

Town of New Scotland Planning Board

Minutes

July 7, 2020

6:00 PM

Planning Board Members:

Charles Voss, *Chairman*

Daniel Byrnes, Amy Schallop, Peter Richards, Christine Galvin, Robert Davies (Alt)
Lori Saba, *Planning Board Secretary*, Jeremy Cramer, *Building Inspector*,
Crystal Peck, *Planning Board Attorney*, Garrett Frueh, *Town Engineer (Stantec Engineering)*

Absent:

Roll Call: Charles Voss, Christine Galvin, Amy Schallop, Daniel Byrnes, Peter Richards

Public Hearings:

- 1) Special Use Permit Application #612:** application submitted by Brian Petrocine to be allowed to construct a pond approximately 150'x 250' feet in size. The pond would be constructed on a parcel owned by Michael and Dawn Quackenbush, consisting of approximately 89 acres, is situated within the RF District at 999 Clarksville South Rd, and is identified as New Scotland tax parcel #117.-2-21. This application is a Special Use of Article II, Section 190-11 (D) (4) of the Town of New Scotland Zoning Law.

Mr. Cramer: This application was originally submitted for last month's meeting. The Board at the time basically had a few questions, but scheduled a public hearing and in the meantime the application was submitted to the Albany County Planning Board. The Albany County Planning Board decision was to disapprove recommendation and they had some concerns that needed to be addressed. I spoke with the applicant. They had hired a survey company to put a map together to better explain what they were doing and to show that they have moved it up the hill a little bit from where it was before. They took some of the banking out a little bit. I will leave it up to the Board for their comments as to what was submitted.

Mr. Voss brought up the new plan on the screen for everyone to review and the Albany County recommendation was also brought up on the screen to be reviewed by the Board members. He stated that we did show this to the applicant and this prompted the applicant to have a new map made. We told the applicant that Albany County disapproved the application so this prompted the applicant to go out and it looks like they hired Creighton Manning Engineering to at least do a little bit more of a detail plan that is on the screen now. This just came in today, so in essence they have missed our deadline for submission. Since we had it scheduled, we may have someone on the line that would like to speak in regard to this application. For me there are some missing details to this map still, which would

certainly help us have a better sense of how the pond is designed and is going to be constructed. I think we are missing contours. We are missing cross-sections of how the berm will be built. We are going to need cross-sections of the pond to show approximate depth and any benching that will be going on within the pond, how we propose. We will need details on any overflow facilities that the pond may have. Most ponds have an overflow outlet of some kind, some sort of structure whether it is a rip rap spillway or it's an actual control engineered valve if you will. I think there are a lot of details that we will still need and I know Albany County will ask for them. I think it is appropriate for us to talk about it. Any members of the Board have any comments or questions before we invite the public into this conversation?

Ms. Galvin: So is this certified by an engineer?

Mr. Voss: I do not see an engineering stamp on it. It was prepared by Mr. Quackenbush. I do not see an actual engineer endorsement, but Creighton Manning is a certified engineering firm, so by default you know we are assuming that an engineer has looked at it. We can ask for that.

Ms. Galvin: I don't have the list to go by that you showed us before. We just need to have on there what they have already come up with on the list and whatever else the County would require that's not on here. I'm not familiar with the concept of a dam and what kind of permitting has to happen. Can you fill us in on that?

Mr. Voss: We will ask Mr. Frueh to touch on that. It's not necessarily a dam. It's more of a bermed water impoundment.

Mr. Frueh: The main issue here is just the plan that was submitted to Albany County had a significant lack of detail without having that discussion at our meeting they were just missing that information. This pond is 200x160 so in terms of a New York State Dam permit, if your berm is less than six feet it does not need to have a dam permit with DEC. If the berm is greater than six feet or six feet to 16 feet in height as long as the water impoundment that volume of water that is being impounded is under 3 million gallons, which if this was 200x160x10 feet deep average you would be right at about that 3 million gallon threshold, or maybe a little bit over. Dependent on how deep they are planning to make this and the volume of water they are planning to have, they can be within that range of 6 to 15 foot high berm and still meet the waver for the dam safety permit.

