

***Town of New Baltimore Planning Board
Regular Monthly Meeting
January 12, 2023 – Page 1***

The meeting was called to order at 7:00 p.m. by Chair Rob Van Etten followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney; Bob Court; Lee Salisbury, Frank Orlando, and Ken Finke. One Board seat is vacant.

John Fisher – Special Use Permit for Roof Top Solar

Special Use Permit Application was presented at the December 8, 2022, meeting for a 16.56 kW roof-mount solar array for Mr. Fisher's residence located at 991 Deans Mill Road, Ravena. Public Hearing on application was waived and the Board gave verbal approval at that time with understanding that formal resolution would be presented at the January meeting. Resolution is as follows:

WHEREAS, pursuant to Chapter 111, Sub-Section 111-4, B(1) of the Code of the Town of New Baltimore, John Fisher, wishing to have installed a residential 16.56 kW roof-mount solar array consisting of (46) Q-Cell 360 W panels with enphase microinverters on residence located at 991 Deans Mill Road, Ravena, had authorized agent from Empire Solar Solutions, LLC submit his Special Use Permit Application at the December 8, 2022, Planning Board Meeting; and

WHEREAS, Short Environmental Assessment Form was reviewed with negative declaration issued; and

WHEREAS, it was the determination of the Board that the project to be installed would be minimally invasive on an existing residence; therefore, be it

RESOLVED, that Public Hearing be waived on the grounds of knowing that the Solar Law is going to be modified in the near future, that it is just in excess of the allowable kW limit and that it is not going to be an issue in the future; and further

RESOLVED, that the Special Use Permit be approved with conditions.

1. That Site Plan be amended to reflect the roof-top unit be three feet from chimney allowing for three-foot access around chimney, pursuant to Chapter 111-4 C. Permitting(1)(d) of current Town Code.
2. Revised Site Plan be submitted to Building Department reflecting said changes.

Moved	by:	Vadney
Seconded by: Salisbury		
AYES:	Van	Etten; Vadney; Court; Salisbury; Orlando; Finke
NAYS:		None
ABSTAINED:		None
ABSENT:	None	

The Clerk advised the Board that both conditions have been satisfied.

New York Land and Lakes Development – Proposed Major Subdivision

Sketch Plan Application prepared by applicant had been presented prior to the meeting for Board Member review. Present on behalf of the current property owner, Robert C. Taranto Trust, was Alan Lord from New York Land and Lakes. Required letter of authorization has been provided and is in file.

The property has 3800 feet road frontage on County Route 51 and is adjacent to the major subdivision done by New York Land and Lakes several years ago. Eleven lots are proposed, all fronting on Route 51. There would be no new roads, no private roads into the property. Lot sizes would range from three acres to 30 acres. There is a large wetlands area in the rear of the property which has been delineated by North Country Ecological Services. It will be flagged and the buffer zone shown on the survey plan. The Engineer has already been at the site and done soil and percolation tests for each lot. The information is included in the last page of the packet provided. Holes were dug to be sure there was two feet to bedrock. In the area of Lot #1 and #2, the pine area, you can see when going up the road there is a rock ledge. In other areas/lots, the bedrock seemed to disappear and/or be much deeper in the ground.

Discussion followed with Mr. Court giving background information on the portion of proposed Lot #2 on the east side of Route 51. He further pointed out area that is woods, area where beavers built a dam, flooding the area for a time. He further commented that the map currently presented is not a survey map, it is not

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accurate. Mr. Lord advised information for this map had been taken from the tax map. Question was raised if the original amount of acreage was known before the piece on east side of Route 51 was added. It was noted it would be in the deed since there is a separate deed, a description of the land. Mr. Court pointed out various landmarks, stonewall, big rock, where the southern portion of the parcel begins, roughly 230 feet off what the tax map shows.

When this piece of property was sold there was no water for the animals. Area where there was a swamp was pointed out and what was sold off to give access to water for the animals from across the road. Mr. Court suggested that he be contacted to discuss with the surveyor or actually visit the site with the surveyor with the description of the land he has access to. Discussion ensued regarding whether Mr. Court should abstain from discussion since a trustee and relative of bordering property owner of piece on east side of Route 51 having just been discussed. It was felt his opinion was important but that he should abstain from any vote.

Question was raised if there would be deed restrictions, one being that the parcels cannot be subdivided again. Mr. Lord advised that would be correct. He hadn't written the deed restrictions yet; he needed to first spend some time reviewing the Town's zoning. It was noted that 80-foot road frontage is required per subdivision regulations, 40 feet is required for a flag lot.

With no further questions, Mr. Lord will proceed with survey and application submission. Consideration will be given to possibly hooking piece on e/s of Route 51 to a different parcel. Mr. Court advised he had taken the information he provided from the land description in the deed. He had no other information describing it. It is not anticipated that any buildings on the property would be torn down if possibility of renovating/restoring.

Deed Restrictions

Discussion turned to deed restrictions and the fact that the Planning Board never sees the deeds to the parcels to know whether the restrictions are actually included. Suggestion was made that they be included on the map that is filed with the County. Question raised if on map from the previous major subdivision done by applicant; and noted if applicant is willing, it would be the best thing for the Town going forward to have the restrictions right on the map.

Planning Board Vice Chair

It was moved by Van Etten and seconded by Court to appoint Ann Marie Vadney as Planning Board Vice Chair for the 2023 year.

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

Planning Board Secretary

Planning Board Secretary will be appointed at a later date.

Minutes

It was moved by Bob Court and seconded by AnnMarieVadney to approve the minutes of the December 8, 2022, Marjorie McCoy Public Hearing on her Minor Subdivision Application as presented.

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

Solar Legislation Status

In response to question regarding the status, Mr. Van Etten advised that the revision has been completed and it is going to the Code Enforcement Officer and to the Town's Attorney for their review and then to the County for review. Question was raised regarding whether the three-foot clearance around chimneys would be included in the fire regulations. Comment was made that that is in our Town Code anyway. Mr. Court responded no; it is coming out of the Town Code when they accept the new one since it was not in. He did not write it in. I knew it was in the old and didn't write it in the new one since I thought the State Code would cover that. It was discovered that it wasn't when they came here with the Fisher rooftop plans and we saw that they were sort of bending the State Code to their liking. They gave a single access point to the chimney, not all the way around the chimney. It was stated in the old Code. I just want to take the old Code

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and re-write it into the new one. It is probably real important to have. Question raised if e-mail should be sent. Mr. Van Etten responded no, it is already done, sealed and has been sent off. Then noted that is wrong and Mr. Van Etten responded there is always going to be something that does not get in.

Adjournment

At 7:35 p.m., it was moved by Vadney and seconded by Orlando to adjourn the meeting.

Respectfully Submitted
Marjorie Bronk Loux
Planning Board Clerk

DRAFT