

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Public Hearing
Lands of Jay F. & Corinna J. Skidmore
Area Variance Application
August 3, 2016 – Page 1

1365 Acquetuck Road
Parcel #6.00-2-18

The Public Hearing was opened at 7:32 p.m. by Chair Pat Linger. Other Board Members in attendance were James Eckl, Craig Albano and Michael Meredith. Kingsley Greene was absent due to vacation. Present on behalf of the Skidmores was authorized agent, Frederick Ingraham.

Green cards were submitted for Public Hearing notification certified letters sent to:

Michelle Brennan
Kenneth & Angelo Norris
Clara Tank & Ruth DiBartolomio

Certified Letter to:

Brian Dragon (Unclaimed)
Frederick & Phyllis Ingraham (Authorized Agent)

White Receipt for letter sent to:

Gregory Tudryn and Megan Langer

With no members of the Public present to comment and no further comments or questions from Board Members, the Short EAF was reviewed as follows:

Part 1 – Project and Sponsor Information

Name of Action or Project: See Below

Project Location: See Below

Brief Description of Proposed Action: See Below

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? - **DOES NOT**
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?
IT DOES NOT, JUST FROM US.

The Clerk questioned would “governmental agency” refer to another Board?

Linger: The way I interpret that I don’t believe it is another Town Board because it is still the Town. I don’t know if anyone else has a different interpretation on it. If we fill this out, the Planning Board does not need to fill it out.

Clerk: I don’t know. Usually we do have the person fill it out.

Linger: For both, I don’t know why you would need to fill two out? Usually, it is the Lead Agency, whoever that is.

Meredith: It is the government, Pat, come on.

Linger: That was my interpretation.

Clerk: Okay. I was just thinking they do have to go to another Board.

Linger: My thought process is you apply to the Town; and then whatever that process entails is what that application does. I don’t know if I am off base.

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Clerk: But if you use tunnel vision and say just a Variance, then the Planning Board definitely has to do it too or am I just being too technical?

Eckl: Frankly, I do not know the answer but can I make an observation. The SEQR Regulation that defines Type 2 actions, which are actions that don't require review, and one of the actions that doesn't require a review is the granting of an Area Variance for a single-family, two-family or three-family residence.

Linger: True.

Eckl: So it may be that we can simply dispense with this. Now, that is not to say that the Planning Board might not have to go through the review process but that is intertwined with what we were just talking about that this body has only the authority to grant an Variance. Well, we have other authority, of course, but that is what we are being called upon to do in this case is to grant a Variance; and the granting of a Variance for a one, two or three-family residence is a Type 2 action that does not require SEQRA review. Can I direct a question to the applicant's representative, Mr. Ingraham? Do I understand correctly both of these parcels are improved, each with a single-family residence?

Ingraham: Yes.

Eckl: Okay, that is what I thought my understanding was but I wanted you to say it on the record. In that case, I think that our act of considering a Variance Application is not subject to SEQR. It may be something that the Planning Board is going to be called upon to do, might be; but I think we aren't and well, yes, you are quite right, They are both equal agencies of the Town but they are separate agencies with separate roles to play though.

Linger: I don't have a problem going either way filling it out. We have done them in the past. Whether that was statutory or not, it is kind of a moot point, they were in the past.

Clerk: Well, it will be the last of the Lot Line Adjustments.

Linger: Lucky for us, there is a new law that will take care of these.

Clerk: So if you do it, then you stay uniform all the way through.

Linger: That would be my inclination to do the form. I don't have a problem in changing #2 to yes, and listing the Planning Board either for the subdivision. I don't have a problem with that. That is just a difference in interpretation I guess on something that is probably arbitrary to begin with.

Clerk: I didn't think my one little question was going to take that much discussion.

Linger: Like you said it is the government.

Eckl: Question #3 is another example of how this form is not a model of clarity. You are right, it is one-tenth of an acre that is meant to be transferred. That is so but in another sense the total acreage of the site of the action is really .9 acres. A .3 acre parcel and the adjoining .6 acre parcel and none of it is going to be disturbed. I mean this is not a construction proposal.

Clerk: The Planning Board always has problems with that question.

Meredith: You basically have vegetables growing on it. Is that what you told us?

Ingraham: Pardon.

Meredith: You have vegetables growing on it.

Ingraham: Yes.

Meredith: You have been doing it for years.

Clerk: So we are going to say "yes" to Planning Board then on that?

Linger: Yes. I will have him do "yes" to the Planning Board and that way then it is consistent throughout. As Jim says, it is kind of arbitrary when it is not required of us.

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Albano: I say “yes” for the sake of consistency. I think Jim is right but it is safe for us to do it.

Eckl: There certainly is nothing improper about being thorough.

Linger: It doesn’t hurt anything to do it. Eckl: No.

Clerk: If we had to sit and go through the long form, that would be different. Albano: Certainly.

Linger: We don’t need the long form. I just want to check on that acreage. It is 0.1 for what is being moved. 0.1 is what is being moved from one to the other.

- 3a. Total acreage of the site of the proposed action? – **0.1 acres**
b. Total acreage to be physically disturbed? - **0 acres**
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor. – **0.6 acres**

4. Check all land uses that occur on, adjoining and near the proposed action.
XX - Rural (non-agriculture)

5. Is the proposed action,
a. A permitted use under the zoning regulations? – **N/A**

Linger: I suppose that is true because in our Zoning Regulations, we do not define Lot Line Adjustments prior to the new law that is going to go into effect.

- b. Consistent with the adopted comprehensive plan? – **N/A**
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? - **YES**
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? - **NO**
- 8a. Will the proposed action result in a substantial increase in traffic above present levels? - **NO**
b. Are public transportation service(s) available at or near the site of the proposed action? - **NO**
c. Are any pedestrian accommodations or bicycle routes available on or near site of proposed action? - **NO**

9. Does the proposed action meet or exceed the state energy code requirements? - **NO**

10. Will the proposed action connect to an existing public/private water supply? - **NO**

11. Will the proposed action connect to existing wastewater utilities? - **NO**

- 12a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? - **NO**

- b. Is the proposed action located in an archaeological sensitive area? - **NO**

- 13a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other water bodies regulated by a federal, state or local agency? – **NO**

Linger: I did look that up.

- 13b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? – **NO**

Linger: It is garden now and will be later.

14. Identify the typical habitat types that occur on, or are likely to be found on the project site.

XX - Agricultural/grasslands

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15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? - **NO**
16. Is the project site located in the 100-year flood plain? – **IT IS NOT.**
17. Will the proposed action create storm water discharge, either from point or non-point sources?
If yes,
a. Will storm water discharges flow to adjacent properties? - **NO**
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? - **NO**
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? - **NO**
19. Has the site of the proposed action or any adjoining property been the location of an active or closed solid waste management facility? - **NO**
20. Has the site of the proposed action or any adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? – **NO**

Linger: If you would, you need to fill out the top part of this. The name of the action or project is lot line adjustment or do you need minor subdivision on there?

Clerk: For?

Linger: The name of the action or project. Because the application that originally came in was for a minor subdivision.

Clerk: Yes

Linger: Do you want that on there or do you want Lot Line Adjustment on there?

Clerk: Well I was going to say Minor Subdivision/Lot Line Adjustment.

Linger: Well, we can do the *description as Lot Line Adjustment* then. Then for the *name of action*, put *a minor subdivision*.

Project Location: **1365 Acquetuck Road.**

Name of Applicant or Sponsor: **Jay & Corina Skidmore**

Mr. Ingraham initialed answer changes to Questions #2 and #10. See minutes of August 3, 2016, Regular Monthly Meeting for completion of Part 2 of SEQR Form. There were no further questions.

At 8 p.m., it was moved by Albano and seconded by Meredith to close the Skidmore Public Hearing.

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

Respectfully Submitted,
Marjorie Loux, Clerk