Mr. Voss: Okay, so that sparks the need for much more details on the plan so we can clearly see how the pond will be shaped and constructed and height the berm will be. All those details need to be shown on this.

Mr. Frueh: Part of what the County wanted to see was they wanted to at least see consultation with DEC. Once the application is updated and completed this should be given to DEC for their review. We can set up an escrow and work through the details here for this project.

Mr. Cramer: You are looking at a 50-foot front setback and 50-foot side setbacks for a principal structure, let alone the 5-foot side and rear for an accessory structure and you're meeting all those setbacks for either one.

Ms. Galvin: Yes, I understand that I'm just trying to educate myself. It seems like it is an accessory structure so then you just have to check what zone it is in.

Mr. Cramer: The zone will define the front set-back, the zone is not going to define for all zones it is 5-feet for residential and 10-feet for commercial structures that are accessory to the principal at any zone.

Mr. Voss: Any thoughts or questions?

Mr. Frueh: Do you know if they illuminated the dry hydrant from the application?

Mr. Voss: I do not see the detail on this site plan. That is one of those details they are going to have to include and how that dry hydrant is to be constructed.

Mr. Frueh: Also, the access to the hydrant is a bigger concern for the County. How the fire trucks will get to it.

Mr. Voss: We know initially the thought was that the fire trucks could access the pond off of the edge of the road, but with the pond being pushed back on the site, some sort of access road that is still an option and will need it to be shown on this as well. They may have abandoned that idea. I don't know and we will have to ask for that. Again, just to reiterate what spurred the request for all the additional detail on the site plan was the County, so we want to make sure we comply with the County which is concerned about Clarksville South Road. If there were to be a catastrophic failure of the berm you could potentially have three million gallons of water coming down onto the road and that would damage their road. We just want to make sure it is a safe structure and it is efficient. I don't think the Board is opposed to it by any means, but you know we have been asked by the County to make sure it is appropriately designed.

Mr. Richards: One thing I guess is all the dirt from the pond going to be the berm or is it or do we care of how the dirt is disposed of?

Mr. Voss: We can ask the applicant that question. At this time we do not know. My assumption is that the bulk of it will go towards that berm. We will find out. It is a good question.

Mr. Voss opened up the meeting to the public.

No public comments.

Mr. Cramer has not received any emails regarding this application.

Mr. Voss will leave the public hearing open and we will send the applicant a list of what we discussed this evening so they are aware of the details of what we will need on that site plan. I think we will also have our engineer to review this application and seek escrow. All Board members are in agreement with Stantec to set up an escrow account by the applicant for review of this project. Mr. Cramer will inform the applicant the amount needed to be deposited into escrow.

- 2) Site Plan Application # 126:** Application submitted by Nicholas and Hillary Miller for a site plan review to allow for a 7.6 KW Ground mounted solar PV system. The site contains approximately 15 acres and is located within the RA Zoning district. The property is located at 124 Clipp Rd. and is identified as New Scotland tax parcel id # 94.-1-47.20. This application is made pursuant to Local Law V of 2017, Section 2-6 B of the Town Of New Scotland.

Mr. Voss brought up the site map on the screen for everyone's review. The solar array will be located on the eastern end of the property line. Over here the two parcels will be combined into one as part of the application.

Mr. Cramer: The Board had received the energy usage information and a copy of the structure of the panels themselves. Other than that Albany County Planning Board said to defer to local consideration on this application.

Ms. Galvin: Maybe I missed it, but I do not have any deeds for these two lots, so that I could see who the title owners are. I may have missed it.

Mr. Voss: Do we have deeds?

Mr. Cramer: I am looking. I'm not seeing the deeds, but on the survey map - it shows the owners' information as per deed description. A new deed will have to be made for the revised site.

