

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Public Hearing**  
**John and Betsy Murray Minor Subdivision Application**  
**July 13, 2017 – Page 1**

Location: 9 West Hawley Lane  
Number of Parcels: 2 –Lot #1: 5.75 acres  
Lot #2: 4.25 acres

The Public Hearing was opened at 7 p.m. by Chair Rob Van Etten. Other Board Members in attendance were Ann Marie Vadney, Jean Horn, Bob Court, Bill Boehlke and Lee Salisbury. Pat Bruno was absent due to vacation. Mr. and Mrs. Murray were present and came forward.

Green cards were presented for certified letters sent to:

Glo Enterprises  
Loux Family Trust  
Greene County Treasurer  
George McHugh (for Racine property)  
William Morehouse  
Robert and Mary Ann Loveland

White receipt for certified letter sent to:

Bruce Ubrich and Rose Hildebrandt

All requiring notification have been so notified.

Neighboring property owner Bill Morehouse who lives on Flatbush Road was present and wished to comment.

Morehouse: This kind of took me by surprise, this subdivision. I have to say that I am not really for it unless we know what this four and a quarter acres are going to be used for. It is zoned Commercial and it is in violation right now with the animal guy. I could just see what would happen if you want an expansion of what is there already into four acres from one. The one acre is operating with a Variance for a hardship back whenever they got it so I don't know whether they could get a variance on this four acres or not as far as hardship goes because of, you know, buying four acres of prime land. It is not cheap. Everybody sees what is over there. We are all afraid it is going to expand to that but it is Commercial. They are going to have to go through the Zoning Board of Appeals and so on to get a Variance to use it for agriculture. That is all I have to say about it.

Van Etten: Okay, Bill, thank you. Anyone else? [There was no one.] I know they have a Special Use Permit for the livestock. Anyone want to respond to Mr. Morehouse? [No one offered comment.] Some of this will be conveyed to Bruce, correct?

Murray: I don't know whether that is my responsibility or not.

Van Etten: Okay, I am just asking since that is the way the subdivision reads.

Murray: Right. The subdivision, we will be subdividing the property. He is currently using the property that is to be subdivided. I presume and I mean I don't know exactly what his intentions are. I have no reason to believe that he wouldn't continue the use as it currently is. As I said the last time, the remaining portion of the property will be added to our home which is on a corner lot and is currently, actually there is a sale pending on that, provided we get an approval at tonight's meeting so that is the purpose of the subdivision.

Van Etten: I do know that they have a Special Use Permit.

Morehouse: And that applies to just the one acre that they are living on now. It does not apply to someone else's land.

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Public Hearing**  
**John and Betsy Murray Minor Subdivision Application**  
**July 13, 2017 – Page 2**

Van Etten: Correct.

Morehouse: They will have to start over.

Van Etten: Moving forward, they would have to go to the ZBA if they did anything different so that is kind of out of what we are working on here tonight. Anybody else feel differently about that?

Morehouse: Maybe this should be tabled until they can find out if they can use it for this purpose or not.

Van Etten: Well, I am sure his Special Use Permit is based on his parcel now.

Vadney: So the parcel with the Special Use Permit is going to remain in use and be used by the same people that are using it now?

Murray: Well, yes. I am not certain which parcels we are talking about. Just to clarify on the map because I have nothing to do with the one acre, that has nothing to do with this. So I can show you on the map what we are talking about. This is our property. So, if you will, starting from 9W, the corner lot is our home and the initial property we owned when we bought the house. We subsequently bought the acreage around. We are now looking to sell this home. We are looking to increase the lot size for this home with what is labeled Lot #1 on your map and Lot #2 is the second piece which is being made available for sale to the Ubrichs. It is currently behind their property.

Horn: So all three of those parcels, you are going to sell all three as one? I am going to sell them as one. I would be selling Lot #1. Let me just clarify. The subdivision is on Lot# 1 and Lot #2, so what we will be doing is subdividing Lot #1 so it would be included in a package with this property which is not part of the subdivision for sale. So the home will be sold with, as opposed to the current 1.5, it will have an additional 5.75 added to it and then the 4.25 will be separate. So it is a subdivision of this ten-acre parcel which does not currently have anything to do with the parcel with the home on it.

