

**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 7:00 p.m. followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney, Jean Horn, Bob Court, Pat Bruno and Lee Salisbury. Bill Boehlke was absent.

**NEW BALTIMORE CONSERVANCY – Special Use Permit**

Present on behalf of the New Baltimore Conservancy were Linda Knighton and Joe O’Conner. The Conservancy is scheduled to have their annual barn party and cookout on September 15. This year there will be a pot luck meal and hot dogs from five to six o’clock. Playing with Fire will be providing the music for dancing from six to nine. Usual attendance is around 150 people. Flyers for the event were provided. The Conservancy makes the necessary arrangements for safe parking for the event and a generator is used for necessary lighting.

Resolution was presented as follows:

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

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

**WHEREAS**, representative(s) of the New Baltimore Conservancy appeared before the Planning Board at its August 9, 2018, meeting to advise the Board of its 2018 special event plans;

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board approves the Conservancy having music at its September 15, 2018, event at Longview Park.

Moved by: Vadney

Seconded by: Bruno

Ayes: Van Etten; Vadney; Horn; Court; Bruno; Salisbury

Nays: None

Abstained: None

Absent: Boehlke

**Lime Kiln Farm Store**

Present were Brent Zimmerman and Alessandro Voglino, owners of Lime Kiln Farms, to continue the discussion begun at the July meeting. Issue at hand is they have a farm store. They sell only products from the farm and not from elsewhere. They advised that the improvements recommended by CEO Jourdin had been completed as far as exit signs, fire extinguishers, etc. In addition, they had the documentation requested at the last meeting. Issue at hand is they have the word “store” on the building. Questions raised were could it not be considered a home business or a farm stand. It was explained that the building is used more as the cheese business office but it was made so the public could come in. The gentlemen were asked what they wanted to do, if they wanted to go through the Special Use Permit Application process so they would have more flexibility. Mr. Voglino responded yes, that would make it the easiest and that they want to be within the regulations. It was noted that that would give them more leeway to do what they wanted. It was noted that there was not the anticipation of having 25 cars there at one time.

Mr. Van Etten advised in speaking with Mr. Jourdin, there were some minor things which he felt Mr. Jourdin had discussed with them. However, if you starting hiring a bunch of employees, then you have to have handicap bathrooms, etc.

Ms. Vadney pointed out this falls under Agricultural too and didn’t this come up last time. Mr. Zimmerman explained when they first came to the Town, they followed up very closely with CEO Pebler. It was explained the building was not their concern but rather the operation. The Use Chart in the Zoning

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Section of the Town Code was referred to and Mr. Salisbury pointed out that Agricultural Sales and Service need both a Special Use Permit and Site Plan.

Necessary Application was provided, Short Form, rather than a long form EAF, will be used and what would be required for a Site Plan was explained. A Public Hearing will be necessary as part of the approval process. Application will be submitted for September Meeting and Public Hearing tentatively scheduled for October meeting.

**LANDS OF EDITH LAYMAN**

Parcel #15.00-1-20  
(94-80)

Present were Edith Layman and her surveyor, Charles Holtz. As background, Ms. Layman's parcel had been part of a three-lot subdivision which had come before the Planning Board in 1985 and been approved but a subdivision map was never filed with the County Clerk's office. Ms. Layman is presenting map at this time for approval and filing in County Clerk's office to bring her parcel into conformance. The Chair stamped and signed the maps and mylar. Green form was provided for stamping at County Clerk's office and return as evidence that the maps were filed within the required 60 days.

**LANDS OF MAX HOROWITZ**

Mr. Horowitz advised the Board that a solar company has expressed interest in some of their land on the east side of Route 9W, north of Route 144. There were two things that he wanted to do. The first thing was with regard to Lot C on the composite map presented and made part of the file. On the eastern border of that piece, he wishes to re-draw the line about 30 feet west. It is a simple move from south to north, 30 feet to the west of where the line is now as evidence by the dotted line drawn in on the map. Acreage involved is believed to be less than one acre. There is a road there and the line change will allow for Mr. Horowitz to retain the road. The property is essentially valley with two ridges; 9W side, then a valley and then another ridge.