Mr. Voss: I think we need a deed on record.

Mr. Cramer: Yes, will do.

Mr. Voss: We can review the site plan and this is more detailed.

Ms. Galvin: Is there anywhere that tells us the height of the panels is going to be installed so we can just check it against our law?

Mr. Cramer: They will be 104 inches. It is under the rack information.

Mr. Voss: About 8 and half feet give or take.

Ms. Galvin: That's good.

Mr. Voss: They are relevantly low.

Ms. Galvin: Were neighbors notified of this public hearing?

Mr. Cramer: Yes, 1,000 feet the neighbors were notified. We heard from Mr. Dearstyne today.

Mr. Voss: Mr. Dearstyne did submit a letter today. He was in support of the project and in support of the neighbors.

Ms. Schallop: We received the information about the electric usage, but if the applicant could explain how that usage compares to the potential output of the solar arrays.

Mr. Miller: The arrays are sized to meet about 90%; of course it varies by solar year, of our current energy. It will be almost, but not quite, energy neutral if our usage continues as it has been in recent history. That's how we came up with the sizing.

Mr. Crownow, project manager, Solute Solar Power, I'm working with Mr. Miller here, thank you for inviting us to the Board meeting. The system as Nick has mentioned could be somewhere between mid-65% of that energy usage nears you at 80% to 90% of that offset depending on solar years.

Mr. Voss opened up the meeting to the public.

Mr. Jeff Muhaw, 82 Clipp Road, we are next door neighbors of Nick, so on that map we would be to the right of that. He has been kind enough to give us an idea of this as well and we are in support of this project. The one thing that we would like to have considered is how is construction vehicles are going to be getting in there, because you can see it is a heavily wooden area. That's all.

Mr. Miller: That is a good question. What we are going to do with the construction shortly when things are nice and dry, but there is, so you see the fence and actually the stay on our property is a little type on our road, we just had it re-surveyed, so yeah move your hand over to the right, that kind odd thing that surveyor put in is the split rail fence, we will come basically off the road in that 150-feet to drive piles down. They are rendering those things, or maybe Peter can comment on the size of the vehicles to do that. There are no dump trucks or anything, it's just vehicles.

Mr. Crownow: Yes, we will have a standard rough like 2500 truck that will carry a trailer with a dingo on the back of it and that's about four foot wide or so and obviously a normal truck width and there is a nice clearing. I have some from our site visit; we have some nice photos of the path going from the road into where the location of the array is going to be. That dingo will drive off of the trailer and will drive over to where the array will be located.

Ms. Galvin: Will you have to cut down any trees?

Mr. Crownow: We will not cut any trees. We will not need a lot of heavy equipment. Not a lot of disturbance. They are screw piles that we are putting in and they are non-invasive. We will be putting in a trench and that will be roughly four to six inches wide by 24 inches deep going from the racking system itself through a pathway that Mr. Miller has all the way to the house.

Ms. Galvin put Mr. Dearstyne on the meeting from her own phone. Mr. Dearstyne explained he is having a hard time hearing the meeting. He tried to unmute and it did not work. He stated, I will be frank with you; this is the first time I've done

something like this so I may be out of sync here. I am using my phone. I gave you some background as far as the Dearstyne's are concerned, there are four generations of family living on Clipp Road. From an agricultural standpoint and from land preservation we have known the Miller's for almost our entire time they have been out here, which I think is close to 37 years and they are outstanding neighbors. They have constantly maintained and taken care of their home. Nick is an outstanding guy. What they would have would be almost a model type solar array. From the standpoint of a zoning standpoint this is something I would have to defer to the Planning Board, because I'm a pretty opinionated guy with some things and how I feel about things might be generations or decades ago and it is time for your guys to make a very good decision. The heading on our website work today to save tomorrow and that's what I'm looking for the Planning Board to do. Thanks very much.

