. If my well goes dry because somebody blasts a foundation, I have already stated what will happen.

Van Etten: Understandable.

Resolution was presented as follows:

WHEREAS, Robert Egan and Gittel Egan wishing to complete a sixteen-lot major subdivision of a 260-acre parcel bordering on Route 51, Sodom Road and Old Kings Road, to be known as The Pine Hideaways, had their authorized representative, Alan Lord of New York Land and Lakes Development, submit Application for Classification of Sketch Subdivision Plat at the March 9, 2017, Planning Board Meeting; and

WHEREAS, the Planning Board at its March 9, 2017, meeting classified the application as a Major subdivision and further due to the acreage involved, to allow a map scale of one inch equaling 200 feet as

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opposed to one inch equaling 100 feet; and 10-foot elevations; and

WHEREAS, having submitted completed Major Subdivision Application packet and Long Form SEQR, and preliminary maps, the Board continued discussion with Mr. Lord at the April 13, 2017, meeting; and

WHEREAS, required Public Hearing having been duly noticed, was held on May 11, 2017, with members of the Public offering comment; and

WHEREAS, the Long 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 Egan major subdivision be approved with the following conditions:

1. That final major subdivision maps must be submitted for approval within six months of this date; and.
2. That final map fee be paid in full at time of submission of final maps.

Moved by Vadney

Seconded by: Court

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

NAYS: None

ABSTAINED: None

ABSENT: None

Mr. Van Etten thanked everyone for coming. Mr. Court pointed out he wanted it known that the subdivision followed the comprehensive plan. Our Town Code was read; the applicant did not violate anything. There were no grounds for the criticism. It was further noted there will always be some opposition to this type of application. Emotions were running high and it is tough when it affects your neighbors.

Mr. Lord pointed out that they are used to the Public Hearings. Mr. Lesperence, who accompanied Mr. Lord and also from New York Land and Lakes Development, pointed out they don't know us from Adam and we are considered to be fly-by-nights who come in. The gentlemen further advised the required certified letters were sent out and not one single telephone call was received from these people. Normally, calls are received and most of the concerns are worked through prior to the Public Hearing. It was further noted by Board Members that we have just been through two very dry summers that would greatly affect many wells. Those commenting brought just comments, no written documentation with regard to the concerns.

In response to Mr. Lord's question regarding the next step, he was advised they would have six months to present the final maps and fee. Mr. Lord advised that he would return in June with the final maps for stamp and signature. He thanked the Board.

Opportunities Development, LLC

Present was Frank Orlando, Jr. Property in question, approximately 1.7 acres, is located just north of Taylor Monuments, w/s Route 9W between 9W and Flatbush Road. In 1996 his father and mother, Frank, Sr. and Regina Orlando had come before the Boards for approval to place a modular home sales business and storage units on the parcel. After receiving the required approvals, his father never moved forward on it. Frank Orlando, Jr. had come before the Board eight years ago planning to move forward on the project by himself but did not.

Mr. Orlando was now present as a courtesy visit. They would be applying for a Building Permit. He wished to show the Board a vision of what they plan to put on the property at this time. They plan for it to be very nice as compared to other storage facilities in the area. He advised at his last appearance the

Board at that time was very nervous about their putting in a facility like the others in the area; and he

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assured the Board at the time that they would be putting in something that looked nice. The property over the years has been maintained and mowed. Images of what is proposed to be put on the property were laid out. The facility will have a roof pitch, not flat, shingles and actual siding. They had looked at storage facilities from Albany down into Columbia County and feel that what the Board is seeing was the best image. Question was raised and discussion held on putting cupolas on the building and the cost involved. It was noted that the parcel is eight or nine feet lower than Flatbush Road. Cupolas would not impede the view for the house on w/s of Flatbush directly behind this property and the current design could actually help to be a noise barrier.

There are no changes in the plans for the layout and he knew of no changes in the Town Code restricting this project. Sign size had been addressed at the last meeting and size had been reduced by a foot. He was cautioned that the laws should be reviewed since there had been recent changes in Zoning and in the Code with regard to signs. This would come into play when the Building Permit was applied for. Mr. Orlando emphasized that he wanted it to look nice and pointed out that both he and his father kept their properties well maintained and looking nice. He felt having it look nice would encourage people to rent the storage units.

