

Town of New Baltimore Planning Board

Monthly Meeting Minutes

3809 County Route 51 Hannacroix, NY 12087

November 14, 2024

7 PM

Present: Michelle Stefanik, Ann Marie Vadney, Laura Gulfo, Rob VanEtten, Robert Court, Frank Orlando, Charles Irving and Lee Salisbury

Absent:

Pledge of Allegiance

Building Permit Denial Letter for Randy Lent. The lot was previously given a variance to separate two houses with two lots and separate deeds. Currently he wants to replace the existing structure with a new structure and garage. The property is only .35 acres, and the new structure will not comply with the town setbacks. The new structure cannot be placed in a different location on the property due to the location of the existing well. The board read aloud the building permit denial letter. There was a discussion about how to move forward with the project. The board concluded he needs to file for a variance with the Zoning Board of Appeals.

Motion to send the non-conforming lot at 52 Hadley Drive to the zoning board to get a variance for setbacks

Made by Ann Marie Vadney, Seconded by Frank Orlando

Aye: 7 Nay: 0 Abstain: Absent:

Motion carried

Extension Request for site plan approval originally granted in 2021. Peter Murray representing the Murray Law Firm on behalf of Hannacroix solar. They are still working with the DEC requirements. There has been movement since the September meeting. Recently Received DEC notice of incomplete permit application only because there were questions. The applicant met earlier that day to review the comments that were presented in the DEC notice. Mr. Murray expresses the applicant feels they can get the responses very quickly. Mr. Murray then read aloud the specifications in the DEC notice. Magnolia trust is who operates the mitigation site. Mr. Murray's partner spoke on the specifications put forth by the DEC and how they are already in compliance with most things some of the things they are asking for. And some things cannot be complied with because they are habituated by

the Harrier. The Chair expressed his concern with granting the extension because of the likelihood of this particular project not being able to ultimately move forward. Chairperson Vadney expressed her concerns with the project being almost 4 years old and some areas in the plan may need to be updated because of the fast paced changing of technology in the solar industry. A suggestion was made that there may be a condition on the extension if approved that this would be the final extension, and no further extensions shall be granted. Mr. Murrays partner explained that the solar modules are more efficient, but the footprint would still be the same and the physical materials are very much the same and the update in the technology of the solar will not affect the original site plan. Chairperson Court then raised the question of a change in the decommissioning plan and said it may be in their benefit to update it. Chairperson Vadney asked to know the cost of the overall project. The response was 8 to 10 million. The Chair then brought up the fees that the town lawyer has accrued for this project, and asked for an escrow for legal expenses. Mr. Murray asked if they had already occurred why there should be an escrow. Information was given that any bills that have come in have been paid by the town already. Mr. Murray then asked if it is not a true escrow can they receive a bill to reimburse the town just because some bills have already occurred and been paid it's a little different than an actual escrow. The Chair then asked Mr. Murray for reassurances that this will be paid before the project is approved. The Board then reviewed and read aloud the proposed extension resolution with the condition that this will be their third and final extension.

Motion to accept the resolution for site plan extension Teichos energy (With Conditions)

Made by Robert Court, Seconded by Frank Orlando

Aye: 6 **Nay:** 1 (Ann Marie Vadney) **Abstain:** **Absent:**

Motion Carried – Extension Resolution Approved

Pine Haven Major Subdivision New York Land and Lakes represented by Alan Lord. Chair of the board Rob VanEtten expressed he had spoken with the clerk from the Town of Coxsackie she relayed they have Delaware engineering on board. He had spoken with Marybeth from Delaware engineering to ask if they would take this on board from the town of New Baltimore's view on the project. As the way it lies it runs down into the watershed for the town of Coxsackie. The board then asked for a \$5,000 escrow account to be set up for any legal fees that will incur. Mr. Lord asked who would write the agreement for this. Chairman VanEtten replied that they must get in touch with them and see how they want to handle it. Mr. Lord then said the attorney for the town of Coxsackie wrote up their agreement. Attorney Laura Gulfo spoke on it and said if there is going to be attorney work

on it then there is going to have to be an attorney escrow. Mr. Lord offered to send a copy of the agreement with the Town of Coxsackie to the Planning Board. It was asked if there could be rough estimates for the engineering and legal so the escrow account will be sufficient. The chair said he will reach out to Marybeth and get a number and get that established.