Mr. Voss moved to close the public hearing. Mr. Richards seconded the motion; all in favor; motion so carried.

Ayes: Mr. Voss, Ms. Galvin, Ms. Schallop, Mr. Byrnes, Mr. Richards.

Nays:

Abstained:

Vote: 5-0

Ms. Galvin: I am in favor of this application contingent upon getting the deeds as the zoning law requires and further getting the deeds showing the parcels merged.

Mr. Voss: Thanks, good point.

Ms. Schallop: I agree with what Ms. Galvin has said.

Mr. Cramer: Obviously, I can get the deeds ahead of when the building permit can be issued for this as part of the requirement and I think that a requirement should be that the merger map be you know approved and filed with the County before the building permit can be issued. But the new deeds that come with the merger it could be awhile.

Mr. Voss: I think the Board just wants to make sure that they are on file. I don't think we want to hold up the actual point of the permits per se to get that final merged deed, but you certainly have the ability to enforce you know a suspension

of that CO if that condition is not met. I think we are covered that way to make sure we have it on file once it gets filed with the county.

Ms. Galvin: Just to jump in here, I mean does it take that long to do a deed. It is a couple of documents and maybe one or two other documents. It's pretty simple to get them filed, so I don't know what the concern is to be honest.

Mr. Cramer: I generally don't see deeds for at least a month if not longer after the filing of the application. Or when I stamp a subdivision map approved and they take those maps to get filed with the County. I generally don't see a deed come back for at least a month or two from the filing. It comes from the County through the Assessors Department back to us.

Ms. Galvin: You are talking about an approved plan though, not a deed?

Mr. Cramer: I file the subdivision map for the merger. I stamp approved the applicant then files it with the County who then once the filing is complete and the deeds have been submitted Albany County will send us a copy of the deed with a new map, but it is generally not within a month or two time when it was originally stamped.

Ms. Galvin: We aren't talking about a lot of time, but the other thing were you saying Mr. Cramer that we have to have an updated plan that shows that the boundaries lines have been changed?

Mr. Cramer: We have a draft subdivision map as part of the application packet that you've received that is currently waiting for this approval before they want to move forward finalizing that map.

Ms. Galvin: But once they do that then they would re-submit to you an updated map? Is that right?

Mr. Cramer: Well the map is in draft form currently, the subdivision map for the merger and the solar site plan application went to Albany County Planning Board at the same time, as one application. So until I hear back from them I can't stamp the maps approved and now there is a Planning Board application invested into with the merger that I couldn't stamp the maps until after the decision has been made with the application.

Ms. Galvin: I don't know if that answers my question, all I'm say is okay they have to do a new deed and merge the properties. Then it seems like we should get a

final map that shows that there are not two separate lots, there is one lot and here is where the solar structure is located and that's the one that gets filed.

Mr. Cramer: The map as it is currently shown in draft form is the same map it is just going to have my stamp on it once it gets finalized.

Ms. Galvin: Why aren't the boundary lines going to be moved when we have a final map?

Mr. Cramer: The boundary lines are showing that they are going to disappear.

Ms. Galvin: But they haven't disappeared yet, so that's what I'm saying. It seems to me...

Mr. Cramer: They don't disappear until I stamp it approved.

Ms. Galvin: This is just a draft we don't have a final map.

Mr. Cramer: The draft is a draft until I review it for compliance with the Town and then I stamp the map approved with mylars that get filed with the County, the County will then, John Davis, from Albany County will take that map and adjust the tax map accordingly for next year's roll.

Ms. Galvin: All I'm saying Mr. Cramer that if they file this map, this map doesn't represent what we are trying to approve, because it has two different parcels on it.

Mr. Cramer: Mr. Voss please bring up the subdivision map.

Mr. Voss: Yes.

Ms. Peck: Ms. Galvin are you looking for the building permit to be contingent upon receipt of the final map back from the County?

Mr. Cramer: This map showing the zig zag and the lines to be removed and has an area calculation showing what the new area would be is the final maps for subdivisions.

Mr. Voss: So this would be the final map?

Mr. Cramer: Correct.

Ms. Galvin: I just don't understand that. That would not be my preference I'd like to see and have on file the map once the deeds are merged.

Mr. Cramer: Come next May when the new tax rolls and new tax maps come out the tax map will reflect one parcel without those lines on it, but that is Albany County's job to do in the map process.

Mr. Voss: That usually takes six months to a year to update the tax maps.

Ms. Galvin: I'm not asking about tax maps all I'm saying is look we've got a contingency here we need to have these parcels merged. We've known for some time the parcels should be merged, but we still don't have a deed merging them. So to me this map we have presently isn't a final map that we are approving. That's all I'm trying to say.

Mr. Voss: Ms. Peck can you jump in, is this not a legal instrument until the County updates the tax maps?

Ms. Peck: It will be legal once it gets filed with the County Clerk's office, so it's not the tax maps that make it a legal document it is filing the subdivision map and then filing the deeds.

Mr. Voss: I think what Ms. Galvin is asking for is another map, if you will; this is the Miller survey, another map that doesn't show any of these notations on it. It just shows one single large parcel.

Ms. Galvin: That is correct an updated map.

Mr. Cramer: For what purpose?

Ms. Galvin: I'm getting frustrated, because I don't seem to be able to get my message across.

Mr. Voss: Well purpose, let me ask Ms. Peck, if they file this map it then becomes legal and it is proof they are combining these two lots. It may not be the exact clean map I think we were trying to describe and what you are trying to describe, but again it becomes a legal survey map that reflects these two parcels being

combined into one. Once that gets filed that's a legal binder showing that these two parcels are now to be considered one. I don't know, I haven't seen I don't think another application that I have looked at over the years, not just here in town, but other communities where the applicants will come back with one brand new map that shows the elimination. We can certainly ask for it.

Ms. Peck: We simply have the stamped file map being included as part of the file once it is filed.

Mr. Voss: Yes that's what Ms. Galvin is asking for. That just takes a little while; it takes a couple of months to get that final map. I don't think we want to hold up permits just waiting for "routine" legal document.

Mr. Cramer: The Town will keep one paper of this official subdivision map and one Mylar of this subdivision map in the files for the subdivision from here moving forward. We are always going to have an official approved map that is or should be 99.9% of what the final map should be. If there is a note missing or something along those lines that's about the only thing that's going to change on this map from what you are seeing right here. This is a typical, on the solar project that we did where we had to do a merger that was conditioned before the permit could be issued you see, you have to have both parcels in their entirety by the town's subdivision code where the lines were, the lines that are being removed and the calculation of the new area. That would be a Town officially approved subdivision map for a merger.

Mr. Voss: I understand what you are asking for, but I think legally you know this accomplishes that and when you the final "update" tax map is out from the County we will have them file as well. I don't think they are going to miss anything. It's just a kind of quirky way that the County does things.

Ms. Galvin: Just to clarify this is not a subdivision? Right?

Mr. Cramer: This is a minor subdivision that will be done pending the approval for the solar. Mr. Miller does not want to merge these two properties unless he gets the approval to put the solar on that site. That's the only reason why he has hired a surveyor to do a merger which he is not going to ask for the approval until this decision has been granted.

Ms. Galvin: It is not being subdivided. There are two lots being merged.

Mr. Cramer: A merger, a lot adjustment, or three lots is a minor subdivision that all go through the same process that all have the same map done for every property that meets the review form that I have to put together for the town.

Ms. Galvin: Okay, look you know I don't seem to be getting my message across. I am just not accustomed to having an official plan on file that does not look like what we have approved. The plan as it exists now has an unresolved condition on it, which I'm not accustomed doing that. I had served on another planning board and we would only ever file the actual final plat that looks like what we approved, so that's where I'm coming from. I'm sensing that no one else seems that is important, so I think we should move on.