The second thing is if you look at Lot #2 (23.57 acres) and you follow the dotted lines west, then north, and then it jogs east, then it goes all the way north, wraps around and then there is another parcel, another Lot #2 (46.13 acres). It starts in the 23.57 acre piece; and then when it wraps around the northern end and comes east nearly to the railroad tracks and then south to where that dotted line, then moving west, it goes right to where the tower is. That is all forest. The land that has been cleared south of that, Mr. Horowitz wishes to retain. Lot #1 on the map, the 7.25 acres, is owned by someone else. Question was raised as to whether the proposed plan would land lock the seven acre parcel. Mr. Horowitz explained that the parcel can be accessed from Route 9W via the cell tower road. The Clerk pointed out there are two Lot #2's shown on the map since the maps depicts lots from more than one subdivision.

The Clerk questioned if Lot #2 (46.13 acres) and Lot B (15.47 acres) containing the stone house was one parcel and subdivided at some point in time. The main reason for her question was how many years ago was it done? Mr. Horowitz believed they had purchased the 46.13 acres intact as a separate parcel. Ownership of parcels on the map was clarified. Lot A is otherwise owned. Mr. Horowitz owns Lot B, Lot C and both of the Lot 2's. Lot C and both Lot 2's were purchased about two years ago. Acreage tentatively proposed to be sold would be all of Lot 2 (23.57 acres) and a portion of the other Lot 2 (46.13 acres), calculated at roughly 30 acres. Mr. Horowitz would retain the balance of that Lot 2 as a separate parcel. Access for the solar farm property would be by the cell tower road. They would not be using all of the land, there would be the setbacks and it was felt there was enough flat land giving a southerly exposure for their proposed project. The location provides privacy versus it being out in the open, visible on a main highway.

In response to Board questions of when the subdivisions of the parcels shown on the map took place, the Clerk had brought the files to the room. The last transactions had been lot line changes in 2015; 0.9 acres had been taken from Lot A and added to Lot B; 1.57 acres had been taken from Lot C and added to Lot B

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and 4.824 acres was taken from Lot C and added to Lot A.

Concern was expressed as to whether the parcel Mr. Horowitz would retain after the 30+/- acres was subdivided off would have road access or be landlocked. It was clarified that Lot C and the Lot #2 (currently 23.57) both have access from the tower road. The remainder of the other Lot #2 would have access through Lot B also owned by Mr. Horowitz. As the map currently in front of the Board reflects, it appears that the parcel is landlocked. Mr. Horowitz explained that he also has right-of-way access through the tower road as well. Mr. Van Etten pointed out any map would have to clearly reflect that the newly created lot has right-of-way. Mr. Horowitz added and that would be through the tower road.

Ms. Vadney clarified for the record that the previous subdivisions in 2015 involved Lots A, B and C. The subdivision coming before us now involve Lot #2 of 23.57 acres and Lot #2 of 46.13 acres. The lot of 46.13 acres will be subdivided with 30 acres going to the other Lot #2 after subdivision, leaving approximately 16 acres. The line adjustment of 30 feet would have to be a lot line adjustment because that involves Lot C that was last subdivided two or three years ago.

Mr. Horowitz questioned if it was a more protracted situation when it is a lot line change? Ms. Vadney explained it is about the same. It was felt the lot line adjustment process would make it easier for people but it has turned out to be about the same. The 30 acres being subdivided off would be a subdivision; the 30 foot adjustment would be a lot line adjustment process.

Returning to the question of whether Lot #2, the 46.13 acres and Lot B were at one time one parcel, the Clerk had now determined that they were and that Lot B with the house on it and Lot #2 had been subdivided in September, 2011; thus, more than five years had passed.

Mr. Herowitz will submit the necessary applications and return at the September meeting to proceed with moving subdivision and lot line adjustment processes forward.

The Board continued discussion with regard to the map(s) Mr. Horowitz would be submitting to accomplish that which he wishes to do in particular whether it could all be accomplished on the one map or whether one map would be needed for the subdivision of the 46.13 acre Lot 2 and another for the lot line adjustment, the moving of part of the east lot line of Lot C 30 feet west. Concern was also expressed that there needed to be a right-of-way shown for the part of the 46.13 acre Lot 2 that Mr. Horowitz would be retaining after completion of the subdivision so that that parcel would not be landlocked at some point in time. The Board Members concluded their discussion feeling confident that Surveyor Charles Hite would provide map(s) containing all necessary explanatory language needed for Mr. Horowitz to accomplish that which he wishes to do.

**Non-Conforming Parcels and Solar Farm Property Leases**

A solar company has a lease on five parcels of land with three different owners near the New York State Thruway with a proposed plan to site a solar farm there. Very preliminary questions raised have been:

...If the required 100-foot setback from parcel boundary would be required if the solar array crossed the property line of two parcels.