Shady Harbor Project by Kathy Donovan and Engineer Scott Lansing. Request an advisory report from the Planning board and having presentation prepared. The Shady Harbor project was referred to the planning board by the town Board at the October 10, 2024, meeting. Interpretation of the town code, there should be an advisory report provided to the applicant within 45 days of the referral from the town board. Chairperson Court opened the code book and relayed that they will be giving their comments on what they were going to see. If there is not sufficient data for the item on the list, then it will reflect no plan presented. There is a list of items to go over which the board will check them off and give their comments on it. The advisory report is not binding, it is just the board's initial findings on what they are proposing. Then the Planning Boards advisory report goes back to the Town Board for review. Chairperson Court then began listing the items for review.

The proposed is conceptually sound and that it conforms with the accepted design principles and the proposed functions...

Roadways and Pedestrian systems – Chairperson Court commented they don't have enough information on that to determine if it's conceptually sound. The road will remain private and still needs to be accessible for fire apparatus and placements of hydrants with the roads with the appropriate turn arounds we would need an engineer to tell us if those are acceptable. Pertaining to the first question, the board will be unable to determine if those are going to remain as they are drawn.

Sidewalks – The board did not see designated sidewalks in the presented drawings. The board was unaware of the meaning of "pedestrian systems" in the town's code book. So, they were unable to answer at this time.

Land use configuration – From what the board could see the land configuration looks good. They used every flat space to put a building in. No comments on land use configuration.

Open Space Systems – Chairperson Court expressed he didn't see any open space systems to put aside which should total 2.75 acres. The board could not determine open space for the occupants of the buildings is the maps they were in possession of.

Mr. Lansing again asks the board if he can present what he has prepared. He then speaks on the process of town code and proceeds to go through the prepared presentation.

Proposed a mixed-use plan development district. Spoke on conceptual utilities. Feel they will be able to work something out with the town to have access to water and sewer from the municipality. They mentioned storm water is easy because they are right next to the river, and it is “definitely a fourth order stream”. They believe they have answers for everything on a sketch plan level. Mr. Lansing relays there is much more work to be done and a lot more detail and professional engineers on the town’s end but feels sufficient in the sketch plan.

Continue w list...

Open Space- To the board it does not appear to be defined as they could see.

Drainage systems- They are not at that stage for the board to determine drainage systems. It’s not in the plan and is not expected to be at this stage in the process. That is going to be the Planning Boards response back to the Town Board.

Mr. Lansing then asked the board if he could back up to talk about green space. He explains that there is 70 percent green space over all the parcel and that active open space is highlighted in the light green spaces. Chairperson Court relays he didn’t see anything in the code book requesting green spaces but what do we have in the code book is required open space. Chairperson court then read from code book... Common space property plan and plan development district common open spaces totaling not less than 25% and up to 50 % of the total plan development district shall be provided in perpetuity and that works out to 2.75 acres. That is what should be shown on the map and where they’re going to create the open space.

Scale of Elements- The code book has them 30ft apart. Looking at the scale and trying to measure up, they appear to be very close together and don’t quite meet the requirements. Chairperson Court expresses he doesn’t know how accurate all the scaling is there. Mr. Lansing says they will confirm that, but believe they do have 30 ft.

There are adequate utilities available on the proposed plan to be made available in the construction of the development.

Define the utilities...

