

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The meeting was called to order at 7:08 p.m. by Chair, Robert Van Etten, followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney; Bob Court; Lee Salisbury; Frank Orlando, Michelle Stefanik and Ken Finke.

Old Business

Lands of Doris E. Myers – Minor Subdivision Application

Required Public Hearing on the application was held just prior to the start of this meeting. Doris Myers and her surveyor, Jason Peterson, remained present. With no need for any further discussion on the application, resolution was presented as follows:

WHEREAS, Doris E. Meyers, wishing to complete a three-lot minor subdivision of property owned on Staco Road present Minor Subdivision Application at the August 10, 2023, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on the application on September 14, 2023, with members of the Public offering no comment; and

WHEREAS, the Short Environmental Assessment Form was reviewed at the August 10, 2023, meeting with negative declaration given, now therefore be it

RESOLVED, that the Meyers minor subdivision be approved with no conditions.

Moved by: Vadney

Seconded by: Court

AYES: Van Etten; Vadney; Court; Salisbury; Orlando; Stefanik; Finke

NAYS: None ABSTAINED: None ABSENT: None

The Planning Board Chair stamped and signed the maps and mylar. Paper copy retained for the file. Green form was provided for stamping by County Clerk's Office at time of map filing and return to Planning Board as evidence that maps had been filed within the allowed 60 days of approval.

Lands of Donna L. Coons and Lands of Camryn J. Elwyn and Brett Margiasso

Chad Traeger was again present. The Board continued the discussion commenced at the August meeting with regard to how to handle the transfer of acreage between the two parcels on Route 26. For the two Board Members not present at the August meeting, the situation at hand was reviewed. Map showing shape of the two parcels at current time and map reflecting how they wish to change them were laid out to aid in discussion. Per decision made at the August meeting, the Planning Board Chair had spoken with the Town's Attorney. It was his suggestion that it be handled as one joint subdivision. All property owners involved would be named on the one application, would sign the application. These property owners would either have to be present at the meetings where this is being handled and/or via a Letter of Authorization designating someone to speak/act on their behalf. It was noted because of amount of acreage involved in the transfers, it could not be handled as lot line adjustment. It was noted that basically only one line was being moved and explained but several acres from each parcel are being traded to the other parcel. Required right-of-way width for a flag lot was not discussed in Mr. Van Etten's conversation with the Town's attorney on this matter.

[Several conversations were going on at the same time.] Mr. Traeger advised that he just wanted the driveway. Mr. Court explained some people have rights-of-way or easements. You would not own that; you would have to have it surveyed and a deeded easement and right-of-way out. Otherwise, she would own it and still have to pay taxes on it. You would just have a narrow 20-foot driveway, 15-foot driveway, whatever you determine you wanted on there.

If it is not going to be a flag lot, then he is going to need a right-of-way out to the road and that can be shown through an easement. It was noted that this survey is going to change one way or another; it is going to change no matter what. It was questioned if making the right-of-way would be more difficult.

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Mr. Court pointed out that it depends on how this person perceives it. It was then noted down the road, you are better off if this is an actual flag lot. Right now, 30-feet is being shown on the map. It was further noted if/when that property is sold later on, then you have to deal with the right-of-way on someone else's land. Then noted that it should follow with the deed; but if on Mr. Traeger's parcel, then it is deeded with his parcel. It then becomes a flag lot so you just have to go to 40 feet at the road to the flag lot, rather than the 30-feet. What a flag lot actually is was explained to Mr. Traeger and then questioned if it had to be the 40 feet all the way back.

It was noted that the two parcels were created a long time ago. No one would have approved this normally because it is landlocked. Mr. Traeger pointed out where there was an old right-of-way here. Once everything is done, that will disappear. Ms. Vadney pointed out it says "woods road" and questioned if it was an actual easement in his deed? Mr. Traeger responded in the previous deeds with my parents, it was. Before all of this, it was my pop, Tom Coons', and my mom, Donna Coons', obviously.

