

DRAFT 6/27/17
APPROVED 9/14/17

TOWN OF NEW BALTIMORE PLANNING BOARD
PUBLIC HEARING
Lands of Robert Egan and Gittel Egan – Current Property Owners
under contract to New York Land and Lakes Development, LLC
Tall Pine Hide Aways – Major Subdivision Application
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Location: Intersection of Sodom Road
and County Route 51 with small frontage
on Old Kings Road
of Lots: 16

Lot #1: 34.597 acres	Lot #2: 24.977 acres
Lot #3: 3.870 acres	Lot #4: 7.438 acres
Lot #5: 8.006 acres	Lot #6: 3.659 acres
Lot #7: 3.323 acres	Lot #8: 6.882 acres
Lot #9: 8.952 acres	Lot #10: 50.299 acres
Lot #11: 8.132 acres	Lot #12: 6.474 acres
Lot #13: 5.010 acres	Lot #14: 10.026 acres
Lot #15: 25.046 acres	Lot #16: 50.00 acres

The Public Hearing was opened at 7:15 p.m. by Chair Rob Van Etten. Other Board Members in attendance were Ann Marie Vadney, Jean Horn; Bob Court; Pat Bruno, Bill Boehlke and Lee Salisbury. Alan Lord, the Egans' authorized representative from New York Land and Lakes Development LLC, was present as were 22 members of the public who signed the attendance sheet.

Mr. Van Etten advised all present for any comments or questions to please come forward. The Hearing would start with a presentation from Alan Lord briefly giving everyone a rough idea of what is proposed.

Lord: It is Robert Egan's property. We are looking to subdivide it into 16 parcels. Each parcel has road frontage on existing roads. We are not looking to build any new roadways or anything. They are going to be sold as vacant land. We will have several deed restrictions on them. They are deed restricted to one single-family home per parcel so the maximum ever would be 16 homes but they are sold as vacant land. A lot of times people buy two, three lots. Sometimes neighbors buy them. The chances of being sixteen houses there in any of our life time is pretty slim. They have all been soil tested to show that they can support a home. Each one has been tested by a licensed engineer. So the other deed restrictions are no single wide trailers, no further subdivision and so forth. I think a lot of you have seen a map. I tried to send out maps with the letters just to give you an idea. Everybody always wants to see the map.

Van Etten: Thank you, Allan. Okay, where are we at with the green cards.

Green cards had been received from the certified letters sent to the following:

Liza Todd Tivey
Steven Olmstead
Ralph and Edna Rominger
Steven Rasmussen
Daniel and Mary Potter
Richard and Barbara Bullock
Edward and Barbara Revette
Robert Taranto
Renee Gazella
Edgar Ulrich
Kevin Strbich
Anthony and Frank Odessa
Thomas and Eleanor Vincent
Dean and Wendy DiBenedetto
Elaine Morse
Corey Foronda
Estate of Sophie Truslow
Peter and Athena Menoudakos
John Maurer, Sr.
John Maurer, Jr.

And white receipt was presented for:

Marc and Tanya Citro

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Clerk: It appears all requiring the notification have been so notified.

Van Etten: Very good. Okay, I would like to start with again questions, comments. We will start with this side of the room. Who would like to come up to comment or if you have any questions, the Public Hearing is open. Do you want to start please. State your name to.

Menoudakos: My name is Peter. I have several questions. The first thing is, is this company, Land and Lakes, it seems like it is some type of corporation. I see they are also logging out the property. Are they a logging company, a developing company or both? What type of work do they do and, I believe, are you based out of Town? That is the first question I have.

Van Etten: Alan, do you mind fielding that?

Lord: Sure. The logging was done by Mr. Egan. We have not closed on the property yet because he had that open logging contract that he signed quite some time ago that ended April 30. We do plan to close next week on the property.

Menoudakos: You guys were logging it out?

Lord: No, no, that is something that the former owner did.

Menoudakos: Okay. The second question that I had was with respect to the infrastructure, this is quite a concern up there. You said you had it tested to see, I guess, if it perks or whether it was just soils. Was each lot done where there is going to be a house because obviously with the big acres, you can pick a little section out of the big section and if one area perks even though you can't have a house there, you can still say it perks.

The next question is was there any environmental studies done, specifically with respect to the Water system? Up on the hill over there, there was a house that went up a few years ago and I know multiple neighbors had a major problem with their wells and sulphur really attacked all the wells. I think one of the big concerns when I spoke to the neighbors about it is a couple of the people's wells already got ruined and that was with the one house being built. Has your company done or have you sent anybody in to see what kind of an impact it is going to have on the well system up there because the veins, I believe, are very delicate. I am looking at your road frontage and I am looking at 16 houses; and I think if you take the road frontage itself and you count all the houses on there, there are not even 16 houses there. In addition to your talking about houses, I saw also a bed and breakfast so has any of that been done with respect to a well system and how we are going to get water because we do not have a water system up there besides wells.

