

**TOWN OF BROADALBIN PLANNING BOARD
MEETING**

**WEDNESDAY
AUGUST 25, 2021
7:00 P.M.
BROADALBIN TOWN HALL**

MEETING NOTES

PRESENT:

MIKE CRISPIN, CHAIRMAN
DALE POTTS, MEMBER
MICHAEL RORICK, MEMBER
PHILIP COMINI, MEMBER (Arrived at 7:15 p.m.)
JAMES MAGIELDA, MEMBER

SCOTT HENZE, DIRECTOR, FULTON COUNTY PLANNING DEPARTMENT

OTHERS:

KELLY FREEBERN
CHRIS FOSS, FERGUSON & FOSS PROFESSIONAL LAND SURVEYORS
SHAUNA TRASKOS
SHEILA PERRY, SUPERVISOR

The meeting was called to order at 7:07 p.m.

I. MINUTES FROM JULY 28 2021 MEETING:

PLANNING BOARD ACTION:

MOTION: To accept the minutes to the July 28, 2021 meeting.

MADE BY: Member Potts

SECONDED: Member Magiella

VOTE: 4 in favor, 0 opposed

II. OLD BUSINESS:

1. MARK P. & KELLY A. FREEBERN SUBDIVISION (Project # 2021-09):

A. Background:

- The applicant owns Tax Parcel No. 153.-5-11 (103+/- acres) along Jackson Vly Road. The applicant is proposing to subdivide the parcel into two (2) lots as follows:

Lot 1 - 92.799+/- acres having 2,050.39+/- feet of road frontage onto Jackson Vly Road. The lot contains an existing home, garage, barn (2), horse pen and pasture along with a well. The existing septic system is not located on the drawing.

Lot 2 - 10.386+/- acres having 551+/- feet of road frontage onto Jackson Vly Road. The lot contains an existing electrical panel and is proposed to include a new single family home, well and onsite septic system.

- Subdivision is not located within the Adirondack Park.
- Project does not require a Section 239-M review by the County Planning Board.
- Project is not a NYS Realty Subdivision (5-5-3)

B. Information/Materials Submitted:

- Copy of a Subdivision map issued on May 29, 2021 and revised on June 24 & July 12, 2021 by Ferguson & Foss Professional Land Surveyor's, PC.
- Copy of a completed Part 1 Short Environmental Assessment Form.

C. Review of Minor Subdivisions:

1. The Preliminary Plat must include the following information (Provided, To Be Provided, Waived):

➤ **During the July 28, 2021 meeting, the Planning Board determined the following:**

| REQUIREMENT | STATUS |
|---|---|
| Town Fees | Application Fee = \$100 <u>Additional Lot Fee = \$150</u> Total = \$250 Paid via check 8/25/21 |
| a. A survey of the tract of land to be subdivided prepared by a NYS Licensed and Registered Land Surveyor giving complete descriptive data by bearings and distances showing the parcel(s) to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection. | Provided |
| b. The proposed subdivision name, the date, north arrow, map scale, name and address of record owner and subdivide. | Provided |
| c. The total area (acres) of the lot(s) to be subdivided. | Provided |
| d. All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet. | Provided (The Planning Board waived the requirement for topography.) |
| e. The name of the owner(s) and all adjoining | Provided |

| | |
|---|--|
| property owners as disclosed by the most recent municipal tax records. | |
| f. The tax map sheet, block and lot number of the parcel(s) to be subdivided. | Provided |
| g. All existing utilities and streets. | Provided |
| h. The proposed layout of lots including lot width, depth, and lot area, street layout, street cross section, proposed open spaces or recreation areas, and the proposed storm water management systems within the subdivided area. | Provided |
| i. The location of all groundwater wells and septic systems for each lot and the distances between each well and all adjoining septic systems. | The Planning Board waived said requirements of existing septic systems due to the fact that both lots contain a significant acreage. |
| j. Soil percolation and/or deep hole test results on each lot in the proposed subdivision as required by the Planning Board. | Waived |
| k. All existing restrictions on the use of land including easements, covenants, and Town requirements. A copy of such covenants or deed restrictions that are intended to cover all or part of the tract shall be included. | The Applicant could not identify any easements or covenants. |
| l. A Full Part I Environmental Assessment Form completed by the applicant. | Provided |

2. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate.
3. The Planning Board shall review the Preliminary Plat against the design standards in Subsection F.

