

Town of New Baltimore Planning Board

Monthly Meeting Minutes

3809 County Route 51 Hannacroix, NY 12087

August 14, 2025

7:00 PM

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

Absent:

Pledge of Allegiance

Boehm/Kiselev Minor Subdivision Slavik Kiselev presented the Board Members with the updated survey maps showing the back lot and reflecting the conditions of the Variance. Chairman VanEtten asked how the process is coming with the Town of Coxsackie. Kiselev responded that the Planning Board Clerk in Coxsackie was looking for some documents from the Town of New Baltimore in regard to this subdivision. The Clerk replied that she had spoken to the Town of Coxsackie Clerk and had sent her all documents asked for earlier that day. Chairman VanEtten then read the Subdivision Resolution aloud.

Boehm/Kiselev Minor Subdivision Resolution

WHEREAS, James Boehm wishing to complete a minor subdivision of property owned on Scheller Park Road Tax Map ID #40.00-3-29, had their authorized agent Slavik Kiselev submit a Minor Subdivision Application at the May 8, 2025, Planning Board Meeting; and

WHEREAS, the subdivision did not meet the minimum requirements in acreage or road frontage in the Rural Agricultural zone the Planning Board denied the application and the application was referred to the Zoning Board of Appeals for Area Variance consideration; and

WHEREAS, the Short Environmental Assessment Form was reviewed at the June 4, 2025, Zoning Board of Appeals meeting with a negative declaration given for the purpose of SEQRA; and

WHEREAS, a required m-239 referral was submitted to the Greene County Planning Board on June 11, 2025 to which the response was local decision with comment; and

WHEREAS, a required Public Hearing, having been duly noticed in the Albany Times Union, was held on the application on August 6, 2025, with members of the public offering comment; therefore be it

RESOLVED, that the Boehm Kiselev Minor Subdivision, be approved with the following conditions:

...That Lots One and Two shall have no further subdivisions

...That Lot Two of the subdivisions is hereby deemed a non-buildable lot and this covenant shall run with the land

...That Lot Two shall be consolidated with Parcel #40.00-8-2 in the Town of Coxsackie by a Lot Line Adjustment; and

...That such Lot Line Adjustment shall be submitted to the Town of Coxsackie Planning Board within 6 months of the date of this Resolution.

Motion to accept the Boehm/Kiselev Minor Subdivision Resolution

Motioned by Ann Marie Vadney, Seconded by Josh Boehlke

Aye: 7 Nay: Abstain: Absent:

Motion Carried

Chairman VanEtten then stamped and signed the maps. The Planning Clerk explained to Mr. Kiselev that he now needs to take the stamped signed maps to the County Clerk for filing. Once they are processed the county will assign a new Tax Map ID number to the driveway parcel.

Francis Ahrens Lot Line Adjustment Application Kevin Rounds, surveyor, was present representing property owner Francis Ahrens. Mr. Rounds presented maps and explained that Mr. Ahrens owns four contiguous lots, and one of the parcels, Tax ID #7-00.1-11, is unbuildable due to the terrain. He stated that this parcel has been considered unusable for over 50 years, and the proposal is to move the south boundary line to the north to make it a more functional lot. Chairman VanEtten inquired about road frontage, to which Mr. Rounds confirmed the lot has frontage. Board member Orlando questioned the easement that provides access to back lots and asked whether the proposed change would affect it. Mr. Rounds confirmed the easement would remain and is owned by the house on Lot #7.00-1-20, while Lot #7.00-1-19 also uses the easement. There was discussion regarding which lots are served by the easement, and it was noted that Lot #7.00-1-19 is landlocked. Chairman VanEtten pointed out that two of the lots on the map are less than two acres, which does not meet the current minimum requirement for the Rural Agricultural (RA) district. Board member Court stated that the zoning information on the application was incorrect, as the lots are no longer zoned Commercial but were changed to RA during the 2016 zoning update. He further explained that the Town Code allows no more than one acre to be moved in a lot line adjustment within the RA zone. Mr. Rounds stated that while the proposed change may not meet that restriction, it works better with the geography of the land. Board member Court responded that the maps provided do not show structures on the parcels, and that Lot #1-20 has a house and owns the easement, while Lot #1-19 has rights to it. Rounds added that a trailer on the property was removed after storm damage, and that the lot is now vacant with utilities. Mr. Rounds reiterated that all four

