

TOWN OF NEW BALTIMORE PLANNING BOARD
Regular Monthly Meeting
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The meeting was called to order at 7:00 p.m. by Chair Rob Van Etten followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney; Jean Horn, Bob Court, Pat Bruno, Bill Boehlke and Lee Salisbury.

Old Business

Lands of Christopher & Rebecca Chmielewski

Both Mr. and Mrs. Chmielewski were present.

Van Etten: You have maps?

Mrs. Chmielewski: I guess the question we have and I want to ask is why you wanted to meet with us because I would think that this is something for the Assessor. Here is the map and this was paperwork that we filled out quite a while ago just to get the tax bills as one and it has not happened yet.

Van Etten: Do you have any more copies of the map? Our concern before us is with the right-of-way being shown on what was going to be filed at the County level.

Mr. Chmielewski: There is no right-of-way to this property, through the property.

Van Etten: To the property behind it.

Mrs. Chmielewski: That property behind it is landlocked. We have nothing to do with it.

Mr. Chmielewski: The property behind it is owned by somebody else.

Van Etten: I know, that is the whole reason. There was a right-of-way shown earlier; and we don't want to have something going forward that is going to land lock the property.

Mr. Chmielewski: Well she doesn't own that. There is no right-of-way to that piece up there. He never owned that nine point whatever it is up there.

Van Etten: Yes, but it is still--there was a right-of-way shown before on maps that we have seen to that property so we have to.

Mrs. Chmielewski: I think maybe that was because in the past, my father was working to try to get that property.

Mr. Chmielewski: Right but he never did obtain ownership of it.

Mrs. Chmielewski: Here are some old, you know that this property has bounced around from one thing to another before but these are some older maps.

Horn: The property you are talking about they do not own. It is beyond theirs.

Van Etten: We are not even sure.

Mrs. Chmielewski: We are just wanting to put those two pieces in the back up here together. That is all we are wanting to do.

Horn: And it has been no man's land for as long as I have lived there.

Van Etten: This map is 2011. You have the current map? Mrs. Chmielewski: It is down there.

Van Etten: Is that showing the right-of-way?

[?] No.

Van Etten: That is the problem.

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Court: The right-of-way is for whoever buys that property. How does he get to the road and they have the right out to the road. It is already established here on your old maps. Even though you may own both parcels, I think it is going to fall.

Boehlke: That is an existing easement. Yes, they don't move.

Court: Had your father bought that property, he would not need any right-of-way. That would not have to be there.

Mr. Chmielewski: There was never a --He was looking to obtain ownership of that property and make it all one piece.

Court: Right and then all of that could just go away at that time. Mr. Chmielewski: Right.

Court: But because you don't own that parcel and we are already seeing an established right away, my thoughts are that that has to remain there.

Boehlke: Did you ever try to get a deed for that parcel back there?

Mr. Chmielewski: He did. I don't know. Boehlke: It should have an easement listed on that.

Mr. Chmielewski: There was never one coming through our place to that piece up there.

Mrs. Chmielewski: No, there wasn't. Horn: [Comment not understood.]

Mr. Chmielewski: There was never an easement coming through there.

Mrs. Chmielewski: Yes, it has been landlocked like that. Why does it have to be our?

Mr. Chmielewski: He had hopes of getting ownership of that.

Van Etten: Well, these older maps show a right-of-way though.

Boehlke: Can I see that map?

Van Etten: Yes. This is a 2011 map showing the right-of-way, so you know I don't feel that you can just throw that out.

Horn: [Looking at the map] That is the nine acres up there? Clerk: Yes.

Boehlke: Is it Leonard Debuck who owns that property up there?

Mrs. Chmielewski: We have no clue. Boehlke: Well, that is the question.

Mr. Chmielewski: He tried to trace it back to who owned it. He came to a dead end.

Van Etten: We tried through the County level, didn't we Marjorie? Clerk: Yes.

Van Etten: And we came to a dead end.

Mr. Chmielewski: Like I said he put that right-of-way in in hopes that he was going to get that piece up there; and since he never did.

Mrs. Chmielewski: We combined. My brother ended up selling his parcel.

Van Etten: This is the only map that we have going back.

Boehlke: Combining your two parcels is still not going to remove this prior easement, you know. That is our position.

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Mrs. Chmielewski: Even though he did that just because he was hoping to get that property in the back. You see I am trying to understand too what my father did years ago. He has dementia now so you know we are just going.

Van Etten: Are you sure he put that on the map?

Mr. Chmielewski: Yes. That was all one big piece of property when he originally bought it. A piece got broke off for her brother and a piece got broke off for her and I. .

Clerk: Those two maps that we have with the Planning Board's signature on it are filed in the County. So that is establishing on the record that easement and then there is a recent deed which references under Schedule A, continue to the last page, "Subject to an Easement and Right- of-way agreement dated and then the day is not filled in of February of 2014 and intended to be recorded simultaneously herewith". And that was part of the deed that was made effective November 8, 2016.

Horn: And you need to have a road back there any how to your back parcel, right, because somebody lives what, on the middle one or the back one?

Mrs. Chmielewski: Well, if I can point it out to you, I can explain it better.

This is the driveway we come to. This is our house. This is the Lauderdale's. They live here. This is nothing. There is nothing going on back here. Our driveway, we come up here and the house is some where in here.

[The Clerk cautioned the Board that they had several conversations going on at once.]