F. Design Standards for Minor Subdivisions:

a) Lots to be buildable.

- 1) The lot arrangement shall be such that in constructing a building in compliance with Town requirements, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
- 2) Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear.
- 3) No buildings or structures shall be erected within 50 feet of the right-of-way line of any public highway or street and no closer than 20 feet from any adjacent property line.
- 4) The total square footage of all buildings and accessory structures on any one lot shall not exceed 50 percent of the minimum lot area.

➤ **During the July 28, 2021 meeting, the Planning Board had no further comments.**

b) Lot Access to public or private street.

- 1) All buildable lots shall have at least 40' of frontage onto:

- A public street.
 - A private street built on the requirements of these regulations and the Town's specification that leads directly to a public street.
- **During the July 28, 2021 meeting, the Planning Board agreed that all requirements have been met.**
- c) Corner lots.
 - 1) In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site.
- **During the July 28, 2021 meeting, the Planning Board agreed that all requirements have been met.**
- d) Lots subject to flooding.
 - 1) Lots subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.
- **During the July 28, 2021 meeting, the Planning Board agreed that all requirements have been met.**
4. Following its review of the Preliminary Plat for a Minor Subdivision, the Planning Board shall cause a letter to be forwarded to the applicant or his or her duly authorized representative advising:
- a. The additional information or changes the Planning Board has determined needs to be included on the Preliminary Plat before it is submitted to the Planning Board as a Final Plat.
 - b. The Preliminary Plat is acceptable and can be submitted as the Final Plat.
- **During the July 28, 2021 meeting, the Planning Board agreed that the Preliminary Plat can be considered as the final plat with the provision of a Chairman's signature block be added.**

D. State Environmental Quality Review:

Section 617.1 of 6 NYCRR states that, the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision making processes of State, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant effect on the environment, and if it is determined that the actions may have a significant effect, prepare or request an environmental impact statement. Under these terms, the review of a subdivision application is subject to SEQR.

- **During the July 28, 2021 meeting, the Planning Board agreed to commence SEQR and classified the Mark P. & Kelley A. Freebern minor subdivision (Project #2021-09) as an Unlisted Action under SEQR and proposed that the Town of Broadalbin Planning Board act as the Lead Agency under Section 617.6(b)(4) Uncoordinated Review for Unlisted Actions.**

E. Public Hearing:

In accordance with Section 276 of the Town Law of New York State, the Planning Board must hold a public hearing on any subdivision application within sixty-two (62) days of the date of submittal of the completed application.

The Public Hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing.

- **During the July 28, 2021 meeting, the Planning Board scheduled the required Public Hearing to be held on August 25, 2021 at 7:00 P.M. in the Town of Broadalbin Town Hall.**

PLANNING BOARD DISCUSSION: Planning Board members quickly reviewed the background information as identified within the Agenda, as well as decisions that were made during the July 28, 2021 meeting. Planning Board members had no further comments on the application.

MOTION: To open the Public Hearing at 7:14 P.M. for the Mark P. & Kelly Freebern Minor Subdivision application (Project# 2021-09).

MADE BY: Member Magiolda

SECONDED: Member Potts

VOTE: 4 in favor, 0 opposed

SPEAKERS:

None

MOTION: To close the Public Hearing at 7:20 P.M. for the Mark P. & Kelly Freebern Minor Subdivision application (Project# 2021-09).

