

## **Town of New Baltimore Planning Board**

### **Monthly Meeting Minutes**

3809 County Route 51 Hannacroix, NY 12087

**January 9, 2025**

**7 PM**

**Present:** Josh Boehlke, Ann Marie Vadney, Rob VanEtten, Robert Court, Frank Orlando, Charles Irving, Bill MacDonald

**Absent:** None

#### **Pledge of Allegiance**

#### **Reappointment of Frank Orlando**

#### **Welcoming of Two Newly Appointed Board Members**

**Lot Line Adjustment for Gleda Baldini** Ron and Gleda own two adjoining properties and would like to apply for a boundary line change. There is a pond located on the 5-acre parcel they own that crosses the boundary line to the property in which they reside. They would like to encompass the pond completely to one property to give any future buyers the ability to walk around the pond as a whole without crossing the boundary line. They came to the Planning Board for any advice they might give in moving forward in the process. What surveys they need and what the new deeds need to reflect. Chairman VanEtten expressed he does not feel there should be any issues in doing this lot line adjustment for them. They need to have both deeds and maps amended for both parcels. The survey map needs to show where the boundary line change will take place, and both parcels need to reflect the change.

**Lot Line Adjustment for Randy Lent** A question arose concerning this lot line adjustment because both parcels are non-conforming and were created because of a variance. Chairman VanEtten expressed that he did not think it would affect the adjustment. Board member Bob Court referred to the Code Book in which it states that unless a variance is granted altered lot lines should not be approved which would cause the parcel to fail below the minimum lot size and setbacks. This case is where Mrs. West's lot is going from 1.65 to

1.62 her lot is not large enough to draw land from without getting a variance first. Randy Lent responded that there was already a variance when he and his sister initially split the property and created the 2 non-conforming lots from one conforming lot. The board stated that since a variance was previously granted it has already failed to meet the criteria. Chairman VanEtten raised the question if Mr. Lent would have to file for another variance for a lot line adjustment. Board members Court and Vadney answered yes. Court explained that the Planning Board should have received a referral letter from the Zoning board stating that they got a variance to do a lot line adjustment. Mr. Lent expressed that the clerk advised him he should not move forward or spend money until the ZBA came back with a clear answer. Mr. Lent stated he called the Chair of the Zoning Board, and he had talked to the Chair of the Planning Board. He asked if he should go to the Planning Board and go forward with the lot line adjustment or wait and he was told he could go ahead. Board member Court then asked who can grant a variance, if the Planning Board could do that. Chairman VanEtten replied that the Planning Board cannot grant a variance. He originally thought that Mrs. West's lot was over 2 acres. Mr. Lent responded that everyone had asked that during this process, and he didn't want this to carry on for months. He was under the impression that since the property was already given a variance that he could move forward with the lot line adjustment. He asked his surveyor if he was missing anything, and the surveyor stated that since he already originally obtained a variance when splitting the properties and it is already non-conforming it should allow for the lot line adjustment. Chairman VanEtten told Mr. Lent that is why it was sent to the town attorney to get clarification. Board member Bob Court let Mrs. West know that this variance is for her property not Mr. Lents. Mr. Lent then questioned if he would have to go back to the ZBA and get the variance. Then stated he should've just gone back to the ZBA for everything. Chairman VanEtten said he thought Mr. Lent was probably right and he apologized and explained that when he first looked at it, he was thinking Mrs. West's lot was over 2 acres. Mr. Lent expressed he checked with his surveyor and the Chair of the Zoning Board, and he checked with Chairman VanEtten. Chairman VanEtten responded that now they are checking with the attorney. Mr. Lent said that he was instructed to go to the Planning Board for a lot line adjustment and that once that was granted, he would go back to the ZBA to finish the process. Board member Ann Marie Vadney questioned if the Planning Board can do a lot line adjustment on non-conforming lots. Chairman VanEtten replied that they have done it before. Mr. Lent expressed that he does not want to keep going back and forth. Vadney let Mr. Lent know that is not what the board wants him to do either. Board member Court asked when Mr. Lent went to the ZBA what did he go there for. Mr. Lent replied he went to get a variance for his proposed garage because it would not meet the setback. They told him the easiest thing to do would be to get a lot line adjustment to meet the required setback. Court replied so instead of them giving you a variance for those 3 feet they told