Van Etten: Any septic systems would have to be engineered and go through the Health Department if that is one of the concerns.

Menoudakos: It is more the water system with the wells [Several audience members spoke at once.]

Van Etten: Well, I thought maybe you were concerned about the septic affecting the wells.

Menoudakos: It was both, yes.

Lord: I am trying to remember his first name. Rath, Paul Rath, the well driller, I spoke with him on the phone and he said that he wasn't aware of any issue with getting wells or water of whatever up there.

Menoudakos: I don't think he came and asked anybody up there to be honest with you.

Lord: He said he had drilled a number of wells in the area and I looked up on the DEC website. There are a lot of wells up there in the area that are pretty productive wells. All that stuff is records on the DEC website, any recent wells that were drilled. It doesn't appear that there is a real problem. That is one of the first things I checked out.

Van Etten: You have a problem with your well, do you?

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Menoudakos: Mine has a lot of Sulphur in it after the house was built, you know, about a quarter of a mile away.

Vadney: When was the house built?

Menoudakos: I don't know. When was the house built? Maybe four or five years ago. I don't know. Maybe it could have been longer.

Vadney: Where? Menoudakos: On Kings Road.

Van Etten: You never had sulphur until then?

Menoudakos: No. No, not until then. It was when they were doing a lot of the drilling and my neighbors had the same problems.

Unidentified: Yes, me too, right across the road from me and I had to get a whole system, something put down in my basement to be able to use my water because it made my [Rest of comment not understood; too far back in room.]

Van Etten: Okay, well, when we get--I am sorry, we will hear you when you come up.

Unidentified: Okay. Van Etten: Okay. So your concern is with the well, correct?

Menoudakos: Yes, that is one of them. Another concern I have is with the other utilities such as the phone system and the internet service up there. We don't have any fiber optics. I have been on the phone over the last few years with the phone company and they have no intentions of bringing fiber optic in the next few years. So what that means is we have all old copper lines up there and when I first tried to get the internet service up there, which is DSL, it is the most archaic system we can have. Every time somebody else jumps onto the internet, it slows everybody else's internet down to almost a standstill. Now if 16 houses get built there and we also have a bed and breakfast, that I would assume would have internet service is your company willing to upgrade the infrastructure specifically with phone lines and that type of stuff in order to handle 16 more houses?

And with that, I will just add on there is also an issue of electric. I know two of my neighbors are underpowered. Central Hudson had to come in from another road to try to get them more power because since they were underpowered, my understanding was that they were blowing out appliances. Again, if we are going to be putting potentially 16 houses in there, we have to think worst scenario. Add 16 houses and a bed and breakfast, can that hill handle it; and I don't see anything except the map tonight showing any type of study with respect to a major subdivision and I think that is very important. I think all the neighbors would stand up and say the same thing that I am saying. It is not something I am just making up. It is a problem and the phone company has told me it is a major problem. At first, they didn't even want to give me the internet because they said it was going to slow everybody else down.

Van Etten: State Tel. told you that?

Menoudakos: Yes, they did. They have been to my house probably 15 times in the last four years trying to deal with the lines.. They said these lines are just so old and so horrible that it is very difficult for them to work and they said that the fiber optic is about a mile and a half, two miles away, and that at this point in time, they have no intentions of bringing it up and we have to live with it.

The next question I would have is did you do any studies on the school system because if you have 16 families and potentially 16 more kids or if there are two or three kids in each household, the question I have is if you do build 16 houses, can the school system handle that impact? I didn't see that addressed either and that would obviously have to do with our taxes and everything else because if we have to pay for 16 or 30 more children to go to school, obviously your taxes are going to go up. So my next question would be again, were there any of those studies done?

Van Etten: Anybody have an answer on it?

Vadney: Well, first of all, I don't think that it is really necessary to have studies done. I don't know if the other Board Members feel that way because 16 houses and I was reading in some of the information that

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was given to us about, Mr. Lord, that your company did research on the subdivisions that you have done all over the State; and that in the majority of the subdivisions, people do not buy the property like within the first five years. In fact, it is often times not purchased; and then it is not developed for another ten years so it appears based on the studies that this organization did, that it would be a slow process first of all when people purchase it and secondly when they actually build on the property. At which time, the development of their septic, their water, State Telephone. I have internet from State Telephone and they didn't tell me my wires were bad, Peter; but you know, whenever it rains, it goes off so I don't think based on the phase in process that has been historically identified even if we did have the developer putting in wires, they would probably be outdated by the time the people moved in. In addition to, in response to your concerns, the subdivision we did a couple, was it two years ago, Marjorie?

Clerk: Two, three years ago.

Vadney: Three years ago. I mean how many houses have been built there? Clerk: Two at the most.