Mrs. Chmielewski: So I don't understand what this was ever—again, because my father. It makes sense that he was doing this because he wanted to get to that back piece. I don't know. I am trying to fill things together.

Boehlke: Well, that is pretty obvious.

Mrs. Chmielewski: But this isn't anything that we ever use. This is Mr. Lauderdale's home here. It stops here. Our house is here. We park right there; and I don't understand why we would have to have this when this isn't us, our property. We just want to put this together because we want to sell our property in the future but I want to have one tax bill and I want it all on one surveyed piece. Then I am told I need to get another survey.

Horn: Now that nine acres back there, does that show on any county maps that there might be a road, a right-of-way somewhere else because it probably was a wood lot for somebody at one time. Because it is right in the middle between 26 and East Honey Hollow.

Mr. Chmielewski: There was never any right-of-way through the place we have because I did all the excavation work. It was all woodlot. There was no entranceway or anything and he never owned that piece up there.

Boehlke: This is an easement for a right-of-way. You have to understand that so when this was presented to the Town Planning Board back in 2011, this was approved and there is a seal on there so that easement exists.

Mrs. Chmielewski: So how do we change that? Boehlke: Well, that is probably beyond our.

Vadney: Robbie, is the map that is in front of Jean from 2011?.

Van Etten: 2011, yes. Court: So this is the newest one. Vadney: This is 2005.

Horn: Would that be a bad thing if you just kept that because you have the road going almost back there.

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Mrs. Chmielewski: For selling purposes? Horn: Right.

Mrs. Chmielewski: Does anybody want to have a right-of-way near your house to go to property that is landlocked behind them? That is not going to help the sale of the house.

Mr. Chmielewski: We never had ownership of that nine acres. There was never any right-of-way to it. He put that in because he thought he could get ownership of that property.

Boehlke: Well, here is the problem with this because this is going to fall in someone else's lap. This lot back there by law cannot be landlocked without an easement to it.

Mr. Chmielewski: It was landlocked when we bought our place.

Boehlke: Well, I am just saying now whoever owns that property if they go to sell it, they will not be able to sell it.

Mrs. Chmielewski: We don't even know who owns it. [Several spoke at once.]

Boehlke: Somebody owns it.

Mrs. Chmielewski: I understand that but you know it is crazy that people.

Mr. Chmielewski: Right, nobody is paying taxes right now. Mrs. Chmielewski: Well, I think they are.

Vadney: If someone is paying taxes on it, then someone owns it, #1.

Mr. Chmielewski: Why can't we find out who owns it?

Vadney: Exactly, that is what I am saying. #2, if you look at the maps in the County or even in New Baltimore, where does the land come out?

Mrs. Chmielewski: It doesn't. It is landlocked. Vadney: It is just land back there.

Boehlke: Is there a Tax ID Number on it? Clerk: Yes Vadney: Yes.

Mrs. Chmielewski: Well you know Ray [Ward] had told me that there are a number of properties in New Baltimore and Catskill that they don't know who owns it but they are still getting bills; and I am like well that doesn't make any sense if you are getting paid, how come you don't know who owns it.

Bruno: Who do you send the bill to and who is paying the bill?

Boehlke: Somebody is paying taxes on it. There has to be a name associated with it I mean.

[Several spoke at once.]

Horn: I don't know that somebody is because your father tried very hard through Gordon to try to find out who the owner was and he just absolutely could not do it.

Boehlke: But you see the other question is also with you guys is that really, I mean, what is preventing you from combining these two properties? It is not going to make the easement go away. That easement is going to be there whether you combine them or leave them separate. That is not going to make that easement go away.

Mr. Chmielewski: [Several words not understood.] And it wasn't there before we bought all that property. Is there a way to have it removed?

Boehlke: Well, now that is a separate question. You probably would want to contact like an attorney or someone like that.

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Mr. Chmielewski: Because I mean he put it there. It is not like it was there when he purchased it.

Boehlke: Yes. Oh, no, I understand. You need to have somebody check that map because that is sealed, that is recorded, that easement exists. There might not be a right-of-way cleared out but there is an easement that exists; and that can be put in at any time. That could impact you guys down the road naturally. If somebody takes possession of that property, they can clear out a right-of-way back through that easement. I mean you understand that, right?

Mrs. Chmielewski: I do now.

Boehlke: Okay

Van Etten: We are not trying to give you a hard time. Mrs. Chmielewski: I understand that.

Boehlke: These things will be helpful for you guys.

Mrs. Chmielewski: These are things that my father did that I don't have a clear understanding about.

Mr. Chmielewski: [Comment not understood.]

Boehlke: And you may want to check to see if this thing is on the tax rolls.

Mr. Chmielewski: He said it wasn't.

Boehlke: You may be able to purchase that property for taxes.

Mr. Chmielewski: From who?

Boehlke: From the County if the taxes aren't being paid.

Van Etten: I think Marjorie and I checked on that. I think the taxes were paid on that.

Mrs. Chmielewski: Ray even said that to me I thought.

Van Etten: Taxes were paid I believe when we called down there that day.

Mrs. Chmielewski: How does this guy get to it?

Van Etten: I am pretty sure he said the taxes were paid.

Vadney: If the taxes are being paid, then that is public information. You can get the name of the person.

Boehlke: Oh definitely.

Vadney: And call them up and ask them what if you have interest in buying it or if they do have access.

Mrs. Chmielewski: But what if we are not interested in buying it?

