

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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Planning Board Chair Rob Van Etten called the meeting to order at 7:45 p.m. followed by the Pledge of Allegiance. Other Board Members in attendance were Anne Marie Vadney, Bob Court, Pat Bruno, Bill Boehlke and Lee Salisbury. Jean Horn was absent.

Old Business

Lands of Jacqueline Davis - Minor Subdivision Application

Ms. Davis remained present. Being no further questions and since the Short EAF had been gone through in the Public Hearing, the Board moved right to the resolution as follows:

WHEREAS, Jacqueline Davis, wishing to complete a two-lot minor subdivision of property located on at 13703 Route 9W submitted Minor Subdivision Application at the January 11, 2018, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on February 8, 2018, with members of the Public offering comment; and

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

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

RESOLVED, that the Jacqueline Davis minor subdivision be approved with the following condition

That Lot #2 on the Jacqueline Davis minor subdivision map and the lands of Louis LaFalce be merged by recorded deed as spelled out on the Minor Subdivision Map to be signed and stamped by the Planning Board Chair at the time of subdivision approval.

Moved by: Vadney

Seconded by: Court

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

NAYS: None ABSTAINED: None ABSENT: Horn

Maps were stamped and signed by the Planning Board Chair. Green sheet was provided with the instructions to have it stamped and signed at time of map filing in County Clerk's office and then returned to the Planning Board.

Lands of John Hebda and Michelle Hebda - Minor Subdivision Application

The Hebda's authorized representative, Surveyor Charlies Hite, remained present. The Board had no further questions.

Part II of the Short Environmental Assessment Form was gone through as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning Regulations? - **NO**
2. Will the proposed action result in a change in the use or intensity of use of land? - **NO**
3. Will the proposed action impair the character or quality of the existing community? - **NO**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? - **NO**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? - **NO**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? - **NO**

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7. Will the proposed action impact existing:
 - a. public/private water supplies? - **NO**
 - b. public/private wastewater treatment utilities? - **NO**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? - **NO**
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)? - **NO**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? - **NO**
11. Will the proposed action create a hazard to environmental resources or human health? - **NO**

WHEREAS, John Hebda and Michelle Hebda, wishing to complete a two-lot minor subdivision of property located at 506 Shady Lane, Coeymans Hollow submitted Minor Subdivision Application at the January 11, 2018, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on February 8, 2018, with members of the Public offering no comment; and

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

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

RESOLVED, that the Hebda minor subdivision be approved with no conditions.

Moved by: Vadney
Seconded by Boehlke

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

The Chair stamped and signed the Hebda maps. Green form was provided for stamp and signature at County Clerk's office at time of map filing and return to the Board as proof that the maps were filed.

Lands of Lisa Dippo - Minor Subdivision Application

Authorized representative Surveyor Charles Holtz remained present. It was noted that Part II of the Short EAF was gone through at the January meeting.

Mr. Court advised that upon further consideration of the discussion held in Public Hearing, he would suggest to the Board that Mr. Holtz take his maps back and provide maps reflecting wording "Minor Subdivision of the Dippo property" rather than the wording on current map that it was a lot line revision of lands of Powell and Dippo since it was actually a subdivision before the Board and the map to be filed in the County Clerk's office should accurately reflect the process having taken place before the Board. It would not create another month's delay. Mr. Van Etten would come in, sign and stamp the maps just as soon as received.

Mr. Van Etten questioned if it would be possible to amend the map before the Board and was advised by Mr. Holtz that he would have to prepare new maps. Mr. Holtz responded that the Town's law was hugely flawed because when you look at it, it says that it is not an altered lot line, it is now a subdivision which now goes to the subdivision law. You go to the Subdivision regs. and it doesn't meet the definition of subdivision because another lot is not being created. A lot is being taken and added on to the other property. It was pointed out the person selling this parcel, subdividing it, is creating a second lot for purpose to sell to this person. Ms. Vadney pointed out that we are speaking to the validity of the law. It is the law as it currently exists in the Town. We are doing a minor subdivision. If we did not have

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the lot line in our Code now, she did not think it would be a big issue but we do. There is a Lot Line and we have Minor and Major subdivision. Therefore, she felt it should state it accurately on the map. If she went to the County Clerk's office, looked this map up, it does not accurately reflect what the Town approved. She explained to you, on the other side, it may seem to be a minor issue; but on the other hand, she felt it an important issue. She emphasized that they were not looking to give him more work.

