

Town of New Baltimore Zoning Board of Appeals

Monthly Meeting Minutes

3809 County Route 51 Hannacroix, NY 12087

June 4, 2025

7 PM

Present: Sam Anderson, Craig Albano, Brad Jourdin, Jean Horn

Absent: Bill Boehlke

Regular Monthly Meeting

Pledge of Allegiance

Boehm/Kiselev Variance Application A variance application was submitted by James Boehm and his authorized agent Slavik Kiselev for the property located at 453 Scheller Park Road, Tax Map ID # 40.00-3-29 on May 15, 2025. A subdivision application was submitted to the Planning Board for the subdivision of Mr. Kiselev's current right of way/driveway located on Mr. Boehm parcel. They wish to subdivide the driveway piece with the intention of joining it to the back land locked parcel in the Town of Coxsackie. The Planning Board referred this to the Zoning Board of Appeals for Variances because the driveway lot will not meet the minimum 2-acre requirement, and it also does not meet the Flag Lot Road Frontage requirement of 40ft. The Zoning Board reviewed the maps provided. The existing lot is 1.573 acres; the subdivision of the proposed driveway lot will only contain 0.291 acres leaving Mr. Boehm to retain 1.282 acres. Currently Mr. Kiselev's house and property is located within a larger parcel owned by Mr. Boehm in the Town of Coxsackie and is currently land locked with the easement located on Mr. Boehms parcel in the Town of New Baltimore. Board member Jourdin conveyed to Mr. Boehm that this will be a non-buildable lot and if the land behind it is sold this driveway parcel is to be sold with it as a whole. Also, the lands shall not be further subdivided, ensuring that if anything needs to be done to his remaining parcel, he would still be able to maintain the minimum setbacks. Mr. Boehm gave some background on the property. After the original house was constructed on Mr. Kiselev's current property a surveyor discovered that the house and well were not on his property but had crossed the boundary line into Mr. Boehms Coxsackie parcel. He would like to sell the property to Mr. Kiselev along with the piece of land the driveway is located on so Mr. Kiselev can retain full ownership, in turn eliminating the current crossover of utilities

and the right of way. The Board asked the clerk to add that there be no further subdivisions to the resolution. The Board then reviewed the application and the short Environmental Assessment Form. The Board had Mr. Boehm make a correction on the application initial the change.

The Zoning Board declared a negative declaration for the purpose of SEQRA.

RESOLUTION GRANTING AREA VARIANCE

WHEREAS, James Boehm, wishing to subdivide his 1.573-acre parcel Tax Map ID #40.00-3-29 located at 453 Scheller Park Road, into two parcels had his authorized representative Mr. Kiselev submit a Minor Subdivision Application to the Planning Board at its May 8, 2025, meeting; and

WHEREAS, parcels located in the Rural Agricultural Zone are required to be at least two acres in size, and a flag lot is required to have at least 40 feet of road frontage, the Planning Board denied the application and referred Mr. Kiselev to the Zoning Board of Appeals for an Area Variance consideration; and

WHEREAS, Mr. Boehm submitted an Area Variance Application at the June 4, 2025, Zoning Board of Appeals meeting with discussion being held on proposed lot sizes. Lot Two being 0.291 acres in size being subdivided for the sole purpose of being sold to Mr. Kiselev to provide ownership of driveway access to the current land locked parcel located in the Town of Coxsackie and Lot One being 1.282 acres in size with ownership retaining to Mr. Boehm; and

WHEREAS, The Board having considered the application complete, Part 2 of the Short Environmental Assessment Form was gone through with determination made that the action would have a negative impact for purposes of SEQRA; and

WHEREAS, after discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its June 4, 2025, regular monthly meeting, it was

RESOLVED, that the application for an Area Variance is hereby granted with the following conditions:

...That a public hearing be held with no opposing comments

...That Lots One and Two shall have no further subdivisions

...That Lot Two of the subdivisions is hereby deemed a non-buildable lot and this covenant shall run with the land

...That Lot Two shall be consolidated with Parcel #40.00-8-2 in the Town of Coxsackie by a Lot Line Adjustment; and

...That such Lot Line Adjustment shall be submitted to the Town of Coxsackie Planning Board within 6 months of the date of this Resolution

Motion to Accept the Boehm/Kiselev Variance Resolution

Made by Craig Albano, Seconded by Sam Anderson

Aye: 4 **Nay:** 0 **Abstain:** **Absent:** Bill Boehlke

Motion carried

A Public Hearing was scheduled for the Boehm/Kiselev Variance application for July 2, 2025 at 7pm at the New Baltimore Town Hall at 3809 County Route 51 in Hannacroix, NY.

Motion to Approve the April 4, 2024, Monthly Meeting Minutes

Made by Sam Anderson, Seconded by Craig Albano

Aye: 4 **Nay:** 0 **Abstain:** **Absent:** Bill Boehlke

Motion carried

Meeting Adjourned 7: 33pm