

TOWN OF NEW BALTIMORE PLANNING BOARD  
Regular Monthly Meeting  
December 14, 2017 – Page 1

The meeting was called to order at 7:12 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 Patrick & Alina Conway – Minor Subdivision Application**

Public Hearing on the application was held just prior to the start of this meeting. Surveyor Alton McDonald remained present on behalf of the Conways.

Part 2 of the Short Environmental Assessment Form was gone through with questions answered as follows:

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?* - **NO**
2. *Will the proposed action result in a change in the use or intensity of use of land?* - **NO**
3. *Will the proposed action impair the character or quality of the existing community?* - **NO**
4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?* - **NO**
5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?* - **NO**
6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?* - **NO**
7. *Will the proposed action impact existing:*
  - a. *public/private water supplies?* - **NO**
  - b. *public/private wastewater treatment utilities?* - **NO**
8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?* - **NO**
9. *Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?* - **NO**
10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?* - **NO**
11. *Will the proposed action create a hazard to environmental resources or human health?* - **NO**

All Board Members were in agreement with the answers given to the questions. Resolution presented as follows:

. **WHEREAS**, Patrick and Alina Conway, wishing to complete a three-lot minor subdivision of property located on Old Kings Road had their authorized representative submit Minor Subdivision Application at the November 9, 2017, Planning Board Meeting; and

**WHEREAS**, required Public Hearing, having been duly noticed, was held on December 14, 2017, with members of the Public offering no comment; and

**WHEREAS**, the Short Environmental Assessment Form was reviewed, now therefore be it

**RESOLVED**, the application be granted a negative declaration for purposes of SEQR; and

**RESOLVED**, that the Patrick and Alina Conway minor subdivision be approved with no conditions.

Moved by: Vadney  
Seconded by: Bruno

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

The Planning Board Chair stamped and signed the maps. Green form was provided for County Clerk's office stamping at time of map filing and return to the Planning Board.

**New Business**

***Lands of Roberto Ponce – Minor Subdivision Application***

Application packet had been completed and submitted prior to the meeting allowing for Board review. Mr. Ponce was present and advised the Board that he owned land on High Rock Road. He wished to take 2.11 acres from Lot #1 currently 7.88 acres, reducing it to 5.77 acres and add the 2.11 acres to Lot #2, increasing it from 2.35 acres to 4.46 acres. It was noted that Proposed Lot 2A to be merged as it currently stands would be a landlocked parcel if not added to parcel as intended. Lot #2 will have 70.28 feet of road frontage.

It was moved by Vadney and seconded by Bruno to classify the proposed Ponce subdivision as a minor subdivision.

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

\$60 application fee was paid. Public Hearing was scheduled for 7:00 p.m. January 11, 2018. Blue sheet explaining the certified letter public hearing notification process was provided.

**Minutes**

It was moved by Vadney and seconded by Salisbury to approve the August 10, 2017, Regular Monthly Meeting minutes as presented.

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

It was moved by Van Etten and seconded by Vadney to approve the September 14, 2017, minutes of the first evening of the LoMonaco 2010 Irrevocable Trust Public Hearing as presented.

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

It was moved by Van Etten and seconded by Bruno to approve the November 9, 2017, Regular Monthly Meeting minutes as presented.

AYES: Van Etten; Horn; Court; Bruno; Boehlke; Salisbury  
NAYS: None  
ABSTAINED: Vadney\*\*  
ABSENT: None

\*\*Not present at this meeting.

The Board held discussion regarding **summarization of meeting minutes** rather than verbatim for the future. It was noted that the printed minutes are permanent records; tapes of the meeting have to be retained for four months after transcription/approval. The Planning Board tapes are retained for a year.

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Per previous instruction from the Town Attorney, comments made during the Environmental Assessment Form review are to be verbatim. The discussion will be continued in January and vote taken on the minute format for the future.

NYS DOT: Mr. Van Etten advised that he had had conversation with Steve Shepherd from the NYSDOT Cairo office. Mr. Shepherd indicated that they were somewhat in the dark on the Bristol Manor project and would like in the future more advanced notice on new projects coming into the 9W corridor. Mr. Van Etten added that he had assumed, due to the length of time this project was before the Planning Board, that an earlier Board had so informed DOT. The Clerk explained, having been the Clerk through this whole approval process, by comments the applicant/applicant's representative(s) had made over the years and appeared in the minutes, it was assumed they were in contact with DOT and no DOT contact by the Planning Board was necessary. Mr. Van Etten stressed for the future, that the Board would keep DOT informed.

The Clerk pointed out that Central Hudson also wants to know in advance about projects coming into the Town and periodically does send a letter reminding municipalities to keep them informed. It was noted that the Town Board had contacted both Central Hudson and State Telephone Company following comments made regarding electric and internet service at the proposed 16-lot major subdivision public hearing earlier this year. It was not known if either utility had responded.

**Public Comment**

Surveyor McDonald, who remained present, inquired if any answer had been obtained to his question with regard to whether a Town road running through property was considered a **defacto subdivision** of the property. Mr. Van Etten advised that he had spoken to the Town Attorney about it; and in his last conversation with him, had failed to follow-up on it but would again contact him.

The Clerk advised that she had had an inquiry from a property owner regarding building a **guest house** on her 40+ acre property. She asked if the house would have a full kitchen or whether people staying in the house would take their meals with them. She was advised it would have a full kitchen. The Clerk explained to her then it would not be considered a guest house, two houses are not allowed on the same parcel and that a parcel of at least two acres would have to be subdivided off for construction of the second house. The property owner was provided with the section of the Code spelling out one, one or two family residence per parcel. She was in further contact with the Town expressing her frustration with the Code and was informed that it was the Town Board responsible for what is in the Code Book, not the Planning Board. The Chair was informed regarding the inquiry as well as the Attorney for the Town. All contacts resulted in the same answer, one residence per parcel.

In further discussion, it was noted that per our present Town Code, guest houses are not allowed. A **bed and breakfast** is allowed but further per the Town Code must be fully contained within the residence of the person(s) operating the bed and breakfast.

Mr. Van Etten advised the Board that the Acting Code Enforcement Officer had denied a building permit application for an accessory structure for a High Rock Road resident based on not having sufficient set back, that being 25 feet off center of the road plus an additional 40 feet set back. Resident was referred to the ZBA for a Variance. The ZBA ruled that a Variance was not needed. **The setback is measured concurrently with the public right-of-way** rather than consecutively as had been the acting CEO's interpretation of our Code. It was further noted that this ruling removes any questions of where the setback is measured from that might arise in the future and the ruling is of importance to the Planning Board.

The new **Code Enforcement Officer** appointed at the December 11 Town Board Meeting is Allan Jourdin. His appointment is effective immediately and he replaces Acting Code Enforcement Officer Elliott Fishman.

**Adjournment**

At 8:05 p.m., it was moved by Vadney and seconded by Court to adjourn the meeting.

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

Respectfully Submitted  
Marjorie Loux  
Clerk