

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Regular Monthly Meeting**  
**March 8, 2018 – Page 1**

Planning Board Chair Rob Van Etten called the meeting to order at 7:22 p.m. followed by the Pledge of Allegiance. Other Board Members in attendance were Jean Horn, Bob Court, Pat Bruno and Lee Salisbury. Ann Marie Vadney and Bill Boehlke were absent.

**Lands of Samuel and Kimberly Anderson**

Required Public Hearing had been completed earlier in the evening. Being no further discussion, resolution was presented as follows:

**WHEREAS**, Samuel and Kimberly Anderson, wishing to complete a two-lot minor subdivision of property located at 188 Scheller Park Road presented Minor Subdivision Application at the February 8, 2018, Planning Board Meeting; and

**WHEREAS**, required Public Hearing, having been duly noticed, was held on March 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 Samuel and Kimberly Anderson minor subdivision be approved with no conditions.

Moved by: Court

Seconded by: Horn

AYES: Van Etten; Horn, Court, Bruno, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Vadney; Boehlke

Maps and mylar were stamped and signed by the Chair. Copy retained for Planning Board file. The Andersons were advised that maps had to be filed in County Clerk's Office within 60 days. Green form was provided with instruction to have it stamped and signed at County Clerk's office at time of map filing and then returned to Planning Board as evidence maps had been filed within the 60 days.

**Lands of Bernard Jones**

Required Public Hearing had been completed earlier in the evening. Being no further discussion, resolution was presented as follows:

**WHEREAS**, Bernard Jones, wishing to complete a two-lot minor subdivision of property located on Scheller Park Road presented Minor Subdivision Application at the February 8, 2018, Planning Board Meeting; and

**WHEREAS**, required Public Hearing, having been duly noticed, was held on March 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 Bernard Jones minor subdivision be approved with no conditions.

Moved by: Court

Seconded by: Salisbury

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AYES: Van Etten; Horn, Court, Bruno, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Vadney; Boehlke

Maps and mylar were stamped and signed by the Chair. Copy retained for Planning Board file. Mr. Jones was advised that maps had to be filed in County Clerk's Office within 60 days. Green form was provided with instruction to have it stamped and signed at County Clerk's office at time of map filing and then returned to Planning Board as evidence maps had been filed within the 60 days.

**Lands of Alfred Suwara**

Mr. Suwara owns 320 acres of landlocked property off of [East] Hawley Lane between Route 61 and the New York State Thruway. In connection with this, it was noted that Surveyor Charles Holtz had been before the Planning Board several months ago, presenting a Lot Line Adjustment Application which, if approved, would have made it possible for Mr. Suwara to gain access via a right-of-way to Route 61. Required deeds were not received nor did the Planning Board Chair sign and stamp the maps required as part of the application approval process. At the time of Mr. Holtz' appearance before the Board, it had not been disclosed that one of the parcels involved in making the right-of-way possible was in foreclosure; thus the process could not be completed. Mr. Suwara was going to be again speaking with the owner of the property that was in foreclosure, now believed to no longer be in foreclosure, but his hopes were not high that they would be moving forward although he was not giving up on it.

Mr. Suwara advised that property owner Manning has 40-50 acres and Sterritt also has acreage back in off of [East] Hawley Lane that is also landlocked. He has been advised the property is zoned residential/agricultural. He questioned if not successful with the lot line adjustment, is there any way he can get help from the Planning Board or the Town Board to solve the problem. When the property was purchased at tax sale, the tax map showed Hawley Lane on the map, but didn't show the cul de sac. He was later told the tax map is not a survey map. One of his questions at present is can the Planning Board assist in any way so he can get down [East] Hawley Lane, to open the road? According to [Word not understood.] it was a 1937 closure; then there was something else in the 1950's, neither was an official abandonment but rather just that the road was closed. The bridge across the stream washed out during Hurricane Irene.

Mr. Suwara further advised the taxes on his property currently due are in the neighborhood of \$15,000 and he can't set foot on the property. There is the railroad, the gas line, telephone company, electric company, a whole army of people that have a right to go on the property; but he, as the owner, does not have access. The end of the cul-de-sac is roughly 300 feet from his property boundary. He emphasized that it is not like asking the Town or County to put in 10 miles of road. The whole East Coast was affected by that hurricane. Disaster funds were made available for repair of bridges, etc.

The Thruway was not yet constructed at the time the road was closed. Perhaps, at that time there were other ways in to the now landlocked parcels. The Suwara property borders the Thruway for approximately a mile. While he currently has the property for sale, it is not what he really wants to do. He just wants a way on to his property and asked the Planning Board if there was anything the Board would like to see happen with the land. Question was raised as to how big a bridge, did it go over a deep ravine.