Ms. Peck: I know we have done this before where we have done the approvals contingent on the filing and the proof of filing of the final minor subdivision maps, so from a legal standpoint as long as got the proof of filing in the system and as long as we will be able to refer back to a final map and as long as we got a proposed subdivision map that reflects what the final property lines will be then personally I am okay having it on file like that, because we will end up getting proof of filing back.

Mr. Voss: Okay, I think we've tried to come to some clarification as to what Ms. Galvin's concern was and I certainly agree that we want to make sure in the file we want to have you know a map when it's ready to reflect the final condition that is going to be out there basically showing one large parcel. I think we are going to achieve that. It is my understanding, you know, knowing how the County does their tax mapping and then understanding how we are going to be filing that and certainly on advice of our attorney I think we will be okay. Ms. Galvin you have raised a good point you know certainly to make sure to have those details nailed down.

Ms. Galvin: There seems to be a repeating problem that we do not get deeds with the applications and that is a requirement in our zoning law. It seems like we are always chasing down deeds for someone. I would appreciate that we don't get applications on our agenda that are not complete. That includes copies of the deeds, which are relevant. That is my request at least for now.

Mr. Voss: Okay, so noted.

Mr. Voss moved to approve site plan application #126 as proposed and with the condition that the applicant provides the current deed as well as a copy of the final deed showing that the parcel merged. It is a Type II action which it meets the

standards underneath the Town Zoning Code under the small scales solar collection systems that is outlined in Section 190-57-A. The site plan criteria have been met for the application. Mr. Richards seconded the motion; all in favor; motion so carried.

Ayes: Mr. Voss, Ms. Galvin, Ms. Schallop, Mr. Byrnes, Mr. Richards.

Nays:

Abstained:

Vote: 5-0

Old Business:

3) Adjourned: Request for Modification of Special Use Permit Application # 606

Approvals: Application originally submitted and approved for Milt Orietas to allow a Special Use Permit to for the construction of a single family dwelling on a 3.01 acre parcel originally owned by Dave Moreau is requesting to extend the original special use approval that was granted June 5, 2019 to build a dwelling. The property is located within the Commercial District on Youmans Road as 5 Greylock Lane and is identified as New Scotland tax parcel # 72.-3-41.52. This application is a special use of Article II, Section 190-17 of the town zoning Law.

4) Special Use Permit Application # 613: Application submitted by Kellie Leinung for a Special Use Permit to allow for a parcel owned by Amy McClain to be used for "Farming Activity, Personal". The parcel is located within the RA district at 1993 Indian Fields Road, contains approx. 1.3 acres, and is identified as New Scotland tax parcel #106.-4-39.22. This application is a Special Use of Article II, Section 190-12 (D)(5) of the Town of New Scotland Zoning Law.

Ms. Leinung explained that her neighbor Amy McClain and our family are seeking approval for a chicken coop. It will be on the McClain's property on 1993 Indian Field Road in the back close to the property line, between our property which is 1989 Indian Field and their property. It will be about 100-feet from the creek. We are looking for a coop for six to 12 chickens. A run that will be approximately 10x10 and the coop itself will be 2.5 feet x 4 feet. It will enclosed and there will be a gate on it and we intend to keep the chickens in there except for when we are home and they can be supervised for a couple of hours to free range. All of their food will be kept in metal containers, and their water, to keep out rodents. Do you have any questions?

Mr. Voss: That sounds pretty straight forward. It is a great idea that you are combining it with your neighbor. I do not have any additional questions. Does anyone else from the Board have any questions?

Mr. Richards: The only thing that concerns me is the stream and making sure that the 100-foot setback is adequate and with the storage of the manure we should take that into account. Does this go to the County?

Mr. Cramer: It will be going to Albany County.

Mr. Voss: Where would you compost or would you remove it off site?

Ms. Leinung: We have a compost pile on our property 1989 lot and we will put it there.