MADE BY: Member Comini

SECONDED: Member Rorick

VOTE: 5 in favor, 0 opposed

F. Complete State Environmental Quality Review

MOTION: To authorize the Fulton County Planning Department to complete Parts 2 and 3 of the Short Environmental Assessment Form on the board's behalf and to file a Negative Declaration under SEQR for the Mark P. & Kelly Freebern Minor Subdivision application (Project# 2021-09) in the Town of Broadalbin since:

1. There is sufficient acreage available to create two (2) lots from the original lot.
2. There will be no traffic impacts stemming from this proposed action.
3. The subdivision is not extending utilities (roads, sewer, water)

MADE BY: Member Rorick

SECONDED: Member Potts

VOTE: 5 in favor, 0 opposed

G. Decision:

1. The Planning Board shall, within 62 days from the date the public hearing is closed, approve, conditionally approve with or without modification or disapprove an Application for a Minor Subdivision. This time may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within such time frame shall constitute approval of the Final Plat. If the Planning Board approves the Final Plat, the Applicant or his or her duly authorized representative shall be notified in writing of the decision.
2. If the Planning Board approves the Final Plat, the Planning Board Chairperson is authorized and empowered to sign the Final Plat.
3. In the event of a conditional approval, with or without modification, the Planning Board Chairperson is authorized and empowered to sign the Final Plat upon compliance with such conditions and requirements as may be stated in its conditional approval of the Final Plat. Within five (5) days of the granting of a conditional approval, a letter shall be forwarded to the applicant or his or her duly authorized representative outlining the conditions that must be met in order for the Planning Board Chairperson to sign the Final Plat.
4. Conditional approval of a Final Plat shall expire 180 days after the date of the conditional approval unless the requirements have been certified as complete within that timeframe. The Planning Board may, however, extend the time for two (2) additional ninety (90) day periods each within which a conditionally approved Final Plat may be submitted for signature if, in its opinion, such extension is warranted under the circumstances.
5. In the event that the Planning Board disapproves a Final Plat, the Applicant or his or her duly authorized representative shall be notified by the Planning Board in writing within seven (7) calendar days of the reasons for such disapproval.

PLANNING BOARD DISCUSSION: Chairman Crispin asked Planning Board members whether or not they had any additional concerns or comments in regards to the application before them. Planning Board members had no further concerns.

PLANNING BOARD ACTION:

MOTION: To approve the Mark P. & Kelly Freebern Minor Subdivision application (Project# 2021-09) and to authorize Chairman Crispin to sign the final subdivision plat.

MADE BY: Member Comini

SECONDED: Member Magielda

VOTE: 5 in favor, 0 opposed

H. Final Plat void if revised after approval:

1. No changes, erasures, modifications or revisions shall be made to any Final Plat after approval has been given by the Planning Board.

2. In the event that a Final Plat when recorded contains any such changes, the Final Plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the record of the County Clerk.

I. Filing of Approved Final Plat:

1. Approval of an approved Final Plat shall expire within sixty-two (62) days from the date of such approval unless, within such sixty-two (62) day period, the Final Plat shall have been duly recorded by the Applicant in the office of the Fulton County Clerk.
2. If the Final Plat is not filed within this period, the Town's approval shall expire as provided for in Section 276 of Town Law.

END OF AGENDA ITEM

~~2. ADIRONDACK UP!, LLC, SITE PLAN (PROJECT NO. 2021-08):~~

- **Via email dated July 4, 2021, the applicant requested that the Planning Board place the project on hold for 30 days.**
- **Via email dated August 20, 2021, the applicant formally withdrew the application.**
- **Via letter dated August 11, 2021, the NYS Adirondack Park Agency acknowledged the applicants request to withdraw his application.**

PLANNING BOARD DISCUSSION: Chairman Crispin and Planning Board members reviewed the background information as identified in the Agenda, along with the materials that were provided at the meeting. Chairman Crispin stated that, during the July 28, 2021 meeting, the Planning Board received a packet of written comments/petition from concerned citizens in and around the proposed project. It was noted during the meeting that the submittal was also included as part of the meeting minutes to the July 28, 2021 meeting. Chairman Crispin stated that the written comments and petition were mailed directly to Mr. Sawyer for him to review. Chairman Crispin stated that it was under his impression that Mr. Sawyer had met with several of the neighboring property owners to discuss the project and, based upon those meetings, Mr. Sawyer chose to withdraw his application for continued consideration.