parcels are owned by Mr. Ahrens, but the Board emphasized the need to comply with Code regardless of ownership. Board member Court pointed out that Mr. Rounds appears to be trying to move 100% of one lot, which does not qualify as a lot line adjustment. Mr. Rounds disagreed, stating he was beginning and ending with four parcels. Board member Orlando noted that the parcels in question do not currently touch, with an easement separating them, and Board member Vadney confirmed that this disqualifies the proposal from being considered a lot line adjustment. Mr. Rounds was advised that a Variance would be required from the Zoning Board of Appeals (ZBA) if he wished to proceed with the current configuration. Board member Court also pointed out that only two parcels are permitted to share an easement, and Mr. Rounds was asked to clarify which two lots will use the shared driveway going forward. There was continued discussion regarding road frontage, driveway access, and potential options for compliance. Board member Vadney suggested exploring the possibility of shifting the easement to create two separate access points if there is sufficient road frontage. Mr. Rounds asked what could be done with the unbuildable lot if the adjustment was not permitted. Board member Court explained that the lot could be merged with an adjoining parcel through the county, which does not require Planning Board approval. Mr. Rounds expressed concern about incurring additional costs associated with a full subdivision application. Board member Vadney clarified that costs between a subdivision and a lot line adjustment are not significantly different, and the process for subdivision is more straightforward when complying with Code. Mr. Rounds argued that he was not creating a new lot, just making adjustments, but the Board maintained that he is effectively consolidating one parcel and subdividing another, which falls under the subdivision process. Board member Vadney emphasized that the Board is willing to work with applicants but must adhere to the Town Code. Mr. Rounds asked if the ZBA could approve the change he was requesting. Chairman VanEtten responded that even the ZBA would, they would likely want the resulting lot to be at least two acres. The discussion returned to the driveway and easement placement. Mr. Rounds indicated he would seek a Variance for the lot size and driveway configuration. He questioned why an existing driveway serving three lots would now be disallowed. Board member Court explained that the grandfathered status applies to the current configuration but does not permit further changes that violate current Code. Board member Vadney reminded Mr. Rounds to reassess Mr. Ahrens' goals and ensure the proposal aligns with Code. Chairman VanEtten concluded that compliance now would prevent complications if the property were to be sold in the future.

Emeren Solar Preliminary Meeting Garret Herman and James Bedrin, representing Emeren Solar along with their engineering consultant, introduced themselves and provided folders to Board members. Herman described the proposed site as a “homerun” location, noting it is secluded with no neighboring landowner concerns and does not impact farmland. Board member Vadney inquired about the project size, and Bedrin stated it is a 4.2 MW solar project with a fenced area covering approximately 19.9 acres. Bedrin gave an overview of Emeren Solar’s national operations and explained that local Central Hudson customers would be able to subscribe to the community solar farm and receive roughly a 5% credit on their electricity bills. Vadney noted the Town already has three solar projects

