

**AGENDA
TOWN OF NEW BALTIMORE, COUNTY OF GREENE
TOWN BOARD SPECIAL MEETING**

SEPTEMBER 30, 2024

Please turn off all cell phones and electronic devices.

- 1. Presentation of PDD regulations from Town Code**
- 2. Discussion of Proposed Planned Development District with Shady Harbor and/or representatives.**

**TOWN OF NEW BALTIMORE Draft 10/3/2024
COUNTY OF GREENE Adopted 10/28/2024
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**‘The Town Board of the Town of New Baltimore will hold a Special Meeting on Monday, September 30, 2024 at 7 PM at Town Hall, 3809 County Route 51, Hannacroix, NY for presentation and discussion of a possible Planned Development District.
By Order of the Town Board, Barbara M. Finke, Town Clerk’**

Supervisor Ruso opened the Special Meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Downes, Kash, Sottolano, VanEtten; Deputy Supervisor Dellisanti; Town Clerk Finke; and 21 members of the public who signed the attendance book.

Supervisor Ruso: I’ve had some people ask ‘where’s the Agenda?’ The Agenda would have one line on it ‘Consideration of Shady Harbor Marina’ so there’s not a multiple line item. Please indulge us on that and I think that’s how we announced it last week and so we’re gonna go forward. The first thing that we’re going to do, actually I’ll say first I want to introduce Kathy and Brian Donovan and I can’t remember the particular names from the people from Lansing. Scott, thank you, anyone else with yourself?

Kathy Donovan: Scott Lansing and Alex Betke and Tom Blank.

Supervisor Ruso: Alex Betke, yes, we spoke.

Brian Donovan: He’s the Marina manager.

Supervisor Ruso: So the Board may very well have questions as we go down our check list okay of any one of you so please be prepared. So I’m gonna go down, Article VIII of the Town Code. Now I’m gonna follow it along fairly closely, I’m not going to get into the first couple sections because they get into like ‘This is to encourage innovation...’ I mean it’s a preamble that doesn’t get into much details. So, it tells us objectives and I’m gonna read from it directly. So but I’m gonna go to §112-40 for those that have the page. ‘General requirements for the planned development district...’ minimum project area is ten acres and so in this particular circumstances, we are talking about 10.7 acres so we are in excess of that proviso. Project ownership. It’s well-described, Kathy and Brian Donovan are the owners, and ‘project land may be owned, leased or represented either by a single person, or corporation, or by a group of individuals or corporations. Such ownership may be a public or private’ and I think we have that represented here rather well. ‘Location of Planned Development Districts. The PDD District shall be available in all zones, where the applicant can demonstrate that the characteristics of the land holdings meet the purpose and objectives of this chapter and the objectives of the Comprehensive Plan.’ I think we’ve met that as well. You know any one of you on the Board here can pipe in and ask questions as we go through this please. I don’t want to do all the talking, I hear myself too much. ‘In no case shall a PDD be approved if, in the judgment of the Town Board, the objectives of this section are not realized in the PDD design.’ Anyone have thoughts or questions on that? I think the next one will have a little bit of issues and I think

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we've had a lot more to discuss in this in the past and it says, 'In no case shall a PDD be approved unless a common water supply and/or sanitary sewer system are available or proposed to serve the development.' Now we already have the sanitary sewer system in place okay and according to my information, the sewer system can accommodate the needs of these dwellings. The only question is there is no actual water district or supply there aside from the exist well which I don't think will be suitable based upon what you folks have told me in the past and we don't have and we have a conversed water district but we don't have a proposal forward so we're a long ways for that so I'm gonna ask those on the Board where do we go from this?

Councilmember VanEtten: Well, we haven't done the Engineering Study either if water can come up from Coeymans and that's \$45,000.

Supervisor Ruso: There is a proposal. I have been in conversation with our Engineers to do an Engineering plan for the water that comes up as described from the Coeymans Town line to the Boathouse Marina, The cost of the Engineering is approximately \$45,000. That's an estimate from Delaware Engineering. So in order for us to have a water supply system, we have to approve a \$45,000 study. That just tells us how we can do it and if we can do it and all the other questions in between and we haven't contracted with them yet and I didn't know what the intentions with ourselves were. I was informed, maybe I was informed wrong and I'm glad you're here to tell me, there was something you spoke about at the last Planning Board meeting that you have an alternate water supply and I wasn't sure what that was. This water supply doesn't involve the Town of New Baltimore doing things. Maybe I heard wrong.

Alex Betke, Esq.: So two things on this I guess is that one of the avenues that the project wants to take is we want, listen if we wanted to go down this route and do the public water supply system you know it's something I'll talk with my client about in terms of how those studies and funding for that all plays out, but in terms of you talking about a private or alternate water source, there is an opportunity for the project to do to run a private line at their cost to the Ravena water main. It's a substantial cost for them, but that is an option for them to do if they so choose I guess and develop their own water source for the project. Now when we talk about this water issue in what we have before you, we understand that the PDD would need to be qualified upon the acceptance of water to that property. One of the things in terms of going after you know whether it's additional funding or other means to do this, we just need to know kind of through this process even if you were to decide at the end of all of this to approve it conditioned upon the acceptance of the water, it's something that my client just kind of needs to understand a little bit from you guys as to where and what you would like to see in terms of this project so that we can develop the plans necessary to start having conversations with whether it's your Engineering firm or the State to see if there's any additional dollars out there for the running of a public system or even just a private system, but under no circumstances do we know that we can get an approval of this project without water to the site.

Supervisor Ruso: I think without water that is...

Alex Betke, Esq.: Yeah, we understand that.

Supervisor Ruso: In fact, I believe that Kathy and Brian told me without water it's a show-stopper and on my part, I've been pursuing opportunities, possibilities is probably a better way to put it for water. Again, I've had multiple meetings with the IDA, multiple meetings with Green e County, meetings with Delaware Engineering who has been our project Engineer for multiple water systems and sewer system endeavors. They keep our water flowing in Town both in and out. So I do think that you know Section E of 112-40 without having, you don't have to have the water, but we have to have a formal proposal,,

Alex Betke, Esq.: Correct.

Supervisor Ruso: How we're going to do this.

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Alex Betke, Esq.: How it's gonna... right.

Supervisor Ruso: So moving the application along, we'd have to have some sort of a contingency. I mean I don't know what you folks think here?

Councilmember VanEtten: No, I agree we have to have something in writing about exactly how the water coming from and who's gonna pay for it.