In other words, there would need to be a 200-foot break in panels to meet Code. It has been determined that any deviation from the 100-foot setback would require Variance consideration before the Zoning Board of Appeals.

More questions, needing to be addressed right up front, raised were:

...Does the Board look at the maximum lot coverage of the aggregate of the parcels or of each parcel involved in the project?

...How would it be handled if one or more of the property owners involved in the lease arrangement want to pull out at some point?

Discussion then turned to a more immediate concern, the non-conforming status of two of the parcels

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involved and the fact that the solar company's initial information presented reflects more acreage in these two parcels than there actually is. Non-conforming parcels cannot be built on until brought into a conforming status. The one parcel the solar company shows as 12.9 acres is actually 11.6. Property owner took off 1.3 acres and added it to parcel owned along the railroad tracks without benefit of getting Variance from ZBA or going through subdivision process. The second parcel shown by solar company in material presented as being 70.6 acres is in actuality 49.79 acres. Property owner transferred 20+/- acres to same parcel along the railroad tracks without going through subdivision process. Solar company was informed of the acreage discrepancies. Question was raised were new deeds filed since there are new parcel numbers and noted that there had been.

Within a few days of the solar company receiving notification of the acreage discrepancy, the property owner spoke with the Planning Board Chair indicating they were just boundary line adjustments. The Chair informed the property owner that he was only one member of a seven member Board, to contact the Clerk to be placed on meeting agenda and to come before the Board to discuss how to correct the current situation. That contact as of this meeting date had not been made.

Question was then raised as to how procedurally this should be handled as it currently stands and/or if the solar company wants the acreage returned to the parcels in question. Discussion at length was held. It was felt in the eyes of the Planning Board, the acreage transfers never took place but yet new deeds were filed with the County, new Parcel ID numbers assigned, and the parcels on Tax Maps reflect the acreage change per the filed deeds. It was felt that the Town attorney should be consulted prior to this property owner's appearance before the Board for guidance on the proper procedure to bring these parcels into conformity.

Returning to preliminary solar questions, Mr. Court commented according to our Code, there should not be any "structures" within the setbacks and a "structure" is something anchored to the ground according to our Code definitions; but:

- ...When you have something like solar panels and they have a one-foot post holding up these 10x10 panels, what is the structure's dimensions?
- ...What is the coverage on my property?
- ...Is it the post or the panels?
- ...Is it the affected area that you are covering on the ground or is it the affected area in the ground?

He further pointed out that is a question that is going to come up because solar requires so much surface area.

...Are we going to consider that surface area as coverage?

Question was then raised:

...Could a Variance be obtained to exceed the 30% allowable lot coverage?

It was noted that would be a question for the ZBA. They would have to get a variance any way to encroach into the property line setbacks.

It was noted that we don't want to reach the point where we would totally discourage them at this site but also emphasized we still do have to follow the rules.

**Right-of-Way widths**

Mr. Van Etten advised the Board we have been down this road in right-of-way width discussions before. There are property owners that will be coming before the Board in the next month or so who have a 60-foot right-of-way built into her and her brother's parcel. They want to make two rights-of-way out of that 60 feet, possibly 30 feet each, so each will have a separate right-of-way to their parcels after subdivision. It was pointed out it is in the major subdivision section of our Code where they are going to be putting in roads but it is not to be found for just a driveway. Ms. Horn advised she had raised the question at County Planning and the only answer she received was from a fireman who said it should be wide enough

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to get a fire truck through.

**SEQR Cookbook**

As a handy reference to the steps involved in the SEQR process, the Clerk had downloaded and provided all the Board Members with a more updated version of the SEQR Cookbook than what had been on file.

**Correspondence**

1. From Greene County Economic Development, Tourism & Planning, 7/19/2018 Memo, re: Ellen Rettus Planning Achievement Awards.
2. From Assessor Bennett, copy of June and July, 2018, Greene County Real Property Tax Service Transfer Reports.
3. Building Permit Applications: 2 Home Renovations; 3 Above Ground Pools ; 1 Modular Home; 3 Decks; 2 Single-wide Manufactured Homes; 2 Garages; 2 New Septic Systems; 1 Septic Tank Replacement; 1 Shed; 1 Home Addition; 1 Fire Escape
4. Demolition Permit Applications: 1
5. Spring 2018 Edition of Rural Futures

**Adjournment**

It was moved by Vadney and seconded by all to adjourn the meeting.

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

mbl