and a population of about 3,200. Herman acknowledged the market saturation but emphasized the site's advantages, including existing road frontage and access. Board member Court raised concerns about proximity and overlapping access points with a neighboring solar project. Bedrin confirmed they have a lease with the landowner and share the access road, following the same utility interconnection path. Court noted previous issues with pole placement and visibility; Herman said three new poles would be installed, spaced apart along the road. The Board discussed visibility of transformers and related equipment, with Herman confirming Central Hudson had already approved the interconnection. Bedrin said the meeting's purpose was to introduce the project, ask procedural questions, and respond to Board inquiries. Board member MacDonald asked about the project's lifespan and decommissioning plans. Bedrin explained that solar farms typically operate for 30 to 40 years, and a decommissioning plan, including recycling components, would be submitted with the formal application. Herman added panels may be reused after decommissioning. Vadney asked about project costs and subsidies; Bedrin estimated about \$1.65 per watt, roughly \$8 million total, noting federal ITC tax credits might be uncertain due to recent legislation. Orlando asked if the property was leased or purchased; Bedrin confirmed it was leased. Town resident Ellie Alfeld inquired about potential environmental concerns, specifically regarding endangered species like the Northern Harrier, which delayed another local solar project. The engineer stated wetlands had been delineated and the site is an old quarry, reducing risk to sensitive habitats. They noted permits for mitigation are available if needed. Bedrin explained that the solar panels would be within the quarry site, nearly half a mile from the road, with mature trees minimizing visibility and minimal wetland impact. He added the project footprint falls just under the Town's 20% maximum lot coverage, likely avoiding the need for a Variance, which Court confirmed applies to the array area, not the fenced perimeter. Ellie Alfeld also asked about tree removal; Herman replied that mostly smaller, new-growth trees would be cleared. She further asked about Town benefits beyond discounted energy subscriptions. Bedrin highlighted the project's low impact on municipal services, referring to solar as "the quietest neighbor," and noted a potential PILOT agreement with Greene County. Vadney commented that the Town receives little direct benefit. Court expressed distrust of Central Hudson's interconnection process due to past changes and resident pole placement concerns. Herman said placing feed lines in the right of way was not viable, though the engineer would investigate. Court requested written confirmation from Central Hudson regarding interconnection to avoid delays. Bedrin explained interconnection agreements cannot be altered without withdrawing and reapplying, which would be costly and time-consuming; their agreement is already secured. Visibility of the interconnection point was discussed; Herman said the first pole would be visible, but the rest are hidden by trees. Orlando asked about the total number of poles, and Herman responded four, spaced near existing poles for a neighboring project. The Board reiterated concerns about pole placement and visibility, anticipating resident feedback. Chairman VanEtten emphasized the importance of minimizing visual impact, which Herman said they could easily assess. Bedrin asked about the expected timeframe for Planning Board decisions and the Special Use Permit/Site Plan application process to align with Central Hudson's 2029 upgrades. The Board responded that once approved, applicants have one year to break ground, with

the possibility of one one-year extension. Decision timelines depend on the completeness of the application. Vadney suggested returning with a formal application in 2027.

Kasselman Solar / Lynn Brockett – Special Use Permit & Site Plan Application

Alex Martin was present representing Kasselman Solar and property owner Lynn Brockett. He explained that the application was for a Special Use Permit for the installation of a Tier 2 ground-mounted solar array. The proposed 19.13 kW DC array is intended for on-site energy consumption and will be located on the south side of the residence. The array will be set approximately 230 feet from the rear property line, 280 feet from the north boundary, 50 feet from the south boundary, and 86 feet from the front boundary. While a portion of the array extends into the front yard, it still exceeds the required 75-foot front setback by 10 feet. The array will have a footprint of approximately 846 square feet, and a trench run will connect the array to the main service panel of the home. Martin noted that the array will not have a resting view from surrounding residences due to the tree-lined perimeter of the parcel, except for some limited visibility along Old Kings Road. However, that view will be largely obscured by the property's garage. The array was sited to avoid the location of the existing septic field, and the area behind the septic was not feasible due to shading from nearby trees. In response to a question from Board Member Vadney, Martin stated the array will be approximately 100 feet from the well. Chairman VanEtten inquired about adjacent neighbors, and Martin confirmed there is a neighboring residence to the south, but it is screened by trees. Board Member Orlando noted that the submitted site plan did not include required details such as adjacent property lines, structures on neighboring parcels, or the names of adjacent property owners. Martin pointed out a partial representation on the map but agreed to revise and resubmit a corrected version to include all required elements. The Clerk requested a minor correction to the application, which Martin made and initialed. A duplicate payment check was also returned to Martin. Chairman VanEtten then read through the Part 2 Short Environmental Assessment Form (SEAF).