END OF AGENDA ITEM

III. CHAIR REPORT:

1. NYS Adirondack Park Agency Minor Public Notice correspondence to APA Project No. 2021-0178 in regards to the Jesse Hill subdivision (See handout).

PLANNING BOARD DISCUSSION: Chairman Crispin noted that the Planning Board had conditionally approved Jesse Hill's lot line adjustment request in the spring of 2021 with one of the conditions being the receipt of a Jurisdictional Determination issued by the Adirondack Park Agency having no jurisdiction. Chairman Crispin reviewed with Planning Board members the Adirondack Park Agency's correspondence dated August 12, 2021 in regards to Mr. Hill's submission of a jurisdictional inquiry to the Adirondack Park Agency. Scott Henze stated that it appears as though Mr. Hill had not submitted a Jurisdictional Inquiry Form to the Adirondack Park Agency at the time that Mr. Hill requested the lot line adjustment from the Town. Chairman Crispin noted that the Planning Board is currently in a holding pattern waiting for the Adirondack Park Agency's determination of the project.

Chairman Crispin addressed the Board asking the Board whether or not they felt as though the minutes to the Planning Board meetings should go on the Town website. Chairman Crispin noted that it became apparent that, through the review of the Peacock Properties, LLC's Site Plan process, that the general public expressed concerns in regards to not having access to the project information and meeting minutes without going to the Town Clerk requesting a copy thereof. Chairman Crispin asked Supervisor Perry whether or not the Town posted their meeting minutes to the Town's website? Supervisor Perry indicated that the Town Board does post their approved minutes on the Town's website. Supervisor Perry indicated that the Town of Broadalbin has updated the website with the Web Administrator being Peter Galarneau. Supervisor Perry suggested that the Planning Board make a suggestion at the next Town Board meeting that their approved Planning Board minutes are posted on the Town's website. Chairman Crispin asked Scott Henze what his process is in regards to providing minutes to the Town of Broadalbin. Mr. Henze stated that once the minutes are approved by the Planning Board, they are then forwarded to the Town Clerk in a pdf format to file. Scott Henze stated that, at that point, he no longer is involved with what the Town does with said minutes. The general consensus of the Planning Board was that the adopted/approved minutes to Planning Board meetings should be posted on the Town's website.

A discussion ensued in regards to minutes identifying specific landowner names rather than property addresses. Supervisor Perry indicated that the New York Town Clerk's Association has provided guidance to proceed cautiously with identifying specific landowner names within meeting minutes due to the fact that, with today's technology, anyone that is trying to locate a specific individual may be able to search through the Internet and find that person had attended said meeting on such and such a date (stalking). The Planning Board discussed whether or not the meeting minutes should include landowner's name versus property address of said person commenting on an application. Chairman Crispin suggested that there may be some information in the NYS Department of State or other. Supervisor Perry commented again that this was a recommendation coming from the NYS Town Clerk's Association. Scott Henze questioned how minutes should be recorded if there is more than one (1) individual at a particular address providing comments. Scott Henze stated that it may be possible to identify the address and then add a sub category of Speaker A, B, C, D etc. Planning Board members agreed to refrain from using specific landowner names in future meeting minutes.

Member Potts stated that he also would like to see the public hearing notices posted on the Town's website as well. A discussion ensued in regards to the various application forms be included on the Town's website. Supervisor Perry stated that those forms are all located on the Town's website to date. Scott Henze stated that the Planning Board could also include the entire application that is submitted to the Town for consideration. Scott Henze noted though that typically an application is submitted to the Code Enforcement official of the municipality and said official would verify that all of the application materials that are required by the Planning Board to be submitted are included whereby, at that point, the Code Enforcement official would then forward the application to the Planning Board to commence its review. Scott Henze stated that, at that point, the application could be added to the Town's website at that time. Planning Board members discussed this option and indicated that often times there is additional information that is requested by the Planning Board that would then not be included on that initial posting of the application. Supervisor Perry stated that that may be confusing to the public as they may attend a meeting and, at the same time, be looking at the application materials that are posted on the Town's website and if not all of the materials are included on the Town's website that are being reviewed by the Planning Board at that time, there could be confusion. Scott Henze stated that a second option could be that, during the process of a project review by the Planning Board, the Planning Board does continue to request additional information throughout the process. However, the Planning Board has always taken some formal action of deeming the Project Application complete whereby then the Planning Board starts the official review of the Application. Scott Henze indicated that that action of deeming an application complete officially starts the time clock to schedule and hold public hearings. It was noted that once the Planning Board deems the application to be complete, the Planning Board then has sixty-two (62) days to schedule and hold a public hearing if one is required. Scott Henze stated that even though the Planning Board has reviewed several projects that have taken several months to review and make a determination on, the Planning Board has yet to utilize all of the time allotted to said Board for a review indicating that, once again, once the Planning Board deems an application to be complete, the Planning Board then has sixty-two (62) days to schedule and hold a public hearing if one is required. The Planning Board then has the ability to keep the public hearing open if additional information is requested of the applicant based upon comments being

made from the public hearing. Scott Henze indicated that once the Planning Board closes the public hearing, the Planning Board then has sixty-two (62) days from that date to make a decision on the application. Scott Henze stated that, technically, the Planning Board has a minimum of four (4) months to review and approve an application based upon those two (2) periods of time.

The Planning Board then had a discussion as to whether or not building permits were posted on the Town's website. Supervisor Perry indicated that Building Permits are not posted on the Town's website and that, with the number of Building Permits being requested and issued, as well as various other permits, fees, etc., that that would be very time consuming for the Clerk to prepare for posting. Planning Board members asked Scott Henze to draft a letter to the Town Board with the recommendation that the Town Board consider posting the Planning Board's adopted meeting minutes, public hearing notices and application forms if said forms are not already posted. Planning Board members also asked Mr. Henze to identify that the Planning Board will refrain from identifying specific property owner names within its future meeting minutes.

Supervisor Perry stated that she will inform the Town's web administrator that the Planning Board will need to be revised to be specified as a department so that all of the materials and agendas to meetings can be listed under the Planning Board's jurisdiction.

Member Rorick questioned who insures the bonds for the solar project in the Town as he is under the impression that that project has changed hands. Mr. Henze indicated that the Town Attorney should be the person responsible for managing and keeping track of any bonds that are required for projects within the Town.

A discussion ensued in regards to the telecommunications tower that was also installed in the Town of Broadalbin. Supervisor Perry asked Chairman Crispin if he would provide the contact mailing address to the telecommunications project whereby she would then send that address to the Town Attorney to send a letter requesting an updated copy of any bond information required.

Member Potts also questioned the number of roads that have been built within the Town. Planning Board members discussed various roads that were privately constructed within the Town and either turned over and accepted by the Town Board or that continue to remain private.

IV. CODE ENFORCEMENT OFFICE REPORT:

PLANNING BOARD DISCUSSION: Chairman Crispin stated that he had a conversation with the Code Enforcement Officer earlier in the week and asked the Code Enforcement Officer conduct a site visit to the recently conditionally-approved Peacock Properties project site as he had received a few calls from property owners that there were materials being delivered to the site etc. Member Magiella asked whether or not Planning Board members were allowed to physically inspect or go to a project site as one time Planning Board members were no longer advised to do so. Chairman Crispin stated that he informed the Town Board that the Planning Board was going to begin to visit project sites as it is important for Planning Board members to understand the physical layout of the site etc. Chairman Crispin asked Planning Board members to let him know prior to a potential visit to a project site. Member Magiella stated that he understood that the applicant or property owner would need to also be notified prior to a visit.

V. NEXT MEETING:

September 22, 2021
7:00 p.m.
Town Hall

VI. CLOSE OF MEETING:

MOTION: To close the meeting at 8:04 p.m.

MADE BY: Member Comini

SECONDED: Member Potts

VOTE: 5 in favor, 0 opposed