Mr. Suwara laid out a 1990's surveyor's map the previous owners had done. He pointed out [East] Hawley Lane, where the cul de sac is, Sickles Creek and where Hawley Lane crossed the creek. It was noted that while Sickles Creek is a little meandering stream part of the year, there are times when it can become a pretty heavy duty stream. He further pointed out the Thruway, CSX railroad. Manning's landlocked parcel and another 130-acre landlocked parcel to the south purchased at same tax auction by a friend, who is having a similar problem in trying to get access.

Mr. Suwara further advised the Board that he had been informed that Governor Patterson, when in office, had issued a directive that no land in New York State should be landlocked, so technically he

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should have access to his property somehow. The question remains how do I do it? He assured the Board that he was working as hard as he could to try to find access. He pointed out where the road was to have gone cross lots.

Questions were raised as to why he did not pursue another area for a road which is already surveyed out, who owns the property on the way out, does it belong to somebody?. It was noted it belongs to Peter Zacek. Carl Zacek and Scenic Hudson. It was the abandoned road, believed to still be a right-of-way and again questioned who owned the road. Mr. Suwara explained the road is owned by Peter Zacek, Carl Zacek and Scenic Hudson; number of deeds involved not known.

Mr. Suwara further advised he had talked to the road supervisor, the town supervisor and the legislator for the area. He then questioned can I go down that road? Will I be arrested or sued if I go down that road? He was informed that was a question for his attorney, the Planning Board members are not lawyers. It was further believed that the road was legally abandoned by the Town. The road was a user road, not a deeded road, so the land over which the road passed has reverted to the owners on either side. It is now just private land.

A neighbor had interest in the property at one point. It had been going back and forth. There is also a person interested in farming the land. Mr. Suwara explained he had to come up with \$43,000 for back taxes and justify spending it on the land. If he can't get into the property, he has to look at what he can do, what his alternatives are. Does he donate it to someone which could take more land off the tax rolls. He further felt the Town had a vested interest in seeing him be successful in putting this land right along the Thruway to good use. It would be a win, win for him and for the Town; and for that reason he was before the Board to ask for help. He didn't expect an answer this evening but would like to see if there are any resources available. He was aware it was not typically the way things worked but what would be the Planning Board's plans for the property if it were theirs.

Question was raised what his attorney's thoughts were on though the road is abandoned. Mr. Suwara responded to find the easiest way in, which they had thought they had found. Further question was his attorney did not think there was any way you could force your way through where the road used to be. Mr. Van Etten explained that he did not see where the Planning board would have anything. It was then noted that there was a total of 450 acres and further that building a bridge would be very expensive.

Mr. Suwara advised the Board that the old Tappan Zee Bridge is being torn down. Spans from that bridge are being given to any State agencies that request them. These spans were inserted into bridges to keep them alive until a new bridge was built. If the Town wrote a letter stating they needed a span to go over the Sickles Creek, it would be provided at no charge. It was then pointed out but there would be a substantial cost to the Town to get it here and not for the Planning Board to say. Mr. Suwara pointed out there would be a cost but that he was looking at \$43,000 in back taxes for a piece of land that he cannot set foot on so it is all relative. The land could be productive. It was noted that the bridge is one obstacle but the other is getting a right of way through there again. It was noted the property is R/A, the prior concern of a landfill no longer exists. It would not only not be allowed in R/A but the Town now has legislation on its books that would not allow/permit a landfill. Mr. Suwara thanked the Board for their time.

**Minutes**

It was moved by Van Etten and seconded by Court to approve the minutes of the December 14, 2017, Conway Public Hearing as presented.

AYES: Van Etten; Horn, Court, Bruno, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Vadney; Boehlke

It was moved by Van Etten and seconded by Bruno to approved the minutes of the February 8, 2018, Davis Public Hearing as presented.

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AYES: Van Etten; Horn, Court, Bruno, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Vadney; Boehlke

It was moved by Van Etten and seconded by Court to approve the minutes of the February 8, 2018, Hebda Public Hearing as presented.

AYES: Van Etten; Horn, Court, Bruno, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Vadney; Boehlke

It was moved by Van Etten and seconded by Bruno to approve the minutes of the February 8, 2018, Dippo Public Hearing as presented.

AYES: Van Etten; Horn, Court, Bruno, Salisbury

NAYS: None

ABSTAINED: None

ABSENT: Vadney; Boehlke

**CORRESPONDENCE**

1. From Samantha Root, Greene County Soil & Water, notice of April 7, 2018 Schoharie Watershed Summit at Hunter, NY
2. Green Forms Return: Hebda and Ponce Minor Subdivision Maps
3. From Assessor Bennett, copy of January, 2018, Real Property Transfer report
4. Building Permit Applications: 2 – 1 Manufactured Home; 1 Modular Home

At 8:10 p.m., it was moved by Van Etten and seconded by Court to adjourn the meeting.

Ayes: 5      Nays: 0      Abstained: 0      Absent: 2

Respectfully Submitted  
Marjorie B. Loux  
Clerk