

**TOWN OF BALDWIN  
PUBLIC HEARING  
MAY 8, 2019**

**THIS PUBLIC HEARING** of the Town of Baldwin was called to order at approximately 6:00 p.m. by Supervisor Purvis. Those present were Councilman Sherwood, Councilman Steiner and Councilwoman Purvis. Councilman Collins was absent

Also present were Faith Marmor, Paul Tillotson, Ana Pirro, Robin Rosekrans, Leon Tuttle, Lee Haefele, Christopher Denton, Esq., Bud Hall, Beth Ruggerio, Ashur Terwilliger and Sherrill Collins.

**PUBLIC HEARING**

Supervisor Purvis read the "Rules Governing a Public Hearing" and the Notice of Public Hearing concerning the proposed amendments to Article 11.21 of the Zoning Ordinance (Solar Energy Systems and Solar Access) and Resolution No. 24-1994 (Permit Fees).

**PUBLIC COMMENTS**

Ashur Terwilliger, Chairman of the Planning Board, asked the Board if they should wait on the logging permit section of the Town's Permit Fees as there is a Timber Harvesting Training, with a site visit, for Municipalities put on by the Solar Water District which will be held on 05/10/2019 and he will be attending this training.

Sherrill Collins, Secretary to the Planning Board, recommended that the Board go ahead and approve the rest of the Fee Schedule and leave the logging section tabled for now until after the Timber Harvesting Training, because she feels this is long overdue - it is not a money making thing for the town and is not meant to be punitive, but it is meant to bring the Town of Baldwin closer in line to what other town's are charging. She suggested the Board exempt the logging fee at this point and approve the rest of the Fee Schedule.

Supervisor Purvis stated that he has reservations on the Fee Schedule as he does not like the idea of charging people money for anything really and considering last month there were three (3) permits issued and the month before there were two (2) permits issued, it is adding an extra burden on a very few amount of people. He does not see a need to add the added expense to people. He has his reservations, however it is up to the Board. He would just assume tabling this matter until they have everything together.

Councilman Sherwood asked the Town Clerk if they could pass the Permit Fee Schedule exempting the logging until they figure it out, and would they then need another Public Hearing? Faith Marmor replied that it would be better to wait instead of sending in Local Law paperwork to the State twice and having another Public Hearing on the matter.

Beth Ruggerio, town resident, asked if there were two different proposals at this time, one for solar energy and one for permit fees, to which Supervisor Purvis stated that was correct. She asked what the town is proposing to do with the permit fees, to which Supervisor Purvis stated that they want to up them and expand them. Ms. Ruggerio then asked who receives the permit money and Supervisor Purvis replied that the town does. Councilman Sherwood stated that a lot of the permits fees have not

been addressed for probably 20 to 30 years and even with the "bumps" that are noted in the proposed permit fees, it is still way under pretty much every municipality in the county. She asked if the town was proposing to leave the permit fees versus change them? Councilman Sherwood commented that there were some that were increased. Supervisor Purvis stated that he believed every one of them was increased. Sherrill Collins stated that what they did at the Planning Board was to take the fee schedules from several other towns in the county and compare them to the Town of Baldwin's fee schedule which was approved in 1994. Everything was raised somewhat, nothing stayed the same. However, some of the conditions attached to the fees were also changed. A copy of the Permit Fees was given to Ms. Ruggiero to see how the permit fees are broken down and what they mean. For instance, if someone is going for a building permit the fee was \$25.00 and it is proposed to be raised to a State average (charge so much per 1,000 feet). This will just bring the Town of Baldwin more in line with other towns in the county.