Motion to Accept the Part 2 SEAF with a Negative Declaration for the Purposes of SEQRA for the Kasselman Solar/Lynn Brockett Special Use Permit Application

Motioned by Ann Marie Vadney, Seconded by Bill MacDonald

Aye: 7 Nay: Abstain: Absent:

Motion Carried

Chairman VanEtten reminded Martin that the revised map should be submitted to the Clerk and brought to the next meeting. Martin agreed to do so. The adjacent landowner to the south, Nancy McCoy, was present and was invited to speak on the record. She stated that she owns the parcels to the south and west of the applicant's property and has no objection to the proposed project.

Motion to Accept the Kasselmann Solar/Lynn Brockett Special Use Permit/Site Plan Application

Motioned by Ann Marie Vadney, Seconded by Josh Boehlke

Aye: 7 Nay: Abstain: Absent:

Motion Carried

The Board agreed to schedule a Public Hearing for the application for the September 11, 2025, meeting.

Schultz Property – Preliminary Meeting

David Schultz, owner of the property located at 161 Scheller Park Road, was present to initiate a preliminary discussion regarding the status and future use of his building. Mr. Schultz explained that the structure is a 10,000 sq. ft. concrete building with a long-standing history of commercial use. Originally constructed in the late 1940s as a sawmill, it was later used as an excavation and construction company in the 1950s and eventually operated as a trucking terminal and repair facility starting in the 1970s. From 1988 until August 2024, Hunter Motor Coach occupied the building. Mr. Schultz stated that the property had historically been zoned commercial, aligning with the 9W corridor. However, a zoning change in 2016 reclassified the area to Rural Agricultural. He expressed concern that this change may have been an oversight, noting that earlier zoning maps from 2008 and 2009 had shown the property as commercial. Mr. Schultz further explained that after Hunter Motor Coach vacated the premises, a portion of the building was leased to a local New Baltimore company for storage use, consistent with previous uses (S-occupancy). In June, a company from Kingston moved into the building, using it for light assembly—specifically, assembling materials and bending trusses for carports. However, after questions arose from the Code Enforcement Officer (CEO) about the zoning compliance and potential code issues, the company relocated operations back to Kingston, although they still have some equipment stored on site. Mr. Schultz noted that there had been no formal notice or letter of violation from Code Enforcement, but that a site visit occurred after a neighbor inquired about activity at the property. He stated he had been playing phone tag with the CEO, who expressed concern that the use might be non-conforming and mentioned the possibility of red-tagging the building. Mr. Schultz stated that, in good faith, he refunded the tenant's rent to avoid potential legal liability and loss of business for the tenant, but that he would like to have them return if it is applicable. Board Member Vadney questioned the justification for red-tagging, given the property's 50-year history of industrial and commercial use. Chairman VanEtten and other members agreed that grandfathering may apply and should be investigated further. Mr. Schultz clarified that he had not performed any substantial renovations to the building—only cosmetic improvements—and that the structure remains unchanged. The CEO reportedly mentioned minor code compliance items, such as the need for exit lighting and a possible

