

TOWN OF NEW BALTIMORE **Draft 11/15/16**
COUNTY OF GREENE **Approved 11/28/16**
PUBLIC HEARING ON THE COMPREHENSIVE PLAN ZONING CHANGES
TOWN HALL, 3809 COUNTY ROUTE 51, HANNACROIX, NY 12087
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OPENING OF REGULAR MEETING

Supervisor Dellisanti opened the meeting at 6:00 PM. Also attending Deputy Supervisor Ruso (at 6:09 PM), Councilmembers Irving and VanEtten, Tal Rapplelea, Esq., Town Clerk Finke, Tax Collector Jordan and 2 members of the public who signed the attendance book.

Absent: Councilmember Briody (Accident) and Highway Superintendent Jordan

Supervisor Dellisanti: Good evening everyone. I'd like to call to order the Public Hearing for the Town of New Baltimore Updates to the Comprehensive Plan. *'Notice is hereby given that there will be a Public Hearing before the Town Board of the Town of New Baltimore on November 14, 2016 at 6 PM at Town Hall, 3809 County Route 51, Hannacroix, NY 12087 to hear those member of the public who wish to be heard regarding zoning amendments to the Comprehensive Plan. All persons wishing to be heard in favor or opposition will have such opportunity at the time and place stated above. By Order of the Town of New Baltimore Town Board, Barbara M. Finke Town Clerk.'* We have a few people that would like to make comments. I would like to ask Mr. Bob Turan to go to the podium.

Bob Turan: Thank you. I'm Bob Turan, I live on Beaver Lane in Earlton, NY. I wanted to thank the committee and the board for all the work that's been done on both the comprehensive plan and the zoning ordinance. The comprehensive plan and zoning have been changed most importantly to make the Conservation subdivision rules (set asides, etc.) "recommended and encouraged", but not mandatory, and varieties of commercial zones on 9W were also simplified. It was designed to relieve the anxiety that many property owners felt, without throwing out the good points that will encourage responsible development. Some folks may think that making the rules "encouraged", but not "mandatory" opens the doors to unwanted development, since "developers want to spend as little as possible." I'd like to point out that it is actually to a developer's advantage to take advantage of this ordinance. A conservation set-aside actually allows the developer to cluster homes on smaller lots than would normally be allowed, thus reducing the cost for roads, utilities and other improvements. This is only allowed because other (mostly unbuildable land) is then "set-aside" from development. And I hope that that eases the fear that the government is taking anyone's land. But there's another point I like to address... Another issue that was discussed by the committee but not included in the Zoning law. And that's Mining. I'd like to read into the record a concern that I share with Meave Tooher and she expressed it after it was suggested that Mining might be addressed by the law. This is taken in part from her email to the committee. 'Hello all Please read this through to the end. I have been meaning to comment on the proposed mine law and have not had a chance. This is obviously an issue for the Town and one I ask you all to consider seriously. I do not often put my personal feelings on the front line, but this is an issue that I unfortunately know too much about to allow to go unaddressed with our Town. As an attorney that specializes in environmental law I cannot urge strongly enough for the Town to only consider a law banning mining in the Town in its entirety as part of the zoning law. I have handled several lawsuits involving mines of various types and they are invariably a nightmare for the communities in which they are located. I currently represent the Village of Schoharie in attempting to stop a mine expansion in their Village. I also represent private individuals looking to stop a mine expansion on Long Island, and a coalition of business owners fighting location of a natural gas facility in an existing salt mine in the Finger Lakes. The opposition comes from all walks - municipal, individual and business community. The reasons are simple - mines make bad neighbors. The mines themselves are a nuisance - dust traffic, real changes in the landscape, but more importantly it is an impact that goes far beyond the mine itself. The later uses of the mines, the reclamation process, the endless expansions once they are established. This is very dangerous road to go down. The impact on groundwater is just being recognized - Suffolk County has a series of 13 sand and gravel mines, 11 of which are seeping metals, chemicals and pesticides into the groundwater. All of these mines are under the supervision of the DEC. DEC has virtually no enforcement personnel and is just **beyond capacity** to monitor these facilities. The reclamation of mined areas is often not monitored sufficiently - thus the "fill" or re-vegetation does not get the necessary screening and testing to avoid these potential impacts. The DEC has been trying to introduce regulations to protect against some of these impacts - drafts are currently open to public comment but are unlikely to become final for at least two years. In a community such as ours that depends so heavily on wells and groundwater, it would be a huge mistake to allow this

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activity in our Town. Once allowed, virtually all arenas are superseded by the State, and the Town would have almost no control. For any of you that may have an interest in such activities, I apologize if you are offended, but if so you should not be participating in these discussions anyway - it would be a conflict of interest. But as members and representatives of the Town of New Baltimore, I urge you to reject any idea that mining would have a positive impact - financial or ecological on this community. Thank you. Meave' That concludes my comments, but I wanted to thank you all.