It was re-capped:

- ...That another 10 feet had to be added to the driveway.
- ... All property owners have to be named on the subdivision map and the paperwork;
- ...All property owners need to be present at meetings or have an authorized representative.
- ...Names need to appear on the map as appearing on the current deeds.

The Clerk provided the necessary Minor Subdivision Application. When property owners and/or authorized representative next appear, the Board will go through the application, environmental assessment form and set a Public Hearing date on the application.

Lands of Daniel T. Bernesser and Barbara D. Bernesser

Present on behalf of the property owners was their attorney, James Warren. Minor Subdivision Application and Short Form EAF had been provided prior to the meeting. The Bernessers own 3.9 acres of land at the corner of School House Lane and Route 9W. The parcel was part of a subdivision that took place more than five years ago. The Bernessers now want to subdivide the parcel, putting the residence on the parcel on its own separate lot, making both lots 1.8 acres each. Mr. Warren advised that he didn't think it critical whether it be 1.9 and 1.7. It would depend on what the Planning Board and ZBA feel would be the better way to do it. On the sketch map presented with application, Mr. Warren had just drawn a line down through the middle of the parcel creating the 1.8 acres and 1.8 acres. Question was raised as to where the well and septic for the current residence was located. Well was noted on sketch.

It was then explained to Mr. Warren that this would be creating sub-standard lots. He responded that he was aware of that, this application would be denied and that he would have to go to the ZBA for an Area Variance.

Concern was expressed as to whether the property could support another residence, well and septic. It was noted that the new parcel created would be Commercial but still would need its own well and septic.

Mr. Warren advised that he was a bit confused by Question #4 on the application, On site water and sewage inspection. Mr. Court commented if he himself was going in front of the ZBA trying to get an exception, I would want to show them that this can support potentially another residence or business with water and sewer. It was pointed out there has to be 100 feet between this and this and then noted that there is 500 feet here. It was further noted that the land had been filled with rock, etc., questioned with that having been done, how would you get a PERK. A Transvap system might be needed which would take up a lot of the acreage. Returning to Question #4, it would depend on the particular application and would not apply to all.

It was noted it has been on the market but hasn't sold because of the fact that there is a house on it. A Commercial business wants its own parcel, doesn't want a house too.

Ms. Vadney questioned are they really doing something that is going to promote and enhance the sale? It

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was noted that they are just cutting the house off of it. If there isn't room to put a well and septic, then it is not going to make it any better. The ability to put the well and septic is up to the buyer, depends on the size of the structure proposed for the parcel. 1.8 acres would support it.

It was moved by Vadney and seconded by Stefanik to deny the Bernessers' Minor Subdivision Application on the grounds that the proposed parcels would not meet minimum lot size.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

Mr. Van Etten explained we are referring you to the ZBA but there might be a bit of a hold up in so doing. The Zoning Board of Appeals is short two members and one of three remaining members underwent major surgery yesterday with an anticipated recover period of at least six weeks. The Planning Board will issue the required denial/referral letter. Required Variance Application will be provided with the letter. When ZBA will next meet is yet to be determined. Per our Attorney, it is a five-member Board, three members present are needed for a quorum even though the Board has only three seated members at present time.

New Baltimore Solar

The Board briefly discussed procedure for moving forward with the review. Some of the maps were hard to read on line due to size plus the big hall printer would not print the map copies. The Clerk had requested that C.T. Male send ten sets of the hard copy for the Board. To date, they have not been received. The Clerk will follow up with C. T. Male. It was the decision of the Board Members, that they should review with our Crawford Engineer the visuals and everything else (i.e. Crawford's review reports to C.T. Male and applicants' responses in return) to be sure the Board is in agreement with responses and have these questions resolved prior to having the project applicant, Lode Star, back before us. It was emphasized that at this point, there are still a lot of open questions.

Hannacroix Solar

Attorney for this project inquired regarding the filing status of the ENB SEQRA Notice Publication Form for this project. Since neither Board or Clerk is familiar with the form or responsibility for filing, the Board will seek guidance with regard to this from our Crawford engineer.

Adjournment

At 8:05 p.m., it was moved by Vadney and seconded by Salisbury to adjourn the meeting.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

mbl

DRAFT