fire wall separation. Chairman VanEtten emphasized that without a formal, written complaint from a resident, the Board would not consider informal concerns. Board Member Orlando added that even if a formal letter were issued by the CEO, time would be allowed to bring the property into compliance. Mr. Schultz expressed that he may have overreacted due to concern about liability but wants to find a clear path forward. He stated that the Kingston company could bring approximately \$5 million in business to the area, and that allowing them to return would be a benefit to the community. Mr. Schultz noted that he had consulted with an architect who referenced the International Building Code, which supports the historical classification of the building as either S (storage) or F (factory). He stated that the current use is consistent with those historic uses, and that no change of use has occurred that would warrant site plan approval. However, Code Enforcement had suggested that changing tenants might trigger the need for Planning Board review. Mr. Schultz added that the previous use was a trucking company, and the new business operates a few pickup trucks—therefore, the character of use remains similar. Board members discussed zoning and clarified that although the building is no longer in a commercial zone, its continuous use may allow for legal non-conforming (grandfathered) status. Board Member Court referenced zoning code language indicating that if no structural changes are made, a site plan may not be required—only a Special Use Permit. Mr. Schultz confirmed that one of the tenants had erected a sample carport on the property, which was not permitted, but acknowledged that a permit should have been obtained. Chairman VanEtten suggested the Board consult with the Planning Board attorney to clarify the legal implications of the zoning change and to determine the appropriate path forward, including the possibility of applying for a Special Use Permit. Mr. Schultz expressed concern about the conditions or expiration clauses that can be attached to Special Use Permits. Chairman VanEtten assured him that the Board would not place an expiration clause on such a permit. Mr. Schultz expressed preference for restoring the property's commercial zoning, stating that the value of the property is significantly reduced without it. Chairman VanEtten explained that zoning changes must go through the Town Board and that such a process can take time. Mr. Schultz expressed willingness to apply for a Special Use Permit if necessary but voiced concern over potential public hearing objections related to noise. Board Member Vadney clarified that public hearings are standard procedure and do not imply opposition from the Board. It was further noted that no formal complaints have been filed to date. Mr. Schultz and several Board members agreed that keeping the building active and occupied is in the best interest of the community. He mentioned that during the vacancy, there were signs of trespassing and loitering, including tire tracks and parked cars in the back lot. Chairman VanEtten concluded by asking Mr. Schultz to give the Board time to consult with the Town Attorney before proceeding further. Mr. Schultz stated that the most helpful outcome would be confirmation that the existing tenant can remain in the building without fear of sudden eviction or code enforcement action. Chairman VanEtten reiterated that the Board did not see any apparent non-conforming issues at this time. Mr. Schultz noted that minor compliance issues, such as illuminated exit signs, had been raised by the CEO. Board Member Orlando encouraged him to consider cost-effective ways to address those concerns. Mr. Schultz stated that he was hesitant to invest in any upgrades until he had

assurance that the use was allowed. Chairman VanEtten confirmed that someone would be in contact after the Board speaks with the attorney to determine the best course of action.

Motion to approve the July 10, 2025, Regular Planning Board monthly meeting minutes

Motioned by Ann Marie Vadney, Seconded by Bill MacDonald

Aye: 7 Nay: Abstain: Absent:

Motion Carried

Chairman VanEtten brought up one additional matter concerning a solar project where the property owner, LSE Monoceros, is leasing the land and project rights to a different company for execution. The Clerk stated that she had spoken with the Town's attorney regarding this matter and that, in the attorney's opinion, the new company would need to provide owner authorization from the landowner, and possibly a copy of the lease contract. Since the approved site plan will remain unchanged, the only item that would need to be updated is the building permit application. Board Member Court inquired about the status of the decommissioning plan. The Clerk replied that the decommissioning plan had been completed and approved by the Town Board, but she would check the file to confirm that a copy is available for the Planning Board's reference. Chairman VanEtten noted that his primary concern was regarding engineering oversight for the project. He emphasized the importance of identifying who would be responsible for replenishing the escrow account as the project moves forward. Board Member Orlando asked if the original company had lost the project. The Clerk clarified that the original company still owns the land but is leasing the site plan and project execution rights to a separate entity. Chairman VanEtten recommended that the Clerk send an email to LSE Monoceros requesting clarification on who will be responsible for funding the escrow account once the project resumes. The Board unanimously agreed that such clarification is necessary before further action is taken.

Motion to Adjourn the August 14, 2025 Planning Board meeting

Made by Ann Marie Vadney, Seconded by Bill MacDonald

Aye: 7 Nay: Abstain: Absent:

Motion Carried

Meeting Adjourned 8:54pm

DRAFT