Mr. Chmielewski: Well, at this point the first thing I think we will check into is since Richard put the easement on the property to get to it, in hopes of getting it, we will see if we can have the easement removed because like I said when he originally bought the property that we all live on, there was no easement through it. So he is the one that put it on. I don't see why.

Boehlke: A lot of times if you get yourself a good surveyor they know more than those real estate lawyers do. They can take a look at this; oh, no, this is what this is.

Van Etten: Somehow over the years, it had to have had access to it.

Horn: But back then, people just let people go over their property

Mr. Chmielewski: I believe when they would go into that property, it looks like they came off of 26 because that is the easiest way to get to that piece. It wasn't through our place.

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Van Etten: Does it border on a road?

Horn: No.

Mr. Chmielewski: No.

Horn: It is right in the middle.

Mr. Chmielewski: It is right in the middle and it borders on--there was a guy up off of 26. I can't think of his name but he logged all that but the easiest way to that piece is through his piece. Maybe there is an easement through there. I don't know.

Vadney: That would be reliable to check.

Mr. Chmielewski: We just want to undo what her Dad did.

Van Etten: I understand.

Boehlke: And that is another thing a surveyor would find for you right away.

Van Etten: If there is an easement coming off this property on 26, then that would.

Bruno: Get rid of this one.

Vadney: Well, you can't have that landlocked. They have to have access back there so if they have an easement coming off 26 into that property, you don't have to worry about it.

Salisbury: There is also another point, these adjoining properties, do they have the easement recorded in their deed? Is it filed in their deed as an easement for that piece? In other words, this Leonard Debuck.

Mr. Chmielewski: Oh, right, his property borders ours at the top. He borders our two acres here.

Salisbury: If that easement is named in his deed, you just can't take it out.

Vadney: And you can look at those deeds to see if there is an easement. So that might be your first step to see if on the deed of the individual that owns the property on 26, to go check that deed and see if there is an easement.

Salisbury: An easement on their deed.

Boehlke: These easements are granted to these property owners that can't access a road any other way and so that is part and parcel of these deeds and property. If you bought that property, the easement would go with it or at least the right to use the easement and that is how they are done you know. You just can't make [Rest of comment not understood.]

Mr. Chmielewski: If it isn't there, then we are faced with the question of land locking property. I know there was no easement through the property we bought going out there. This was an after thought with him. There was no easement to the property we bought. It all had to be cleared. There was no--and he wouldn't have even bought it with an easement. So he put that in in hopes of someday getting, purchasing that nine point whatever acres that are up there.

Boehlke: You probably want to get like a surveyor or attorney and check that. That is sealed and everything. It looks like it is a done deal.

Mrs. Chmielewski: But it can be undone?

Boehlke: Well, yes.

Mr. Chmielewski: Well, he is the one that did it so I am pretty sure it can be undone. It is not like we bought it with an easement there and now we want to get rid of it because he is the one that put it there.

Boehlke: But that is nothing that we can do here.

Mr. Chmielewski: Right.

Van Etten: But maybe going back there was an easement at some point. [Word not understood.] map even back before that there was an easement.

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Mr. Chmielewski: Not to our property. Van Etten: Oh yes, absolutely, you know that for a fact?

Mr. Chmielewski: I remember seeing the original map that your father had. I don't know where he had put it. We would have to take the house apart but I remember seeing the original plot and there was no easement.

Boehlke: Well, if your Dad owned that property back there, that lot, then it looks like, or he wanted to then it looks like he put that easement in there.

Mrs. Chmielewski: That is what we are thinking.

Mr. Chmielewski: That is exactly what we are thinking.

Van Etten: I think everybody's concern here is not land locking a piece of property. It may be that there is another parcel.

Mr. Chmielewski: Yes, If it wasn't landlocked before, there has to be an easement through someplace else.

Mrs. Chmielewski: There has to be. Mr. Chmielewski: Like I said it didn't come from our property.

Van Etten: I hope, I really do hope. Horn: Well, yes there was.

Vadney: None of us [Several words not understood.] but hopefully there is.

Mrs. Chmielewski: Because I don't want to be responsible for having that right-of-way through my property. I think it would have happened somewhere else earlier.

Court: I believe since it has not been cleared, it is not an established road. You could re-establish that on the far side of your property line. I don't know the layout of the land but instead of having it divided right through the middle, move it to the edge and still give them access that way.

Horn: At one time probably 50 years ago, 100 years ago, there was an actual road that went from East Honey Hollow all the way over to 26. So this property could very well have had a short driveway or could have even been on that road but it has been closed for 40 years at least.

Mr. Chmielewski: That piece is definitely closer to 26 than it is to our road, East Honey Hollow Road. It is definitely closer to that end.

Vadney: It sounds like at least that is your first avenue to check if that property over there has an easement on it.

Boehlke: If her Dad put that easement in and never got a hold of that property, then chances are the easement is not tied to that property and it is just going to be a foregone conclusion.

Mr. Chmielewski: Right. I think the first order of business will be to check and see if we can get that easement removed because I don't want the property up there. We are selling our houses and moving up toward Tupper Lake so that nine point six acres, I don't really care about it. That was her Dad's thing.

Boehlke: Get a surveyor, he could print it out in probably two days.

Van Etten: Well, we still have to know that isn't landlocked.

Mrs. Chmielewski: Right. I have some work to do. Do I have all my paperwork and I have my maps?

Vadney: I have an easement on my property which is my driveway; but the reason it was put there years ago was to get to the back of someone else's property. Now those people do not need to use my driveway even though there is an easement there because they have access.

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Boehlke: But they still could if they wanted to.

Vadney: Right but the fact that they haven't done anything on the road in 50 years is another issue so there may very well be an easement showing up on those properties coming off of 26. The one I have goes back 40, 50 years.

Mr. Chmielewski: It probably would not hurt to find out who is paying the taxes and maybe question them.

Horn: I would be surprised because your father could not track it down because he kept calling me and asking me what to do; and, you know, I told him to go to Gordon but if you can through a surveyor, I would check that road. I don't know 100 years ago that went, it bisected that huge piece of property between East Honey Hollow and 26 so that property, that nine acres, could very well have been on that road that at one time went through there and that might still be an easement all the way through the properties that now own it.

Boehlke: Deeds are all public access. You can go down to the County records, go in there and you can pull up the deed for that place right there and see if there is a right-of-way before you hire anybody or get anybody. You know what I mean? Do a little homework on your own. You can find out a lot. Those are all public records.

Vadney: Jean, is that still considered a road even though it is not in use?

Horn: No, it has been closed forever. My kids used to walk on it years ago and it was just a path then.

Vadney: I am wondering how could it be a road and someone have access to the property and then okay, it is not a road.

Boehlke: When they abandoned Town and County roads, the right-of-ways divert back to the original land owners and so they are off the record.

Clerk: They were called a "user" road.

Van Etten: We are sorry that we could not be of more help to you.

Mr. Chmielewski: Yes, it was help. We will go from there.

Horn: We will get there eventually. Mr. Chmielewski: Yes, eventually. Mrs. Chmielewski: Thank you.

Lands of Robert Egan and Gittel Egan – Current Property Owners
New York Land and Lakes Development, LLC
Tall Pine Hide Aways - Major Subdivision Application

Surveyor, Alan Lord, the Egans' authorized representative from New York Land and Lakes, was again present. The preliminary maps, in a two-page format with scale of one inch equals 200 feet, as approved by motion of the Board at March meeting, were passed out. One map covers the property on the e/s of Route 51 and the other map covers the property on w/s of Route 51, up to Sodom Road and over to Old Kings Road. Mr. Lord advised that he had checked with Greene County and they would not take any maps larger than 24 by 36 for filing. Check for initial preliminary application fee of \$580 (\$100.00 plus \$30 per lot) was provided and receipt given.

In response to Mr. Lord's question raised at March meeting with regard to whether camping trailers were allowed on property, Mr. Van Etten advised Mr. Lord that the Town Code addresses the matter [112-23G] and that a permit is required unless one of the exempt uses as listed in Code. Mr. Lord asked for a copy of the Code section. Initially, he stated that they would adjust their restriction to match the Town Code and then later in discussion stated that restriction would be withdrawn since our Code addresses it and to prevent any conflict with the Town's Code. They do include it in their restrictions if the particular municipality does not address it.

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Mr. Lord pointed out on map where there is an old house and shed. Mr. Court questioned if there was a minimum road frontage and if that was being met? It was noted it is 50 feet and there are two flag lots, one rather tight to that footage and another with closer to 80 feet.

Mr. Lord advised he had one matter he wished to bring up to the Board. Mr. Egan is logging out there in the back here, as pointed out on map, right now. They had put a log landing in in this area; but it is something that he signed like two years ago and it expires April 30. He kept telling us oh, I don't think they are going to do anything. It expires in two months and I said don't count on it. I know loggers. Sure enough, they showed up there last week so they started in here last week cutting some trees. Actually I was there today and they are doing a really nice job I thought from what I saw. Mr. Lord emphasized just so you know it is Mr. Egan that is doing that and it has to be finished before we can close on the property.

The Public Hearing on the preliminary maps was scheduled for May 11. The Clerk will advise Mr. Lord as to the exact time. Blue sheet explaining the certified letter process was provided and Mr. Lord was urged to include as much information as possible regarding the major subdivision taking place rather than just state the public hearing was for a major subdivision. He responded that they always included a lot of information to alleviate neighbor concerns. Mr. Lord provided an updated copy of the abutters' list for the file. He was also urged to bring any printed information they might have on Lands and Lake Realty as well.

Mr. Lord advised that he had printed off and reviewed the DEC list of all wells on file for New Baltimore as mentioned at last meeting and pointed out where there is a 150-foot well that produces 30 gallons a minute. He was urged to have that information available the night of the Public Hearing. He had also spoken with a well driller who had drilled in that area and was advised there was water. It was noted there are a couple of ponds on the property which will be added to the final maps and another wet area where it was felt there could be a pond made. Mr. Lord advised the Board that well drillers are now required to file information with DEC every time they drill a well, the coordinates and all the particulars (i.e. how deep the well, how many gallons per minute) all of which is very useful. While some well drillers have been filing the information over the years, it has become a requirement in the last five years to do so.

Question was raised regarding stone walls on the property. Mr. Lord responded that there were and he tries to use as many as he can. He pointed out on map where the ones were that they could use as boundaries. Much of the property will be cleared of the honeysuckle bushes and other brush.

Willilam Brandt – Bristol Manor Assisted Living – Site Plan Application

No one was present.

