

TOWN OF BROADALBIN PLANNING BOARD

WEDNESDAY
JULY 24, 2024
7:00 P.M.
BROADALBIN TOWN HALL

Meeting Notes

PRESENT:

MIKE CRISPIN, CHAIRMAN
JARROD ABRAMS, VICE CHAIRMAN
DALE POTTS, MEMBER
PHILIP COMINI, MEMBER
JAMES MAGIELDA, MEMBER
MIKE DEPAULA, MEMBER
MIKE GALLUP, MEMBER

SCOTT HENZE, DIRECTOR, FULTON COUNTY PLANNING DEPARTMENT

OTHERS: Debbie & Dan Sams, Supervisor DiGiacamo

The meeting was called to order at 7:02 p.m.

I. MINUTES FROM MAY 22 and JUNE 26, 2024 MEETINGS:

PLANNING BOARD ACTION:

MOTION: To approve the minutes to the May 22, 2024 meeting.
MADE BY: Member Comini
SECONDED: Member DePaula
VOTE: Unanimous

MOTION: To approve the minutes to the June 26, 2024 meeting.
MADE BY: Member Comini
SECONDED: Member Abrams
VOTE: Unanimous

II. OLD BUSINESS:

A. DAN & DEBBIE SAMS MINOR SUBDIVISION (PROJECT# 2024-05):

A. Background/Information Submitted at the June 26, 2024 meeting:

- Subdivision Map by Ferguson & Foss Professional Land Surveyors dated June 10, 2024.

PLANNING BOARD DISCUSSION: Chairman Crispin noted that the Planning Board commenced the review of the Dan & Debbie Sams minor subdivision at the June 26th meeting where by Mr. Sams provided a subdivision map dated June 10th. Chairman Crispin indicated that the Planning Board commenced the review without technically having all the required information. Chairman Crispin noted that during the June 26th meeting the Planning Board requested additional information to be submitted.

B. June 26, 2024 Meeting Actions:

- The Planning Board conducted a cursory review of the minor subdivision and requested the following additional information be provided by the applicant for the July 24, 2024 meeting:

1. Provide a completed application for subdivision.

- Chris Foss provided a completed application for subdivision (unsigned by applicant) via email.
- Dan Sams signed the subdivision application during the meeting.

2. Provide Part 1 of a Short Environmental Assessment form.

- Chris Foss provided a completed Part 1 Short Environmental Assessment form (unsigned) via email.

PLANNING BOARD DISCUSSION: Chairman Crispin noted that Chris Foss provided a completed part 1 Short Environmental Assessment Form however would need to sign said form since he is the responsible party who completed it. Chairman Crispin provided two (2) copies of the short EAF to Dan Sams for Chris Foss to sign and return.

3. Provide of a copy of the response to the APA Jurisdictional Inquiry Form that should have been submitted prior to the Planning Boards review of this project.

- STATUS?

PLANNING BOARD DISCUSSION: Chairman Crispin reviewed the response from the APA dated July 16, 2024 providing a non-jurisdictional determination.

4. Add the locations of all existing structures as well as septic and well areas located on proposed lot 2 as well as the land of Springers Farm LLC parcel # 121.-1-17.111.

- STATUS?

PLANNING BOARD DISCUSSION: Dan Sams indicated that Chris Foss had been out to the property and had located the information that the Planning Board requested and it was his impression that Mr. Foss would be providing the nine (9) full size copies of the sub division map with the new information however apparently Mr. Foss has not done so to date. Chairman Crispin noted that the Planning Board could conditionally approve the application pending the additional features to be added to the map.

5. Provide 9 full size copies of the proposed subdivision map, on 24" x 36" media.

- STATUS?

PLANNING BOARD DISCUSSION: (same as #4 above) Member DePaula questioned the location of the proposed driveway to Lot 1 and 2 in relation to an increase in grade at point along County Highway 110. Member DePaula questioned whether or not there will be sufficient site distance. Dan Sams stated that he has contacted the County Highway department however has not heard back from them in regards to the curb cuts. Scott Henze noted that a letter was sent to the County Highway department in regards to SEQR to include the subdivision map.

C. Public Hearing:

- During the June 26, 2024 meeting, the Planning Board scheduled the required Public Hearing on the Dan and Debbie Sam's Minor Subdivision Application Project # 2024- 05 for 7pm July 24, 2024.

MOTION: To open the Public Hearing on the Dan and Debbie Sam's Minor Subdivision Application Project # 2024- 05 at 7:16 P.M.

MADE BY: Member Comini
SECONDED: Member DePaula
VOTE: Unanimous

Speakers:

1. None

MOTION: To close the Public Hearing on the Dan and Debbie Sam's Minor Subdivision Application Project # 2024- 05 at 7:25 P.M.

MADE BY: Member Comini
SECONDED: Member DePaula
VOTE: Unanimous

D. Complete SEQR:

- During the June 26, 2024 meeting, the Planning Board classified the Dan & Debbie Sam's Minor Subdivision Project #2024-05 as an Unlisted Action under SEQR and proposed that it act as a SEQR lead agency under Section 617.6 (B)(4) coordinated review for unlisted actions and to coordinate with APA and the Fulton County Highway Department.
- By way of letter date July 16, 2024, the APA provided a non-jurisdictional determination.
- There was no response provided by the Fulton County Highway Department.

MOTION: To declare the Town of Broadalbin Planning Board as a SEQR lead agency and to authorize the Fulton County Planning Department to Complete Parts 2 & 3 of the Short EAF to issue a negative declaration on the Dan & Debbie Sam's Minor Subdivision Project #2024-05 due to:

1. There will be no notable traffic impacts as part of the project.
2. The parcels meet the Town's minimum lot size requirement.
3. The APA issued a Non-jurisdictional determination.

MADE BY: Member Comini

SECONDED: Member Potts

VOTE: Unanimous

E. 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 Major 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 timeframe 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.

MOTION: To conditionally approve the Dan & Debbie Sam's Minor Subdivision Project #2024-05 and to authorize Chairman Crispin to sign the subdivision map with the following conditions:

1. Chris Foss to sign part 1 of the SEAF.
2. Add all locations of all existing structures as well as septic and well areas located on proposed lot 2 as well as the land of Springers Farm LLC parcel SBL 121.-1-17.111.
3. Show the location of a proposed house, well and septic on proposed lot 1.
4. Provide nine (9) full copies on 24" x 36" media with updated information per the conditions.
5. Provide a copy Fulton County Highway Departments curb cut permit or other verification of the proposed lot 1 and 2 access drives.

MADE BY: Member DePaula
SECONDED: Member Comini
VOTE: Unanimous

END OF AGENDA ITEM

B. ROD WHITBECK LOT LINE ADJUSTMENT (PROJECT# 2024-06):

1. Background/Information Submitted:



PLANNING BOARD DISCUSSION: Chairman Crispin noted that Mr. Whitbeck had approached the Planning Board during the March 22, 2024 providing paperwork in regards to his proposed lot line adjustment. Chairman Crispin noted Mr. Whitbeck utilized a surveyor out of Saratoga that did not provide any revised paperwork to the Planning Board. Chairman Crispin noted that when he went to see Mr. Whitbeck at the property it was apparent that he had already started to build a building that was dependent on the lot line adjustment request. Chairman Crispin noted that Mr. Whitbeck had informed him that he was able file the lot line adjustment map at the County Clerk’s office as well as obtain a permit from the Town of Broadalbin Code Enforcement officer. Chairman Crispin noted that he has one copy of the lot line adjustment map and everything appears to be in order as well as a copy of the lot line adjustment application. Chairman Crispin noted that with the circumstances he is recommending that the Planning Board consider a retroactive approval for the records to this lot line adjustment request.

B. Lot Line Amendment:

- An applicant may request that the subdivision review process be waived and that a proposed property transaction be considered a Lot Line Amendment if the transaction meets the following criteria:

CRITERIA	TRUE/FALSE
1. It would not create an additional lot.	True
2. It involves a minor modification of an existing lot line; or is the conveyance and/or merger of a portion of one parcel to an adjoining parcel.	True
3. It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.	True
4. It would comply with all applicable Town requirements and applicable New York State Department of Health regulations pertaining to separation distances between well and septic systems and parcel boundaries.	True

C. Lot Line Amendment Application Materials:

APPLICATION MATERIALS	PROVIDED? YES/NO
1. Application for a Lot Line Amendment.	Yes
2. A letter signed by the parcel owners, or their duly authorized agents, of both affected parcels consenting to the lot line amendment.	Yes
3. A plat of the parcels affected by the proposed Lot Line Amendment showing: a. All existing buildings, utilities or other easements or rights-of way of wells and of septic systems. b. The correct lot lines and the location of the proposed new lot line, along with the existing and new setback distances to any existing buildings, wells and septic systems. c. The title "LOT LINE AMENDMENT between properties of (name) and (name)", and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.	Yes
4. Lot Line Adjustment Fee - \$50.00	

Based upon the information provided, does the Planning Board feel as though the application is complete?

PLANNING BOARD DISCUSSION:

State Environmental Quality Review:

1. The granting of a Lot Line Amendment is proposed to be a Type II action under 6 NYCRR Part 617.5(c)(16).

PLANNING BOARD DISCUSSION:

D. Lot Line Amendment Process:

1. Upon submission of the Application, letter and plat, the Planning Board shall, within 62 days, review the request and issue its approval or denial. Approval may be granted when the Planning Board determines that the proposed amendment:
 - a. Meets all requirements for a Lot Line Amendment.
 - b. Would not adversely affect the site's development or neighboring properties.
 - c. Would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents.
2. No public hearing shall be required on requests for Lot Line Amendments.

3. All approved Lot Line Amendments shall be filed by the Applicant with the:
 - a. Fulton County Clerk within 30 days of the approval date. The map shall be signed by the Chairperson of the Planning Board.
 - b. Town Clerk within 30 days of the approval date.
4. No person shall file a plat or map for any Lot Line Amendment with the County Clerk without first obtaining the Planning Board Chairperson's signature on said plat or plan.

PLANNING BOARD DISCUSSION:

MOTION: To retroactively approve the Rod Whitbeck lot line adjustment having Project No. 2024-06 and to authorize Chairman Crispin to sign the Lot Line Adjustment Map.

MADE BY: Member DePaula
SECONDED: Member Abrams
VOTE: Unanimous

END OF AGENDA ITEM

III. NEW BUSINESS:

A. None.

END OF AGENDA ITEM

IV. CHAIR REPORT:

Chairman Crispin noted that the Planning Board provided a conditional review to the Chris Fisher minor subdivision application on April 24, 2024. Chairman Crispin noted that that was the particular meeting that he was not available to attend. Chairman Crispin noted that he has yet to sign the minor subdivision application due to the fact that Mr. Fisher has not provided the \$150 additional lot fee and a pending status to the APA response.

1. Chris Fisher Minor Subdivision Project 2024-03 conditional approval given on 4/24/24. Condition:
 - Payment of the \$150 additional Lot Fee.
 - Status?

PLANNING BOARD DISCUSSION:

2. Town of Broadalbin Solar Energy Facilities Law:
 - Extension of Moratorium
 - Rotterdam Law

PLANNING BOARD DISCUSSION: Chairman Crispin noted that the at the last Town Board meeting that the Town Board extended the moratorium once again an additional six months into February 2025. Chairman Crispin noted that the Town Board has suggested that the Planning Board during this time look at the Town of Rotterdam solar facilities law that the town had recently passed. Chairman Crispin noted that based upon the number of pages of the Town of Rotterdam Solar Energies Facilities Law it appears as though the town spent significant time and resources on compiling the law and it would be worthwhile to at least review the towns law to see if there are items that there would be beneficial to the Town of Broadalbin’s Solar Energy Facilities Law. Supervisor DiGiacamo stated that he encourages the Planning Board to take no longer than 2 months to provide a response back to the Town Board so that then the Town Board can then go through the process in order to adopt the local law to include the required State Environmental Quality Review (SEQR) as well as forwarding the local law to the Fulton County Planning Board to conduct a section 239-m review. There commenced a discussion amongst the Planning Board in regards to timeliness of a review and a possible update to the Town of Broadalbin Solar Energy Facilities Law based upon the Town of Rotterdam’s law. Upon further discussion, the Planning Board agreed to hold a special meeting at 7:00 pm on August 14, 2024 for a work session. Chairman Crispin asked the Planning Board to review the Town of Rotterdam’s law in its entirety in comparison to the proposed Town of Broadalbin’s in preparation for the August 14th special meeting.

V. CODE ENFORCEMENT OFFICE REPORT:

1. ?

VI. NEXT MEETING:

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

August 28, 2024
7:00 p.m.
Town Hall

VII. CLOSE OF MEETING:

MOTION: To close the meeting at 8:17 P.M.

MADE BY: Member DePaula

SECONDED: Member Comini

VOTE: Unanimous