Vadney: Two at the most and that was a major subdivision as well. They have sold some of the properties but there have been no plans to build on it so I am not disagreeing with what your concerns at all but I don't think that it is going to be like a dramatic immediate drilling of wells and building of houses. I think that the State of New York might have a lot of requirements to insure the safety of our drinking water; and it may be for all our benefits to see after tonight how many people have sulphur water as a result of building, someone building a house. We are all unaware of all that as far as I know. Is there something funny? Would you like to speak?

Strbich: I will be doing that as soon as he is done.

Vadney: Okay, all right.

Van Etten: Do you have any other questions, Peter?

Menoudakos: For now, that is it.

Van Etten: Okay. Kevin, do you want to speak?

Strbich: My name is Kevin Strbich. I have actually three pieces of property that are adjacent to some of these subdivisions. Let me just touch on a few things that you had said. You said that you spoke to an engineer but do you have an Engineer's letter or study to present to the Board about the septic systems and soil content?

Lord: I do. Strbich: He was a New York State certified engineer?

Lord: Correct.

Strbich: And he says that the soil and the grounds out there is suitable for septic systems and would have no impact on the ground water?

Lord: Correct. Some of them are raised bed septic systems which are legal.

Strbich: They would have to be. That is correct. They would have to be. As far as the other studies, I am sorry, I didn't mean to interrupt you. Did you have something else?

Lord: No, go ahead.

Strbich: What studies have you gotten from them so far?

Vadney: Have we gotten?

Strbich: All studies which you as a Board have gotten from them so far?

Van Etten: He gave us well information.

Strbich: Pardon me.

Van Etten: Like I said, he has given us information about the wells, gone to the NYS website on that; and as far as septic systems, I mean you know as well as I do that septic systems, they are all going to be engineered.

Strbich: Quite honestly, I am not worried about septic systems.

Van Etten: Okay, all right.

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Strbich: I know they all have to be engineered. They have to be done. All brand new, they have to be engineered. Have you done a SEQR review act on the property? Are you taking Lead Agency in this?

Van Etten: Yes.

Strbich: And you have done it?

Van Etten: We will be doing it.

Strbich: You will be doing it.

Van Etten: Well, we have started it.

Strbich: So there is no chance of your approving this subdivision tonight because the study has not been done. Is that correct?

Van Etten: We can do the SEQR tonight and we could approve the preliminary plans.

Strbich: You can do the SEQR review. You can do everything that the State requires [Rest of comment could not be understood as Mr. Van Etten started speaking.]

Van Etten: We have done Part 1 and then we do Part 2.

Strbich: Okay. Have you also done, because according to our own Code, it says if it has been classified as a major subdivision, the applicant shall then comply with the procedures outlined in Article 9. Give me a second because I have lost my internet. There has to be a conservation analysis done on it.

Van Etten: I don't follow you on that.

Strbich: That is Article 9 of the Zoning Code and it lists a number of things that are supposed to be addressed as far as that goes.

Van Etten: That is probably in the SEQR what you are referring to. We will be doing Part 2 of the SEQR tonight.

Strbich: That is something that you are going to do tonight as well? Van Etten: Yes.

Strbich: How many people on this Board have been out to that property and walked the whole thing? Please raise your hands.

Van Etten: I don't think anyone has walked the site.

Strbich: How would you know what the property is like? How are you going to sit here and do a SEQR review and say there are no outcroppings? Are you going to say that there are no grounds that are greater than a 2% slope? You are going to say that the stormwater run off on the property does not have an effect on anybody's property there including the Village of Cocksackie.

Van Etten: Are you really seriously telling me that you are going to have stormwater runoff from a driveway.

Strbich: Six of those subdivisions lie directly in the run off for the Cocksackie Reservoir.

Van Etten: There are a lot of houses back there.

Strbich: Yes, but we are not talking about other houses. We are talking about this subdivision.

Van Etten: Yes.

Strbich: Don't get me wrong. I am a property rights person. You know that. I served on this Town Board. My property. [Rest of comment understood; spoke at same time as Mr. Van Etten.]

Van Etten: How much impervious surface are you going to have from a driveway?

Strbich: I am not talking just the driveway.

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Van Etten: Well, I mean you talk about run off. You are going to create run off.

Strbich: In the letter here, it says that if one acre of ground on any piece of property is disturbed, then it would have to go through the SWTPP which is for the study on run off.

Vadney: Yes, but right now, that is not even applicable.

Strbich: According to your Town Code, you are supposed to do that for the whole subdivision, not just for when they clear a piece of property.

Van Etten: That would be on a per lot basis the SWPPP would apply.

Strbich: I don't think so. Van Etten: Yes.

Vadney: That is impossible, to have that occur at this point in time because when you develop a piece of property, you have to come before the Board; and also if you need a Variance, which I don't think these lots are so big any of that would be required but that would be at that point in time.

Bruno: It depends on where you build on the property, where your driveway is going, where things are going on the property so that would be as he said, per property.

Van Etten: If someone is developing a site, and correct me if I am wrong Alan, and they were disturbing more than an acre, then they would have to do a SWPPP Plan, correct?

Lord: Yes.

Van Etten: Then, that would come into effect. But right now, the only impervious proposed surfaces would be the driveways as I can see it and a house naturally.

Strbich: I don't know how you could possibly say it, Rob. You have not been to the property out there. There are shale banks all over the place.

Van Etten: Yes, I realize that.

Strbich: There is run off from that property that goes, like I said, through Sodom Road, down 51 through Gazella's old place, Renee's, and right to the Cocksackie Reservoir and the pieces that are on the east side of Route 51, I mean, you can't walk on them right now in this high of water. And all of that goes directly to the Cocksackie Reservoir.

McCarty: Kevin, can I say something about that?

Van Etten: We won't hear you on the record.

Clerk: You have to come forward.

McCarty: Referring to what he is saying, I know what he is talking about.

Clerk: Just step forward so our tapes will be able to hear you; otherwise it makes it very difficult for me.

McCarty: I am not trying to take away anything that Kevin. He is exactly right.

Clerk: And we need your name as well.

McCarty: Ed McCarty:

Clerk: Okay.

McCarty: All right? What he is referring to is the flat rock that runs on that whole table that is directly underneath that ground. Now, if these guys go up there with an excavator, they are not going to get a full bucket of dirt. It is all flat rock so the water gets down through that little big of soil that is there and it travels on the rock. Now, that is where he is talking about going to the reservoir and all these other places. Because that is what is up there, rock. How are you going to develop it? That is all I got to say about it.

Van Etten: Thank you. Okay, go ahead Kevin.

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Strbich: Not to down grade what he said either but the septic systems, I mean how--I am concerned myself with the water run off going, and can our roads and infrastructure handle the water run off that is going to come through that property once it is subdivided and improved?

Boehlke: Kevin, are you talking about like hazardous materials, something that is going to contaminate water? What are we talking about here?

Strbich: You are talking about the water runoff of the property once the places are developed.

Boehlke: Well, there is always water run off.

Strbich: Right.

Boehlke: Right? So are we talking about contaminating?

Strbich: Very possible, very possible.

Boehlke: How?

Strbich: Well, because it is all rock out there.

Van Etten: But if they still have—I mean your lawns are still going to accept the water. The only impervious surfaces that are creating run off from I your driveway and your roof.

Boehlke: I mean if a house is built on a property, right, you may have a temporary run off from construction during that construction phase; but each one of those homeowners is going to have to come in here and bring this before the Board. Right now, we are talking about a subdivision; and right now, the water run off on a subdivision. What we are doing is really not the main issue that we are addressing right now. These individual homeowners are going to have to come to us about these issues and get these cleared, right.

Strbich: Correct.

Boehlke: You see what I am saying?

Strbich: I understand that but it is also set forth in your Code that you are supposed to do these, you are supposed to do the concept plan, conservation analysis and the preliminary and final plat on this subdivision as it stands right now; not when each parcel is sold and they come in here and they want to get a Building Permit Application for that parcel. Am I wrong in reading your Code?

Van Etten: Well, we are going to go through the SEQR forms tonight. Part 1 has been done; Part 2 will be done. No, it hasn't been done yet.

Strbich: As well as the permit or the stormwater runoff.

Van Etten: I don't see where we need to do a SWPPP Plan.

Strbich: You are not going to do a SWPPP Plan?

Van Etten: We are not creating a bunch of impervious surfaces. It will be on a per site basis when they build.

Strbich: That is what I am saying. They are already there, the impervious surfaces.

Van Etten: So I mean you can tell me that there is 260 some acres that are totally impervious out there? Is that what you are telling me?

Strbich: No but I can tell you that there is probably 130 of them that are.

Van Etten: You have a better crystal ball than I do by looking at the soil because I can't tell you that on my farm.

Strbich: I have been right there for 35 years so I have walked [Rest of comment not understood.]

Van Etten: And I realize that there are a lot of outcroppings. I have dug a lot around the Town myself.

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Strbich: There is a shale bank; there is a rock quarry back there that dates to 1803. It is carved in the wall. All that rock was blasted which leads me to one of the final things I will say. I don't have a problem with my water. These homes, if they have foundations, they are going to have blast. I will have it on the record now that I have good wells. If any of them areas are blasted for foundations and for any reason I get my well contaminated or I lose my water, then I will file a lawsuit against the developer and homeowner. Are we allowed to get back up here if we go back down?

Van Etten: I would just as soon move along if we can. If you have any other questions.

Strbich: No, I will step down but if I find something in here that I forgot to bring up am I allowed to come back?

Van Etten: Yes. Okay, thank you Kevin. Who else has a question?

Gerow: My name is Janet Gerow and I live on Sodom Road. I have a couple of issues. I am one of the homeowners where when the new house was built on the end of Old Kings Road, my well went to Sulphur and I do understand wells. My father was a well driller, not Mr. Rath, Mr. Heimburg and my brother is a well driller. I know the water in the area. And I know if you put too many houses, you will have black Sulphur or you are going to have no water at all, period, so don't tell me what DEC says. I am 72 years old. I have lived there all my life. I know what I know. I also know that every so many years, I have to have my septic pumped out because we are on rock. We are on solid rock; and I am tired of not having electric, not having enough juice, blowing appliances, putting new houses up with no infrastructure. You know if you guys are going to take our taxes and if you are going to develop us, you could at least make sure the development helps the neighbors that are already there. You got to make sure that it does not mess up our water supply. I don't care what somebody says from the city, they don't live there. That is all I have to say.

Van Etten: Can I ask you a question?

Gerow: Yes.

Van Etten: How deep is your well? Gerow: 400 feet. Van Etten: 400 feet.

Gerow: I own four lots and the one lot I was going to sell but haven't yet. I had my brother come up last year and clean it out because it was messy; and that one is 100 feet and is starting to get sulphur too. I really don't want no sulphur.

Van Etten: Do you have any problems with quantity of water or just quality?

Gerow: Right now I am having problems with the quality of my water. If you look at areas like Lindskoog Road in Alcove, you know where I mean? They sold the property and they developed it over time just like you are talking about over time. Years ago, they had plenty of water. Now, those people do not have any water because there are too many people up there.

Van Etten: I am sorry, I work around the area a lot. I worked on Lindskoog twice this week. You need to be more specific because I had not heard that.

Gerow: It is true.

Bruno: And I will tell you I live on Alcove and I have no problems with the amount of water I have.

Gerow: Well, that is good.

Bruno: I do get pockets of sulphur occasionally but I have since we have lived there 20 some odd years. That goes on and off.

Gerow: [Several words not understood as Ms. Gerow started speaking before Mrs. Bruno finished.] And if you go over to Gedney Hill, they certainly have sulphur.

Bruno: Yes, the area is known for sulphur.

Van Etten: It is news to me about Lindskoog Road. There are a lot of houses there and I work there myself.

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Gerow: There are a lot of houses that have it and there are houses that don't.

Van Etten: Sulphur, yes, but there is no quantity problem that I know of. Yes, ma'am.

Tivey: Hi, I am Liza Tivey. I share the water concerns with everyone else. Van Etten: Yes.

Tivey: I have two wells, one for my barn and one for my house. Last year, both of them went very—I mean I know we had a drought and this has happened over the years a few times. I get very low on water. I have to stop using it for a few days to get it back up to par. It has been a real concern of mine, the water situation so that I wanted to [Word not understood.] that.

Van Etten: How deep are your wells?

Tivey: The house well is 250 I think, something around that, and the barn well is about 450 feet and they both have problems. Actually, the house well was okay until the last couple of years; and now I am hearing that a few other people are having problems. I did not know that; but the time line with that and more building or more houses being built, I didn't put two and two together. So I guess that is probably why I am getting slowly compromised because of more houses being built. I would imagine. I don't know enough about wells. So that is a concern for me. All of this is a concern; the traffic is a concern for me. I live in the country. I ride on the trails. I mean it is just building. What is a country? You live in the country for a reason and that is a concern that that is changing.

I also--when I first moved there, the previous owners told me about it and I know that a lot of you know of this; but there is an indentured slave burial ground on one of the parcels, Parcel #16, that exists. It is not a public thing but it is there and I don't know if anybody has addressed that or not but it is there. It is an archaeological site.

Van Etten: It is marked?

Tivey: No, it is not historically marked but it is an indentured slave burial ground. That, Ed knows of it; Ralph knows of it. A bunch of people know and I don't know if that has been addressed.

Van Etten: Is that on the State records?

Tivey: I don't know, I don't know. It is just I have been there almost 30 years, 29 years, and it was told to me that that is where it was. It never occurred to me to make a big deal out of it. I like the fact that it is there. I think it is rather amazing and I know the woods like the back of my hand.

Van Etten: Okay, so you have been to it then?

Tivey: I haven't been to that particular site in a few years because it is not on one of my riding trails but I know how to get to it. Let's put it that way because I can walk to it.

Van Etten: Okay. [?] I know exactly where it is.

Tivey: You have been to it? You know where it is? At the top of the hill, on Old Kings Road, you follow a stonewall along that, right, and I know where it is.

Van Etten: Are there gravestones there? Is it marked?

Tivey: They are not marked but there are gravestones. They are symmetrically placed. And there is also, as Kevin mentioned, there is a site on what used to be a quarry, the slate you took, that was displaced, built, took the stones from the quarry and there are markings from, if you want to call it 1800's graffiti carvings in the stone and that is there. That is visible. You can see it. I know where that is because I see it all the time. And so any way, another concern just listening to this meeting I didn't understand. You mentioned something, you said something. If you said the Board was going to actually approve this tonight, what is the point of all these neighbors voicing their concerns and their questions if you guys have already decided?

Van Etten: I said we “could” approve it tonight. Tivey: You “could” approve it.

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Van Etten: I can't speak for the rest.

Tivey: Oh, I didn't understand. I am sorry.

Van Etten: We have to do the SEQR.

Tivey: Yes. I was just trying to get clarification of that because I thought that everybody coming together, concerned neighbors, that we would have a voice.

Boehlke: We have all set out there before ourselves.

Tivey: So you want to be heard. What?

Boehlke: We have all set out there before, trust me. That is why some of us are here.

Tivey: So you want to be heard.

Vadney: And we are listening to everything everyone is saying because that is what we are here for.

Tivey: Really, I hope so. I really hope so because there are a lot of concerned people here.

Vadney: Yes.

Boehlke: One of the reasons this is here tonight is because we are talking 16 lots on 260 acres and this is a little more ideal in what we look for in our community here. We are not talking about two acre lots, 160 of them, you know.

Tivey: It is still a concern.

Boehlke: It is, of course, a concern. It is but.

Tivey: [Comment not understood; spoke at same time as Mr. Boehlke.]

Boehlke: Why we are considering this carefully tonight is because some of these lots are 50, 30, 25 acres.

Tivey: I understand.

Boehlke: On the average they are about 16 acres per lot averaged out. So if we are going to have land developed in to residential lots, this is one of the more ideal ways to go.

Tivey: On paper it is ideal but not for the neighbors.

Boehlke: Well, and this is why we are having a public hearing because we want to hear from people that live there, about some of the territory, about some of the concerns, your experiences. We don't live there so we want to hear about water concerns. We want to hear about things, because our concern here is what my concern was when I used to sit out there, will my property be negatively impacted by what was going on?

Tivey: What about quality of life in the whole area? I mean regardless of whether my personal property is affected. It is a community thing. All the neighbors [Rest of comment not understood. Mr. Boehlke started speaking.]

Boehlke: Because this is not a socialistic thing. We do have property rights and we do have to recognize that with people. We would defend your property rights ma'am if you owned a parcel, you wanted to subdivide it say for your children and there would be people here that maybe against that kind of thing because they may have concerns about noise in the future. You know what I am saying; but there is some place that we have to draw the line with these things because if we had pursued this--thinking back in 1936 for instance, how many us here would be in this community right now? These are some of the things we have to think about. We are thinking about future generations. People that do want to build, people that do want to settle here. People that will possibly be our neighbors in the future and so we have to decide really what—both sides do have rights. We do have to recognize the other side does have rights

Tivey: [First part of her comment not understood as she spoke at same time as Mr. Boehlke.] It was country side in 1936.

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Boehlke: Yes, sure.

Tivey: And it is getting less and less.

Boehlke: Well, it is but we are here. I moved in since 1936, you know, and I am glad to be here. We have to be careful we don't deny someone else that right also. We have to be careful how we base it, that denial if we make a denial.

Tivey: But you also owe something to the existing community not just to the imaginary future.

Boehlke: Well, and that is why we are here because if this is going to negatively impact your situation in a concrete way, that is definitely going to be taken up.

Tivey: [Comment not understood.]

Van Etten: Thank you.

Olmsted: I am Steve Olmsted. I just want to be clear. You work for New York Land and Lakes. Is that correct?

Lord: Yes.

Olmsted: You now own the property?

Lord: Not yet.

Olmsted: But you are under contract to buy the property.

Lord: Correct.

Olmsted: And the closing is?

Lord: Next Thursday.

Olmsted: Next Thursday. So is there an urgency in this getting done tonight? You have 60 days to do this. Does this have any impacts on your decision tonight?

Van Etten: Everything going on here will have some influence.

Olmsted: If you get denied are you going to buy the property?

Lord: Sure.

Olmsted: You will buy the property.

Lord: We are closing is next Thursday.

Olmsted: So if it gets denied tonight.

Lord: Again, I work for them. I am not the owner so I mean I can't speak for them.

Olmsted: Well, in your best guess, would you assume that you are going to buy the property?

Lord: Absolutely.

Olmsted: What would you do with the property?

Lord: Because there is something that is workable. I have done a ton of these. If there is an issue with one lot or there is an issue with, you know, there is something that can be done with the property. I don't think that property is completely undevelopable up there. I don't think we would have gotten this far.

Olmsted: What is the core work of New York Land and Lakes that you do, buy property and re-sell it?

Lord: Correct.

Olmsted: That is your core?

Lord: Yes.

Olmsted: So the only thing you care about is making money on this basically. [The rest of his comment was not understood as Mr. Lord started responding.]