Lands of Randy Lent, Tammy Parker and Shelly West – Minor Subdivision Application

Minor Subdivision Application, Short Form EAF, copy of deed and notarized Agent Authorization Forms from Shelly West and Tammy Parker for their brother, Randy Lent, to represent them had been received. Copies of subdivision map were laid out. The applicants wish to divide the two-acre parcel owned on Hadley Lane into Lots of 1.65 acres and 0.35 acres. Mr. Lent was asked to correct his sister's name and initial on the Application correcting her last name from Park to correctly read Parker.

Lent: Basically, all I am trying to do is split my father's house from the trailer he owns. He owns the house and the trailer and we are already paying separate tax for the house and trailer. I am not really sure how, what happened here. It is deeded on one deed but we are paying separate tax. Now my father said, well, he has Alheimers so I am kind of getting bits and pieces, he said he separated it, but he never separated it so I want to get it done. He wants to keep both, everything in the family, so I want to make sure before something happens or when he does pass away, one sister wants one, the other sister wants the other, would be separate so one owns one, one owns the other. It is not going to leave the family but I want to get it separate so it is clean and you can see that the lot sizes are not the right. It is not a two-acre minimum but it has been like that since 1963 or 1966, before I was born.

Boehlke: I was looking at this before I came, Randy, and I am thinking, I bet what was common back

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then was that someone owned a piece of property and they would have a relative like an inlaw or parent and they didn't want to put them in a nursing home so they would put up a trailer and the Variances back then were like word of mouth.

Lent: Yes, and that is what it was.

Boehlke: And it never was recorded.

Lent: My father owned this whole thing. He sold this off and my grandmother and grandfather lived here.

Boehlke: Yes, because that deed description.

Lent: Because he owned the whole thing.

Boehlke: I could not figure this out for a while. That is like I told Marjorie I came here with a headache.

Lent: Plus, Dad is paying taxes on more land than he owns. He is paying taxes for Hadley Drive which was turned over. So he is paying taxes on two acres and I believe we are looking at. .

Boehlke: Now, who is your Dad.

Lent: Mickey Lent. So he is paying taxes on all of this but he only owns this. Well, he is paying taxes on two acres; and then this is also being taxed separately. So I am paying the tax bill for both of them now, which come in separately.

Horn: Because you have a house here now too, right?

Lent: Here is my right-of-way and this is my house and now I am trying to get this.

Court: Randy, looking on line, I looked at the maps. I question this driveway to get back to this gentlemen's property. It looks on line like it was falling on your property but yet on the survey you have it short of the driveway and his was also shown short of the driveway, so does Carmichael own up to you on this property here? Or has that been deeded into this guy's property out to the road?

Lent: Carmichael, Carmichael.

Court: I mean it looks like there is a right-of-way out, another easement.

Lent: Right here.

Boehlke: I don't know Bobby if this answers your question but if you read the deed, this extension coming up to the house wasn't there before when this deed was written and then it included a right-of-way for this extension up here. That is why you have the 60-foot opening coming up that is not actually deeded.

Court: I am asking who is this for?

Boehlke: Oh, that easement.

Lent: I don't know who owns that but it is not part of our property.

Court: Okay.

Lent: So it has to be the Carmichaels. When Charles was doing it, he found this and we were talking about that right-of-way to go to the house behind it and it is not part of us at all. We are, of course, right to that and then we take the stonewall fence all the way around so I have an easement for mine. I do not know anything about this easement.

Boehlke: That goes up to Wells Fargo.

Lent: Wells Fargo which is now Deso. He bought it and is doing the whole thing over right now.

Boehlke: Is that pavement?

Lent: Well, it is supposed to be pavement. It is pretty rough. It is bad. So I just had Charles go in. I said can you find out what is going on. We have two tax maps, we are paying taxes separately. Look at it;

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and when he came back to me, he said the original thought was to give this more land. So he looked at the original thought and it was in my father's house. So I said all right, I met him up there and said take my father's driveway and the trailer's driveway, put a spot there, go straight up, put a spot at the stonewall fence and that is what we will call it. So that is what we made that trailer on; but basically, that is being rented. My father is living there. My sister's hope is.

Boehlke: The trailer is occupied now?

Lent: Oh, yes. My sisters' wishes, Tammy is going to take that over, Shelly is going to take that over and I am not going anywhere. I was going to take the house because my father does not want anything leaving the family so I was going to take it, do something. I did not know what. I am not going to let it leave the family, whatever we do.

Boehlke: I mean that was a common thing. Lent: Yes, my grandmother and grandfather lived there.

Boehlke: I mean a lot of people did not want to send their parents and inlaws to a nursing home.

Lent: My father was a building inspector. I don't know why he didn't finish it off and do it; but that was the 60's and 70's.

Lent: I know you guys are pretty locked up and can't really do a lot but I have to go through you to go to the ZBA.

[In response to question raised regarding when Mr. Lent purchased the property, he advised that the property is in a trust and his father still resides in the house.]

With regard to an easement coming out on Hadley, the Clerk advised that at one time the owner's daughter of parcel opposite the trailer on 51 came before Planning Board regarding possibility of subdividing that property. Concern was expressed regarding the poor visibility at that point and whether another means of egress could be found. The possibility of Hadley Drive via an easement was brought up.

Court: I do have a question before we do the motion. It has been like this for how many years? You mentioned in your letter 1984. This is pre-existing. You haven't moved any lines, have you?

Lent: No. Well, no.

Court: The properties?

Lent: The stakes are still in there from 1963.

Court: It was done a long time ago.

Lent: Well, it was done. It is taxed. Yes, it is taxed separately from whenever.

Court: I mean you are paying; you are not creating any new lots. You have been paying taxes on both there. I don't see this as a subdivision. I see this maybe as a, I don't want to say lot line adjustment but I mean you are trying to get this carved in stone that these are official lots.

Van Etten: The deed shows it as one now.

Lent: The deed shows it as one; we are paying taxes on two.

Clerk: One deed.

Court: Well, I mean we can't be talking taxes for 20 or 30 years; and then all of a sudden say this is one property.

Boehlke: Well, Bobby, I was sitting here looking at this thing at my kitchen table before I come here and driving here thinking the same exact thing you are saying here. I mean, seriously, if this was up to me, this thing would not go to a Variance or nothing. It is existing. Seriously, it is cut and dried.

Lent: I am paying taxes already.

Boehlke: So what are you going to do make him pull the trailer out? Tell him no and everything it going

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to come out? It is ridiculous.

Vadney: But we have the question is do we have the authority to bypass and we may have that authority.

Boehlke: Well, that is what I was asking Bobby behind Jean here. Does this have to go?

Vadney: I was actually, when I saw this one, reading about it because again he has to get two deeds.

Boehlke: Well, why don't we find that out before we go denying it?

Van Etten: Well, because it is only going to hold him up more.

Boehlke: How long does it take to check?

Van Etten: You are going to have to do a Public Hearing regardless.

Lent: I do? Even if you guys can override it and do it? Like I said to Marjorie, I am paying taxes on both of these now. I have been paying taxes on both of these for ever and ever and ever. I don't know why it isn't deeded separate. Well, it is not like.

Boehlke: Well, it sounds like it was supposed to be but it never happened.

Lent: I know and I don't understand why.

Horn: He never took it down and filed it.

Boehlke: I don't think we can approve a subdivision without a Public Hearing; but I don't know if we can do it without going to the Zoning Board.

Van Etten: What I am getting at is if we look to the ZBA and they did their Public Hearing, then he could come back here and we would just approve it.

Lent: Well, that is up to you guys.

Van Etten: Well, I want it as easy as it can be for you.

Lent: I want it as easy as I can get it.

Boehlke: What is he going to have to do to do that? The ZBA, where is that at? Horn: Right here.

Lent: That is here and then I have to do whatever. I don't know what I have to do. I never did this before.

Vadney: Well, the ZBA would have a Hearing, correct?

Clerk: They have to have on the Variance Application.

Vadney: So that is May, June.

Boehlke: I mean I am thinking probably technically it is a subdivision; and he is going to have to go through the Zoning Board. I wouldn't agree with it.

Van Etten: I would love to shorten it. I don't think we—I don't want him to have a problem when he goes to file all his stuff down at the County, you know.

Court: So when he goes to the Zoning Board—they have had Public Hearings in the past? When he goes there, can they have a Public Hearing?

Clerk: They have to have.

Vadney: But not the first meeting.

Clerk Oh, no, no, no.

Vadney: That is what I am saying, you are talking July.

Clerk: He formally submits his application at the first meeting he goes to.

Boehlke: Either way he does it, there has to be a Public Hearing?

Lent: So I go to the ZBA.

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Horn: And then it will be June when they have the Public Hearing. They will okay it and then you come back here in July.

Lent: Okay.

Vadney: Robbie, I am not sure that is true.

Van Etten: What do you mean you are not sure if that is true?’

Vadney: From what I was reading today, I am not sure if that really has to happen.

Lent: You read into it already?

Salisbury: The ZBA grants the Variance, right?

Van Etten: Correct.

Vadney: Well, the fact it is already in existence.

Van Etten: Not according to the deed. That is the trouble. It is two tax parcels but according to the deed it is one parcel.

Lent: It is separated somewhere, somehow. We added this line but it is separated right here.

Vadney: Okay, so now it is separated up here.

Lent: Well, there is nothing to show anything nowhere. All I can tell you is that I am paying taxes on both separately. I don’t know where the line is; I had him create it because I already know I am paying taxes separately so it is like.

Van Etten: Make it so when he gets down to the County to record it. I hate to make you jump through the hoops.

Lent: No, I know it.

Boehlke: So you are sure, Randy, this was never done before? You are sure about that?

Lent: Charles Hite looked into it. Marjorie called down there. We just can’t and my father swears that it was done but I have no proof. I looked through his house.

Boehlke: It is strange that it shows an ID lot number.

Lent: Yes, that is what I don’t get. Believe me, I wish there was a way.

Horn: Unless he did it here but he did not file it in the County.

Van Etten: Exactly. [Several words not understood.]

Lent: True. I will go to the ZBA and I will have to bug Marjorie to learn how to do all that stuff.

Mr. Lent will meet with the Clerk next week regarding what is needed for the ZBA and was assured that next week would give him plenty of time to complete and submit it.

Boehlke: What are you thinking, Ann Marie, there might be something in the Code Book about?

Van Etten: Bypassing that.

Vadney: Yes, where you have the authority if something.

Boehlke: Pre-existed.

Vadney: Yes.

Boehlke: That would make sense.

Van Etten: Yes, but it is a recorded deed you know.

Vadney: Yes, I know.

Van Etten: They have to change that.

Vadney: It is too bad that he could not find some survey for 1960.

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Van Etten: Well, I don't want to see him have trouble when he gets down to the County level.

Boehlke: Probably like Jean says it was all done here and never sent through to the County.

It was moved by Vadney and seconded by Court to deny the Minor Subdivision Application and refer the applicants to the Zoning Board of Appeals for a Variance.

AYES: Van Etten; Horn; Vadney; Court; Bruno; Boehlke; Salisbury

NAYS: None

ABSTAINED: None

ABSENT: None

Lands of Karl Zacek, Peter Zacek – Minor Subdivision Application

Prior to the meeting, Minor Subdivision Application for a three-lot subdivision, Short EAF and Letters of authorization from both applicants authorizing Attorney Robert J. Deily and/or Surveyor Alton McDonald to represent them had been received. Present on their behalf was Attorney Robert [Joe] Deily. \$90.00 application fee was paid.

Van Etten: Marjorie and I were trying to look at this the other day and the map wasn't great. We were a little confused as to what exactly.

Deily: Okay, well this is in the form of a new application but it is really a continuation of that one that was here before you before when we were involved with Scenic Hudson who seemed to have the strange theory that they had to get Planning Board approval to combine lots as opposed to subdividing them. I didn't make the initial application; but I came in after they got off the track a little bit because the Attorney General had a little different theory about how they were going to do it despite what Scenic Hudson had in mind. So anyway, I can give you the long version or the short version. You recall the other application, what they were doing here? Well, let me back up.

Horn: We have had two new people come on so maybe you should.

Deily: Okay. On the Hudson River is what used to be Bronck Island and in the 1930's the State filled with dredging between Bronck Island and the shore. The Zaceks own most of the Island and they own the upland. In exchange for some other things with EnCon and some other things that the Zaceks did for the State, the State agreed to sell them part of the land between the original Island and the original shore and the State granted Letters Patent for that. Pursuant to the way the State does things, Letters Patent can only be granted to the Upland owners. So in this case there were two upland owners, that was each couple, Peter and his wife and Karl and his wife. They wanted this land actually to go back to the Island parcel which was owned jointly by Peter and Karl; and we talked to Ray Ward down in Real Property and the State and the way they wanted to do this it was conveyed. I can show you where this is. You can't really see it on here but this part of it and it runs down through here is the land that was conveyed and what they did was it was conveyed to the upland owners and immediately upon the recording of the Letters Patent was deeded back and made part of this 90 acre parcel. At that time or shortly thereafter, this whole thing was encumbered by a conservation easement to Scenic Hudson

So what we have left is this 90+ acre parcel that we now want to subdivide into three pieces, one piece going to Peter, one piece going to Karl, one piece going to an LLC which is the recreation area. No use is going to change at all. This area is an active cow pasture. This area is fenced off and is not a cow pasture pursuant to an agreement with the State and En Con. The recreation area has been here for years. Alex Kriel built most of that years ago. That has its own separate water, sewer. There are going to be no new facilities at all. There will be an easement here for passage up to here. Scenic Hudson has a possible easement over that to use if they can't utilize the easement to their property that they own to the north. They had acquired, actually bought that parcel that Hohenstein owned on the Island and they have agreed they are not allowed to use this for public access. That can only be used for their employees or something if they have a problem getting to this. Those easements are already in place so that the plan is to take the 90 acres, make three parcels out of it. The only adjoining owners of course are the State of New York, Scenic Hudson and then the spouses of the two applicants. There is going to be no use change and this is all restricted with conservation easements so there can't be any building.

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There is going to be no building, no development, nothing is going to change, just the ownership.

Van Etten: So it is going to be three parcels?

Deily: There are going to be three parcels.

Van Etten: That little map had us confused the other day.

Clerk: The little map that was e-mailed to us had Parcel #1, #2 and #3 and one was 1.335 acres and another 2.29. This is what was sent to us and what totally confused us.

Deily: Well, this is the older map. These are the Letters Patent lots that the State had conveyed and then those have already been combined with this. That was the agreement with Real Property and with the State so those lots don't exist. That is what Real Property did not want those lots created and set those up on the tax roll, assign numbers to them and then immediately have them disappear.

Van Etten: So we are going to end up with three parcels. One is going to be 19.4

Deily: One is going to be 60 something.

Van Etten: And what is the recreation?

Deily: That is four something.

Clerk: 4.068.

Deily: And this road is an existing dirt farm road that has been in there for years. This is going to be no new construction, no changes.

Van Etten: I hauled a whole lot of sand out of there a long time ago.

Deily: Yes.

Boehlke: And that is the shoreline up the side there.

Horn: What is on that recreation area? What is that?

Deily: There is a two-story gazebo. There is a basketball court. There is a pavilion. There is bathroom facilities.

Van Etten: Along here, Alex poured a concrete bulkhead, all along here.

Deily: Well, that is all gone. The State had that taken out and that is all done with locust pilings. That is what they wanted.

Horn: So was that just for his family, that recreation area?

Deily: Yes.

Van Etten: He didn't want the river to erode this.

Deily: Well, that was an old dock at one point. In fact, the Corps of Engineers used it as a staging area so that years ago they applied some rules there that kind of conflicted with EnCon but since the Feds. had authority, what they said went. That is how a lot of that stuff got done.

Van Etten: I imagine they docked there because they pumped that full of sand.

Deily: Well, in later years, they used this for a staging area for all their river maintenance in the spring. That is where they come in with their trucks. They have their boats tied up there. Of course, it was secure because there is no access to the public road or anything. County Route 61 is over here. There are no other owners. There is no other way to get to it.

[The Board Members reviewed the map. Conversation took place that could not be understood.]

Deily: This road is the driveway in to the houses and they reserved an easement here if they can't get in the other way but again that is only for their staff. They can't allow the public to use it or anything else.

Boehlke: What is there four parcels? Is that what you have?

Van Etten: No, three.

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Deily: Three. Again, you are looking at the map that shows the Letters Patent. Those lots don't exist any more.

Van Etten: What was it before when you came? The State said basically this is the way it is going to be and that is it?

Deily: Well, somewhere, Scenic Hudson got the idea that the Planning Board had to give approval to combine lots as opposed to subdividing lots.

Vadney: At that meeting, they really had no reason to come.

Deily: No, they were insisting on it. Again, I was not involved at that point. The State didn't have much sense of humor about that. As I indicated at that meeting, it was our plan to come back with this, that was the goal here.

Van Etten: Anybody have any other questions?

[?]: So that 92 acres is a deeded [Word not understood.]

Deily: Right now it is all one piece. That new land from the State has been added to the existing land to make that.

[?]: And that is a filed deed, that 92 acres?

Deily: Well, it isn't a separate deed. The existing deed that has been there since the settlement of Alex' estate is one deed and then the Letters Patent from the State were basically combined by Real Property. At this point, there is not a separate deed for the whole 92 acres. There would not be.

Van Etten: That is the parcel with Karl's house on it, correct? Deily: That 92 acres? No.

Van Etten: Karl's house isn't on that?

Deily: No. Karl's house is up here. These are separate parcels.

Van Etten: Oh, they are separate parcels too. Deily: Yes. Van Etten: The 92 acres.

Deily: Is just out there. Van Etten: Oh, yes, on 69 acres.

Deily: This is the one parcel of 69. These are separate. These are not going to change.

Van Etten: Okay. Deily: Peter's house is over here, the other side of the road.

Van Etten: Yes. He has Alex' old house. Deily: Right, yes.

It was moved by Vadney and seconded by Court to classify the lands of Karl Zacek and Peter Zacek as a minor subdivision.

AYES: Van Etten; Horn; Vadney; Court; Bruno; Boehlke; Salisbury

NAYS: None

ABSTAINED: None

ABSENT: None

Deily: There really aren't any neighbors but I have a question for you. If we are going to notify the State, you have to give me specific instructions as to how you do that. You can't just send it to the State of New York. It won't get anywhere. You tell me what to do and I will do it. If you want, I can get a consent letter from Scenic Hudson because they are the ones actually involved in this and they are the only other adjoining owner.

Clerk: The property came from who at the State?

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Deily: Office of General Services probably; that and the Attorney General and the guy who did the Letters Patent isn't there anymore. I will just send it to the Attorney General.

Vadney: Is it a specific office, though?

Deily: I can send it to both, the Attorney General and the Office of General Services.

Vadney: If you want a response, you probably should send it too...well, they will probably sign for the letter but they won't know what it is for. Isn't there a specific office that was involved in it?

Deily: Well, the Attorney General's office.

Vadney: Yes, but there are offices within the AG's office. It would be on the correspondence.

Deily: It wasn't. No. I guess it is in the other file. I will look. I can send it to both.

Vadney: I am not even sure you want to send it to them.

Deily: I don't think they care and we know Scenic Hudson doesn't care because they have already gotten their conservation easements; but they do technically own the property to the north. They are the only adjoining owner.

Vadney: The AG's office is not an adjoining owner.

Deily: Yes, they are.

Vadney: They are an adjoining owner?

Deily: Yes, well, the State of New York is because there is another piece of this lands under water up here which borders on this parcel. This is the State of New York in here.

Vadney: The State, you see it would be a specific Department. You see I don't even know if he has to do that.

Clerk: It is an adjoining property owner. Somebody can call it into question if we don't at least make an attempt.

Boehlke: Talk to Gordon Bennett.

Deily: I will talk to the guy in the AG's office.

Vadney: Yes, because that is a specific agency.

Deily: The problem is the specific agency that handles it is the Office of General Services which handles the State's property but the Attorney General's office is the ones involved in conveying it and dealing with it. So you have two separate offices.

Vadney: Send it to OGS. If you get a letter from them.

Deily: You are never going to get a letter from them. With the state of the politics and what they have on their agenda, anything they don't have to do doesn't get done. We will get it out to them.

Vadney: All they have to do is sign the green card, right?

Deily: Yes, somebody.

Vadney: That will take care of that.

The Clerk provided Mr. Deily with the blue form explaining the certified letter process. She further advised the Board that she had intentionally not given Mr. Lord a time for the Egan Public Hearing until she had a chance to speak with them. They were in agreement that the Zacek Public Hearing should be at 7 p.m. with the Egan one to follow at 7:15 p.m. since that Hearing would most likely take more time.

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Training

Board Members were reminded that they are required to take four hours of training per year. Any hours in excess of the four can be carried over to the next year. Training has to be current if you want to be considered for re-appointment to your Board seat.

CORRESPONDENCE:

1. From Assessor Bennett, copy of February, 2017, and March, 2017, Greene County Real Property Tax Service Transfer Report
2. Copy of Building Permits for: 1 Pump House; 2 residence renovations; 1 deck repair/new deck; 1 multi-level deck
3. Pool Permit Applications: 2 aboveground; 1 inground
4. From the Village of Ravena, copy of proposed Comprehensive Plan.

Adjournment

At 8:25 p.m., it was moved by Vadney and seconded by Boehlke to adjourn the meeting.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

Respectfully Submitted
Marjorie Loux, Clerk