

**Town of New Baltimore Zoning Board of Appeals**

**Monthly Meeting Minutes**

3809 County Route 51 Hannacroix, NY 12087

**December 4, 2024**

**7:20PM**

**Present:** Bill Boehlke, Sam Anderson, Craig Albano, Jean Horn, Brad Jourdin

**Absent:**

**Pledge of Allegiance**

Motion to accept approval of meeting minutes from November 6, 2024

Made by Bill Bohlke, Seconded by Brad Jourdin

**Aye: 5      Nay: 0      Abstain:      Absent:**

Motion carried

Resolution for Kasselman Solar on behalf of David Mancini

Motion to grant a negative declaration and variance be approved with no conditions

Made by Bill Boehlke, Seconded by Craig Albano

**Aye: 5      Nay: 0      Abstain:      Absent:**

Motioned carried

**Area Variance** Randy Lent had filed an application for an Area Variance. Mr. Lent presented his need for the variance. The new proposed building will not meet the setback requirements on the left side of the residence. The setback requirements are 40ft from the front and 15 feet from the sides and rear of the property. The owner of the adjacent property is Mr. Lents sister, and she does not have any issues with him not meeting the setback requirements adjacent to her property. Mr. Lent then presented a signed letter from Ms. Shelly West confirming this statement. The board continued to discuss how Mr. Lent should move forward with his request. Chairman Boehlke expressed the board has the authority to grant the increase in the size of the residence but that does not include the garage in question. The garage Mr. Lent wants to construct on the property is what will not conform to the setbacks. Chair of the Board Bill Boehlke told Mr. Lent that it is the board's

obligation to try to encourage an applicant not to request a variance on a non-conforming lot. The board expressed concern that this land may not always be owned by the applicant and his sister and could become an issue for someone else in the future. Chairperson Jourdin expressed that if there was a failure of the septic and needing a new leach field the newly proposed buildings would not allow adequate space for that. Chairperson Albano stated that it is the board's obligation to the town to prepare for the future. Mr. Lent said that he wished he could move the location of the proposed buildings on the property but the placement of the existing well will not allow it. Chair of the Board Bill Boehlke suggested to Mr. Lent he consider a plan B. Possibly asking for a lot line adjustment from his sister's adjoining property or considering lowering the square footage of the garage structure. Chairperson Jourdin then referenced the town code regarding non-conforming lots and granting variances on said lots. The only way to grant a variance is to prove a hardship. If the residence itself was not meeting the required setbacks it would be a reason to claim hardship. The board does not feel that the accessory structure not meeting the required setbacks is not a claim for hardship. Chair Boehlke suggested that both he and Mr. Lent do some more research and they be in contact to come up with a way to help figure this out to accommodate both the town and the resident.

Motion to Adjourn Meeting

Made by Sam Anderson, Seconded by Craig Albano

**Aye:** 5

**Nay:**0

**Abstain:**

**Absent:**

**Meeting Adjourned** 7:44 pm.