Vadney: Where is the Special Use Permit for agriculture? [Several Board Members & Mr. Morehouse all spoke at once.] So it has nothing to do with this?

Murray: That is correct.

Court: So this is your land. [Rest of Mr. Court's comment not understood because the other conversations were continuing.]

The Clerk reminded the Board that their conversations with several speaking at once could not continue if the information was to be part of the record. It made minute transcribing take too long and very difficult.

Boehlke: [Clarifying] His house is right here now. He is subdividing this so he can add this portion to the home and make it a larger lot to sell with the home and then this lot, he is selling.

Horn: To those people, just that one. All right.

Boehlke: Correct.

Van Etten: The Variance exists on this parcel [currently owned by Ubrich]. So if he wanted to do otherwise on the other parcel.

Morehouse: [Response not understood.]

Van Etten: Yes, he would have to come back for that.

Horn: [To Mr. Morehouse] And your property is on the other side of 9W, right?

Morehouse: Right there.

Van Etten: Okay, like I said, Bill. This parcel shouldn't change what he is doing there now.

Morehouse: It really doesn't really have anything to do with the subdivision. Just the idea of.

Boehlke: Yes, it really isn't a path you want to follow, Bill, like trying to avoid something by making

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Public Hearing**  
**John and Betsy Murray Minor Subdivision Application**  
**July 13, 2017 – Page 3**

someone not be able to do what they really are entitled to do.

Morehouse: [Comment not understood.]

Boehlke: That kind of, like Rob says, that really lays in the hands of the Zoning Board truly, what that is for. You know we can't use this to pre-empt something.

Morehouse: Oh, I know. Just so everybody knows what is going on, on that lot over there, their operation.

Van Etten: Does the Board have any more comments on this? Vadney: I think it is very clear.

Court: I do. Van Etten: Go ahead, Bob.

Court: Markers, I just talked to someone prior. This is a newly developed line on the property. Has it been staked out? It is not marked on the map.

Murray: Yes, it has. Charles Hite came and staked it out. He put the stakes there.

Court: And the Town also required it to be in three-quarter inch or greater if it is in metal.

Murray: I am not sure what that means.

Court: The rod size has to be three-quarter inch diameter, two feet long.

Murray: I am sure that Charles Hite did it correctly. I did not measure them.

Van Etten: Charlie. Clerk: Charlies is sitting right there. Court: Three-quarter inch re-bar.

Hite: It is the same one that I have set for 20, 30 years now. Vadney: What does that mean, Charlie?

Hite: What it means is since that is the way it has been done for this long, you know, I would say let's continue to do it that way. If you want to hold our feet to the fire, then I guess we will have to do it that way.

Vadney: Well, exactly what is being used? Hite: #4 half-inch re-bar with a cap on it.

Van Etten: Okay. Where were we? Bob, you were just saying?

Court: Minor Subdivision Regulations, Chapter 115, 4(j):

*All lot corner markers shall be permanently located satisfactory to the Town Engineer*

(I am hearing that we don't have a Town Engineer.)

*at least three-fourths (3/4) inch, in metal, in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.*

Hite: So it sounds like you have to hire a Town Engineer is step number one.

Court: Or we make modifications or we have the Town Board make modifications to this to designate other people to inspect it and/or even change to what we consider should be a corner marker; and the Town also required it to be three quarter inch or greater if it is a metal.

Van Etten: Okay. Maybe that is something we should address going forward.

Court: Yes. I agree. Maybe moving forward we do this. We don't have to do it for this one or anything tonight but it is, you know, just I read that. I have been here for almost three years now and I haven't

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Public Hearing**  
**John and Betsy Murray Minor Subdivision Application**  
**July 13, 2017 – Page 4**

seen one done to this spec. and this is the Town Code.

Salisbury: Is there a reason you can't use three-quarter inch rods?

Hite: Probably not a reason that you can't. I would say that the #4 re-bar is the typical one used by your surveyor.

Van Etten: All right, if no one has any further comments, we will move forward and close the Public Hearing.

At 7:15 p.m., it was moved by Vadney and seconded by Salisbury to close the Public Hearing.

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

Respectfully Submitted  
Marjorie Loux, Clerk