The board suggests they talk about the water and asks if they have a written proposal for water for this project. Questions if it will be going to public water or private well. Mr. Lansing replies they are not going private well this would be public water. As mentioned, the applicants are working with the town to try to extend the water down to this area. Chairperson Court asked if anyone has reached out to Ravenna to make sure they have an adequate supply of this water. Mr. Lansing replies yes, it’s his understanding that Ravenna

does have adequate supply pressure flows for this project. It's something they are continuing to work on and coordinating. It's something the project would rely on. Chairman VanEtten states he believes the water was a condition that the town put on their resolution. If water does not exist for this project, then there is no project.

Chairperson Court expresses that the board's comments back to the town is no proposal for us to review.

Sewer – Chairperson Court recalls they said they have an existing sewer it just needs to be upgraded. With the 7 buildings the board asks if they are doing one common pump station, they have gravity flow to it. Mr. Lansing replies with yes that's what they think at this time, but they could also do individual grinder pumps. It may be more cost effective with one central station.

Electric – Chairperson Court questions the EAF where they put in estimates of electricity on average of what the projects are going to require. He believes that what the power company is going to need to know is peak demand. Concerns being whether the power for this project will overload the system and that they should have someone reach out to the power company and show them what is being proposed. They may have to update their lines. It should be another step that they take just talking to central Hudson letting them know. To come up with a peak demand. The SEQRA requested an average demand. The power company is going to want to know what they will be doing and using. Mr. Lansing replied they would be happy to do that. Unfortunately, they don't have great experience with power companies willing to cooperate and evaluate projects until they've moved through the process with the town before final approvals. Typically, power is always available just having to upgrade it. Chairperson Vadney agrees they should give them a heads up so they can plan for it.

Chairperson Court then asked if anyone else has any questions in service and utilities that they'd like to discuss. Chairperson Vadney states that it's pretty comprehensive. Mr. Lansing says they are overall great comments and thinks that they can be included in the advisory report. Chairperson Court replies with now that you have the questions you can get the answers. It's going to the town board and they're going to have to address them. Mr. Lansing agrees they will keep refining until they eventually get back to the Planning Board with a site plan design and detailed engineering. Chairperson Court then points out he had noticed according to the map that 2 of their buildings appear to be on the neighbor's property. It is presented that way on the EAF mapper, on the town zoning maps, on the Greene County mapper, and on their own plans. He then physically points out where the discrepancy is on the maps. Relays to Mr. Lansing that the board is going to need a survey. It is something that can be resolved. In reply Mr. Lansing says he will speak to the surveyor

and find out the answers. The board states it should be clarified and then they see the survey with their company stamp on it. The board states that they have all the information they must provide to the town. Chairperson Court then addresses some minor corrections that should be made to the EAF regarding this project. Open conversation ensues in the process of moving forward and things will be determined in a more defined way once it's past the preliminary stage and the town engineer has reviewed the project. Once the project moved to the engineering stage there will be a detailed outline of the entire project. Ongoing open conversation regarding there will be a lot of issues that will come up with this project because it's a rough site. Ongoing studies are going to be done. Chairperson Vadney and Chairperson Court agree to draft the advisory report. Chair Robert VanEtten reiterates that it's going to be very vague. Discussion on the timeline there is roughly 2 weeks to get the advisory report to the town board. Chairperson Court then proceeds to advise them in what corrections need to be made on the EAF. The EAF states that storm water will flow to adjacent properties when in actuality it will flow ultimately into the Hudson River. Chair VanEtten then asks Chairperson Salisbury if there is a storm water retention pond. Mr. Lansing replies they have to take care of water quality not water quantity. Chair VanEtten questions how the runoff can go directly into the river and how they intend on treating it. Mr. Lansing says they are not there yet, but some sort of filtration pretreatment will be in place. Concern arose about outcrops because they are vertical, they are there but marked at 0%. The board then reiterates that the advisory report will be vague because what we have is vague. Attendees in the audience ask if the geological study will contain not just the cliffs but all the land. Mr. Lansing answered yes. A second attendee asked if the location was in a flood zone. Mr. Lansing replies that only the existing buildings are in the flood zone not the new buildings. Lastly an attendee member asked if they have looked at projections of sea level rise due to climate change. To which Mr. Lansing states it is something they can look into.

Possible Cannabis Farm Discussion. Chair of the Planning Board Rob VanEtten expressed to the other board members that they are looking for direction and we do not have anything in our zoning for this. Chairperson Court informed the board that there is a clause for nursery in our code book. They questioned whether this project should be zoned agricultural. Chairperson Court then shared the research he did on the subject with the board, and said there must be a site plan for it. Chairman VanEtten expressed that since this is the first of its kind we need to set a precedent for anyone who wants to come after. Chairperson Court advised that until we get a code for it the town should not take any applications. The town would then have to draw up a code. Discussion began amongst the board on how to possibly move forward with creating a code and designating a zone. The thoughts of the Planning Board are to send it to the Town Board to revise the code and

possibly create a new chapter. There was a conversation concerning the applicant and if he has a license issued. Advised that if he contacts the town for further discussion, we will have to verify how he will legally comply with the federal laws. The town cannot approve a site without a license. There is too much on this topic that is unknown. Memo to the town board to consider amendments to the code and zoning referring to this topic.

Proposed Business Relocation to a new building. The new location is already in a commercial zone. The board refers them to do a site plan to present to the board.

Open conversation about a father son team who propose a new gas station on 9w. The Town Board advised them to hire an engineer and check out the property before they bought it. There has been no further correspondence with the town yet.

Escrow Accounts A question arises whether there have to be 2 separate escrow accounts set up for large projects. One specifically for legal fees and the other designated for engineering fees or if they can all be drawn from one account for the project as a whole. The question was referred to the Town Board.

The Owl Recording Device The owl is a recording device that the town is now using to record and publish all town meetings on to YouTube. Some members of the board express their concerns about the invasion of privacy it presents and do not feel like it is not necessary to be on YouTube. The town lawyer assures the board that if the town has the capability to do so, which they do is legal. (Shall, when available) The board was addressed by Supervisor Russo and explained that the citizens asked for it. He has now made it happen and once it is made available it must be used. The Town Board has done it and now it has to be available for every board. Open conversation continues between the board members. All agree that there should be a visible sign that informs the public that they are being recorded.

Sheller Park Road Mr. Kiselev wants to buy the land his driveway is on from his neighbor. The chair suggests a lot line adjustment. Mr. Kiselev is going to have to come in with maps and deeds new surveys with adjusted lines. Upon further investigation it may not be possible to do a lot line adjustments for this project. Seeing as Mr. Kiselev parcel is located in the Town of Coxsackie and the property he wants to purchase is located in the town of New Baltimore. If he wants to subdivide the parcel the concern is that this new parcel is possibly in the water district. Which means he will have to possibly pay a water bill on a parcel that only contains a driveway. The Board agrees we need to have him come in with his plans to explain and have more detailed information.

An email was addressed regarding Hannacroix Solar. The board agrees it seems to be a letter of support.

August 8, 2024, planning board minutes were read and discussed they may need wording adjustments. The Board talked it through and agreed it reflects how things were said during the meeting.

Motion to approve August 8, 2024, Planning Board meeting minutes

Made by Ann Marie Vadney, Seconded by Michelle Stefanik

Aye: 7 Nay: 0 Abstain: Absent:

Motion carried

Request to push approval of the October 10, 2024, to the next meeting. Requesting more time for review.

Open conversation of the Planning Board on the Pine Have Major Subdivision. Concluding one engineer should look over the entirety of the plan as a whole Town of New Baltimore properties and Town of Coxsackie properties.

Motion to adjourn the November 14, 2024, Planning Board meeting

Made by Ann Marie Vadney, Seconded by

Aye: 7 Nay: 0 Abstain: Absent:

Meeting Adjourned at 9:12pm