Christopher Denton asked if on the permit fees, if any of the things for which there is a permit fee, is supervised by or attended to by the Code Officer? Sherrill Collins stated that yes, there are several that are authorized by the Code Officer but the fee still goes to the town. Mr. Denton asked if they had any idea how much time the Code Officer spends on each area for which there is a permit fee? Certain times permits require much more attention from the Code Officer and the fee might want to reflect that cost to the town. Supervisor Purvis stated that considering the Town of Baldwin has had approximately nine (9) permits this year, and the little amount of permits the town issues, his biggest concern is charging people more when they hardly bring in anything anyway. Sherrill Collins stated it is not the number of permits, it is to make sure that the Code Enforcement's time and effort is compensated to a certain extent. He is paid a salary by the town, but when he has to go and check to make sure the concrete is poured correctly and then has to go back and make sure that the electrical has been inspected, and then he has to go back and check this and that and the other, that is a lot of time and that is worth money. The town is still undercharging compared to what other towns fees are, and this proposal of increase in fees is to bring the town more in line. At this point, it is costing the town because they cannot keep a Code Enforcer because they are not paying them enough to do all the things that really are required by the State if nothing else. The town may issue only four or five permits a year, but those permits have got to be in line with what they are being issued for. Supervisor Purvis stated that he understands. Ms. Ruggiero stated that due to not having an adequate Code Officer in the beginning of her construction, she had a tremendous amount of problems to the point where the Bank was involved because it was not checked. The Code Officer did not come out and approve things, he did not make the visits that were needed to be done. Whether or not because he thought he was not being paid properly, he just chose not to do that or it was just arrogance. She still does not know how her foundation is or if there were drains put in properly. She 100% stands by what Sherrill Collins is saying - if people are doing work and they're doing work properly according to NYS Law/Code, why wouldn't you pay them. Sherrill Collins state that sometimes people expect to pay a certain amount of fees to have the permits to do this work. Bud Hall asked if the town wants to raise the fees like in Elmira, West Elmira or Horseheads? Sherrill Collins commented that the Town of Baldwin is nowhere near their fees. Mr. Hall then asked how much they would increase here. Sherrill Collins stated that she could not give a percentage. They took the old fee schedule and broke it down by each thing, i.e. a Conditional Use Permit, a building fee, and they added things. One of things they added were demolition permits and now one has to have a demolition permit and the Town has to charge for it. They did not have a demolition permit before. The whole thing has been expanding and changed. One of the fee schedules that they adhered to is the Town of Big Flats. The Town of Baldwin has put in \$75.00 for every 1,000 feet of residential. For the Town of Big Flats is was something like \$350.00 per 1,000 feet. For the Town of Baldwin, this is a big jump, but nowhere near what Big Flats charges. Mr. Hall stated that he does not think the Town of Baldwin can compare themselves to the Town of Big Flats. Sherrill Collins agreed and stated that they used that schedule as an outline for what permits were issued for.

Supervisor Purvis stated that the best thing to do is to get Ms. Ruggiero and Mr. Hall a copy of the Fee Schedule and have them come to our next meeting to get a better idea of it.

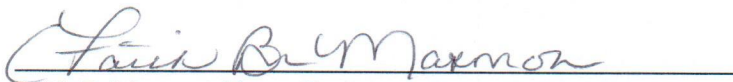
No further public comments were made.

**ADJOURNMENT**

A Motion was made to adjourn the Public Hearing at 6:17 p.m. by Councilman Sherwood, seconded by Councilwoman Purvis, All Ayes.

A copy of the Notice of Public Hearing and Affidavit of Publication are attached to these minutes.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Faith B. Marmor". The signature is written in dark ink and is positioned above a horizontal line.

Faith B. Marmor, Town Clerk

**NOTICE OF PUBLIC HEARING**  
**TOWN OF BALDWIN**  
**AMENDMENTS TO THE ZONING ORDINANCE:**  
**ARTICLE 11.21 - SOLAR ENERGY SYSTEMS AND SOLAR ACCESS**  
**RESOLUTION NO. 24-1994 - PERMIT FEES**

Notice is hereby given that the Town Board of the Town of Baldwin, will hold a Public Hearing to consider amending the Zoning Ordinance, specifically Article 11.21 - Solar Energy Systems and Solar Access and Resolution No. 24-1994 - Permit Fees.

The time and place for the hearing will be on May 8, 2019 at 6:00 p.m. before the start of the Town of Baldwin regular monthly meeting at the Baldwin Town Hall, 622 Breesport N. Chemung Road, Lowman, NY 14861.

BY ORDER OF THE BALDWIN TOWN BOARD  
Faith B. Marmor  
Baldwin Town Clerk  
Dated: April 27, 2019

# STAR-GAZETTE

State of New York  
County of Chemung, SS:

Diana Figueroa being duly sworn, deposes and says she is the Principal Clerk of the Elmira Star-Gazette, Division of Gannett Newspaper Subsidiary, publishers of the Star-Gazette newspaper printed and published daily in Elmira, and of general circulation in said county, and that a NOTICE, of which annexed is a printed copy, out from said newspaper has been published in said newspaper on:

04/27/19

Diana

Subscribed and sworn to before me this 27 day of April, 2019

K. Marano  
Notary Public