you to change your lot line, and you would be in compliance. Mr. Lent responded he went to the surveyor and his lawyer, and they got everything together. Court replied when they said you should get the lot line adjustment, they should have realized they needed to give him a variance to allow the lot line adjustment. Mr. Lent asked if there was a way they could clear it through the Planning Board. Chairman VanEtten said he was not sure just by reading it. Board member Frank Orlando asked Mr. Lent if this was just submitted last month. In which his reply was he's been trying to get this going for 6 months and it's been a mess from the start. Orlando asked to see the map. Board member Vadney stated it was 2 acres, and they got a variance so it could be subdivided. Mr. Lent then explained how the original variance came to pass. Which made the trailer on .35 acres and the house on 1.65 acres. He sold the trailer and took it off the lot, he has his house up for sale and wants to put a doublewide and a garage in place of the trailer. He did not meet the side yard setback of 15 feet, he was only 3 feet from the boundary line. To remedy that he asked his sister if she would give him 12 feet from her parcel to be able to meet the setback. When he went to the ZBA and almost everyone agreed that if he did the lot line adjustment to meet the setback it should not be a problem. Board member Court suggested they back up a little and review the original variance that split the property into 2 non-conforming lots. He did not realize that both properties were granted variances for that. In reviewing it he concluded that both parcels were granted a variance in that case. Mr. Lent questioned if the original variance would cover this lot line adjustment. Chairman VanEtten said he thought so. Court expressed that he would be ok with it. Chairman VanEtten responded nevertheless he would love to hear the town attorneys take on it to make sure that they're moving forward correctly. Mr. Lent expressed, as long as he did not have to come here again, that if he could go to one more board and be done that would be great. Chairman VanEtten responded what they can do is do a resolution with the condition that it is reviewed by the Town Attorney and is satisfactory. Chairman VanEtten told Mr. Lent he was not trying to string him along, but he doesn't want him to spend money on surveys and deeds until they have the town attorney weigh in on it. He stated they can get him the lot line adjustment but where it goes from there is out of their hands and they don't want to make him any promises. Mr. Lent asked how this is going to play out moving forward. Chairman VanEtten replied if the attorney gives the green light on it, he doesn't see any reason why they can't give him the lot line adjustment. If they get the green light, then he can move forward with the maps and amended deeds. Just hold off until they get feedback from the attorney to be on the safe side. Once the lawyer reviews and approves everything, all the board will have to do is make a resolution to accept it. Board member Vadney stated that right now they want to ask the lawyer if they can do the lot line adjustment and to wait to get anything else done until they hear back. Mr. Lent asked if he would be able to go to the ZBA meeting next month. Chairman VanEtten suggested he give the town attorney the month to look at it. Mr.

Lent stated he would rather go to the ZBA next month and if the lot line adjustment for the setbacks goes through can he get the other variance he needs to build his house and garage. Chairman VanEtten replied he cannot promise what the ZBA is going to do. Mr. Lent agreed he would hold off for a few days until the lawyer has looked it over. Chairman VanEtten responded that he would guess she is probably going to come up with the same conclusion, as soon as they get some feedback then he can go ahead and get his paperwork done. Once it is done it will go to the lawyer for revision to make sure everything is the way it should be then they just have to do a resolution.

**Pine Haven Major Subdivision** Chairman VanEtten asked a citizen in attendance what they were at the meeting to discuss. The citizen in attendance, Mr. Faul stated he was there to listen to the Land and Lakes Pine Haven Subdivision project review. His property is boarding what they are going to develop. Chairman VanEtten informed Mr. Faul that Land and Lakes had been cancelled for the night's meeting and will not be in attendance. The engineers are still working on things, and that part of the meeting was cancelled. The Board had an open discussion to recap the Land and Lakes Pine Haven Major Subdivision project. Chairman VanEtten explained that the escrow agreement has not been finalized yet so the town designated engineer on the project has not had the chance to move forward with further review. He stated he spoke to the engineer the previous day and some of the lots they are creating are close to the watershed and it may be a problem for the placement of septic systems and that it may pose an issue when they have the public hearing. Recognizing that people are going to have questions. Board member Vadney questioned if this is just a subdivision, can they even require that information? Chairman VanEtten replied that project manager Alan Lord thought they were only responsible for the subdivision. The board knows that if they need to put conditions on some of the proposed parcels it has to be done before it's approved. Vadney responded yes but her point was in the analysis done by the town's designated engineer they were asking what type of subdivision it is going to be developed as. Chairman VanEtten stated that it is not a conservation subdivision. Some of the specifics of where exactly the septic systems will be going in regard to proximity to the watershed area. Vadney reiterated they should make sure they have the authority to ask that since he's not talking about building right now. Chairman VanEtten agreed but stated if there are some conditions that they want to put on it before hand they would have to be done before approval regardless of if they are being developed or not. Board member Vadney said they should talk to the town attorney and make sure that they are ok. Board member MacDonald stated that if the request for the subdivision is to make it residential the assumption is there is going to be building. If the assumption is that there is going to be building, then the lot should be in compliance with the septic

systems and other utilities. Vadney responded if that is true, I want to make sure we are doing it legally because they did not do that in any of the other subdivisions Mr. Lord has done. Board member Frank Orlando asked if they require planning of all the septic systems. Chairman VanEtten replied they did do perk tests, but the thing is they have a little bit of a different situation because it borders all of Cocksackies watershed. That was one thing brought up to the engineer because some of these sights need to be a little more specific with the locations of the septic systems. Board member Vadney reiterated and agreed that is probably needed but they need to make sure that they are doing it the way they should. Chairman VanEtten responded that he thinks they have every right to ask for that. Board member Court pointed out on the map where the perk tests were labeled on all the parcels. Chairman VanEtten said he just wants the engineer to review it. Vadney agreed that it's a good idea to have her look at it. Chairman VanEtten stated that everyone who develops a lot has to hire an engineer. He wants the engineer to confirm, look at the test results, where they were taken and decide if that is what it should be or if she thinks differently because of the water ways. Once the escrow account is in place the town designated engineer can continue with her review. Board member Court explained that Land and Lakes is subdividing the land they aren't putting houses on it. They're not looking where they are going to put the houses on it and try to pin it down on a map. The board has never asked that of them before. Vadney replied when someone subdivides, they don't typically ask for that. Board member MacDonald asked if on a proposed residential lot is there anything that would disallow if a septic cannot be installed because of its location to sensitive areas and if that would stop it from being subdivided into a residential lot. Chairman VanEtten replied he was sure with the amount of time Land and Lakes have been doing this he's sure they had that accommodated. Vadney replied that there's no rule in our code book that says you have to ensure that a septic and well can be put on a parcel, the size or acreage is the only thing they need to comply with when they do a subdivision. There's a requirement for size, it is 2 acres. Mr. Lord has made several subdivisions and always goes above what is required. Chairman VanEtten stated his only point was that he wants the engineer to review the septic systems to ensure they are more than an adequate distance away from the watershed. Board member Court stated that some are so far away it isn't a problem, and some are close to the wetlands, but he doesn't know where that would fall on the board to say where the septic systems are going to be. One would think when they applied for the permit to build, it would be addressed then. Board member Vadney stated the engineer will be aware of what is required for the watershed district. Board member Court added they may require a distance from the designated wetlands. Chairman VanEtten replied generally in any wet areas it is 100 ft minimum but whether there's something else because this is a municipal watershed, and he was just wondering if there is a higher level. Chairman VanEtten asked Mr. Faul where his property was located. Mr. Faul replied that his property

butts up against the proposed developments property. Mr. Faul was interested in what kind of covenants a person would have if they were to build on the proposed lots. Chairman VanEtten responded that one of the assets with this subdivision is that there is a restriction that the lots cannot be further subdivided. Mr. Faul expressed wanting to see the plan for the subdivision at some point. In which Chairman VanEtten ensured him there will be a public hearing but they are a ways from that yet. When it is scheduled, it will be announced in the newspaper. Board member Charles Irving addressed Mr. Faul to what his concerns were. Mr. Faul replied his concern is wanting to protect the value of his property and keeping trailer homes away from the back of his property. Board member Orlando stated there are deed restrictions to single family homes only. The Clerk replied yes there are covenants that they have already sent out and everyone has a copy. There are no further subdivisions and no single mobile homes, no junk cars are allowed, etc. Mr. Faul stated he had gone to the town of Coxsackie meeting and there were restrictions of the number of cars that can be parked on the property. Another of his concerns is there is a lot of water back there, there's marshes and when it rains there's creeks that come down through the property. Board member Ann Marie Vadney replied that they have been testing and doing things on this property that they will identify that on their maps so a lot of his concerns are already identified and addressed on the maps that the board has. Mr. Faul added that barn across 26 is a part of that development and he knows there could be a lot of pesticides that could be in that barn. He would like to know how they're going to handle that. Board member Orlando stated whoever buys that lot is going to have that problem. Board member Irving added that he has a pesticide applicator license and understands he could have concerns. Then assured Mr. Faul that they abide by the laws.

**Scheller Park Driveway Subdivision** Chairman VanEtten stated he believed the town attorney suggested they just do a subdivision for this issue. Board member Vadney agreed that they should subdivide. Chairman VanEtten exclaimed here they are again taking another non-conforming lot and making it more non-conforming, and questioned if the applicant should just go to the ZBA and get a variance. He explained they are creating another parcel in the town of new Baltimore taking a non-conforming lot and making it more non-conforming. It needs to be done and are wondering if they will have them go to the ZBA. Board member Court stated that a variance is going to be required for this. Chairman VanEtten said that they should contact them and tell them to schedule with the ZBA. The board is going to advise them to go to the ZBA and apply for a variance and make it 2 parcels. Board member Court replied that he thinks that they need to make note that the subdivision is to be joined to the existing property, and it is not a stand-alone subdivision. It is a subdivision with the purpose of adjoining the driveway to the existing property. When they do the survey map it should state that the property should be joined. Since they are

creating a flag lot, we should ask them to do the 40-foot road frontage to comply with the flag lot requirements. Board member Vadney recalled that they said that they stated they will add the 10 extra feet to the road frontage if they were required to.

**Monington Catsaros Lot Line Adjustment** Chairman VanEtten asked if they ever heard from Biscone on those maps? The clerk responded no but he may already have the stamped maps from the board. The deeds came in and were reviewed by the attorney and we did the resolution in November. I have maps but I don't have signed stamped maps from the Planning Board. It was approved with no conditions. I believe he already had the maps. He needs the maps and deeds to file with the county. Chairman VanEtten replied that it has dragged on for so long he doesn't know if they ever got a mylar or what they got for maps. The clerk replied she can put in an email or a phone call to Biscone and see if he has filed the maps and the deeds with the county. Board member Vadney explained that was not the clerk's job, that's his job. Clerk responded that she won't do it he can contact her if he has questions. Board member Vadney said the clerk could tell the owner that he needs to get the maps and mylars and they have to be stamped by the Planning Board, and they have to be brought to the county. The clerk replied she thinks that was all done already before she started working in this position. When she got here it was just the deeds that they needed from her. The clerk stated she believed that the lawyer had handled the whole thing, and she hadn't heard from either landowner she had only heard from the lawyer. Vadney stated that it's the landowner's responsibility to file the maps and deeds with the county.

Open discussion on the December minutes, the date was incorrect, and a few other corrections had to be made. Approval of minutes were pushed to next meeting until the corrections were completed.

Open discussion concerning the New Board members and their need for code books. Also, the need to print the new solar code to update all Planning Board members' code books.

Motion to adjourn the January 9, 2025, Planning Board meeting

Made by Ann Marie Vadney, Seconded by Bill MacDonald

**Aye: 7      Nay:0      Abstain:      Absent:**

**Meeting Adjourned** at 8:12 pm