Supervisor Ruso: Yeah, we do obviously. We have discussed some opportunities here in this Town Board setting. We have something called the CHPE money. CHPE money will not be in our pockets until at least 2027 probably. They floated out '25 and then they said '26 and now they're more into '27. The CHPE money is known as the Champlain Hudson Power Express and for those power line running through our Town from the north side of the Town along the railroad tracks to the south end at the Coeymans line, the Town will be receiving about \$206,000 a year with a 2.5% riser and every year going 30 years out and we have to use the \$200,000 for two things. They have to both be there -- economic development and infrastructure. Has to be both. And as I've said in this setting, we've had water proposals in two different sections of 9W at the Ravena side and at the Coxsackie side of 9W and this is the third one. So we haven't finalized things. I don't have an Engineering study for the other two. It's a little bit different, each of them are different because Delaware Engineering has done workup on different places in the Town in times gone by -- 20 years ago, 12 years ago -- so they are pulling some things off the shelf which is saving us money on Engineering thankfully. So that at this particular moment is an issue. If we go forward with a resolution it will have to have a caveat that makes a contingency for Section E okay. Is there any questions from, I know some of you had lots of questions if I'm not mistaken.

Councilmember Sottolano: If the CHPE money has to be for infrastructure and it's a private line, it won't be usable right?

Supervisor Ruso: I tend to doubt it, no. That's conversations that we're gonna have to sit down and have with us because the line would run in essence up 144 and it's gonna pass a number of homes.

Alex Betke, Esq.: Yes.

Supervisor Ruso: Okay, if it's a private line, then I don't know how others in the public would tie into it.

Alex Betke, Esq.: Well, they would have to have an agreement with my client to be able to tie into that.

Supervisor Ruso: Right, right, and if they don't, I mean if it's a semi-public let's just say, semi-public, private then it's gonna have to have the availability. What I would prefer not to do is I would like to have those residents who live along the way to have an option of tapping into it and no one could be forced into tapping into and that would be my preference.

Alex Betke, Esq.: I think my client would like that preference too as long as they contribute to the cost of that.

Supervisor Ruso: I agree at the point of which there are other factors of law. Okay, we would create a district but not make it inclusive of any parcels that don't want to, but the district would include parcels that do want to and they would have to pay a portion prorated based upon the size and all those things such as we have now probably metered could be what my expectation would be and so if you use a lot more, you're gonna pay a lot more, if you only use a little, pay a proportion of...

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Councilmember VanEtten: And if it's a private line and something happens like a water main break it's would be...

Alex Betke, Esq.: It's on us.

Councilmember Downes: So, then the other thing you're looking at is you're gonna have to get easements on all those properties, correct?

Alex Betke, Esq.: It will probably be run down the highway easement so it would be a DOT easement and then we'd have a Highway Work Permit and then what would happen is if anybody wanted to tie into that line, they would do at their own cost. Well, their own cost and have their own private line and that would connect into that which would then also incur a DOT permit as well.

Councilmember Downes: Have you ever done this before like gone out and gotten water from a municipality?

Alex Betke, Esq.: Yes. I was Village Attorney in Catskill for years, so I have done...

Councilmember Downes: You know what I'm saying because even if you say you're going private there's no definite that it would come through right, because you would still have to talk to Ravena?

Alex Betke, Esq.: What would happen is we would have to make a contractual relationship with the Village of Ravena.

Councilmember Downes: So would that usually go through without issue you know what I'm saying, like does that...?

Alex Betke, Esq.: There's issues. I mean it's a contractual relationship you know so it's something that we would have to negotiate with them. Listen, I think our preference would be that's it a public line and that everybody gets served by it and that, but if you're suggesting how are we looking at the different alternative ways to get water to the site, one is a private line and if it's a private line one of the issues that I think we would have to deal with is what's the volume and capacity of the line that we could install, what's the cost of that line, and what is Ravena willing to supply for that private line in terms of a yearly gallons per year, a gallon per day type of volume that we would have that to be guaranteed that for that year and how many years? You know there's a lot to go into that.

Councilmember Downes: My whole thought process was like does it usually go through when somebody asks to bank into like a water supply. You're not a municipality so now you're going to a municipality. Do they usually go? I know the contract stuff.

Alex Betke, Esq.: It usually goes. It usually goes mostly because like in this case Ravena has the water supply. As long as they have enough excess water, they can sell it and what'll happen the project instead of the Town in terms of a private line, instead of the Town or the District being the one's that guarantee the payment back to Ravena, here it would be this project that guarantees back to Ravena that they would make the payment of the water and what would typically happen is that there would be a meter where that private line connects to the Ravena system and then that's where that water would be charged is back there and then what we would do on our end we would have our own private meters I guess in each of those buildings to then be able to divvy up how that water would be then...

Supervisor Ruso: At those home sites.

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Alex Betke, Esq.: As the home sites, at the home sites, but the main meter would be at that connection potentially with Ravena and then they would just get that billed directly. This is how much water left. The Ravena system and onto our private line.

Supervisor Ruso: And how would you manage it if there were persons or parcels along the way who would want to tie in? They would have to have their own meter and who's gonna be doing the billing?

Alex Betke, Esq.: They would have to have their own meter. That's why I think our preference is this to be a public line, but to the extent that anybody wants to contribute to it and wants to be a part of it, I mean that's just something that we would have to work out with those individual homeowners.

Councilmember VanEtten: Has anybody talked to Ravena or...?

Alex Betke, Esq.: We've had initial conversations with them, yes.

Councilmember VanEtten: And they have the water supply to do this?

Alex Betke, Esq.: They claim. You know we haven't done our Engineering reports and we haven't gotten that level of detail yet, but they claim to, yes.

Supervisor Ruso: I've had unofficial conversations with one of the principals and I've heard similar points that they have the capacity, there's been no Village Board resolution or approvals.

Alex Betke, Esq.: Yeah, nor have we put one in front of them for anything. I think we're pretty far away from that to be honest with you.

Supervisor Ruso: But the potential is there.

Alex Betke, Esq.: The potential's there, they are very willing to talk to us and want to see it. They see it as a revenue, I mean let's call it what it is.

Councilmember Downes: So this is the Auditor in me, so if you put the water line in or it goes through the Town, is the water line specific to the number of people on that water line? So I guess I'm asking if it goes private will the water line be smaller?

Alex Betke, Esq.: What I think would happen before we put that water line in, is because it would be programmed and engineered to only serve this project right, but if we were to go in and seek contribution from homeowners along the way, then we could appropriately size it but we would hopefully get that before we put the line in so that if anybody wanted to contribute to the project and tie into it, we could have those discussions during that time period.

Councilmember Downes: And I'm just looking down the road.

Alex Betke, Esq.: Yeah, exactly. It'd very hard I think for my client to have the expense to overside a pipe that would capture everybody.

Supervisor Ruso: I'll counter that a little bit because the cost of installation is in the digging. The pipe is only a marginal increase just so you know.

Alex Betke, Esq.: Understood.

Supervisor Ruso: And probably the right-of-ways and all the other factors along the way.

Alex Betke, Esq.: There's a lot that goes into it, yeah.

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Supervisor Ruso: She called it, one of the Engineers with Delaware Engineering, used the term back of the envelope estimate, which is what I had, actually made mention of it at previous Board meetings. She said from Point A to Shady Harbor Marina about \$4.3 million.

Alex Betke, Esq.: I wouldn't think that they're that far off.