Supervisor Dellisanti: Thank you, Bob. Thanks for your time on the Committee too; we appreciate it. Mark Peckham.

Mark Peckham: For the record, my name is Mark Peckham. I live at 22 Mill Street in New Baltimore and I was a member of the land use planning committee and I want to echo everything that Bob said. I think the work of the Committee was very thoughtful, we spent a lot of time on these issues. I would characterized the zoning changes as minimal. I think they're reasonable and I support them fully, but as Bob and Meave have entered into the record, I have concerns about mining. I think it's the next front that we need to tackle in terms of land use planning. Thank you.

Supervisor Dellisanti: Thank you, Mark. Again, thank you for your time and effort on the Committee also. Eilleen Vosburgh.

Eilleen Vosburgh: My name is Eilleen Vosburgh, I live at 42 Mill Street in the hamlet. I want to thank you for providing an opportunity to comment on the zoning changes the Town Board is proposing to implement amendments you have made to the Comprehensive Town Plan. Your hard work is appreciated as is the work of all the people who have been involved with the Comprehensive Town Plan revisions over the last few years. You will have heard legitimate concerns tonight about the changes that have been proposed such as mining. As you know people in New Baltimore care very deeply about the future of our Town. We are interested in being involved in the decisions you make as our Town Board. We are your neighbors and your constituents. All we ask is that we be provided with more of an opportunity to work with you and to be made aware of issues you are considering that affect us all. With that said we are concerned that little public notice was given of this hearing tonight or of the hearing held last month to review the proposed changes to the Comprehensive Town Plan. It was noted on the Town of New Baltimore's website and a Legal Notice was published in the local paper. However, the September Minutes of the Town Board meeting made no mention of the October hearing. The October Minutes which may have discussed the hearing were not available. So as a result people who may have been interested in attending and voicing their concerns really have no notice. We know that at least one person submitted written comments to you in advance of the last hearing that you received. They were not read as part of the proceedings at the hearing and we understand your policy is that the person needed either to attend personally or specifically request the comments be read into the record in his absence. In the future we request that these types of communications be read into the record at the meeting. It will provide your constituents with more information about the actions you are taking as well as the public response to your proposals. We realize that you may have met all your legal obligations by posing a notice on the website and doing required notices in the paper about the previous meeting and the one we are attending today, but you also know that a number of people attended earlier meetings on the Comprehensive Town Plan, asked questions, and provided you with contact information, emails, and mailing addresses to be apprised of future action on the issue. Unfortunately that did not seem to happen. So we are respectfully requesting that the people listed below, myself and Janet Kash, on this document be apprised of future developments on this issue and that our comments be included in full in the record of this hearing. Thank you, although I have another question. On the Summary of the Proposed Updates to the Zoning Law, it says 'Deleted special parking, landscaping, building color, facade and roofline requirements and replaced with discretionary restrictions to allow PB to impose conditions that are most relevant to the individual site.' Explain to me how if something is recommended but not required how does the Planning Board, how are they able to impose conditions? How does that happen? If it's not required, then what do they have?

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Tal Rappleyea, Esq.: Both the zoning law and SEQR authorize the Planning Board to make conditions of approval. They're reasonably related to those items that affect that particular site and so it gave, I think in the Committee's view, the Planning Board even greater power to do so because now they're not just locked into those recommended items that were in the law, but rather they now can address things that are specific to that site as well.

Eilleen Vosburgh: So a developer wouldn't come back and say 'well why should I have to do that if it's not required, it's recommended? '

Tal Rappleyea, Esq.: Right, but the Planning Board may impose that as a condition of approval.

Eilleen Vosburgh: And would that hold up?

Tal Rappleyea, Esq.: Yes, it would.

Eilleen Vosburgh: Alright, thank you very much.

Supervisor Dellisanti: Thank you. Would anyone else like to speak on the zoning changes?

Rob VanEtten: Again I'd like to thank all the work that went into this. I know how much work it was because I did it before and numerous other people too and we submitted it to a previous Supervisor and Town Board who pretty much ignored it and it disappeared. So I'm glad to see this is finally getting done. It's been a real problem in the Town. Initially it came out, many of our hardworking businessmen were already told that they were nonconforming right away. The initial zoning had problems even getting the name of the Town right. We were the Town of Chatham. I think it's time to move forward and I encourage the Board to go ahead, pass this, and let's get this done. Thank you.

Supervisor Dellisanti: Thank you, Rob.

Councilmember VanEtten: If I could just say one thing. We didn't really change anything with the mining. I don't know where that came from, but we really didn't...

Tal Rappleyea, Esq.: There was one email that I sent while you were working and I said 'while you're at it, here's just something else that other towns have done. You may want to consider it, you may not.' And I think by the sound of it, the Committee simply said 'we're not interested in considering it. We don't want to have mining here.'

Eilleen Vosburgh: So is it there is no mining here, is that...?

Tal Rappleyea, Esq.: That's correct.

Councilmember VanEtten: We didn't change it as it was written. We didn't even go deal with the mining at all as it was written. Always has been is the way it still is.

Tal Rappleyea, Esq.: It was not changed. It was simply a recommendation that I sent to the Board saying 'here's another issue that other Towns are dealing with. I'm not saying that you should adopt a law to allow mining or how to let mining take place, but at least think about it.' And they thought about it and said we're going to leave it just the way it is.

Supervisor Dellisanti: No other speakers for this evening, for the Public Hearing.

Janet Kash: Nick, can I ask a question just to follow up with?

Supervisor Dellisanti: And your name.

Janet Kash: My name is Janet Kash.

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Councilmember VanEtten: I think you need to go up there because otherwise they can't hear you.

Janet Kash: I'm Janet Kash with a K. I'm just following up a little bit on Eilleen's remarks about government transparency and I think that you guys probably did all you needed to do by putting it on the website and putting legal notices in the newspapers about the hearings, but given that we're 2016 I don't know if you can, but if this is a possibility, do you think that you can rejigger your Town website to have like a sign up where people who have interest in particular issues and give you their emails so that when we want to be informed of those that you could just blast out a little email saying 'this is happening' or just saying 'this is what we're doing this week, this is the Public Hearing that's coming up, these are the things that we are going to be considering as a Town.'

Councilwoman VanEtten: Well, there's 3,300 people in Town, I think that would be awful difficult to keep track of who would be interested. It's a lot more work for the Clerks. Barb, you could speak to this.

Supervisor Dellisanti: You're looking for interaction on the website, is that what you're looking at?

Janet Kash: I'm just wondering if that's something you could do like an email signup because I've seen a lot of websites that have that and if you have people just to sign up saying 'we'd like to have news from our Town' and then you'd have a database because people would sign up and give you their emails just to send out a little blast email whenever a meeting is coming up or a public hearing is coming up or something that people might be interested in. I know that we have to be ever vigilant like reading the legal notices because we all do that right?

Councilwoman VanEtten: Or just the website which says Calendar.

Janet Kash: Or the website.

Councilwoman VanEtten: And you can tell when the meetings are going to be.

Town Clerk Finke: It's on the Calendar.

Janet Kash: Yeah, and I get that, but at the same time is it possible for the Town government to maybe be a little bit more proactive and to reach out instead of having us come and look for things? It's just something to consider and I know it's more work.

Town Clerk Finke: I'll put that in my budget request next year.

Janet Kash: But it's a thought.

Councilwoman VanEtten: We have a budget and that's expensive.

Deputy Supervisor Ruso: I think you're looking for some means like an email blast or something like that. I think that's what you're sounding like.

Janet Kash: Thank you for all of your hard work and I appreciate the opportunity to speak to you, but we are kind of in 2016 and it seems that there's easier ways to reach out to people and make people more aware what's going on that doesn't really take a lot of work although, you, Barb...

Town Clerk Finke: It does take a lot of work.

Councilmember VanEtten: It does, there's 3,300 people in Town. That's an awful lot of emails.

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Town Clerk Finke: Not everyone has a computer either. We've addressed that in the past.

Janet Kash: Okay, well I appreciate your thoughts.

Supervisor Dellisanti: Thanks for your time.

Ellie Alfeld: I'll make a comment about that though. I know Barbara will appreciate this, but I noticed on the Calendar before this meeting it was definitely listed as opposed to a couple of times I said that it was not the Public Hearing listed at 6:00 and I missed it, but this...

Town Clerk Finke: It was on the Home Page.

Ellie Alfeld: This particular meeting was on the Calendar.

Town Clerk Finke: Usually it's on the Home Page.

Deputy Supervisor Ruso: I know that a number of weeks ago we had some problems with internet access, there was a little delay, it wasn't very long. But we did have internet access problems internally two or three weeks ago.

Town Clerk Finke: Yes, I know for the budget it was under Tax & Budget because that's where the previous Board had wanted it to be and that's where it was.

Supervisor Dellisanti: Would anyone else like to speak? If not, I will make a motion to close the Public Hearing at 6:19 PM, seconded by Councilmember VanEtten. Any questions or comments?

Deputy Supervisor Ruso: I apologize for my tardiness.

AYES: Dellisanti, Ruso, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT: Briody (Accident)

Respectfully Submitted,

Barbara M. Finke
Town Clerk