Lord: I like to say we do it right. I come from a family farm that got sold and divided up. I became a land surveyor. My history, I closed up my surveying business 20 years ago to go to work for New York Land and Lakes because I thought they did things well. I thought they wanted to do things right. The dollar wasn't the bottom line in it. Again, I walked this property trying to figure out building sites that made sense, not just sit down with a piece of paper and say how many lots can you get. We discussed this with the Board over the last several months. We could have put a road in here and made a lot more lots. There are a lot of other possibilities that could have been done with this property. Sixteen lots is pretty conservative and that is what I like about, you know, they are not trying to force in by zoning regulations any stuff for this Town, there could have been over 100 lots in there. We could have built a road back through there.

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Van Etten: As Bill just said, I mean these are sizable lots.

Olmsted: I understand that.

Van Etten: And another plus also is they all have road frontage. They are not putting in a road back to a bunch of lots that they will turn around and want the Town to take over; and therefore, cost the taxpayers money.

Olmsted: I understand that [Rest of his comment not understood as Mr. Van Etten continued speaking.]

Van Etten: I mean if you look at it from a lot of different ways, there are a lot of pluses to this.

Lord: I had a survey company. I worked for a lot of people. I represented a lot of people at meetings like this that did a lot worse things that I have been trying to get approved what they want to do and I am saying to myself, this doesn't make sense. When I decided 20 years ago, made the decision, to close up my surveying company and work full time for these guys did it because I felt they did it right. It wasn't what you said, the dollar wasn't.

Olmsted: The dollar is everything to everybody.

Lord: You know a lot more lots would make a lot more dollars in there. We try to do what makes sense to a piece of property, to make a reasonable plan. Again, you know, we could have, and I have seen this done. I have worked on a project where they come in and they propose twice as many lots as this. If we came and we were going to put 40 lots in there, made a proposal to the Board, had the Public Hearing and then we said all right, we will get rid of this and we will get rid of that and we are back to 16 lots and everybody is like, wow, great. You know we got rid of those 40 lots. We are back to 16. Now everybody is happy. I don't like that approach. I don't like doing that. That is not—again, that's.

Olmsted: Do you have any buyers lined up? Are you a real estate agent too?

Lord: I am not. I am a land surveyor. I don't do anything. Olmsted: [Comment not understood.]

Lord: The company has its own sales people. This will not be marketed until it is approved by the—we don't even know what. You know, if something gets changed with the Board or whatever.

Olmsted: When it goes through, you have your own marketing department? You have buyers lined up?

Lord: No.

Olmsted: A bed and breakfast, is that just a generic thing?

Lord: Yes, again, that is allowed because we don't allow any commercial use but we will allow somebody to do a bed and breakfast. Have I ever seen one happen on any of the properties, no; but we restrict commercial use except for a bed and breakfast. Everybody's dream is to have a country bed and breakfast; but when they had just no commercial use, that was a question that everybody had. Well, can't I do a bed and breakfast? Why can't I do a bed and breakfast and so forth? So, of course, we didn't feel like that detrimented the property

Olmsted: One other thing, on the slave thing that is back there, I know there are graves back there. I have seen them. I don't know the gravesite you are talking about but I know of graves, another individual grave by itself. When I bought my property seven years ago at the closing I was told, I had nothing in writing, but I was told that property would never be developed because of these slave artifacts there. So I don't know if someone should look into that.

Van Etten: Who were you told that by, the real estate agent?

Olmsted: The owners and the lawyer that was there.

Horn: Have you been there?

Olmsted: I can take you there right now.

Horn: But are there gravestones there that if someone.

Olmsted: It is not a gravestone.

Horn: What?

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Olmsted: It is not, it is a very. It is hard to explain but I am 95% positive it is a grave there. There is a hand-dug well there too. You know what a hand dug well is? This is just off that property but I was told you hold it. You can tell there was a lot of [Word not understood.] there.

Van Etten: What do you mean it is just off the property?

Olmsted: I don't know where the exact back line.

Unidentified: It is on my property and it is all surveyed.

Unidentified: Lot #16.

Olmsted: It is on Lot #16.

Van Etten: Okay. Do you have any other questions, comments? Okay, thank you.

DiBenedetto: My name is Dean DiBenedetto. I recently purchased the 133 acres just north of Sodom Road, just at the end of their property. My wife and I saved our whole life to buy this piece of property. I am a hunter. I was a developer. I am a builder and the property goes around me. I am going to lose 500 feet of every piece of property that I own connected to that to be able to hunt; and that is the purpose I bought the property. I bought that big piece of land so I would be able to hunt there. Now if they put those lots in next to me, I lose 500 feet in every direction around it. I lose half of my property.

Van Etten: Why do you lose 500 feet?

DiBenedetto: Because you are not allowed to hunt within 500 feet of any dwelling so somebody puts a house in there I lose 500 feet of my property.