Supervisor Ruso: Just to let you know the CHPE money...

Alex Betke, Esq.: If that was done through a municipal contractor. I think if it was done privately it could be done a lot cheaper.

Supervisor Ruso: Probably so. The CHPE monies, at the \$200,000, provides us, I mean I did a backwards conversation with The Bank of Greene County, their bonding people, and I told them if I had \$200,000 to give you in payments toward a bond, how big a bond could I get? It's a backwards way to look at it. Nevertheless, they told me depending upon interest rates and where they rise or fall, somewhere between, he estimated \$3.1 to \$3.3 million. So that would imply roughly a \$1 to \$1.2 million variance.

Alex Betke, Esq.: Yup.

Supervisor Ruso: So obviously from a Town Official, if we're going to put monies into a project that are in essence Town monies, I want to have the greatest amount of benefit inclusive of residents who may wish to have it. Now I've heard from folks who don't want it, I've heard from folks who do want it, and I've heard there's a host of people who really, really want it. I have not done a survey who live further than the Boat House and so I, with that information, I've asked the same source at Delaware Engineering 'okey, how much would it cost to go' and I said 'Main Street' and she gave me a rough idea if we were to go all the way down Main Street to approximately Church Street, give or take a little, that's \$5.3 million which wasn't so bad. I mean I thought it'd be double, so it wasn't so bad of a difference, but that's what we're faced with right now. And again, I don't have any idea what the preference of the people at the top of the hill by where the... I'm sure the lines when they come to the escarpment area where your driveway is, end there, some near your driveway I expect, going further along I have no idea what the people want except I know people along the way between the Town line, County line and your place, I'd say more don't want it than do. Based upon people that said things to me. It is verbal, again it's not official, it's not an official survey. I don't want to imply that. What else do we have here, what else do you want to talk about?

Councilmember Sottolano: In the past when you've done the private lines have you had people tie in and do they end up paying for like meters and things like that or is that part of your...?

Alex Betke, Esq.: It depends like I've done them where there have been existing lines so there's legacy costs that go into some of that, but yeah typically the homeowner when they want to tie into that there's how much the meter costs, here's how much the line cost, and then here's what the overall project costs and you're gonna pay your percentage of that.

Councilmember Sottolano: Is that upfront or kind of put into a monthly thing or you know?

Alex Betke, Esq.: Upfront. I guess that would depend on how my client wanted to do it. I've seen it both ways where it's been paid overtime and others that have said 'no, it's a one-time \$10,000 hookup fee; or whatever.

Councilmember Downes: This isn't so much where the water's coming from, but the road that goes from 144 down, is that their road or is that our road?

Supervisor Ruso: It's private.

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Councilmember Downes: It is private.

Alex Betke, Esq.: Private.

Supervisor Ruso: Private road. We don't plow it, we don't maintain it.

Councilmember Downes: I was just thinking it was said that if a road crosses it, we can't make it a PDD so I couldn't remember if it, I knew there was a sign at the end, but I couldn't remember what color it was, so I just wanted to make sure.

Supervisor Ruso: Just as a preference I had things in my way and this is whether it's a private or a public property or line, just would like for the sake of the community to have one or at least two fire hydrants because you can never have too many, but I wouldn't mind having such a thing available for the sake of the community, for the fire department have a place to fill up.

Alex Betke, Esq.: Sure. We would have to, we would talk, we would have to enter into some agreement with you on that, on the use of the fire hydrants because of liability issues if one of them were to break on the private line, but I think I can offer you that.

Supervisor Ruso: That's a minor detail that's not gonna be that troublesome along the way. We do have a dry hydrant down by the park and aside from that they go into Coeymans, they go up to 9W and fill up. Minor stuff.

Alex Betke, Esq.: Yeah, I think you'll find my clients very amenable to all of this.

Supervisor Ruso: Shall we move onto the document, it's only 18 pages?

Councilmember Kash: A couple of little questions just to get everything straight in my mind. The \$45,000 Engineering study would that be for both private and public or one or the other?

Supervisor Ruso: I'd say either.

Councilmember VanEtten: It would be both, either, all of it.

Supervisor Ruso: It would be one or the other. I don't know if the Engineering costs are... I mean are you saying you would do the Engineering for this water line?

Alex Betke, Esq.: We're gonna have to do an Engineering report anyway on some of this so I think it's something we would have to kind of talk about and determine because I'm assuming you're gonna need Delaware or whoever you use to review our Engineering report so I think that you know, we should talk about how that Engineering report should look and what we should be studying whether that's with us talking with Delaware if that's your Town Engineer that you use for this because of we're gonna go down a private line, we're gonna have to do that Engineering for the Department of Health and DOT anyway to get the Highway Work Permit. So, it may be more cost beneficial for my client to have that done, but I don't want to talk for them and spend all their money tonight. Janet, sorry, to summarize that long-winded answer I think there's a way we can kind of work together because I think your Code calls for an escrow deposit from us anyway to do some of these reviews so you know we should just see how we can do it where it benefits both sides I guess. To do a study like this I would hate to see you guys put up that.

Councilmember Kash: So if your proposal to do it privately with a contractual agreement with Ravena and also speak to individual homeowners, that would completely negate any reason for a public referendum correct because it would have to be the municipal supply?

Alex Betke, Esq.: Yes.

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Supervisor Ruso: For a Water District? For a Water District yeah. Actually the public referendum is linked to the bonding as well.

Alex Betke, Esq.: Yes.

Councilmember Downes: So that \$43,000 we're talking or \$45,000 whatever it is, is that in the \$4.3 million cost that you gave? So that's additional to this.

Supervisor Ruso: That was additional.

Alex Betke, Esq.: That's additional.

Councilmember Downes: I know it's small, but it's still...

Alex Betke, Esq.: It's got to be additional.

Councilmember Downes: Okay just because it's small, but we should know.

Supervisor Ruso: It's not part of the original bonding, the bonding would be for the installation and that's what I asked the bank. I didn't ask about Engineering study.

Councilmember Downes: Oh no, no, no, but I was just wondering were throwing out two figures, \$4.3 and \$5.3, I'm just want to make we as a Board know what's in that \$4.3.

Supervisor Ruso: Not for nothing, the risk of this is okay we say we're gonna do the Engineering, we vote on it and we hire Delaware Engineering, \$45,000. What happens if there is no, at the end of the rainbow, no water District to be created, who pays the \$45,000. It's the Town. Now in the last go-round, 15 years ago, the Engineering costs was supposed to be folded into the cost of the Water District that was to be created because those were the people who were benefitting by it. But no Water District was created and so, therefore, everybody in Town paid the Engineering fee. Do I want to put money up for something that doesn't happen? Well, heavens no and I wouldn't do that in my own personal life. I'd avoid it as much as I could. Nevertheless, those are some of the question we have. So, if we do a resolution on behalf of hiring Delaware Engineering, I would prefer to see a caveat whereas upon that the monies would be pushed off into the Water District itself, it would have to go there. I guess that's a long way around answering your question.

Councilmember Kash: If we were every to get to the point of voting for the CHPE funds for this or any of the other projects, does that require a Public Referendum on what we propose or is it...?

Supervisor Ruso: I don't know, but I can find that out. I don't think so, but sometimes the projects, especially if they're going to be beyond the cost of that we would probably need a referendum.

Alex Betke, Esq.: If you use the CHPE monies to bond, they would have an ability to petition for a referendum.

Supervisor Ruso: Yeah, permissive.

Alex Betke, Esq.: Right, it wouldn't be a mandatory, very few mandatory in state law.

Supervisor Ruso: But bonding is a mandatory.

Alex Betke, Esq.: Bonding is a permissive one where if you got a petition.

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Supervisor Ruso. Yeah, that's mandatory bonding. No.

Alex Betke, Esq.: No, it's not.

Supervisor Ruso: No, it's not. I beg your pardon. I had it backwards.

Councilmember Sottolano: The water is kind of uncertain of how it's going to happen. Can the application proceed through the process to determine if it meets all the other qualifications first and then if that's a 'yes' then we would move forward on either deciding how we would proceed publicly or how we would proceed private?

Supervisor Ruso: Are you looking for an answer from me because I don't know.

Alex Betke, Esq.: I would suggest that one of the reasons we came here knowing that this water is like the number one thing. We think that the process can continue to go forward, for us to do a water study first and then you come and say 'well, we don't think it meets because of x, y, or z,' another way if we can just keep the process going knowing, on our risk, our risk because we know that if we can't solve the issue you can't approve it even if you wanted to you can't approve it per your Code. So what we would like to do, based on our risk, we'd like to continue the process so that we can engage, get some feedback, see how the plan looks, what we need to tweak or not tweak because that's also gonna dictate how much water we need. Maybe say we only want 40 units and not 50 you know, so that all interplays in how we do it.

Supervisor Ruso: So how I'm hearing you suggest this, I'll have to confirm this, and that is that we can vote to approve the Planned Development District with as I mentioned earlier the caveats which would basically pull the rug out from whatever we've approved prior in essence. I don't have any dispute about your qualities as an Attorney, but I would certainly want to double check with ours before.

Alex Betke, Esq.: No question about it. Just the plain reading of the Code says you know 'shall approve unless' so that to me means you go through the process unless we don't have the water.

Supervisor Ruso: Right, right. So, you can't be a full approval I think is a better way to put it.

Alex Betke, Esq.: No, yeah, exactly, but if we can continue to go through, I mean the way your Code describes the PDD is we have our sketch plan that we give to you and then you refer it over here and then we go through this stuff and then you refer it back to you, you create the district, then it goes back to the Planning Board for site plan approval and we just want to continue that because we know it's gonna take some time and it's gonna take some time for our Consultants and our Engineers to work with yours.

Supervisor Ruso: So now we know we have a particularly sticky part that we're not gonna be able to resolve the answers that we have on the water tonight. I think what we ought to do is take a look and see some of the other provisions of the Code.

Alex Betke, Esq.: Sure.

Supervisor Ruso: Is that okay with you guys? Okay, so that was Section E. that we've been discussing, let's move to Section F. 'Permitted uses. All uses within a PDD District may be determined by the following provisions: (1) Residences may be of a variety of types, including single-and two-family dwellings, and multifamily dwellings.' Question came up about that. I know that we're talking, I've heard 50 and I heard 51, I'm not 100% sure of the number and I'm not really troubled by if it's one or more or less, but what are they? Are they going to be privately-owned condos? Are they rentals? Is this an apartment complex? I'm not 100 percent sure as to what you have in mind here. Did anyone else have that question? There we go, see they want to know too.

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Councilmember Kash: Multifamily dwellings I was curious about.

Supervisor Ruso: I've seen your map, and I have it here, but I don't know...

Councilmember Kash: If they're condominiums I don't know if you actually get into State law because that pretty much regulates condominiums.

Supervisor Ruso: Sure, sure, different, but we have our own stuff too.

Scott Lansing: As far as the number of residential units, it is 51 units. There are 50 multifamily and then up at the top of the hill by the entrance there is an existing residence that would be number 51. As far as the units themselves, as far as condo or apartment, I don't believe if the applicants have decided exactly which type of ownership there will be. If they're condominiums, they will be individually owned. If they are apartments, it will be joint ownership for all of them and then they will be rented individually to tenants whatever term they might have on this.

Supervisor Ruso: In essence you're leaving your options open.

Scott Lansing: Correct, yes.

Councilmember Downes: And you still haven't made a decision on the number of bedrooms and how big those apartment are gonna be?

Scott Lansing: That has not been determined specifically just yet. There's a mix of ones, twos, and maybe some three bedroom, but I think the thought is more on the one to two bedroom unit range seems to be most popular.

Supervisor Ruso: You know and I didn't think about the one on the top of the hill because it's already there.

Scott Lansing: Correct, yes, but it is part of the PDD we wanted to make sure it was included.

Councilmember VanEtten: How much land is set aside for common space?

Scott Lansing: Common space, I can get you an exact number, I don't have that exact number as far as common space, I think we're well over the 25 percent which I think is something that comes up in the Code.

Councilmember VanEtten: Twenty-five is the minimum.

Councilmember Sottolano: I thought it said fifteen minimum.

Scott Lansing: We're well beyond that, but we can get an exact number.

Supervisor Ruso: It requires 25 to 50, yes, and I'm looking at that section over here, it looks like a whatever, I don't know what it looks like.

Scott Lansing: A boot.

Supervisor Ruso: A Boot maybe, yeah, opposite. In any event that looks like it, but I think we would have to have that clarified as well.

Scott Lansing: Sure, absolutely, we can get you an exact number.

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Supervisor Ruso: That would be important. So let me move on then. ‘Commercial uses,’ we already have commercial use in place. We have the restaurant, you have the docking, I’m sure that’s money-making, and then, of course, you have the store, and you have the boat repair still and storage.

Scott Lansing: Boat repair, no. There is a large boat repair garage on the parcel. That is one structure that is being removed as part of the proposal. The Clubhouse area will remain intact with either a store associated with the Clubhouse, but as far as boat repair or storage on site, that is not proposed.

Supervisor Ruso: That won’t happen any longer? Okay as if this where this goes.

Councilmember Downes: And the Clubhouse is that staying what it is or is that going to be used differently?

Scott Lansing: I believe it’s staying as is.

Brian Donovan: The Bathhouse by the pool? The small building by the pool?

Scott Lansing: He just mentioned the Clubhouse. That’s all I’m...

Brian Donovan: The Clubhouse could be considered the restaurant, it could be considered the Ship Store, but I think he’s thinking of it as the Bathhouse over by the pool. And, yes, that would stay for boaters. There’s a laundry service in there, people can use it.