Mr. Holtz responded it is the title of the map. Ms. Vadney pointed out that all the other maps where more than two acres were involved were labeled and handled as a minor subdivision. It was noted that current map title could not be crossed out, initialed and map re-named. Ms. Vadney continued since it is a document that is going to be filed in the County Clerk's office, from her perspective, it should be done right. If you were representing me, I would want the map to say what it is supposed to say. Mr. Holtz responded that it does say, to which Ms. Vadney responded it does, yes, from your perspective. Ms. Vadney then called for a halt in the conversation since it was beginning to go in circles.

Mr. Salisbury pointed out this is a subdivision according to our Application. Mr. Van Etten commented that our Code Section is entitled "Altered Lot Lines and Boundary Line Adjustment" not "revision" as the map currently reads. Mr. Boehlke pointed out since the acreage involved is 2.1 acres, we had to create it as a subdivision with the understanding that the center line was going to be removed so it could not exist as a subdivision so the lot could not be sold off without going back through a subdivision process. The defining thing is the application and that it is being processed as a minor subdivision. Suggestion was made that wording be added to the approval resolution and then pointed out the resolution wasn't going to be accompanying the map filed in the County Clerk's office and there would remain the issue of it not being known that it was handled as a minor subdivision.

Mr. Holtz responded when they go to look at a map, they aren't there for the title on the map; they are there for the information on the property, not how it got there. Question was raised it could have bearing on further subdivisions that Ms. Dippo proposed to do and noted it would be in the records here. Ms. Bruno felt amending the resolution would be sufficient since Ms. Dippo would have to come back first to the Board if they wished to do something further with the property. We have the prior applications on file, knowledge of what has been done and what they can still do. Ms. Vadney again commented that she thought the Board should be consistent with what other property owners have had to do in this situation.

Discussion was then held on resolution wording, with resolution presented as follows:

WHEREAS, Lisa Dippo, wishing to complete a two-lot minor subdivision of property located at 1202 Medway-Earlton Road, Earlton, had submitted a Minor Subdivision Application at the January 11, 2018, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on February 8, 2018, with members of the Public offering comment; and

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

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

RESOLVED, that the Dippo minor subdivision be approved with the following condition:

The Board is allowing this map for this subdivision bearing title "Map of Lot Line Revision...." To be filed with the County when in fact it was a minor subdivision following the minor subdivision process.

Moved by: Van Etten

Seconded by : Boehlke

Roll Call Vote:

Salisbury: **AYE**, with reservations. I would rather see map corrected. In view of the difficulty in doing it,

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I will say “aye”.

Bruno: **AYE**

Vadney: **NAY**

Court: **AYE** - I will say “aye” just for the fact that the change of title on the map is not going to change the process that we went through or the final results.

Van Etten: **Aye**

Boehlke: **Aye**

Horn: **Absent**

The Chair stamped and signed the maps and mylar. Green form to be presented at County Clerk’s Office for signature and return as proof of map filing was provided.

New Business

Lands of Samuel & Kimberly Anderson - Minor Subdivision Application

Minor Subdivision Application, Short EAF, deed copy and fee had been received prior to the meeting. Sam Anderson came forward and his maps were laid out. Also present was his surveyor Charles Hite. He advised the Board that he wished to subdivide a 9.18 acre parcel from the 62.8 acres owned on a private road off of Scheller Park Road for his parents to build a home. Property was originally part of the Zini farm and later owned by Matter and contained a gravel bank during his ownership. Property is not in an AG district. Question was raised regarding access if one of the parcels was sold and noted that there would be a granted right-of-way for roadway which will appear in the deed to new parcel on transfer. The private road goes all the way to Mr. Anderson’s home and is roughly 2,300 feet in length.