Bruno: But if it is on 20 acres.

DiBenedetto: Right but the way that lot is laid out next to mine, there is only about 200 feet to the back so if someone follows the setbacks which are usually 50 to 100 feet from the road, so much from the back and side setbacks, they are going to be within 300 feet.

Bruno: But again when you purchase a property, you have to assume somebody is going to purchase the land around you.

DiBenedetto: Oh yes but there is 260 acres when I looked at the map. I didn't look at it as five lots coming in next to me or four lots coming in next to me. I looked at it as one 260-acre parcel, another 300 one down below me, another 200 behind me. Chances are those are going to stay pretty much intact for at least one year. I only bought it a year ago.

Van Etten: When you say you have 130 acres?

DiBenedetto: 133.

Van Etten: Okay.

DiBenedetto: I am just around the turn at the north end of their property and I am at the bottom of them. I just put the well so his concerns with wells and people drilling right above me, it is going to be right above me. They are going to be in line with my well because the way they have to go in, those couple of lots are going to be directly in line with me. They can't go further than 200 feet back or 300 feet back because that is all there is to my line. I have walked every inch of the property since I owned it. That is my concern. I did development for year, understand development and I respect the change. I do agree the small amount of parcels is probably better for the area but I also look at the electric lines out front and they are nowhere enough to compensate all those lots you are putting in. If they are not going to put some infrastructure in, we are all going to have problems. I mean I had a problem getting mine in.

Van Etten: Okay, thank you. Anybody else with a comment or questions?

Citro: My name is Tanya Citro. I live right on Old Kings Road. When we first moved in like maybe 12, 13 years ago, we had a problem with getting our water tested with the [Word not understood.] We have problems with the clarity. The well is just about 500 feet; and even then, there were problems. Just barely, barely, truly barely making it for test. What's her name, Ann, you can say okay, subdivide it now; and down the line, you know, there is no chance of houses until 20 years from now. So why bother now? If your hopes now aren't to put houses in there, why are you doing a subdivision now? So everybody's

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outcome right now is just looking at this property like there is going to be an establishment on it, just not thinking, okay, they are just subdividing it and maybe there is never going to be anything there. We have to do worst case scenario. There is a lot of water that runs down through my property from this property. My lawn gets flooded, my backyard looks like there is a river that runs through it coming from the property. So whatever work they do back there, I don't know how that will affect me. I could end up with a swamp in my front yard and that is not why I purchased the property there.

Van Etten: Any developer would be responsible for a disturbance and run off in the process just so you know. If somebody is developing a site adjacent to yours.

Citro: Yes, but while they are doing their work out there, I would have to wait for mine.

Van Etten: Well, they would have to be responsible for it.

Citro: Right. But what I am saying is I have to wait. If something gets ruined in my house, I have to wait for them to get done doing their stuff before they are responsible to fix mine.

Boehlke: How far is your home ma'am, located from any of these lots?

Citro: It borders it directly. Boehlke: Your house is right on the border of it?

Citro: Within 100 feet. The way my property line goes, we own 2.3 acres and the line cuts off my back yard.

Boehlke: Are you on Sodom Road?

Citro: We are on Old Kings Road. Boehlke: Old Kings Road.

Citro: You could throw a stone and see the property line from my back porch.

Boehlke: Are you on the upper side of Old Kings or the lower?

Citro: Right towards the end before Sodom. We are not the last house that was just built. We are I think--where the State Trooper used to be. So when they came in even to do the logging, they were marking trees right behind my dog kennel. That is how close the property line is for this lot. I don't know if you can tell me on that big map how big that lot is.

Lord: It is 25 acres. I believe the one you are talking about. Citro: So chances are that.

Lord: Chances are they are probably not going to build if you are backed up to the line there and they got 25 acres. Why are they going to build in your backyard?

Citro: Even so, where their septic and their well go, potentially they are going to affect my life.

Boehlke: Now are you right next to Dan and Mary Potter?

Citro: Yes. So knowing that we had those problems before; and that lot being 25 acres not 50 acres, 60 acres, the potential is very great for our land to be affected.

Van Etten: All right. Thank you. Anyone else before we close the Public Hearing?.

Unidentified: Did the Egans approach you about subdividing, the owners now?

Van Etten: Alan is their representative; or Alan is representing Land and Lakes but the Egans, themselves, no.

Unidentified: I hope you consider everything before you bow to the pressure of next Thursday, the closing.

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Van Etten: Well, I don't think we are bowing to the pressure of their closing. We are going to consider all the merits, minuses and whatnot. Okay, if no one else has any insight, we will close the Public Hearing.

At 8:10 p.m., it was moved by Vadney and seconded by Salisbury to close the Egan [NY Land and Lakes] Major Subdivision Public Hearing.

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

NAYS: None

ABSTAINED: None

ABSENT: None

Respectfully Submitted

Marjorie B. Loux

Clerk

: