

**TOWN OF NEW BALTIMORE PLANNING BOARD**  
**Regular Monthly Meeting**  
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The meeting was called to order at 7 p.m. by Chair Rob Van Etten followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney, Robert Court, Bill Boehlke, Sr. and Lee Salisbury, Jr. Jean Horn and Pat Bruno were absent.

Mr. Van Etten welcomed new Board Members, Bill Boehlke, Sr. and Lee Salisbury, Jr., thanked them for their interest in serving on the Board and commented both gentlemen have lived in the Town for many years, have family here in the Town and have a serious interest in the well-being of the Town.

**OLD BUSINESS**

**William Brandt – Bristol Manor – Assisted Living Facility – Site Plan Application**

Present were Mr. Brandt and Attorney Michael Biscone.

Van Etten: We are going to do the SEQRA first.

Biscone: Yes, and then we will do a report. The SEQRA was actually filed in May of 2015 and it was amended by consent between your Board and myself. We literally have to go through it. It is 13 pages of my application and then Part 2 is yours. As a general rule in the SEQRA when you start a sub-section with the answer of “no” that takes care of most of the other areas of the section. Where we are is on Page 2, Part 1 of the Long Form SEQRA. It says:

**C. Planning and Zoning**

*C.1 Planning and Zoning Actions*

*Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? - **NO***

Biscone: So that basically takes care of that section. The only thing that is required is what we have to file to comply with Sub C, the Planning and Zoning paragraph is the Site Plan. That is it. Believe it or not at one time you didn't have this zone that existed on 9W for Commercial enterprises which you do now so we complied with that; and quite frankly, that is the first question on the top of Page 3. You now have a zone for Commercial and we are in that Zone so we are properly zoned. Therefore, all the rest are answered “No”. Will there be a zoning change and so on and so forth.

***C.3 Zoning (Page 3)***

*a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? – **YES***

You now have a zone for Commercial and we are in that Zone so we are properly zoned. Therefore, all the rest are answered “No”. Will there be a zoning change and so on and so forth.

***C.4 Existing Community Services***

*a. In what school district is the project site located? **RCS***

Van Etten: We have one change there. You have the RCS School District.

Biscone: What is this in?     Van Etten: Cocksackie-Athens District

Biscone: It is?                     Van Etten: Yes.

Biscone: So C.4, little a, is **amended by consent to Cocksackie-Athens**. Did you know that was Cocksackie-Athens?

Brandt: I don't know but I know I pay taxes for children and I don't have any.

*b. What police or other public protection forces serve the project site? -*

Biscone: Greene County Sheriff; New York State Police. Both have sub-stations relatively close to this

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site.

***D. Project Details***

***D.1. Proposed and Potential Development***

*a. What is the general nature of the proposed action?*

Biscone: We are doing a senior citizen assisted living facility.

*b. a. Total acreage of the site of the proposed action?*

Biscone: The site will be 4.5 acres.

*b. Total acreage to be physically disturbed? -*

Biscone: We will be physically disturbing more than one acre, which is why we need a Stormwater Management Plan..

*c. Total acreage owned or controlled by the applicant or project sponsor? -*

Biscone: Total acreage of this site is 4.5 acres. The map has long ago been provided to the Board. All the rest of the questions on that page are answered “no”

*c. Is the proposed action an expansion of an existing project or use. - **NO***

*d. Is the proposed action a subdivision, or does it include a subdivision – **NO***

*e. Will proposed action be constructed in multiple phases? - **NO***

*f. Does the project include new residential uses?*

Biscone: Top of Page 4, it is 50 units.                      Brandt: 55.

Biscone: 55 now? Well, let’s get the actual final number. When this was done, it was 50. It might have changed.

Van Etten: So we are changing that definitely to 55?

Biscone: No, I am going to tell you in a minute. The reason that some units were added and some were taken out by the stairwell and other things that Mr. Mantor wanted.

Vadney: Will the laundry facilities be there in the senior living or do they send the laundry out?

Brandt: 54.

Biscone: 54 units so the top of Page 4, Question f, is amended to 54. I am writing it in now. She wants to know if the laundry facilities are on site or off site.

Brandt: On site.      Biscone: And that is included in the 5200 gallons?      Brandt: Yes.

*g. Does the proposed action include any new non-residential construction? - **NO***

*h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? – **YES - stormwater management plan***

*i. Purpose of the impoundment: **STORMWATER***

*iv. Approximate size of the proposed impoundment – **One half of an acre.***

Biscone: And that is going to be shared with the dental facility.

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ii. *If a water impoundment, the principal source of the water:* **Runoff**

**D.2 Project Operations**

a. *Does the proposed action include any excavation, mining, or dredging, during construction, operation, or both?* - **NO**

Biscone: Once you answer “no” there, the rest are “no”. We now drop down to the next Page 6, Roman numeral iv.

c. *Will the proposed action use, or create a new demand for water?* - **YES**

Biscone: Ninety gallons a minute on a private well; 5,200 gallons a day. The water schematics are all part of the plans. I will be talking about the plans a little further in a minute but the private wells pump into a significant and substantial retaining tanks that hold this water.

Everything else—On Page 5 is yours blank where it says name of the District because we augmented this. Go to Question C, Name of district or service area. It is blank because we do not have [Rest not understood as Mr. Van Etten started speaking.]

Van Etten: Oh, right, there is no water district.

ii. *Will the proposed action obtain water from an existing public water supply?* –

Biscone: This is private and when you answer, as I said the first question “no”, all the rest will be no thereafter.

d. *Will the proposed action generate liquid wastes?* -

*If yes:*

i. *Total anticipated liquid waste generation per day:*

Biscone: Well, since we are bringing in 5,200 gallons and you are not going to drink hardly any, you are also going to discharge 5, 200 gallons. Private sanitary disposal system. ,

iv. *Will a new wastewater (sewage) treatment district be formed to serve the project site?* – **NO**

Biscone: But they say to you what are we going to do.

v. *If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):*

Biscone: We are going to have a septic tank with an aerobic treatment unit, intermittent sand filter, the surface water on the site is a tributary to the Cocksackie Creek. It is a Class C creek. All of that is information only, guys. That is all we are doing there.

e. *Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?* - **YES**

Biscone: Of course. We admitted that ahead of time. That is why we have to have a SWPPP.

There is nothing else on that page is applicable to this project. Page 7. There is absolutely nothing applicable to this project on Page 7 except the Hours of Operation.

**1. Hours of operation**

ii. *During operations:* **It is 24 hours a day; seven days a week**

Court: Excuse me. On the last one, *Will the proposed action disturb more than one acre and create stormwater...* you said “Yes”. Underneath there, it says If yes, it gives you a bunch more questions. They are not filled out on mine.

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Biscone: What little number are you?                      Court: e.

Biscone: Yes, half an acre.                                      Van Etten: I see what you are saying, Bob.

Biscone: Four acres. A half acre will be impoundment. It is a four and a half acre site; we are going to disturb four acres.

*ii. Describe types of new point sources. – **There aren't any.***

*iii. Will the stormwater be directed. – **YES.***

Biscone: To behind the dental office into that detention pond shown in our plan.

*If to surface waters – **NO***

Biscone: We are not running it into the Class C creek.

*iv. Does proposed plan minimize impervious surfaces....*

Biscone: You know what, guys, if you know what that means, you go ahead and tell me. Does the plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? – **NO**

Biscone: No, we don't.

Vadney: Stormwater run-off flows to adjacent properties is also "No"? I would think that is "yes".

Biscone: No, we are not. We share the pond. The little portion of the pond that is on his, that is for his run-off. Okay, can I say our water stays only in [Several words not understood; several people speaking.] There was a reason why that pond had to be...Please remember that was our lot .Okay, we had three lots here so that pond was determined, the area, the acreage of that pond was determined because of his and our lot. Not because of the little lot that we will call the restaurant lot.

Vadney: The stormwater is going into the same.              Biscone: The pond is his.              Vadney: His?

Biscone: His, is the dentist's; and the only stormwater that is his that goes from his into that pond will be from his expanded parking lot which is tilted back to the rear of his lot right now.

Vadney: I think that maybe should just be a "Yes". I mean what is the difference?

Biscone: Which one are you on now?

Vadney: Three, *Will stormwater run-off flow to adjacent property?*

Biscone: Where are you? What is the little letter?

Vadney: E                      Biscone: Six.                      Vadney: It is six.

Biscone: No, Ann Marie, we are not directing run off to an adjacent property. It is going into our pond.

Vadney: Okay, it is your pond.

Biscone: It is my pond. It is definitely a "no". I see where you are. It is a little dot, it is the second little dot under triple little i. No, that is a "no".

Boehlke: So they are both "no"?

Biscone: That is correct, Mr. Boehlke.      So then we are back. They are asking us

*i. Will the proposed action result in the release of air pollutants from open-air or processes, such as quarry or landfill operations - **NO***

*j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? - **NO***

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Biscone: I answered that as “NO” because this is a residential facility. The only traffic that will happen is if there are visitors coming. These folks are not what you would call transient. Some of them will have vehicles but not a lot. And then they are asking a series of questions.

*ii. For commercial activities...*

Biscone: There aren’t any.

*iv. Does the proposed action include any shared use parking?- NO*

Biscone: No, it is not like a Faith Plaza. That is what they mean by shared parking.

*v. Does the proposed action include any modification of existing roads or create any new roads? – NO*

Biscone: That would be a development. For instance, if you are going to start naming streets. This is not.

*vi. Are public/private transportation service(s) or facilities available within one-half mile of proposed site? – NO*

Biscone: They are referring to if there is a bus terminal around you or airport or anything like that. These are all NO. All these little sub-Roman numerals are “no”

*k. Will the proposed action generate new or additional demand for energy? – NO*

Van Etten: You have an electricity demand.

Biscone: It is normal. That is considered normal. Okay?

*ii. Anticipated sources/suppliers of electricity for the project?*

Biscone: The supplier of electric is still, I think, Central Hudson there at that point.

Vadney: Yes.

*iii. Will the proposed action require a new, or an upgrade to, an existing substation? - NO*

**I. Hour of operation.**

Biscone: We already went over the hours of operation.

*m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation or both? – NO.*

Biscone: We wouldn’t anticipate any of that.

*ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? - NO*

*n. Will the proposed action have outdoor lighting? – YES*

Biscone: Yes, it is on the plan. It is in accordance with your Dark Sky request and it is all down lighting.

Vadney: So, i. should have that, right?

*i. Describe source(s), location(s), height of fixtures, direction/aim, and proximity to nearest occupied structures.*

Biscone: Yes. That came after this was filled out. Actually, you can fill in there with my consent “to comply with Dark Sky”.

Brandt: And we have everything designed.

Biscone: For that purpose.

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*o. Does the proposed action have the potential to produce odors for more than one hour per day - NO*

Biscone: No. I would imagine that is like a transfer facility.

*p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? - NO*

*q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e. herbicides, insecticides) during construction or operation? – NO*

Biscone: We are not doing any of that.

*r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? – NO*

Boehlke: Is it going to be electrically heated, Mike?

Biscone: There are two types of heat?

[?] You have propane in some?

Biscone: Right, and, Bill, again this was ahead of you. My understanding is the residences are electric but the common areas were gas. Am I correct?

Brandt: Yes. Residential units are electric, correct, and the public areas are propane.

Boehlke: So LP.

Biscone: LP, yes.

Brandt: It is kind of indirect because it runs off the boiler system through a heat coil and heat pump also so it is electric and [Word not understood.]

Boehlke: So you are going to have like what, a 1,000 gallon tank kind of thing?

Van Etten: Probably bigger than that but it is not like a fuel oil tank or anything like that.

Biscone: No, no. Boehlke: It is a liquid propane. so it is a capacity over 1,100 gallons.

Van Etten: Do they consider that a propane, a petroleum?

Boehlke: Yes.

Biscone: Where did you read that Bob?

Court: It is P. *Combined capacity over 1,100 gallon.* Being the propane is going to be delivered in liquid form, it is not a natural gas.

[?] I don't know if they consider LP since once it hits the atmosphere you know.

[?] It blows up.

Van Etten: Doesn't intend to go in the ground. Let us put it that way. It is not like a petroleum.

Boehlke: Technically, it is liquefied petroleum gas, LPG for this purpose. I think you are looking to see if there is going to be any larger than normal storage tanks of combustible liquid that a fire company would have to be aware of.

[?] Now they have, as you know, all these containment codes.

[Another conversation with regard to the storage had been taking place that could not be understood.]

Van Etten: So it is still a "no" then?

Biscone: It is "no" I don't have anything that is "yes" in the middle of Page 9 until we get to a most important one which is: .

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***E.1 Land uses on and surrounding the project site.***

Biscone: I have all of those filled in from the plans. If you would take a look, they are asking how much is grassland, how much is landscaped, how much is gravel and I have numbers in all of those. They are asking me how much is agricultural and so on and how much will be roads. We have that there. You will see 1.88. These are all calculated by Charlie Hite. There won't be any forest here. That again is only for informational reporting purposes.

*c. Is the project site presently used by members of the community for public recreation? - NO*

*d. Are there any facilities serving children, the elderly, people with disabilities (e.g. schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? - NO*

*e. Does this project site contain an existing dam? - NO*

*f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? – NO*

Biscone: But you all should understand that was proposed as such and I came in and killed that. We then bought this land from the gentleman who wanted to make it a transfer station.

*g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? – NO*

Biscone: There isn't any contamination here.

*h. Potential contamination history. Has there been a reported spill at the proposed project site or have any remedial actions been conducted at or adjacent to the proposed site? - NO*

Biscone: This has been a farm forever. Are you with me so far. I am on Page 11.

*v. Is the project site subject to an institutional control limiting property uses? - NO*

Biscone: We don't need a DEC number.

***E.2 Natural Resources On or Near Project Site***

*a. What is the average depth to bedrock on the project site? –*

Biscone: Mr. Hite told me it is greater than six feet.

*b. Are there bedrock outcroppings on the project site? – NO*

Biscone: There are no outcroppings on the land.

*c. Predominant soil type(s) present on project site. –*

Biscone: Okay, here you go, guys. We actually had a soil guy do this with us. Can you read it okay? HVB. Hudson and Vergennes soil, 95%. That is what it is there and it is determined HWD3. Again Hudson and Vergennes. Silty clay is the other remaining 5%. That is the soil designation on that site.

*d. What is the average depth to the water table on the project site? - 70 feet*

Biscone: I have no idea. Do you know?

Boehlke: Well, it must be pretty good because you have 90 gallons a minute there?

Biscone: Yes, he does. They hit two artesian. They are not deep. The hotels, we built all those hotels; and every one of them have artesian wells. It is just unbelievable. [Several spoke at once.]

Van Etten: As soon as you go over on 61, the people can't get water.

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Biscone: Well, you know you have unusual topography here for New Baltimore. You guys have to know being out in the country, the farmers, how about your father? You go around with a divining rod.

Boehlke: Did you get sulphur in any of them?

Biscone: No. Did we?

Brandt: I had a great engineer. He had me go out, knock on a lot of doors, take all the numbers and he did all the calculations and said let's start here. This was back in the day of the hotel. The first hole, it was gushing.

Biscone: We had to cap it.

Boehlke: Who was this?

Brandt: Karl Aiken and the driller was really upset.

Biscone: We had enough from that one well to run that whole hotel and actually we could have run this place too.

Boehlke: How deep did you go?

Brandt: I think it was 60 or 80 feet.

Biscone: Hit an artesian well.

Boehlke: With a hammer or with a rotor?

Brandt: Hammer. On this site, we drilled three or four times and then we went back further. [Several words not understood.] same area.

Alfeld: They have water like that over at the New Baltimore Rest area.

Brandt: The brick house up in front, 360 feet and it was all methane gas.

Vadney: We are buying water form Cocksackie?

Biscone: Well, that is a project for another day.

Brandt: I think Fox Run has great water also until it stopped so you know it could happen.

Clerk: It stopped?

Brandt: Right, there was a problem. They had water; then it stopped and they had to re-drill over there.

Biscone: I don't know the depth to the water table because we have never had to measure it because these guys have done exactly what he said. He has gone to what in days gone by would be almost the depth of a dug well and they have to cap the d--- thing. I can't tell you where the water table is there.

Boehlke: If you are hitting that kind of water at 90 feet, I mean you are hitting water at 25, 30 feet.

Vadney: We probably need to put something in there though.

Van Etten: And you don't go far and people can't get water.

Biscone: Well, why don't—I will consent that we put it in 70 feet. Okay, because that is deeper than we went.

Brandt: In talking to local farmers here, they say it is up top. It is up top..

Biscone: So for E.2.d, please insert 70+/- feet.

*e. Drainage status of project site soils – **MODERATELY WELL DRAINED** because of that.*

Biscone: Now h. was a subject of discussion with Mrs. Rundberg. I had "no".

*h. Surface water features.*

*i. Does any portion of the project site contain wetlands or other water bodies (including streams, rivers, ponds or lakes)?*

Biscone: I had "no". She said that the computer site said "yes". I don't know of any wetlands or streams on this site.

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Brandt: We had [Rest of comment not understood.]      Biscone: Yes. Very on the fringe

Van Etten: Yes, I had walked the site. I hope you didn't mind but where was that? The only place I could see wet was where it went toward the Thruway but that is a man-made ditch.

Biscone: Right. So I had said "no". She wanted "yes". You can show them what the map says, the section. Is it designated there?

Brandt: Yes.      Biscone: Is that what he is talking about?

Van Etten: Down along towards the Thruway.

Biscone: Oh, there is apparently a strip. It is no longer on our land. It is almost to Warren. You know where Warren is south of the dental office? There is apparently a swale, here it is and it is a very contained wetland.

Van Etten: Is that on your parcel?      Biscone: Not any more. Our parcel is B-1.

Boehlke: Is it really a wetland?

Biscone: 0.38 acres of wetland and it goes to where you said. It runs south of the dentist and then goes to the Thruway. The Thruway swale. That is it.

Boehlke: Who has it termed as a wetland?

Biscone: These guys did. Biscone: The engineers determined it to be so. We actually had to have it measured. You guys have these; but without referring to them, it terminates where you said in that Thruway swale. It actually starts—our portion which would be east side of U.S. Route 9W. According to what I am looking at, it actually is all the way where the mountain is on the west side it starts.. A catch basin runs underneath U.S. Route 9W.

Brandt: In like a dead area over there.

Biscone: You know what I am talking about when I say the mountain on the other side?

Van Etten: Okay, skipping down, it says:

*iii. Are any of the wetlands or water bodies within or adjoining the project site regulated by any federal, state or local agency?*

Van Etten: So are they designated wetlands?      Biscone: I have no idea.

Vadney: Your engineer did that?      Biscone: Yes.

Clerk: Somebody signed off on that I think for some project. It might have been the Gertzberg.

Biscone: This is on Gertzberg's land. It isn't on ours.

Clerk: Right. It would have been when Berry did the [Comment not finished.]

Biscone: The builder, correct again. To be particular, this is not affecting ours. This is south of Gertzberg. He is Lot 2; we are talking about Lot 1. Lot 3 would be what we call the restaurant parcel.

Van Etten: So I don't know why you are putting "yes".

Biscone: I didn't; Kathy did. The preface, listen to what I said. The computer told her it was "yes". Do you remember that night because I had "no"? You can see the whiteout on here.

Van Etten: So what are everybody's thoughts on that? What do we want to do?

Vadney: So based on what we are discussing here, I don't think that should be "yes".

Biscone: I said it was "no" to begin with but I am not going to argue.

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Vadney: DEC's computers, half the time we run into this over the years, right, Marjorie? They come  
They come up with stuff that you can't find anywhere.

Clerk: 500 feet or more away from the parcel.

Biscone: And that was the whole point of that.. So all I was trying to be was accommodating. Here is exactly what it is. If you all want to see it, I will put it up on the dais right now. It is a skinny little thing.

Boehlke: You are better off changing that to "no".

Biscone: That is fine with me. So you are going back to what my answer was?

[Several spoke at once.]

Biscone: And the rest of that Page 11 is all "no".

Boehlke: There is not enough acreage there to be registered.

Vadney: Yes, that is what I say. So all these others that adjoin the project site are "no" now.

Biscone: Correct.

*v. Are any of the above water bodies listed in the most recent compilation of NYS water quality impaired water bodies? -NO*

*j. Is the project site in the 100-year Floodplain? - NO*

*k. Is the project site in the 500-year Floodplain? – NO*

Van Etten: If that is a floodplain, boy we are all in trouble.           Biscone: Correct again.

*l. Is the project site located over, or immediately adjoining a primary, principal or sole source aquifer? - NO*

*m.. Identify the predominant wildlife species that occupy the project site. - NONE*

Biscone: There are no prominent wild life species that occupy the space..

Boehlke: Once you put down you have wetlands that you are dealing with, then you open a can of worms.

*n. Does the project site contain a designated significant natural community? – NO*

Biscone: Actually, this whole page is "no" except when we get down to: [E3c]

*o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? - NO*

*p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? - NO*

*q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? - NO*

*E.3 Designated Public Resources On or Near Project Site*

*a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? - NO*

*b. Are agricultural lands consisting of highly productive soils present? - NO*

*c. Does the project site contain all or part of, or is it substantially contiguous to, a registered*

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*National Natural Landmark? – YES*

Biscone: The Warren house across the road. That big huge house on the hill, the stone house. It is from the 1700's. That is a designated registered national landmark. So that is why I answered that "yes".

*d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? - NO*

Biscone: We are not in a critical environment area.

*e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? - NO*

*f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? - NO*

Biscone: For the new members, we have filed with the Board archaeological study report. It is 22 pages long and bound. We did it. Listen to me. You are new here. We have gone through every hoop, and I will not use the F bomb. We have gone through every hoop imaginable. You have it filed in your reports.

Van Etten: We have a letter from them.

Biscone:. Because I read the d--- thing. It is bound. So no, we are not in an archaeologically sensitive area.

*g. Have additional archaeological or historic sites (s) or resources been identified on the project site? -*

*h. Is the project site within five miles of any officially designated and publicly accessible federal, state or local scenic or aesthetic resource? - YES*

Biscone: Yes, the Hudson River qualifies that. It is a Federal scenic waterway. We are two and a half miles from it.

*i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? – YES*

Biscone: And we are in a designated river corridor, the Hudson River corridor. That is the end of that report. You can go to your Part 2.

Mr. Van Etten went through Part 2 as follows:

**Part II**

***1. Impact on Land***

*Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. – YES*

*a. The proposed action may involve construction on land where depth to water table is less than three feet - NO.*

*b. The proposed action may involve construction on slopes of 15% or greater. – NO*

*c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.- NO*

*d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.- NO*

Van Etten: I don't think you are going to move that much, do you Bill?

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*e. The proposed action may involve construction that continues for more than one year or in multiple phases. - NO*

*f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). – NO*

*g. The proposed action is, or may be, located within a Coastal Erosion hazard area. - NO*

**2. Impact on Geological Features**

*The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site.(e.g., cliffs, dunes, minerals, fossils, caves) – NO*

**3. Impacts on Surface Water**

*The proposed action may affect one or more wetlands or other surface water bodies (e.g. streams, rivers, ponds or lakes) – NO*

Van Etten: I would say “no”. You don’t have anything, right?

Biscone: I don’t have any water bodies.      Van Etten: Adjoining would?      Biscone: No.

Van Etten: The Thruway’s drainage ditch. That is about it.      Biscone: They made it.

**4. Impact on Groundwater**

*The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. – NO*

**5. Impact on Flooding**

*The proposed action may result in development on lands subject to flooding. – NO*

**6. Impacts on Air**

*The proposed action may include a state regulated air emission source. – NO*

**7. Impact on Plants and Animals**

*The proposed action may result in a loss of flora or fauna. – NO*

Van Etten: It is a weed patch right now.      Vadney: On the first section, we didn’t identify any.

Biscone: We don’t have any.      Vadney: So it won’t impact on this.

**8. Impact on Agricultural Resources -**

*The proposed action may impact agricultural resources. – NO*

**9. Impact on Aesthetic Resources**

*The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. - NO*

**10. Impact on Historic and Archaeological Resources**

*The proposed action may occur in or adjacent to a historic or archaeological resource.- NO*

Biscone: That is what that report was on.      Boehlke: Does that cover the whole Town, Mike?

Biscone: No, just this site. We did it more than three years ago. They actually have an area map that they go by because they have been asked this so many times.

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Boehlke: That is what I was kind of thinking.

**11. Impact on Open Space and Recreation**

*The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. - NO*

**12. Impact on Critical Environmental Areas**

*The proposed action may be located within or adjacent to a critical environmental area (CEA).- NO*

**13. Impact on Transportation**

*The proposed action may result in a change to existing transportation systems.- NO*

**14. Impact on Energy**

*The proposed action may cause an increase in the use of any form of energy.- NO*

Biscone: They are talking about something that you might need a sub-station for. This is going to be assimilated in the regular birth of events.

**15. Impact on Noise, Odor and Light**

*The proposed action may result in an increase in noise, odors, or outdoor lighting. - NO*

**16. Impact on Human Health**

*The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.- NO*

**17. Consistency with Community Plans**

*The proposed action is not consistent with adopted land use plans.- NO*

**18. Consistency with Community Character**

*The proposed project is inconsistent with the existing community character. – NO*

Mr. Van Etten asked if there were any questions or if there was any needed discussion. There were no questions or needed discussion.

Biscone: There is actually a Part 3. Do you have that in front of you too?      Van Etten: Yes.

Biscone: I think that is where your vote is.      Van Etten: Well, we have a resolution here.

Resolution presented as follows:

**WHEREAS**, William Brandt, wishing to construct an assisted living facility to be called Bristol Manor on parcel bearing Tax Map #40.00-4-2.111 located at 12514 U.S. Route 9W submitted current Site Plan Application packet, replacing outdated application packet submitted in 2007, at the May 14, 2015, Planning Board Meeting; and

**WHEREAS**, a Public Hearing, having been duly published in THE DAILY MAIL, was held on said application at the New Baltimore Town Hall on December 8, 2017, no with members of the public offering comment; and

**WHEREAS**, the Planning Board at its January 12, 2017, meeting, completed the Lead Agency portion of the Long Form SEQR; now therefore be it

**RESOLVED**, that the Planning Board has determined that the assisted living facility project will have a negative effect on the environment and hereby issues a negative declaration.

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Moved by: Vadney  
Seconded by: Court

AYES: Van Etten, Court, Vadney, Boehlke, Salisbury  
NAYS: None  
ABSTAINED: None  
ABSENT: Horn, Bruno

Biscone: This opens a bunch of doors. I am going to have Mr. Brandt say what the status of the actual Site Plans are; but based upon that and when it gets generated from your Clerk's office to me, I can now go back to the Zoning Board of Appeals and close out the issue. I can give that to our engineers.

Brandt: [Comment not understood.]

Biscone: With that, I can have Stantec get me the DOT. I can file for my NOI on my SWPPP's after that. I mean this opens all the other doors and here is my suggestion. Once I have that, instead of making all your approval, which you cannot give tonight, because we don't have the plans finished. He will explain why in a minute. This will be adjourned for the submission to Mr. Mantor sufficiently in advance of this next adjourn date of the stamped plans for his final review and report to your Board; and on that night, I will endeavor to have as many of these other items, and I believe there are five, resolved so we can actually make them part of the record too and we have a shot at having no conditions.

Van Etten: Okay, that would be good.

Biscone: In our ultimate and final approval in that:

...We may have DOT done.  
...We may have the SWPPP's done.  
...We may have the Zoning Board done.

Okay. All these things that have been held in abeyance simply because we haven't had our final SEQR. Bruce Secor of Stantec is the gentleman who needs us to get that to him so he can get the DOT approval. From that will flow what the dentists have to do. DOT will tell us what they are going to allow, what they are not going to allow. The dentists will then have to live with that and we will have them to my office to discuss that further at that time.

It is not part of anything that we need from this Board but you did ask, I think, what we had in writing. It should be part of your record. We have a full agreement, an installation agreement, with Dr. Marvin Gertzberg dated April 1 in the year 2010. This is a document that Charlie Schaefer and I drew up and it was requiring two signatures. Mr. Berry, who was Dr. Gertzberg's builder simply took some white out, had Marvin sign it, had it notarized and filed it with your Board. Okay. This became part and parcel of your approval. This is for the detention pond where he is saying that we have an access to an easement on his property. He is selling it to the young dentists now for you folks who were here last time and they are bound by this and this is also about the driveway. Mr. Berry did not want to wait for our road, put in a temporary driveway and he is required by DOT, by our DOT approval, to remove it. This also goes to that.

Now, these all require--Lee Davis was your chairman then. There was correspondence from my office. There is Berry Builders' correspondence and then here is Bruce Secor again. These are all the correspondences that came fast back and forth for this detention pond and your Board took it upon their own shoulders to give him a Site Plan approval predicated on the fact that he filed this with your office. Okay. When John Allan, and these two gentlemen don't even know what I am saying but when John Allan read this, he about swallowed his tongue because I wanted this to be filed someplace to protect the interest literally of everybody, including the public, on this development. We owned this lot. This was one of three lots that we owned and Dr. Gertzberg was just impatient and that is fine. So there it is and you have this. If you want another photo of this, I can give it to you.

Van Etten: Do we have that, Marjorie?      Clerk: We have it.

Van Etten: I am sure we do.      Biscone: Okay?      Van Etten: Okay.

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Biscone: So you had asked me about that and I just want to get rather emphatic because I came to the Public Hearing. I came to the other Hearing where he actually got approval and understand that Mr. Berry, that was his last job that he ever did. He retired immediately after that and he knew it. He just wanted to get it done so he could retire. So that is fine but it is all binding. What DOT does with it, is \up to DOT and whatever they say is going to control us and the dentists.

Van Etten: Where are you at with the ZBA?

Biscone: They won't even talk to me because they declined being Lead Agency and made you Lead Agency and there is some foolish rule and I have to tell you it is foolish that they cannot give us a waiver or a variance on the pitch of this roof which I have already done once until that thing is approved by the Lead Agency. So now tonight.

Van Etten: Oh, because they are waiting on the SEQRA.

Biscone: Yes, waiting on the SEQRA. There are five things waiting on this foolish SEQRA.

Vadney: Do we have a law I mean in our Town?

Biscone: Yes, you do. I was told you do and I verily believe it too; and your Town Attorney when I called up said yes, that is right. We did change that and it might not be in the best interest of everyone but we did change it. I don't have no idea; I don't have no reason.

Van Etten: So you talked to our attorney recently?

Biscone: No. This was back, Meave was still the Chairman. Is she still the Chairman? I don't even know.

Van Etten: No, No, Pat Linger is now. I was talking to Pat about it the other night. He was wondering why you weren't already on the docket.

Vadney: Can we check to see if we do have something on the books?

Biscone: When is the next docket? They have our application? Everything is setting there.

Van Etten: When is there next meeting?

Biscone: For the ZBA.

Clerk: There isn't one scheduled at the moment. If we need one, it will be the first of February.

Biscone: The first what of February? Clerk: The first of February, which is a Wednesday.

Vadney: It is on a Wednesday?

Clerk: The first Wednesday.

Van Etten: That is why I say, we want to get things rolling here.

Biscone: I will be happy to come. They would have to pull the old file out. They will need a copy of that. It is going to take ten minutes. They have already approved this once. John Cashin was your Building Inspector. He wrote a letter recommending that it be immediately approved because the roof pitch had to be changed because of the snow load and it somehow flies in the face of your Code. He said it can't; it has to be changed. So they have already passed this once. I am sure they are going to pass it a second time and then we can cross that off our list. So if you would just give me a notice of that meeting saying I am on and I will come on down. I will pull that section of my file out and we will get rid of the ZBA. As I said on the adjourn date, I will get the most of these things done. Now, I am going to defer to Mr. Brandt for him to explain to you why we don't have stamped plans.

Brandt: So we are on our fifth Building Inspector with our fifth amount of requirements from different people so we continue to add to the plans, make changes; and as we move along here, different people—for example the sprinkler people, they have to go out and get their specs. from the guy who does the fire pump and all this stuff. So when I get that back, and they won't be stamped yet, I have to get that to the Building Inspector so he can say okay, now go get it stamped so they go back to them. The sprinkler people are just one example so there are a few people who still have to work on the plans; and when they are done, they are done. .

Vadney: Are your engineers reviewing the sprinkler plans and all these plans?

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Brandt: The sprinkler plan is designed by the sprinkler company engineer so when he has that done, our Engineer will review it also because it is the sprinkler people who do the strict engineering. Not every engineer knows sprinklers.

Van Etten: Are there any other sticking points, Bill?

Biscone: There are three. Tell them the other two.

Brandt: The other is we are getting all the specs. The Building Inspector is requiring what type of heating, the type of unit, BTU's and everything, the actual specs on that. The Building Inspector, because we have been so long into this, is now requiring us to do an energy survey.

Biscone: Green.

Brandt: Pardon.

Biscone: The green energy survey.

Brandt: The green energy survey for buildings so we have had to put more detailed information on our values and then there is a company that just does, a firm that just does engineering reviews. They have a computer model that they come up with [Word not understood.] a model whatever that is and an energy number so we are working on that but one can't do without the other so we have to wait until he is done and then that goes over to them.

Van Etten: Do you have a time line on it?

Biscone: Well, we started with that yesterday; and by the time supper came tonight, I told him that 45 days would be the most that we are going to give any of these people because they are all done, these things are done simultaneously but it is a back and a forth. Their engineer tells our engineer. Our engineer signs off on it, their engineer then stamps that page of the plan; and ultimately, when all the pages are stamped, it goes to Mantor and he has the stamped plans. So this is the middle of January. I told them that I want it done by the end of February.

Brandt: When everybody is done, it will go to the Building Inspector for his final review.

Biscone: He wanted two weeks so that would be the middle of March.

Van Etten: Okay so we are shooting for the March meeting.

Biscone: That is it. After that and if it gets close to that and things have not happened, then I am going to have to get on the phone.

Boehlke: So did you get by the State and County?

Biscone: That is all done. This is very particular, specialized things that have come to be within the last decade. So all the regular approvals are done, we have everything. This sprinkler system and this green energy, they go down to a light bulb. So that is what he is stuck up with and then what he is saying is from December 8, the holidays just shut everybody down. Most of these people were not even there. They were not answering their phone. So what is your March date because we are done here tonight? What I would want to come back to you in March for would be for the final presentation and hopefully an approval with no conditions. Is that March 9<sup>th</sup>? Okay, so that is what we will shoot for. I know what I have to do and Bill knows what he has to do. Mr. Mantor wants those plans you know ten days to two weeks before Bill.

Brandt: I can't do anything. I do my part.

Biscone: Well, do the best you can. Please understand Mr. Mantor now has gone over these plans repeatedly and he is very, very familiar with them. What he is really looking for is the stamps.

Van Etten: Okay and he wants two weeks to look at the stamps.

Biscone: That is what I saw in a memo here someplace. Is that what you remember? Because he is down to two days a week.

[Several spoke at once.]

Biscone: Do you remember that memo? It just came across my desk. Somebody sent me a memo saying

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he is down to two days a week.

Van Etten: We have two Building Inspectors; we have one for two days and another for two days. So we have four days of Building Inspectors here.

Biscone: Yes, but the other guy is not familiar with our plans.

Van Etten: Well that may be so Steve has to review them.

Brandt: As soon as we have them, we will get them to him.

Van Etten: So it is not like we just have a Building Inspector here two days.

Biscone: I am not saying that you don't. I am just saying this is the memo that crossed my desk.

Van Etten: Yes, I know but I think it was misleading the way it was presented.

Biscone: So that is what I am shooting for. I would request that we be put on the calendar for March 9 at 7:00 p.m. hopefully for a final review. If someone could just send me a note for that. I will be happy to come and I will pull that section of the file which I do not have with me tonight. That should be done so we can cross that off the list, so on and so forth. I am going to beat the h--- out of Stantec, Bruce Secor.. Is there anything else? What about the--SPEDES we have. I think it opens the file for the NOI and the SWPPPs.

Brandt: Yes and we should file for the NOI. We would like to touch the ground.

Biscone: So hopefully we can get those things in line. I am not going any place for another month since my secretary is in the hospital and we have a whole bunch of other people coming on staff. I have a brand new whip.

Mr. Brandt and Mr. Biscone advised the Board regarding the remaining vacant lot which they have referred to as the "restaurant" lot that they cannot get a restaurant franchise. Mr. Biscone had been in contact with Burger King, Wendy's, McDonalds and Cracker Barrel and there just isn't sufficient traffic count for the restaurant chains to take a risk in this area.

Question was raised then how did McDonald's get here? It was explained because the person wishing the franchise had to sign a contract with McDonalds to build the building, to purchase all the equipment at his own expense; and then when opening, he was on probation for six months. If the sales didn't hit the "X" goal within six months, the arches would come down. There was no risk to McDonalds; 100% risk to the person purchasing the franchise.

Mr. Brandt and Mr. Biscone are now looking at other options, one being the possibility of a medical arts building that could house a pediatric dentist, orthodontist, periodontist, etc. .

**Lands of Rebecca Chmielewski and Noel McKenna**

Mr. Van Etten advised the Board that a request for a parcel combination had come before the Board in 2014. Since five years had not past since the subdivision of one of the parcels to be included in the combination took place in 2011, it could not take place at that time. The five years have now elapsed, so the combination can take place but the Board wanted to see the survey map reflecting the combination. The owners of the parcels involved were on the agenda for this evening but cancelled since their maps were not yet ready. Mr. Van Etten further advised since the Board at the time of the request had approved it, he did not feel it necessary for the property owners to have to come before the Board now. He could just stamp and sign the maps when brought in. Mr. Court expressed concern, based on the background information that the Clerk had provided, regarding the massive right-of-way that goes through the property. He felt that the maps should come before the Board. The Board needs to be sure the right-of-way, even though there is an unknown owner at the present time, remains and is reflected on the map so that a 10-acre parcel does not become landlocked if there isn't any other available access.

It was further clarified the two lots involved in this combination are from two different subdivisions. The one was subdivided off quite a few years ago. The parcel to be added is from a three-lot subdivision just over five years ago. The three-lot subdivision occurred because a second house had been put on the property and needed to be subdivided off to be sold. It was initially believed that the front and rear

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parcels could remain as one, a two-lot subdivision; but since the front and back lots were not connected in any manner, it had to be a three-lot subdivision. The parcel in the rear is to now be combined with the parcel to its east. In view of this right-of-way concern, it was felt that the maps should be brought before the entire Board. Property involved was originally owned by Richard Marino. Both parcels in question at this time are now owned by Chmielewski and McKenna.

**Lands of Ellen Kozek**

The Clerk advised the Board that she had misinformed them regarding the combination of Ellen Kozek's parcel and the one purchased from the Blosser subdivision which Ms. Kozek intended to combine with the parcel currently owned. The Clerk thought the combination had come through in a Transfer Report; however, what had come through was the filing of an easement which had been spelled out on the Blosser subdivision map. Ms. Kozek had spoken with her expressing her concern that the parcels had not been combined. While the Planning Board failed to have the intention spelled out on the Blosser subdivision map, Ms. Kozek's purchase contract had so indicated and her representative before the Planning Board had expressed the intent more than once. At this point, it is a matter between Ms. Kozek's attorney and Greene County Real Property to get the matter straightened out. While it was an omission on the part of the Planning Board, the Board had not done anything wrong. Also, since the actual purchase of the parcel had taken place after the March 1, 2016, taxable status day, any combination would not take effect until the 2017 taxable status date so time remains for the matter to be resolved and parcels combined.

**Correspondence**

1. 12/14/2016 letter from Attorney Michael Biscone, re: Bristol Manor.
2. 12/20/2016 Notice from Greene County Economic Development, Tourism & Planning, re: Subdivision Plat filing in County Clerk's Office – Skidmore

The Skidmore map process before Planning Board and map filing was to allow for a lot line adjustment between the Skidmores and their neighbors, Mr. & Mrs. Fred Ingraham on Aquetuck Road..

3. 12/22/2016 239 response from Greene County Economic Development, Tourism & Planning, re: William Brandt/Bristol Manor.

The County approved with comment being the normal language shown for most approvals.

4. From Assessor Bennett, copy of Greene County Real Property Tax Service Transfer Reports for months of November and December, 2016.
5. Building Permit Applications: 2 Signs, 1 Entrance/Stairs; 1 front & rear entrances; 1 garden shed/brewery addition.

**Minutes**

Approval of minutes of October 13 Regular Monthly Meeting, November 10 Flack Public Hearing and Regular Monthly Meeting and December 8 Brandt/Bristol Manor Public Hearing and Regular Monthly Meeting could not take place since there was not a quorum of 2016 Board Members present to do so.

**Organizational Meeting**

It was moved by Court and seconded by Van Etten that Ann Marie Vadney continue as Vice Chair for the 2017 year.

AYES: Van Etten; Court; Boehlke; Salisbury

NAYS: None

ABSTAINED: Vadney

ABSENT: Horn; Bruno

It was explained the Secretary's duties are basically to take the application fee(s) at the meeting, fill out a receipt for the applicant, a form for the Town Clerk and then the form and fee (s) are given to the Planning Board Clerk. The Clerk in turn gives the form and fee(s) to the Town Clerk who certifies on the form that she has received the money for deposit. A copy of that form goes in the Secretary's receipts file and another copy goes in the applicant's file.

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It was moved by Court and seconded by Vadney that Jean Horn continue as Board Secretary for the 2017 year.

AYES: Van Etten; Court; Boehlke; Salisbury

NAYS: None

ABSTAINED: Vadney

ABSENT: Horn; Bruno

**2017 Workplace Violence Training**

It was noted that the Board would need to go through the annual Workplace Violence training on an evening when there is a light agenda.

**Adjournment**

At 8:17 p.m., it was moved by Vadney and seconded by Court to adjourn the first meeting of the 2017 year.

Ayes: 5    Nays: 0    Abstained: 0    Absent: 2

Respectfully Submitted,  
Marjorie Loux  
Clerk