Supervisor Ruso: Okay, let me go to other things we talked about briefly. Common Property, ‘open space totaling not less than 25% and up to 50%,’ I think we fairly well addressed that and you were gonna give us more precise figures which is fine, we’ll need that. ‘A property owners’ association or similar mechanism for the long-term ownership and maintenance of this common open space shall be provided,’ I don’t recall seeing much regarding anything that resembles that.

Scott Lansing: As far as the ownership of the common area, I guess there’s a couple different directions this could go. If they are condominiums, there will be a condominium owners association, associated with the project that will address the ownership and maintenance of those common area lands. If the project ends up being multifamily, there will be one owner for the overall parcel and the overall units that will be rented out. That one owner will be responsible for that.

Supervisor Ruso: Is it possible it will be mixed, some will be owned by private, some will be owned by...?

Scott Lansing: Could be.

Supervisor Ruso: I see a nodding head over there.

Councilmember Sottolano: The area with the parking, the parking doesn’t count in that.

Councilmember VanEtten: No.

Councilmember Sottolano: But so you’re counting really the green area by the trails as the percent counted.

Scott Lansing: Correct, yes. I interpreted the common open space as in my opinion green open type of area. The parking areas will still be common area because it will be common parking amongst the residents, but I interpreted that section of the Code to mean more of...

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Councilmember VanEtten: How wet is that in that common area?

Scott Lansing: There are some wetlands on that area especially on the lower part where the trail goes through, the topography comes up, it's a little higher and drier, but on the bottom, there are wetlands.

Councilmember VanEtten: So that wouldn't be usable a common area.

Scott Lansing: Common area, I guess it's a matter of opinion. You know common area is wet still could be passive recreation area, could be where people could hike or walk a dog or stuff like that. As far as development or building, no absolutely not, not without a permit. As far as enjoying that land, I think the enjoyable land is still green, it's still preserved.

Supervisor Ruso: Okay, anything else because I'll move on if you're ready? Code Section 112-41 A 'Whenever a PDD is proposed, before any zoning and building permit shall be granted, and before any subdivision plat may be filed in the Office of the County Clerk, the prospective developer or his authorized agent shall apply for and secure approval...' Well, that's what we're here for tonight, "of such Planned Development District in accordance with the following' well, sketch plan review and I believe we have that here. Does anyone have any questions about the sketches that we have. We have three separate ones. We have the topographical, then we have the aerial photo, and what do you want to call this one, the shaded areas of the Shady Harbor. What do you call this one?

Councilmember Downes: Conceptual...

Supervisor Ruso: Conceptual rendering, thank you. So we have those, does anyone else have a question about that proviso here.

Councilmember VanEtten: Well, it's really hard to read that little thing so I would have to look at this.

Supervisor Ruso: Sorry, the printer is the printer. Actually that's a good question. As this thing goes on, your placards are pretty good, much easier to read.

Alex Betke, Esq.: We can have a set delivered to Town Hall.

Supervisor Ruso: I was gonna say another set that we can have on display on the walls here for others to see when they want to would be a great addition.

Alex Betke, Esq.: Yeah, we can deliver it to the Town Clerk. That's not a problem.

Councilmember Sottolano: As far as when it goes forward as you develop the area, it would be helpful to know exactly what the other uses would be planned, you know so I know you mentioned some, but that's important.

Alex Betke, Esq.: The Restaurant will stay.

Councilmember Sottolano: Yeah, even if there would be a change in the nature of the shop or something like that. It would be very helpful for us to be able to review that, any kind of changes or not. Thank you.

Alex Betke, Esq.: Sure, okay.

Supervisor Ruso: Okay, the sketch plan. Okay, so I think we're fine with the sketch plan at least (1). '(2) During Sketch Plan Review, the Town Board, in its legislative capacity, establishes the boundaries of the proposed PDD and set limits on the nature and range of uses,

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geometric and site controls and overall project planning. Specifically, the Town Board shall review the sketch plan according to the following criteria: (a) The proposal conforms to the Comprehensive Plan.’ I’ve read both this, this, and the Comprehensive Plan. This is actually a subset of these various sections that I’ve been referring to, but I looked throughout and I didn’t see anything that was inconsistent. I don’t know if anyone else’s interpretation or observations are similar?

Councilmember VanEtten: I agree.

Councilmember Sottolano: I agree, Jeff.

Supervisor Ruso: Good, good. ‘The proposal meets local and area-wide needs.’ In terms of needs, I do not know of much clamor for more housing in the area. There are more houses being built in the Town every year, so I guess there is not, to my knowledge, I’ve never been informed that this is a market where there’s a lot of needs. Wants maybe, desires perhaps, but needs is another story. So, I’m not sure how you want to address that.

Alex Betke, Esq.: Well, I think as you can tell by looking at the real estate around here, things go on the market and they come off pretty quickly. I think the need for inventory is pretty substantial. I think it’s just having kids around here trying to find a place, it’s been brutal so I believe that, and we can demonstrate this in wiring to you about the need but I think even the County’s own housing assessment need, will show you that there’s a definite need for both market rate, affordable across the board in Greene County right now.

Supervisor Ruso: Instead of us relying upon our own observations, anecdotal observations, something a little more formal would be most appreciated.

Alex Betke, Esq.: We can give you a reporter.

Supervisor Ruso: ‘The proposal meets the intent and objectives and general requirements of this section.’ That’s a little bit redundant to (a) because this is a subsection of the Comprehensive Plan, but I don’t see where this is contrary to the intent and objections. I mean every detail in and of itself is what we’re gonna review. Okay, so I’ll go to ‘(3) The Town Board has the authority to accept or refuse to consider any PDD proposal. Once the Town Board has accepted a PDD sketch plan for consideration, it shall refer the sketch plan to the Planning Board. Such refusal or acceptance and referral shall take place within 30 days of the submittal of the PDD sketch plan.’ Well, we’re behind that schedule, but there’s no reason not to get going on that. I mean we’re here to discuss that tonight so that will be yet to be determined. ‘The Town Board may also schedule an optional Joint Meeting with the Planning Board, to be held within 45 days of the date of referral to the Planning Board.’ That we’ll have to discuss as a Board okay so it will be on our Agenda for Monday, that part, referral to an inclusivity of the Planning Board. We have our Planning Board Chair with us and I don’t see any other Planning Board people here. ‘The Planning Board, upon receipt of the referral, shall have 45 days to issue an advisory’ so once we submit it to you, you’ve got 45 days. ‘The advisory report shall make a recommendation as to whether the sketch plan, as submitted, meets the following sketch plan review criteria: (a) The proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway and pedestrian systems, land use configuration, open space system, drainage system,’ they have that underlined for a reason, ‘and scale of the elements both absolutely and to one another.’ Well, I’ll ask the first question. I have not seen much conversation about drainage. Was there much? I looked at the maps and I saw a little bit of mention of it, but it seems to me the drainage it all goes into the River but I’d rather hear something more formal than that.

Scott Lansing: Correct, we did provide a survey that was prepared by a licensed land surveyor, so it does show the existing topography on the site and it’s pretty much just what you said everything slopes to the River. The project does include over an acre of disturbance. So given

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that there's over an acre of disturbance it would be required to prepare a stormwater pollution prevention plan...

Supervisor Ruso: That's what I was asking for.

Scott Lansing: Which is about a three inch thick document that goes through existing proposed conditions of, requires mitigation of runoff given that we're right by the River, most likely will just be water quality not water quantity mitigation of quantity is pretty much useless because it just discharges right to the River so any sort of mitigation quantity would not apply in this particular case so it is just quality. That is something that we usually do during the preliminary final Engineering phase of a project. So that in our opinion would be a past sketch plan, past the formal PDD application, and then when we get to the Planning Board at the end for the formal site plan design and where we anticipate doing that. But I have zero concerns with being able to meet the requirements of the SPEDES general permit that New York State DEC has. Again, it is something quite involved, something that we will do at a later date. I read the sketch plan, it was more of just a general intent which is that the stormwater flows to the River. That's the way it goes right now, that's the way it will go later on and then again later on we would do that formally.

Supervisor Ruso: Well, it's kind of what I saw but I certainly wouldn't want my observations to go forward in place of your own.

Scott Lansing: Yes, understood.

Supervisor Ruso: I'm gonna go down to Sketch Plan Contents so let's make sure we have all of those present. '(1) The location of the various uses and their areas in acres.' We have that. '(2) The general outlines of the interior roadway system...' We have that as well. 'and all existing rights-of-way and easements,' I didn't see any rights-of-way in there.

Alex Betke, Esq.: Everything's internal so we wouldn't give a right-of-way to ourselves.

Supervisor Ruso: '(3) The interior open space system. (4) The overall drainage system.' We just discussed. So that's also going to be proposed. '(5) A topographic map...' We have that here. I think maybe something a little better than what we have here in front of us. '(6) An aerial photo,' You have that. '(7) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal.' Well, we talked about water supply for a length of time here tonight. Sewage disposal we didn't give a lot of conversation, but we do have systems in place, but the transportation, aside from the transportation on your site and you do have your roadways, transportation outside of your boundaries, increases in traffic and of the like, we haven't had much conversation though.

Alex Betke, Esq.: We would you know again in that this is just our sketch plan and our initial conversation with you. We would provide a traffic study for you guys to look at.

Supervisor Ruso: That's kind of where I was going. You answered a lot quicker than I asked. Thank you.

Councilmember Downes: Alex, I understand that this is all one owner, but how is that gonna work if you go with condos? You have to get that easement.

Alex Betke, Esq.: Yeah, we would have to develop, that's where the condo association would go and probably most of the land would be transferred to that condo association for the payment much like a homeowners' association so that they would be assessed a maintenance fee for plowing, maintaining of the roads, cutting the grass, and all of that stuff.

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Supervisor Ruso: We don't have experience. I know there's massive places in Florida and New York, all these places have condos. We don't have that experience.

Alex Betke, Esq.: No.

Supervisor Ruso: So just to make sure I have this right, each one of those condos were to be that way is a separately taxed home.

Alex Betke, Esq.: Separate tax parcel under the Real Property Tax Law. There's a Condominium, I can't remember the section of law it's taxed under right now. I can't remember, but it does the Assessor would have their own parcel number for each condo unit and it would have a value associated with it.

Supervisor Ruso: In each parcel, condo, whatever you want to call it, would also be separately identified in our Sewer District. Right now we have every person in the sewer district, let's say most, beg your pardon, pay 10 points per housing unit and there are some 2 family homes down there. They pay 20 points, and the total cost is divided by the total number of points and that's what the changes are for each of the Sewer District users. This would be in essence, add 50 not 51, 50 users to the Sewer District. I don't know what additional costs would be incurred with these 50 new homes on the Sewer District's lot, but I would tend to believe... The points are largely there for maintenance and so forth and this will add some maintenance, but it's not a spread-out thing so I can't imagine this would be as costly. It would only be a small portion. So in essence, the users down there would have that mostly established cost of the Sewer District divided by more homes. So, it would gain a little bit of a decrease in the sewer cost per parcel. I wouldn't know. I'd have to do the math and we're a long way from that.

Alex Betke, Esq.: I don't know how many, 50 you know really goes into a reduction, but you'll see something.

Supervisor Ruso: Not much, not much.

Councilmember Downes: That 51st house, that's already on the sewer line?

Supervisor Ruso: Yeah.

Councilmember Downes: So that's already being changed 10.

Alex Betke, Esq.: That's already being charged.

Supervisor Ruso: Yes, they're on the top of the hill.

Councilmember Downes: Yeah.

Supervisor Ruso: The house on the top of the hill. I'm gonna underline the transportation study. '(8) General description of the provision of other community facilities, such as schools, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.' This I'm gonna just throw in, it goes closer to where I was thinking. I was thinking about a fire hydrant at the top of the hill, but I would tend to believe you'd want one down there cause you've got 50 homes.

Alex Betke, Esq.: No question.

Supervisor Ruso: If not more than one, but who knows who's gonna move into them. Are these gonna be for seniors or is it gonna be families, we don't know that answer do we.

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Alex Betke, Esq.: We don't know, but I think right now it's being looked at as you know market rate.

Supervisor Ruso: So who moves in see who moves in.

Alex Betke, Esq.: So seniors want to move in, they can move in and anybody that's looking for a place who wants it and can afford it.

Supervisor Ruso: Alright so the school system, I'm sure they'll look forward to being able to tax more people here on the eve of..., but I can be confident is what I know that RCS will not drive down that driveway.

Alex Betke, Esq.: No, we don't anticipate them.

Supervisor Ruso: The kids would have to get up on the top of the hill. Fire protection services, I certainly think we should include the Fire Department.

Alex Betke, Esq.: No question.

Supervisor Ruso: They're already involved in case there's an emergency down there so I don't think that's gonna be an added.

Alex Betke, Esq.: I think we would also like to make sure that they can adequately get to the buildings if needed and that everything's spaced properly.

Supervisor Ruso: I've never heard where they have a concern about getting there at this point and it's...

Alex Betke, Esq.: Nope, but just make sure that the plan works for them, and we're very committed to the local fire department.

Supervisor Ruso: Cultural facilities, I'm not sure where we are with that, but the location map showing ownership of abutting lands.

Councilmember VanEtten: I don't see that.

Supervisor Ruso: I don't see it, but it can be easily accomplished, unless it's in here and I just can't see it. I've seen that too, but those other names are there?

Scott Lansing: They are not. We will have to make sure they are added on there.

Alex Betke, Esq.: Well, we can update that.

Supervisor Ruso: It is at least for what we have here, you're not gonna see it. '(10) Preliminary use and dimensional requirements, including: (a) Permitted uses, conditional and accessory uses; (b) Maximum development intensity of residential uses; (c) Floor area ratio for non-residential uses;' okay, where are we on any of these, I mean what do you want to say about permitted uses?

Alex Betke, Esq.: We would put together for this tick list here of the items a cover letter that could describe for you all of these issues in term of... Typically you would see this in our SEQR submission in your application, but we can put together a narrative on these for you.

Supervisor Ruso: Okay, so we will have to have all these things as part of SEQR, you're right, setbacks. '(g) Minimum lot size; well we already have established that. (h) The number, size and location of automobile parking;' I see your proposed parking lot. Didn't someone say at one

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point there's gonna be a garage planned with each of these or many of these? Did I hear that somewhere?

Councilmember Kash: I thought that what I read was the units were gonna have room for two cars at least the three-story ones I believe underneath the buildings.

Scott Lansing: Yes, each individual unit will have at least one-car garage associated with it. There will also be an exterior parking space beyond that garage as well and then an additional parking spaces obviously scattered around.

Supervisor Ruso: Yeah, I think I had heard that you were going to have maybe a driveway around the back? Did I hear that?

Scott Lansing: Driveway around the back?

Supervisor Ruso: Behind that stretch of four homes anyway, but maybe I interpreted it wrong.

Scott Lansing: The four-unit complexes down below, there is an area where it's separated from the restaurant parking down below. We tried to provide some separation, little bit of an elevation rise there as well, so those units look out over the top of the Clubhouse, the Restaurant, out towards the River.

Supervisor Ruso: How close are those units going to be to the wall?

Scott Lansing: They're basically at the base of the slope.

Supervisor Ruso: I've been down there and you can see that there's rocks down there that have come down in times gone by. I don't know how recent, but I'd just worry about a rock on top of my house. I don't know if that's a showstopper.

Scott Lansing: We'll take a look and address it.

Supervisor Ruso: Okay, I mean it's not part of the sketch plan, your netting or whatever you do, but still worried obviously. '(a) Evidence of how the developer's particular mix of land uses meets existing community demands to include area-wide as well as local considerations.' We discussed that. '(b) Evidence that the proposal is compatible with the goals of local and areawide Plans. (c) General statement as to how common open space is to be owned' we talked about that. '(d) If the development is to be phased, a general indication of how the staging is to proceed.' I've not heard anything about staging.

Alex Betke, Esq.: We don't plan to stage this, this is a project that we can accomplish.

Supervisor Ruso: '(e) Description of ownership, or other demonstration of compliance with §112-40' We'll see how that one works out. '(f) Evidence of any sort in the applicant's own behalf to demonstrate his competence to carry out the plan and his awareness of the scope of such a project, both physical and financial.' That will be something that will go in the Planning Board process, character, competency, and all that stuff. I think that you know the good part is the Donovan's are well-known in the community. That helps a great deal. The Engineers in my conversations, they seem to be very competent. I've heard good things about the Engineering group in the first place so that's also a positive, but then, of course, I'm not the only person who's going to vet this. So, what do we do next folks? What do you want to do? I'm looking at the Board.

Councilmember VanEtten: I would like more information about the water.

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Supervisor Ruso: Well, the question is are we going to proceed with the PDD with that caveat in the resolution that addresses or speaks of what if the... contingent upon water basically.

Councilmember Kash: That seems reasonable to me because this is gonna be a long process.

Supervisor Ruso: Well, I'm not gonna throw a resolution in there unless I get a feeling of thoughts from yourselves. I could write a resolution.

Councilmember Kash: Well, it's clear that it can't go forward until we have some sort of idea of what's gonna happen with water whether it's gonna be public or private.

Councilmember Sottolano: I believe there will be other information from the other Planning Board, you know, studies and so forth.

Councilmember VanEtten: Names of adjacent property owners.

Supervisor Ruso: Give me a second and I'll write a resolution.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 126-2024
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RESOLUTION

WHEREAS the Town Board of the Town of New Baltimore has reviewed the proposed Planned Development District application for development of the Donovan Shady Harbor Marina Mixed-Use PDD; and

WHEREAS the Town Board has in its review found the application complete; and

WHEREAS the Town Board finds the PDD application acceptable; and

WHEREAS it is recognized that there remains a concern regarding the water supply for this PDD and that the PDD shall be disapproved if this water system is not secured.

THEREFORE, BE IT RESOLVED, that the Donovan Shady Harbor Marina Mixed-Use sketch plan is approved and shall be referred to the Planning Board.

Supervisor Ruso: Is everyone satisfied with what I've read?

Councilmember Kash: Do we have to say whether or not we're going to have the optional joint meeting?

Supervisor Ruso: I think we want to do this first. I think it requires some conversation with yourselves about water and requires a separate conversation with the Planning Board before we... Because at this moment quite honestly, we've not had one of these before. Who does what? Does the Planning Board sit over here? I don't even know how that works, okay unless Robby knows.

Rob VanEtten: I'd like to weigh in. This is a hamlet, a little residential area, how are we gonna address the zoning? We got to look at this first.

Councilmember VanEtten: A PDD is allowed in all areas of Town.

Supervisor Ruso: PDD's allowed in all areas regardless of zoning.

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Rob VanEtten: None of this meet any of the regs for housing and stuff.

Alex Betke, Esq.: Which is why you do the PDD, so instead of going for a variance or instead of doing that, that's why the Code recognizes a PDD and so instead of going after a variance you create this PDD.

Rob VanEtten: I was told by our Counsel that we might need a local law of some kind.

Alex Betke, Esq.: The local law comes at the end of the PDD. So once you go through your Planning Board process and the site plan it comes back to the Town Board. The Town Board then says 'we'll accept this based on these boundaries and then the survey, deed description goes into your Town Code as the PDD via local law.

Supervisor Ruso: Again, you did say it right. The PDD can happen regardless of the zoning in any part of Town. We could put a Planned Development District in your backyard, doesn't matter what the zoning is there if the Town Board approves it. No one's come up with one. Nevertheless, it's a way around the zoning sections that exist. So that's what we're doing. So anyway, we have this resolution.

Motion by Supervisor Ruso seconded by Councilmember Sottolano

Supervisor Ruso: So we can have some more discussion. Janet, what do you think?

Councilmember Kash: I'll say 'aye' you know looking forward to the information about the water district. I'm looking forward to more information about the water. I think that's really what we need to know.

Supervisor Ruso: And that's the caveat we spoke of. What about you, Councilwoman Downes?

Councilmember Downes: If we pass the PDD does that mean we go right to Delaware Engineering? I mean if we pass this motion tonight, do we go right to Delaware Engineering?

Supervisor Ruso: Not for my money. No, we need to determine exactly where we're gonna go forward and this takes more conversation with yourselves and perhaps a couple of us here about the private/public. We haven't figured that out yet. In fact we probably should before we leave let's determine who on the Board will sit down and get things going formally with the project folks. We'll do that after the resolution. So good question. Thank you. Miss Kelly. Anything else?

Councilmember Downes: And everything that you guys have offered to do, will we be getting that like in the next week?

Scott Lansing: I don't see why we can't do it in the next week. The adjoining property owners were on the survey, must have been a layer that turned off on the drawing. I apologize for that. The items as far as accessory uses, intensity, floor area ratios, all simple items I can provide in a narrative or site stats on the plan so yes.

Supervisor Ruso: I don't think you can get the traffic study by...

Councilmember Downes: Oh, no, I wasn't looking...

Alex Betke, Esq.: No, but all of the updated material like we had talked about, and we would submit that both by the way to the Planning Board as well as to the Town Board.

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Councilmember VanEtten: Well, I would personally like to see the water study and some more information on the drainage system and the map with the neighboring property owners before we decide and if we can get that soon. That's just my opinion.

Councilmember Sottolano: I think that we should move forward. The Planning Board would have a lot of the studies and work to do and with that information is necessary for us to make a decision ultimately. I think we're in the right place.

Councilmember Downes: So, if we go ahead with this Motion and they do it and some of the information comes back that we're not happy can we still shut down the PDD?

Supervisor Ruso: Yes, yes. I mean it's not a one-way street guys.

Councilmember Downes: And it's not just the water. We can say these numbers came back...

Alex Betke, Esq.: But also to your point drainage issues or something that you at the end of the day you have to pass a local law to amend this so at any point.

Councilmember Downes: I just didn't want to get...

Alex Betke, Esq.: And you're always a part of the conversation.

Supervisor Ruso: I'm thinking at this moment it is not the final. The final is we do the PBB, the Planning Board goes forward some of the things they need, SEQR's gotta be done. All these topics have to be resolved and then when we think they're at a point of resolution, then we do a local law in which there's Public Hearing and, yes, you can speak then okay as the public, and then we vote on it before it's done. All those things have to happen.

Councilmember Downes: I just wanted to make sure we weren't pigeon-holed and the only thing we could say 'no' to was the issue of the water. That's all I was...

Alex Betke, Esq.: No, you're Code is actually pretty clear that you have...

Councilmember Sottolano: Even if the Planning Board comes back clean as a whistle, we can still deny it.

Councilmember VanEtten: I'd like to have that resolution checked by the lawyer, nothing personal.

Supervisor Ruso: Anyway, there's been a Motion made and Motion seconded. We're still in the discussion phase so carry on folks.

Councilmember Downes: So the other thing is if we're looking at two weeks right for our next meeting?

Supervisor Ruso: Yes, two weeks from tonight.

Town Clerk Finke: It's Wednesday.

Supervisor Ruso: We're not gonna do it on.

Deputy Supervisor Dellisanti: We're not meeting on Columbus Day.

Supervisor Ruso: We always meet on the second and fourth Mondays except when a holiday hits.

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Councilmember Downes: So, my question then is if we need to have this resolution looked at by our Lawyer, how much of a hindrance is it gonna put on everything if we table it to the first meeting of the month?

Councilmember VanEtten: Long time for them to get approval I don't know...

Councilmember Downes: I'm just asking. I mean that's an option, we'd have all the information back, and on top of that we have time for the Lawyer to look at this. That's an option.

Supervisor Ruso: Okay, I'm hearing a preference of the Board that we'll need to have an amendment to this or we could amend this to table it.

Councilmember Downes: I think that would make everybody feel more comfortable:

Councilmember VanEtten: Yeah, I agree.

Councilmember Kash: I think the more information we have the better even though it's going to be a long and complicated process.

Councilmember Downes: I'm just throwing that out there.

Supervisor Ruso: Well, let me see how we do this here. So we're not gonna vote 'aye' or 'nay.'

Alex Betke, Esq.: The Planning Board I think is meeting on the 10th?

Councilmembers Kash and Sottolano: Yes.

Supervisor Ruso: Whatever, yeah, I think you're right.

Alex Betke, Esq.: And you would meet after the 10th?

Supervisor Ruso: We meet on the 16th which means we would push it off until the one in November.

Alex Betke, Esq.: 16th so this would then push it into November. So, the Planning Board then only meets once a month.

Supervisor Ruso: Typically. They have met but not very frequently more than once. There is a proviso for an emergency, but that's not something we've done with frequency. Robby, have you ever had more than one?

Rob VanEtten: No, not that I can recall. No.

Alex Betke, Esq.: On behalf of my client I would just put it to the Board this is just a sketch review to send us to the Planning Board and you're still gonna receive everything at your next Town Board meeting. If you wanted to rescind that or change it, you have it at your discretion but that now puts us and my client a month almost a month-and-a-half behind and we'd love the ability to see if we can make that 10th Planning Board to at least give a presentation to them with updated material that the Code says. We want to be able to use these winter months now that the place is closing down for the winter to be able to see if we can try to get some forward progress. I would say that if the Board wanted to change something in that resolution or stop us in our tracks, so be it, but at least for tonight we would love to be able to have that referral to the Planning Board to at least have that initial conversation.

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Rob VanEtten: I'm not sure we can get you on the agenda for October. It may be November regardless.

Supervisor Ruso: Okay, well, so I'll need someone to make a Motion to table the previously read resolution so do I have a Motion to table the resolution?

Motion by Councilmember VanEtten, seconded by Councilmember Downes to table the previously read resolution.

Councilmember Kash:	AYE
Councilmember Downes:	AYE
Supervisor Ruso:	AYE
Councilmember VanEtten:	AYE
Councilmember Sottolano	NAY

Motion Carried

Supervisor Ruso: We're gonna table this to the next meeting and get this all going. I'm sorry for it not being finalized but we did make a lot of headway tonight. We did.

Alex Betke, Esq.: No question about it. We appreciate your time on it. It's gonna be, and I know it's one of the first ones that you've gone through on this, we want to work with you guys as well.

Supervisor Ruso: Well, honestly this is all new territory for everyone on the Board honestly and so I think it's not so much the project that is of concern, we just don't know what we're doing in the process.

Councilmember Kash: Lots of moving parts.

Supervisor Ruso: It's the newness to us is I think the problem here not so much yourselves.

Alex Betke, Esq.: I was just highlight to you and your Attorney the timeframes within your law and how we want to...

Supervisor Ruso: Get this moving, yeah, I'm with you.

Alex Betke, Esq.: Get this moving because you have pretty tight timeframes that we're already passed in here.

Supervisor Ruso: Yeah, we are.

Alex Betke, Esq.: So I just want to point that out.

Supervisor Ruso: Okay, well I think our things for the evening... Were we going to discuss anything else that relate? I think what I'll also have is.. We'll have to think about our next agenda. This will have to be addressed at our next meeting in one way or the other.

Adjournment

Motion by Councilmember VanEtten, seconded by Councilmember Sottolano to Adjourn the Special Meeting at 8:28 PM

AYES: Ruso, Downes, Kash, Sottolano, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

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Respectfully Submitted,

Barbara M. Finke RMC CTO
Town Clerk