

Town of New Baltimore Planning Board

Monthly Meeting Minutes

3809 County Route 51 Hannacroix, NY 12087

December 12, 2024

7 PM

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

Absent:

Pledge of Allegiance

Scheller Park Driveway Right of Way Purchase The access road and utilities for Mr. Kiselev's property are located on his neighbor's property which Mr. Kiselev would like to purchase. Certain aspects of the home Mr. Kiselev currently own are located on a parcel owned by his neighbor Mr. Boehm. Mr. Boehm has agreed to sell Mr. Kiselev the lot of land his parcel is located within, and Mr. Kiselev would also like to purchase the property his driveway and utilities are on, also owned by Mr. Boehm, but it crosses the town line. So, the lot owned by Mr. Kiselev and the lot he is purchasing from Mr. Boehm are located in the Town of Coxsackie but the right of way to his driveway and utilities are located in the Town of New Baltimore. Chair of the Board Rob VanEtten said they may have to create a separate lot but that would take from a non-conforming lot essentially making it two non-conforming lots. The lot the driveway is on would not be a buildable lot. Mr. Kiselev's property is currently a land locked parcel. Board member Bob Court explained that if the parcel was located in the town of New Baltimore, they would be able to create a flag lot, but the back of the flag lot would be located in Coxsackie and the front half would be in the Town of New Baltimore. Board member Frank Orlando said that you cannot have one parcel located in two different municipalities. Then board member Lee Salisbury added that it would all be one lot once the property has been purchased and the Town of Coxsackie dissolves the current lot into one, and that the driveway property may be included in the deed of the land. Board member Vadney said when they sold Mr. Kiselev the property no one was assured that there was access to his land. Mr. Kiselev replied that there was a right of way of 25 feet when he bought the land. Vadney explained that they have to make his property accessible. The Board asked for the dimensions of the driveway, Mr. Kiselev responded the front of the driveway is 30 ft and the back of the driveway is 70 ft. In order to create a flag lot the road frontage required is 40 feet. Board member Court suggested they could always send it to the ZBA for a variance. Mr. Kiselev would like to join it all under one deed. Mr. Kiselev could

not give a definite acreage of the land because the surveyor has been working on finding the boundary of the town line which will determine exactly how much land is located in the Town of New Baltimore. It will definitely be less than two acres which will create a non-conforming lot, and the newly created lot will be coming from a non-conforming lot. Board member Ann Marie Vadney explained if we don't create the lot he will have no access to his property. That is a "fix it" situation where it was not done properly in the beginning. In order for him to have access to his property what options does the Board have? When Mr. Kiselev attended the Planning Board meeting for the Town of Coxsackie, they agreed that the parcel he is purchasing from Mr. Boehm will absorb his current parcel and it will become one, but the driveway piece located in the Town of New Baltimore will be separate with a separate tax map number. The only property located in the Town of New Baltimore will be the .3 acres that the driveway is located on. The Board then took time to review the tax maps and the surveyed maps provided by Mr. Kiselev. Chairman Rob VanEtten asked the Board members if they should move forward with creating a flag lot, though the road frontage does not meet the required 40 feet for a flag lot. Board member Court suggested they send it to the Zoning Board of Appeals for a variance. Board member Orlando suggested they just widen the frontage by 10 feet so it would meet the flag lot requirements. Court replied they may not have to do that if they go to the ZBA for a variance. Chair of the Board Rob VanEtten explained by doing this they are creating a flag lot and the zoning ordinance calls for forty feet where it meets the road and they are only at thirty. He asked if they would want to widen the road frontage by 10 feet. Mr. Boehm agreed he would do whatever he must to make it happen. There was an open discussion between the board members. Chairman VanEtten expressed that ultimately this has to be done but they want to figure out a way to do it while breaking the least number of rules in the process. He suggested that they should send it to the town attorney for review and may have to refer it to the ZBA. Board member Vadney questioned if the driveway will be deeded the same as the property or if there will be a separate deed for the driveway parcel located in the Town of New Baltimore. It may be deeded as one but will have two different tax map numbers. In the current deed description, there is a right of way 25 feet from Scheller Park Road to the house but when the surveyors did their mapping it shows that the right of way never actually connects to his current lot. Vadney explained to Mr. Kiselev that when the new deed is drawn the attorney should add a description including that the property is located in two different towns and that it is strictly, an access road so there is no question after it is all said and done. Chairman Rob VanEtten reiterated that we should send this to our town attorney and also to the ZBA for their review and opinion on how to do this properly. Mr. Kiselev explained that he wants to get this done properly so in the future there is no question on right ways or easements. Board member Court to summarize explained that we cannot do a lot line adjustment because the lot is not located in the Town of New Baltimore, they can do a

subdivision of Mr. Boehms property but because they are non-conforming it has to be sent to the ZBA to get permission. That he should go to the ZBA and explain he knows they are creating non-conforming lots, but they need to for him to have access to his property. Board member Orlando then suggested if they are going to subdivide a flag lot, they should make the frontage 40feet not 30 ft to comply with the flag lot regulations. Board member Vadney explained that he needs to go to the ZBA for permission to create 2 non-conforming lots. Then he can come back to the Planning Board for the subdivision of his driveway lot.

Cheema Proposed Gas Station/Convenience Store Rich from Nolan Engineering was in attendance to represent the proposed Cheema gas station/convenience store, also in attendance was Mr. Cheema. Chairman Rob VanEtten started by going through the memorandum that was sent over from the town designated engineer Creighton Manning. The first question was about the purchase and combination of 2 land parcels that will be the location of the proposed gas station. Mr. Cheema confirmed that they have closed on both properties. The town is looking for the parcels to be combined with one tax map parcel number. The final deed should reflect that it is one parcel. It is either done or in the process of being done and Nolan Engineering assured them they will send confirmation on that. Chairman VanEtten then questioned the placement of the well for the project. Mr. Nolan explained there is plenty of water, but it is a low yielding well. In the sewer water report it claims they need 1000 gallons of water a day, so they propose to have a 1000-gallon storage water tank to grab the water slowly over the course of a day, so they don't have a peak demand on the system. Chairman VanEtten recalled that there may be two wells on the property and that would need to be established, how many wells and what they yield. The property was once the location of a proposed nursing home project that was never completed. The previous owner of the property had had a building for water storage and had big tanks for water storage as a fire prevention measure. Chairman VanEtten questioned that if they would not be using any of the building that they will draw directly from the well. The plan is to pump from the well into the proposed storage tank that way it is stored and will come from the tank and not put any unneeded strain on the well. The Board stated that they need to prove the existing well is enough to service the proposed gas station and also is enough if there were a different project to come along some time in the future. The Chair suggests that they could have the company who dug the well come in to do the testing for the water rate. Board member Court expressed that the original project for the land is no longer moving forward and that the concern with future projects is not relevant because there is only one project being presented to the board. Chairman VanEtten then explained that the well is not located on the property recently purchased by Mr. Cheema. Rich Nolan replied that they have had projects with shared water before and

they will show where they are tapping into the well system. The Board said that the town designated engineer wants confirmation that there is enough water for a fire suppression system. Mr. Nolan explained that they will not need water for a fire suppression system because of the square footage and it is all located at ground level so it is not required. The Board then asked if he had any maps showing the easement. Mr. Nolan presented the board with several maps. They spoke about the existing septic and asked if it was going to be ripped out. Mr. Nolan explained that the septic can handle 5000 gallons a day and it has been approved. Board member Court asked where the 1000-gal water storage will be located. Mr. Nolan responded that it will be located in the building, but they will have to update the floor plan. There are a series of tanks, grease traps and aeration, and it will come out clean. Board member Vadney questioned if the only thing that is not located on the property they own is the well. Mr. Nolan replied that is correct there is an easement for the well and the sewer discharge. The Board asked Rich from Nolan Engineering if they would be responsible for all the paving of the entrance and Mr. Nolan replied yes. Vadney asked if they had spoken to the dental office on the adjoining property because there may be a physical connection. Board member Stefanik asked if the dental office is aware that this project is happening. Mr. Nolan responded that they had not talked to them. Chairman VanEtten recalled that back when this project began, they were all on board with it. Stefanik replied yes but that was several years ago. Then board member Vadney clarified that they have easements for sewer discharge and questioned where that would end up, if it would be someone else's property. Mr. Nolan explained he believes it will discharge into a stream. Board member Court asked if they have been to the Department of Transportation already for 9w and curb cuts. Mr. Nolan replied that they do have a contract with the traffic people. He explained that it is something they know they have to do if they haven't done it already. Court while looking at the map stated there is curiosity about the traffic flow, one side is crossed out for emergency vehicles only. He asked how does that work, is there a physical barrier? Why are they not allowed to come out there? Mr. Nolan replied that is a good question he will have to find that out. Court explained that instead of a flow going through you have them doubling back and questioned the reason why it is designated for emergency vehicles only. Mr. Nolan answered with he will ask and find out why that is there, and that it could be a DOT requirement. Chairman VanEtten then asked about Wastewater plan and if they had the information on the system that is currently there and if he could forward it to Creighton Manning. Mr. Nolan responded with yes, we do have the information as of last week from the previous owner and will get that over. The memorandum suggests a camera be used to make sure the system is still intact and that they need someone to capture the elevations. Mr. Nolan replied that they had someone come out to figure out the elevation and will update that information. The Board then discussed the miscellaneous items in the memorandum. The zoning table says 40ft setback from the road, but it is

actually 50 feet in a commercial zone. Mr. Nolan responded that he thought maybe it was just written wrong on the table and will have it updated. Chairman VanEtten expressed that there is quite a long list of smaller stuff that is not significant but will have to be addressed. He then asked if there were any indicators of where the runoff from the roof would be going to. Mr. Nolan replied there is a grade and drainage. Board member Court asked if any underground utilities are planned. Nolan replied no, it should be on the stormwater plan. Court explained the building itself has an under drain and stone tied into roof leaders, but the canopy does not. Mr. Nolan replied they should call that out it does have drains that go down the columns. Court responded the canopy itself does not, and the water should not just spill out onto the ground. Mr. Nolan said they will jump on these comments and turn around a response letter and wait for their comments and get that back in front of the Planning Board. Chairman VanEtten suggested they review the application and the EAF. The Board expressed they would like to accept the application with the condition that all the questions in the memorandum are met that way the Town can send out lead agency letters to get people notified. Chairman VanEtten said they won't make a determination on the EAF but it will be good to go through. Then there was an open conversation about what lead agency letters should be sent. The board then reviewed the EAF part 1. Board member Board member Court noted some mistakes made on the EAF where there was a place for a number, but it was typed as hashtags. He then questioned where the storm water retention ponds would be because it says that the runoff will land on adjacent properties. The Board stated it looks like they are trying to perforate as much water as they can into the ground. Chairman VanEtten brought to the Boards attention that the northern Harrier is mentioned in the EAF. Then it was questioned if the DEC will handle that. The Board said they can return their comments and choose to weigh in on it when they receive a lead agency letter. Chairman VanEtten asked if there were any more questions on part 1 of the EAF. No response was had, and they moved on to part 2. Review and completion of part 2 of the EAF. Chairman VanEtten advised the board he is not going to make a negative declaration of it until they get responses from the lead agency letters. They have both been reviewed but still need a resolution. Then the Board proceeded to review the site plan application before it was accepted. The Chair of the Board asked if everyone is agreeable, he'd like to make a motion to accept the site plan application so they can move forward, but with conditions. The application is accepted with the conditions that the two parcels are to be combined and that all the conditions in the engineering reports need to be complied with and updated.

Motion to accept the site plan special use application for the proposed gas station and convenience store at 12552 route 9w New Baltimore with conditions.

Motion made by Ann Marie Vadney, Seconded by Bob Court

Ayes: 7 Nay: Abstain: Absent:

Motion Carried

The board explained that they will send out the lead agency letters this week, and they need 30 days to receive comments from them. Also, Nolan Engineering will have the time to address the concerns in the memorandum and will come back to the Planning Board in February.

Resolution for Kasselman Solar Representing David Mancini. The ZBA approved the variance and sent it back to the Planning Board for final approval. Resolution was read.

RESOLUTION GRANTING VARIANCE APPLICATION

WHEREAS, Kasselman Solar representing David Mancini wishing to construct a Ground Mount Solar Array on Parcel bearing Tax Map #14.00-3-17.1 at 426 Hillcrest Road, Hannacroix, NY submitted a Building Permit Application to the Building Department for placement of a ground mounted solar array 29.63kw DC 2 tier ground-mounted solar array which measures 1,629.56 square feet in size; and

WHEREAS, the application was presented to the Planning Board at the October 10, 2024, regular monthly meeting where it was denied and referred to the Zoning Board of Appeals to request a Variance; and

WHEREAS, the Zoning Board of Appeals heard the request for the Variance at the November 6, 2024, meeting; and

WHEREAS, with required noticed for a Public Hearing, held on December 4, 2024, with members of the public offering no comment; and

WHEREAS, after discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its December 4, 2024, Regular Monthly Meeting, it was determined that this action be granted a negative declaration for the purpose of SEQRA; and

WHEREAS, that the David Mancini Variance Application be approved with no conditions; and

WHEREAS, was referred back to the Planning Board for final approval; it was

RESOLVED, that the David Mancini Variance Application be approved with no conditions.

Motion to approve the David Mancini Variance for the ground mount solar array at 426 Hillcrest Road

Made by Ann Marie Vadney, Seconded by Bob Court

Aye:7 Nay: Abstain: Absent:

Motion Carried

Resolution for Monington/Catsaros lot line adjustment was read.

RESOLUTION FOR LOT LINE ADJUSTMENT

WHEREAS, Richard Monington wishing to obtain an additional .01 acre of land from Ilias Alexandros Catsaros to be added to portion of land owned on the western boundary line, at 65 Washington Avenue in the Town of New Baltimore, submitted an application for Altered Lot Lines at the September 9, 2021, Planning Board Meeting, and

WHEREAS, required maps and deeds reflecting the acreage change were submitted at the December 12, 2024, Planning Board Meeting; therefore, be it

RESOLVED, the Planning Board does hereby approve the maps and deeds for filing in the Greene County Clerk's Office.

Moved: Ann Marie Vadney

Seconded: Lee Salisbury

All in favor

Motion to accept the lot line adjustment for Richard Monington

Made by Ann Marie Vadney, Seconded by Lee Salisbury

Motion Carried

Approval of Meeting Minutes from October 10, 2024

A motion to accept the Town of New Baltimore Planning Board Meeting Minutes held on October 10, 2024

Motion made by Ann Marie Vadney, Seconded by Frank Orlando

Motion carried

Aye:7 Nay: Abstain: Absent:

Approval of Meeting Minutes from November 14, 2024

A motion to accept the Town of New Baltimore Planning Board Monthly Meeting Minutes from the November 14, 2024, meeting

Motion made by Ann Marie Vadney, Seconded by Frank Orlando

Aye:7 Nay: Abstain: Absent:

Motion Carried

Open discussion on approval of back meeting minutes. Will provide them for the board members for review so they can vote on them at an upcoming meeting.

Open discussion on the Bristol Manor William Brandt project that has expired, and the location has currently been sold to Mr. Cheema for the proposed gas station/convenience store.

Lee Salisbury officially announced his resignation from the Town of New Baltimore Planning Board.

Motion to close the December 12, 2024, Planning Board meeting

Made by Ann Marie Vadney, Seconded by Lee Salisbury

Aye:7 Nay: Abstain: Absent:

Motion carried

Meeting Adjourned at 8:46pm