Mr. Cramer: I will ask the applicants for an ag data statement as part of the referral to Albany County. My only concern is that the Albany County deadline was yesterday, and I did send them an email asking them if I could submit to them tomorrow morning. I have not heard back from Albany County.

Mr. Voss made a motion to schedule a public hearing for August 4, 2020; all in favor; motion so carried.

Ayes: Mr. Voss, Ms. Galvin, Ms. Schallop, Mr. Byrnes, Mr. Richards.

Nays:

Abstained:

Vote: 5-0

- 5) Special Use Permit Application #599:** application submitted by Ingrid Arlt to be allowed to construct a pond approximately 180 x 240 feet in size. The pond would be constructed on a parcel owned by the applicant, consisting of 7 acres and is situated within the RA District at 427 Bullock Rd, and is identified as New Scotland tax parcel #94.-1-30.84 This application is a Special Use of Article II, Section 190-12 (D)(2) of the Town of New Scotland Zoning Law.

Mr. Voss: Brought up the plan so that all the Board members could review the plan.

Ms. Arlt: I am proposing a pond on the southernmost part of the property. The pond will be due south of the house. It meets all the requirements. It is over 100-

feet from the leach lines, they are drawn in there, there is the septic tank. The well is in the front of the house. That is also drawn in there. The pond will be over 100-feet from the house. The pond will be about 10-feet deep on an average and will have an aquatic shelf on the side of the house, which is the north side of the pond. Where it is going is pretty much a flat field with an exception of, where you're looking at the left side of the pond that drops just a little bit down and there will be a six foot berm up in there just to even it out.

Mr. Frueh: From an engineering standpoint the biggest thing would be to just make sure that berm stays six feet or less, because it is just over 3 million gallons with that area and that depth proposed so it would need a dam safety effect if it goes over six feet tall just to make sure that is adhered to. Making sure the over flow pipe is sized adequately.

Mr. Voss made a motion to schedule a public hearing for August 4, 2020; all in favor; motion so carried.

Ayes: Mr. Voss, Ms. Galvin, Ms. Schallop, Mr. Byrnes, Mr. Richards

Nays:

Abstained:

Vote: 5-0

Discussion items:

- 1) Minutes** for June 2, 2020: Mr. Voss made a motion to approve the June 2, 2020 and Ms. Schallop seconded the motion; all in favor; motion so carried.

Ayes: Mr. Voss, Ms. Galvin, Ms. Schallop, Mr. Byrnes, Mr. Richards

Nays:

Abstained:

Vote: 5-0

- 2) Minor Subdivisions** for the month of June 2020

I had two minor subdivisions that were approved in the month of June.

One three lot subdivision of about 70-acres, 45 staying with the house, 114 and 112 vacant lot on the lower Flat Rock for the McCarroll, Sally, Winne Family Trust.

I had a three lot, lot line adjustment from the lands of Cook on Font Grove Road.

Anything else that may come before the board -Open Discussion (2-minute limit per person)

Mr. Richards asked about the Tommell application.

Mr. Cramer explained that the application was not ready so we did not hold a public hearing at the last meeting.

Ms. Peck: It should be on the ZBA agenda at the end of July. The court remanded it for further consideration so that is where we are in the process.

Mr. Richards: I don't know what that word means.

Ms. Peck: They asked the ZBA to take a look at it to see if there is any factor's that distinguish it from the prior use variance that was granted for that property. They want the ZBA to take a second look.

Mr. Richards: So they didn't necessarily rule against the town, they sent it back to the town.

Ms. Peck: They didn't agree with the denial, they want us to go back and look at it again.

Mr. Cramer: We had asked for some information to determine whether the application was the same or not and we asked for the ability to go to the site and take a look around and we have not gotten access to either one yet.

Ms. Peck: They are working on it.

Motion to Adjourn: At approximately 7:30 p.m. Mr. Voss moved to adjourn and Mr. Richards seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba