

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Regular Monthly Meeting
August 3, 2016 – Page 1

The Regular Monthly Meeting was opened at 8:00 p.m. by Chair Pat Linger followed by the Pledge of Allegiance. Other Board Members in attendance were James Eckl, Craig Albano and Michael Meredith. Kingsley Greene was absent due to vacation.

Minutes

Mr. Eckl presented corrections as follows for the July 6, 2016, Suchy Variance Public Hearing Minutes.

In the second paragraph at top of Page 1 [beginning, "Mr. Linger asked if there were any questions..."] There's a couple places where I'm sure I have been misquoted (although I admit I cannot now recall exact words I used):

Lines 6-7: now reads, "Our jurisdiction is to find for the Town of New Baltimore Zoning Code;" & should read "Our jurisdiction is CONFINED TO the Town of New Baltimore Zoning Code;"

Lines 13-14: now reads, "The rule and the law of Zoning is if the land use is ambiguous, the ambiguity has to be resolved in favor of the landowner" & should read "The rule IN the law of Zoning is if the land use REGULATION is ambiguous, the ambiguity has to be resolved in favor of the landowner."

It was moved by Linger and seconded by Albano to approve the minutes of the July 6, 2016, Suchy Variance Application Public Hearing with corrections as presented.

AYES: Linger, Eckl, Albano, Meredith
NAYS: None
ABSTAINED: None
ABSENT: Greene

It was moved by Linger and seconded by Albano to approve the minutes of the July 6, 2016, Regular Monthly Meeting as presented.

AYES: Linger, Eckl, Albano, Meredith
NAYS: None
ABSTAINED: None
ABSENT: Greene

Correspondence

1. Copy of 7/20/2016 CEO Gasparini's letter to Marie McMillen, re: 1113 Old State Route 9W.

Mr. Linger explained this is in reference to a telephone call that I received at home. I then spoke to Marjorie so she would receive the correct information on what she would need to bring to the Building Department in anticipation of sale of the property. Since the lot, while in the water district, is a little under half an acre, it will most likely be coming before the ZBA at some point in time.

Old Business

Jay F. & Corina J. Skidmore – Area Variance Application

The Skidmore's authorized representative, Fred Ingraham, remained present. Part I of the Short Environmental Assessment Form was completed in the Public Hearing held just before the start of this meeting.

Part 2 – Impact Assessment

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – **NO**

Linger: The only conflict and it already exists so for us it is not a conflict but they are non-conforming lots to begin with and they are both going to remain non-conforming lots.

Clerk: Grandfathered.

Linger: They are grandfathered in. That doesn't change as a result of this.

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Regular Monthly Meeting
August 3, 2016 – Page 2

2. Will the proposed action result in a change in the use or intensity of use of land? - **NO**
3. Will the proposed action impair the character or quality of the existing community? - **NO**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? - **NO**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? - **NO**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? - **NO**
7. Will the proposed action impact existing:
 - a. public/private water supplies? - **NO**
 - b. public/private wastewater treatment utilities? - **NO**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? - **NO**
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)? - **NO**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? - **NO**
11. Will the proposed action create a hazard to environmental resources or human health? - **NO**

Linger: Actually it has already been used for just what it is going to be used for. None of that changes. We did not have anything that was Moderate or Large, so we do not need to complete Part 3. There was nothing significant. So based on our analysis of this form, the proposed action will not result in any significant adverse environmental impacts. Agreed? No one was in disagreement.

Resolution presented as follows:

WHEREAS, Jay F. & Corina J. Skidmore of 1365 Acquetuck Road, Ravena, Parcel Tax Map 6.00-2-19, wishing to complete a .10 acre lot line adjustment with neighboring property owned by Frederick & Phyllis Ingraham located at 1373 Acquetuck Road, bearing Tax Map Number 6.00-2-18, had submitted an Area Variance Application at the July 6, 2016, Zoning Board of Appeals Meeting; and

WHEREAS, a Public Hearing, having been duly published in THE DAILY MAIL, was held on said application at the New Baltimore Town Hall on August 3, 2016, with members of the public offering no comment; and

WHEREAS, after discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its August 3, 2016, Regular Monthly Meeting, it was

RESOLVED, that this action be granted a negative declaration for the purpose of SEQRA; and be it further

RESOLVED, that the application for an Area Variance is hereby granted with no conditions.

Moved by: Linger
Seconded by: Eckl

AYES: Linger; Eckl; Albano; Meredith
NAYS: None
ABSTAINED: None
ABSENT: Greene

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Regular Monthly Meeting
August 3, 2016 – Page 3

Adjournment

At 8:10 p.m., it was moved by Albano and seconded by Meredith to adjourn the meeting.

Ayes: 4 Nays: 0 Abstained: 0 Absent: 1

Respectfully Submitted:
Marjorie Loux, Clerk