It was moved by Vadney and seconded by Court to classify the Anderson, Scheller Park Road, subdivision as a minor subdivision.

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

NAYS: None

ABSTAINED: None

ABSENT: Horn

Required Public Hearing was scheduled for 7 p.m, March 8, 2018. Blue sheet was provided and certified letter notification process of the Public Hearing was explained to Mr. Anderson.

Lands of Bernard Jones

Minor subdivision application had been provided prior to the meeting. Short Form EAF and \$60. filing fee were provided at the meeting along with sketch plan for Board’s review and Mr. Jones’ notarized letter of authorization for Mr. Harvey to be representing him.. Copy of deed is still required. Mr. Jones and his surveyor, George Harvey, were present. Mr. Jones wishes to subdivide off a 6.46 acre parcel from his 27.67 acre parcel on Scheller Park Road for his daughter, who currently owns a, 18-acre parcel to the west of the proposed 6+ acre parcel. The parcel being conveyed to Mr. Jones’ daughter will in due course be combined with her currently owned parcel.

Mr. Harvey advised that he had reviewed the Town’s Code. Lot line adjustments, altered lot lines, should be a pretty simple process; but in your Town’s rules and regulations, it does not appear to be that simple. The subdivision process is easier.

Discussion followed regarding whether they wished to handle the merger at the same time as the subdivision. In that case, wording could be placed on the map that it is to be merged with another parcel. Mr. Harvey advised that that was their original intent to show a note on the map to the effect that this is an area lot improvement. This lot is to be used in conjunction with adjoining lot. Not for building purposes at this time. It was pointed out if the new lot is left separate; it is going to have a higher tax effect. Mr. Harvey pointed out if you go the minor subdivision route, file the map; and then all you have to do is go to the Real Property Tax Department, fill out a form and then they combine the two lots for tax purposes. Question was raised as to whether there is a time period that has to elapse before parcels can be combined for tax purposes.

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It was noted in this instance there is not a concern of either parcel being landlocked, in which case a note on the map indicating that the parcels are to be combined is not mandatory. There are no right-of-way issues.

It was moved by Vadney and seconded by Boehlke to classify the Lands of Bernie Jones as a minor subdivision.

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

NAYS: None

ABSTAINED: None

ABSENT: Horn

Required Public Hearing was scheduled for 7:15 p.m., March 8. Blue sheet explaining the Public Hearing certified letter process was provided.

MINUTES:

Approval of the December 14, 2017, Conway Public Hearing will be postponed until March to give all Board Members the opportunity to review them.

It was moved by Vadney and seconded by Boehlke to approve the minutes of the December 12, 2017, Regular Monthly Meeting as presented.

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

NAYS: None

ABSTAINED: None

ABSENT: Horn

CORRESPONDENCE

1. From Assessor Bennett, copy of December, 2017, Real Property Transfer report
2. Building Permit Applications: 2 - House re-modeling; 1 - 2-floor re-modeling of rooms

Board Members expressed concern as to whether some of the submitted Building Permit Applications were really needed based on description of work reflected on the application. It was noted what is shown is not necessarily spelling out all the work that has to be done with regard to the proposed project which is ultimately determined upon CEO's initial visit to site. The reason the Planning Board receives these applications is to check parcel status, if conforming or non-conforming; that is the only reason. All other concerns are the responsibility of the CEO and the Building Department. None of the work being performed in regard to these particular applications need any form of Planning Board approval.

ADJOURNMENT

At 8:55 p.m., it was moved by Van Etten and seconded by Boehlke to adjourn the meeting.

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

mbi