Mr. Orlando explained that his father was in the modular home sales business when the Special Use Permit and Variance were obtained from the ZBA and Site Plan from the Planning Board. It was pointed out that the storage facility is one building 30 feet wide by 300 feet long and there would be 20-foot of drive all the way around. While one building, it steps down about eight inches to break up the appearance of one long building and is actually following the terrain.

Mr. Orlando re-capped they are ready to move forward, submit the Building Permit Application, pay the fee and get the necessary Building Permit. He was present so the Board could not come back at time of the Application submittal and say this is not what was originally proposed. The original proposal called for a steel building. Mr. Van Etten pointed out that he wasn't against this. He was seeing it as a plus but did not know how the rest of the Board felt.

Mr. Court pointed out it is a small lot and we have a maximum 30% lot coverage in the Commercial District in our Code. He questioned if that included driving roads, driveways and everything that is being developed? He further questioned does it have to go to the ZBA for a Variance? It doesn't mean if it is more than 30%, that the project can't go forward. It will just require going to the ZBA for a Variance. Mr. Orlando pointed out this was approved a long time ago and questioned if that approval was still valid.

The Clerk pointed out Variances are only good for a year if not utilized or renewed but that Variance was for setbacks. Setbacks at the present time are 50 feet from the front and 15 feet from side and back, with 30% maximum lot coverage. Under the current Code, it was believed he would easily meet the setbacks. With regard to the 30% lot coverage, it raised several questions. It was not known for sure if that just applied to building coverage or whether access road and road around the structure had to be included in that 30%. If the question was directed to the Town Board, it was not known if they could answer it or if it was a question that would be addressed by the Building Department at time of application submission. It was again noted that the Variance for the setbacks may have expired but that the Site Plan would not have. The lot coverage matter was not brought up when Mr. Orlando was last before the Board. The main concern was the steel buildings. Mr. Orlando was not present looking for a vote of any kind from this Board. It was noted the peaked roof and aesthetic appearance, was the only change and not believed to be the issue at hand.

Question of the present Variance and length of time the Variance is good for was again brought up. The Clerk explained a Variance if not exercised is only good for a year; and if the holder of the Variance does not apply for renewal of same a month before it expires, the Variance expires. She further emphasized that that Variance was for setbacks and from the earlier discussion, with the current Zoning, does not appear to be an issue. Currently, a 50-foot setback from 9W is required where previously it was 100 feet. It was pointed out that the issue at hand now requiring possibly an appearance before the ZBA is with regard to the 30% lot coverage, if this project would take more than the 30% of the parcel.

It was noted that the project was approved based on what the zoning was at that time. It would appear therefore that it would be grandfathered. Mr. Court then pointed out the Code says that the project has to comply with existing zoning that has occurred between approval and now. Just because it was approved many years ago does not exempt it from today's Code. The Clerk pointed out when it comes to the actual construction, the applicant has to comply with today's building codes, not the codes at time the other approvals were obtained.

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It was further noted the drawings in file are old drawings because the modular homes are not going to be included. Mr. Orlando responded no, if they go up, that is where they are going to go. He would just be getting a Building Permit for the storage units at this time, not the modular units. It was concluded that the Building Department, based on the 30% coverage issue, might deny it and send Mr. Orlando to the ZBA. Mr. Orlando wishes to proceed now with the construction as soon as possible.

Minutes

It was moved by Vadney and seconded by Court to approve the minutes of the March 9, 2017, Regular Monthly Meeting as presented.

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

NAYS: None

ABSTAINED: None

ABSENT: None

Correspondence

1. 4/11/2017 memo from Greene County Economic Development, Tourism and Planning, re: Notice of Subdivision Plats filed January/March, 2017.
2. Copy of CEO Mantor's 4/20/2017 letter to Attorney Michael Biscone, re: Bristol Manor.
3. From Assessor Bennett, copy of Greene County Real Property Tax Service April, 2017, Transfer Report.
4. Building Permit Applications for 1 deck, 1 pellet stove;
5. Swimming Pool Applicatons: 1 aboveground; 1 inground

Adjournment

At 10:20 p.m., it was moved by Vadney and seconded by Court to adjourn the meeting.

Respectfully Submitted,
Marjorie Loux, Clerk