

# **TOWN OF BROADALBIN PLANNING BOARD**

**WEDNESDAY  
JANUARY 22, 2025  
7:00 P.M.  
BROADALBIN TOWN HALL**

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## **MEETING MINUTES**

### **PRESENT:**

MIKE CRISPIN, CHAIRMAN (ARRIVED AT 7:25)  
JARROD ABRAMS, VICE CHAIRMAN  
DALE POTTS, MEMBER  
JAMES MAGIELDA, MEMBER  
MIKE GALLUP, MEMBER

### **OTHERS:**

Scott Henze, Fulton County Planning Director  
Mrs. Goheen  
Mr. Singleton  
Chris Foss, Ferguson and Foss Professional Land Surveyors  
Mike Rorick, Town Board Member  
Mr. and Mrs. Doin

The meeting was called to order at 7:13p.m.

## **I. MINUTES FROM DECEMBER 18, 2024 MEETING:**

### **PLANNING BOARD ACTION:**

MOTION:	To approve the minutes to the December 19, 2024 meeting.
MADE BY:	Member Magielda
SECONDED:	Member Potts
VOTE:	4/0

## **II. ELECTION OF OFFICERS:**

Article 4: Meetings (4.2)(D) within the adopted Town of Broadalbin Planning Board By Laws identifies that:

*"At the last regularly-scheduled meeting and prior to the annual meeting, the Planning Board shall recommend a Chairman to the Town Board and nominate a Vice Chairman".*

- **During the December 18, 2024 meeting, the Planning Board recommended Mike Crispin to serve as the Chairperson to the Planning Board commencing January 1, 2025 through March 31, 2025 and will continue to serve as the Chairperson until such time that the Town Board officially designates said Chairperson.**
- **Status?**

Article 3: Officers (3.5)(A) within the adopted Town of Broadalbin Planning Board By Laws identifies that:

*"The Vice Chairman shall be elected at the Annual Meeting".*

- **During the December 18, 2024 meeting, Jarrod Abrams received a unanimous nomination of members present to serve as the Vice Chairperson to the Planning Board for the 2025 calendar year.**

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the background information as identified in the agenda and asked Board members if they had any other nominations. There were none

PLANNING BOARD ACTION:

MOTION: To elect Jarrod Abrams as the Vice Chairperson to the Planning Board for the 2025 calendar year.

MADE BY: Member Potts

SECONDED: Member Magiolda

ROLL CALL VOTE:

Crispin:	Y
Abrams:	Y
Comini:	absent
Magiolda:	Y
Potts:	Y
DePaula:	absent
Gallup:	Y

### **III. OLD BUSINESS:**

#### **A. MELINDA GOHEEN & JOSHUA SINGLETON MINOR SUBDIVISION (PROJECT NO. 2024-10):**

##### **A. Background/Information Submitted:**

- Completed application for Subdivision signed and dated 11/4/2024.
- Subdivision Map of lands Melinda Goheen & Joshua Singleton prepared by Ferguson & Foss Professional Land Surveyors, PC dated October 18, 2024 and revised November 25, 2024.
- A SEQR Short Environmental Assessment Form.

- The project is not located within the Adirondack Park.
- The property does contain NYS DEC Regulated Wetlands (See map).
- The applicants would like to subdivide parcel 167.-3-16 totaling 31.913 +/- acres as follows:

Lot	Acreage	Amenities	Road Frontage
1	1.835+/-	Vacant	40.02+/- feet
2	30.078+/-	House, Shed, Driveway, Well & Septic	1,068.64+/- feet

B. Review of Minor Subdivisions:

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

- **During the December 18, 2024 meeting, the Planning Board determined the following:**

REQUIREMENT	STATUS
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.	<b>Provided</b>
e. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.	<b>Provided</b>
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.	<b>Provided</b>
j. Soil percolation and/or deep hole test results on each lot in the proposed subdivision as required by the Planning Board.	<b>Was performed. Applicant to provide results to Town.</b>

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.	<b>None</b>
l. A Full Part I Environmental Assessment Form completed by the applicant.	Waive ( provide EAF)
m. Minor Subdivision Application and lot fee: \$100 application fee, \$150 for each new lot created.	Applicant paid \$ 250 in cash to Mike Crispin 12/18/20204

- **During the December 18, 2024 meeting, the Planning Board requested additional information to be provided to include items d,e,i,j and k above.**

▪ **Status?**

PLANNING BOARD DISCUSSION: Scott Henze reviewed the status of each requirement above that was deemed yet to be provided. Planning Board members noted that all items have been complied with except for item j perc and pit test. Scott Henze asked Mr. Singleton if those had been performed. Mr. Singleton stated that they were performed earlier and will provide the results to the Town. Planning Board members had no further comments.

C. 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 December 18, 2024 meeting, the Planning Board commenced a Coordinated Review under SEQR and to coordinate with NYS DEC.**
- **By way of letter dated January 8, 2024 NYS DEC agrees with the Planning Board acting as the SEQR Lead Agency and notes that there may be State Regulated Wetlands on the property.**
- **NYS DEC amended Article 24 Freshwater Wetlands Permit requirements went into effect on January 1, 2025. NYS DEC states that the project sponsor is to submit a Parcel Jurisdictional Determination in order to determine if there are state regulated wetlands on the property \* See letter.**

PLANNING BOARD DISCUSSION: Scott Henze reviewed the background information as identified in the agenda noting that the application was made prior to the newly revised NYS DEC wetland regulations came into effect. Mr. Henze stated that the applicant will need to comply with the regulations.

D. Public Hearing:

- **During the December 18, 2024 meeting, the Planning Board scheduled the required Public Hearing on the Melinda Goheen & Joshua Singleton Minor Subdivision (Project No. 2024-10) for 7:00P.M. January 22, 2025.**

MOTION: To open the Public Hearing for the Melinda Goheen & Joshua Singleton Minor Subdivision (Project No. 2024-10) at 7:30P.M.

MADE BY: Member Magiolda

SECONDED: Member Potts

VOTE: Unanimous

Speakers:

\_\_\_\_\_None\_\_\_\_\_

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MOTION: To close the Public Hearing for the Melinda Goheen & Joshua Singleton Minor Subdivision (Project No. 2024-10) at 7:34 P.M.

MADE BY: Member Potts

SECONDED: Member Magiolda

VOTE: Unanimous

E. Complete SEQR:

MOTION: To declare that the Town of Broadalbin Planning Board the SEQR Lead Agency and to authorize the Fulton County Planning Department to complete Parts 2 and 3 of the Short Environmental Assessment Form on the board's behalf issuing a negative declaration for the Melinda Goheen & Joshua Singleton Minor Subdivision (Project No. 2024-10) in the Town of Broadalbin since:

1. The proposed lot exceeds the 1-acre minimum area guidelines of the Town of Broadalbin.
2. The proposed lot meets the required 40-foot minimum lot access along a public roadway.
3. There will be no notable traffic impacts resulting from the proposed action.

MADE BY: Member Potts

SECONDED: Member Abrams

VOTE: Unanimous

C. Decision:

In accordance with Article 5.2 of the Town of Broadalbin Site Plan Review Law, the Planning Board shall approve, approve with modifications or disapprove an application for Site Plan Review within sixty-two (62) after the close of a Public Hearing.

MOTION: To conditionally approve the Melinda Goheen & Joshua Singleton Minor Subdivision (Project No. 2024-10) and to authorize Chairman Crispin to sign the Site Plan map once the condition has been met.

Conditions:

1. Submission of a Parcel Jurisdictional Determination to NYS DEC and if required a Project Jurisdictional Determination and/or the issuance of an Article 24 Freshwater Wetlands Permit by NYS DEC if required.

MADE BY: Member Potts

SECONDED: Member Abrams

VOTE: Unanimous

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END OF AGENDA ITEM

**B. DENNIS BERG MINOR SUBDIVISION (PROJECT NO. 2024-11):**

A. Background/Information Submitted:

- Completed application for Subdivision
  - Subdivision Map of lands of Dennis Berg prepared by Ferguson & Foss Professional Land Surveyors, PC dated April 30, 2024 and revised October 31, 2024.
  - A SEQR Short Environmental Assessment Form.
  - The project is located within the Adirondack Park's Rural Use Land Use area requiring 8.5+/- acres per principal building density.
- The applicants would like to subdivide parcel 90.20-5-17 totaling 11.669 +/- acres as follows:

Lot	Acreage	Amenities	Road Frontage
1	3.068+/-	House, Shed, Driveway	60.88+/- feet
2	8.583+/-	Building, Shed, Driveway	685.74+/- feet

B. Review of Minor Subdivisions:

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

- **During the December 18, 2024 meeting, the Planning Board determined the following:**

REQUIREMENT	STATUS
a. A survey of the tract of land to be subdivided prepared by a NYS Licensed and Registered Land	<b>Provided</b>

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.	
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
e. The name of the owner(s) and all adjoining property owners as disclosed by the most recent municipal tax records.	<b>Provided</b>
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.	<b>To be provided</b>
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.	provided
l. A Full Part I Environmental Assessment Form completed by the applicant.	Waived ( short EAF)
m. Minor Subdivision Application and lot fee: \$100 application fee, \$150 for each new lot created.	<b>Provided via check #1586</b>

- **During the December 18, 2024 meeting, the Planning Board requested additional information to be provided to include items a, e, i and m above.**

▪ **Status?**

PLANNING BOARD DISCUSSION: Scott Henze reviewed the background information identified within the agenda to include the items identified above determined to be provided. Planning Board members reviewed the revised subdivision map indicating that all were acceptable however item i locating the existing onsite wells and septic

systems is still to be required. Chris Foss indicated that he would revise the map and speak to the landowner to locate the wells and septic systems

C. 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 December 18, 2024 meeting, the Planning Board commenced a Coordinated Review under SEQR and to coordinate with NYS APA.**
- **By way of letter dated December 26, 2024 NYS APA agrees with the Planning Board acting as the SEQR Lead Agency.**

PLANNING BOARD DISCUSSION: The Planning Board reviewed the APA correspondence indicating that the APA agrees with the Planning Board’s request to act as the SEQR Lead agency.

D. Public Hearing:

- **During the December 18, 2024 meeting, the Planning Board scheduled the required Public Hearing on the Dennis Berg Minor Subdivision (Project No. 2024-11) for 7:00P.M. January 22, 2025.**

MOTION: To open the Public Hearing for the Dennis Berg Minor Subdivision (Project No. 2024-11) at 7:22 P.M.

MADE BY: Member Abrams  
SECONDED: Member Gallup  
VOTE: 4/0

Speakers:

\_\_\_\_None\_\_\_\_\_

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MOTION: To close the Public Hearing for the Dennis Berg Minor Subdivision (Project No. 2024-11) at 7:24 P.M.

MADE BY: Member Potts



SECONDED: Member Abrams  
VOTE: 4/0

E. Complete SEQR:

MOTION: To declare that the Town of Broadalbin Planning Board the SEQR Lead Agency and to authorize the Fulton County Planning Department to complete Parts 2 and 3 of the Short Environmental Assessment Form on the board's behalf issuing a negative declaration for the Dennis Berg Minor Subdivision (Project No. 2024-11) in the Town of Broadalbin since:

4. The proposed lot exceeds the 1-acre minimum area guidelines of the Town of Broadalbin.
5. The proposed lot meets the required 40-foot minimum lot access along a public roadway.
6. There will be no notable traffic impacts resulting from the proposed action.

MADE BY: Member Abrams  
SECONDED: Chairman Crispin (just arrived)  
VOTE: unanimous

F. Decision:

In accordance with Article 5.2 of the Town of Broadalbin Site Plan Review Law, the Planning Board shall approve, approve with modifications or disapprove an application for Site Plan Review within sixty-two (62) after the close of a Public Hearing.

MOTION: To conditionally approve the Dennis Berg Minor Subdivision (Project No. 2024-11) and to authorize Chairman Crispin to sign the Site Plan map.

1. Condition – To locate the existing onsite wells and septic systems.

MADE BY: Member Potts  
SECONDED: Member Magielda  
VOTE: Unanimous

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END OF AGENDA ITEM

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**III. CHAIR REPORT:**

1. New NYS DEC Part 664 Freshwater Wetlands Jurisdiction and Classification

- As of January 1, 2025, NYS DEC enacted new regulations concerning jurisdiction over freshwater wetlands in NYS.
- Some of the changes are as follows:

1. The current official NYS Freshwater Wetlands Maps will no longer limit DEC regulatory jurisdiction to wetlands depicted on those maps. Instead, maps will become informational, and any wetlands that meet the applicable definition and criteria will be regulated by DEC and subject to permitting, regardless of whether they appear on the informational maps.
2. Small wetlands of “unusual importance” (Less than current 12.4acres) will be regulated if they meet one of 11 newly-established criteria listed in the new legislation.
3. A Parcel Jurisdictional Determination process is now required. If wetlands are suspect on a parcel, the project sponsor is to submit a Parcel Jurisdictional Determination request through the NYS DEC. The NYS DEC has 90-days to issue a determination as to whether or not the parcel contains wetlands.
4. A Project Jurisdictional Determination process is now required. If the Parcel Jurisdictional Determination identifies that there are wetlands on the parcel, the project sponsor is required to submit a Project Jurisdictional Determination. The Project Jurisdictional Determination will identify if the project requires a wetlands permit.
5. January 1, 2028 - The default size threshold for regulated wetlands will decrease from 12.4 acres to 7.4 acres. Small wetlands of “unusual importance” will continue to be regulated if they meet one of the 11 newly-established criteria listed in the new legislation.

PLANNING BOARD DISCUSSION: Scott Henze stated that he included within the agenda some of the major changes to NYS DEC’s wetland regulations as amended on January 1, 2025. Chairman Crispin read each item above aloud. Scott Henze stated that the Parcel and Project Jurisdictional Determination process is going to lengthen local municipal project approvals given the 90-day timeframe by which the DEC can provide a response. Mr. Henze stated that along with the 90 days, if NYS DEC does not respond within the 90 day window, the project sponsor is then required to resubmit the application giving NYS DEC another 10 days to respond. He stated that if the NYS DEC does not respond after the additional 10 days, then the regulations are waived.

Member Magiolda commented on the vernal pools being part of the regulations and how lands “upstream” of wetlands/vernal pools have become a part of the regulations.

Scott Henze stated that local governing boards will need to identify early on whether or not there may be wetlands on the property and require as part of their applications the response from the Parcel Jurisdictional Determination.

#### Other Notes:

Chairman Crispin stated that he has been fielding many potential project calls recently.

Chairman Crispin stated that Grant Palmer will be resubmitting his application that was tabled in December. He stated that the application will not be a Major Subdivision as Mr. Palmer is going to add another lot. Scott Henze stated that the Public Hearing was already conducted on the minor subdivision application and that the Planning Board would need to hold a second Public Hearing given that the Major Subdivision regulations require that a copy of the Public Hearing notice be sent via certified mail to adjacent property owners as well as those across from an established road.

Dean Doin discussed his concept of establishing a commercial shed sales business along NY 29 between the Ozoner Drive in and the Pine Park RV Park (parcel 138.3-1-52.12). Mr. Doin provided a handout in regards to his recent experience that he has had trying to understand and navigate the Town’s zoning process etc. Mr. Doin stated that he

purchased the property over a year ago and wanted to establish the business last year but became very frustrated with the Town's regulations. He stated he simply would like to establish a shed sales business whereby he is selling Amish built sheds and other products. He asked whether or not he could have a shed as an office or if he had to stick build an office with a concrete foundation etc. Chairman Crispin stated that a shed is acceptable if it is allowable under NYS Building Code and suggested that he speak to the Code Enforcement Officer.

Chairman Crispin noted that Mr. Doin needs to submit a Site Plan prepared by a licensed surveyor or professional engineer to include everything that he would like to do on the property and to not leave anything out. Mr. Doin stated that he just spoke to Chris Foss to assist. Chairman Crispin stated that what the Planning Board approves is what can be built, whether or not it is built right away or in the future. He stated that the Code Enforcement Officer uses the approved site plan to determine if what is actually being built is what was approved. He stated that if there is a change or a new proposal to what was previously approved, then Mr. Doin would need to come back to the Planning Board for an amendment to the Site Plan.

Mr. Doin stated that he has a contractor that has given him a great price to put in the access drive utilizing the existing culvert. He stated that he would like to put the office approximately 80' from the road.

The Planning Board provided several recommendations to Mr. Doin to include, but not limited to:

1. Coordinate with NYS DOT on the existing culvert/access.
2. Hire a licensed land surveyor/engineer to assist in preparing the Site Plan.
3. Do not leave anything off the Site Plan that you would like to do at some point in time.
4. Submit the Parcel Jurisdictional Determination though NYS DEC for possible wetlands.
5. Coordinate the proposed shed office with the Town Code Enforcement Officer under NYS Building Codes.

#### **IV. CODE ENFORCEMENT OFFICE REPORT:**

Chairman Crispin stated that Tom DiCaprio was re-appointed by the Town Board.

#### **V. NEXT MEETING:**

The next regularly scheduled meeting of the Planning Board will be held on:

February 26, 2025  
7:00 p.m.  
Town Hall

#### **VI. CLOSE OF MEETING:**

MOTION: To close the meeting at 8:52 P.M.

MADE BY: Member Potts

SECONDED: Member Abrams

VOTE: Unanimous

