

Town of New Baltimore Zoning Board of Appeals

Monthly Meeting Minutes

3809 County Route 51 Hannacroix, NY 12087

March 4, 2026

7 PM

Present: Sam Anderson, Craig Albano, Mark Peckham

Absent: Brad Jourdin, Jean Horn

Pledge of Allegiance

Public Hearing

Randy Lent – Area Variance Application

Board member Albano, acting as Chairman opened the Public Hearing for the Area Variance Application submitted by Randy Lent. He asked if there were any members of the public present to speak regarding the application. Shelley West, a neighboring property owner indicated support for the application and stated that the proposed structure would be an improvement over the previous building on the property. The Clerk confirmed that certified mailings had been sent to neighboring property owners and that three of the four green cards had been received and receipts were provided showing that all required notifications were sent. Board member Albano asked if there were any additional comments from the public, there were none.

Motion to Close the Public Hearing for the Randy Lent Area Variance Application

Made by Craig Albano, Seconded by Mark Peckham

Aye: 3 Nay: 0 Abstain: Absent: 2

Motion carried

Regular Meeting

7:05 PM

Schultz Farm and Properties, LLC

The Board returned to discussion of the Use Variance Application submitted by Schultz Farm and Properties, LLC for property located at 161 Scheller Park Road, Tax Map No. 40.02-2-8. The resolution was read aloud.

RESOLUTION GRANTING USE VARIANCE

WHEREAS, Schultz Farm Properties, LLC, owner of property located at 161 Scheller Park Road, Tax Map #40.02-2-8, submitted an application to utilize an existing building for the continued use of Commercial Vehicle Repair, Professional Offices, Light Manufacturing, Truck Terminal and Warehousing; a use not permitted in the Rural Agricultural (RA) Zoning District; and

WHEREAS, the subject property was historically used for a Commercial Business as a Truck Terminal, which use was lawfully established at a time when the property was zoned Commercial; and

WHEREAS, in 2016, the Town of New Baltimore rezoned the subject property to the Rural Agricultural (RA) District, rendering the existing commercial use non-conforming; and

WHEREAS, the proposed use constitutes a modification to a non-conforming use, requiring a Use Variance pursuant to Chapter 112-72 (3) of the Code of the Town of New Baltimore “*a nonconforming use shall not be changed to another nonconforming use or modified in a manner that increases its nonconformity unless such modification results in a use of the same or a less nonconforming nature, as determined by the Zoning Board of Appeals*”; and

WHEREAS, the applicant submitted the required Use Variance Application, and the Zoning Board of Appeals conducted a duly noticed Public Hearing on February 4, 2026, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, after review of the application, testimony, and supporting documentation, the Zoning Board of Appeals finds that the applicant has demonstrated unnecessary hardship; and

WHEREAS, the Zoning Board of Appeals finds that the requested Use Variance represents the minimum variance necessary to address the unnecessary hardship while preserving the health, safety, and welfare of the community; and

WHEREAS, the Zoning Board of Appeals has determined that this action be issued a negative declaration for the purpose of SEQRA; therefore, be it

RESOLVED, that the Zoning Board of Appeals of the Town of New Baltimore hereby grants a Use Variance to allow the non-conforming use of the existing building for Commercial Vehicle Repair, Professional Offices, Light Manufacturing, Truck Terminal and Warehousing at 161 Scheller Park Road, Tax Map #40.02-2-8, located in the Rural Agricultural (RA) Zoning District, subject to the following conditions:

1. The approved use shall be limited solely to the uses described herein.

2. No expansion of the building or increase in intensity of use shall occur without further approval of the Zoning Board of Appeals.
3. All applicable federal, state, and local laws and codes shall be complied with at all times.

During discussion of the proposed conditions of approval, Mr. Schultz asked for clarification regarding the condition stating that no expansion of the building or increase in intensity of the use shall occur without further approval from the Zoning Board of Appeals. Mr. Schultz expressed concern that the language might limit his ability to construct accessory structures or make minor improvements that might otherwise be permitted under the Town Code without returning to the Board. The Clerk explained to Mr. Schultz that with an approved Variance the uses in the resolution do not become conforming, they still remain non-conforming, but the variance allows the applicant to continue the specific uses with permission of the Board. Board members discussed that the language was intended to ensure that the approved uses remain consistent with the variance granted and that any significant expansion or intensification of the non-conforming use would require additional review. It was noted that routine building permit applications would still be reviewed by the Building Department, and any determination regarding whether additional zoning review is required would be made at that time. Board members discussed the intent of the condition and whether it was necessary. Following discussion, the Board determined that the condition could be removed from the resolution.

Motion to Approve the Use Variance for Schultz Farm and Properties, LLC with Amendment Striking Condition Number Two

Made by Sam Anderson, Seconded by Craig Albano

Aye: 2 Nay: 1 Abstain: Absent: 2

Motion carried

The Clerk informed Mr. Schultz that a finalized copy of the approved resolution would be provided and that the variance would be filed with the Town in the property parcel file. Mr. Schultz was advised that future permitting requirements related to fire code, ADA compliance, and other building requirements would be addressed through the Building Department.

Post-meeting clarification: It was determined after adjournment that the Schultz resolution did not carry, as only two affirmative votes of members present were recorded. A majority of all Board members is required to pass a resolution. Chairman Jourdin stated that the application will be reconsidered at the next meeting when all Board members can be present.

Randy Lent – Area Variance Application

Board member Albano read the resolution aloud.

RESOLUTION GRANTING AREA VARIANCE

WHEREAS, Randy Lent, wishing to construct a new residence and attached garage on a parcel bearing Tax Map ID #17.01-1-20 formerly #17.01-1.8 at 51 Hadley Drive in Hannacroix, New York, submitted a Building Permit Application to the Building Department for placement of a primary residence less than 60 feet from the front boundary; and

WHEREAS, the application was denied by the Code Enforcement Officer, and the applicant was referred to the Zoning Board of Appeals, since pursuant to Chapter 112, Article V, Section 112-10, Dimensional Regulations of the Code of the Town of New Baltimore, the minimum setback from the front boundary in the Rural Agricultural Zone is 60 feet; and

WHEREAS, Randy Lent submitted the required Area Variance Application at the February 4, 2026, meeting of the Zoning Board of Appeals seeking relief from the 60-foot front boundary requirement; and

WHEREAS, the Board reviewed Part 2 of the Short Environmental Assessment Form and issued a negative declaration for the purposes of SEQR; and

WHEREAS, the subject parcel has previously been granted variances, including relief from the rear and side boundary requirements; and

WHEREAS, a duly noticed Public Hearing was held on March 4, 2026, at which time all interested parties were given an opportunity to be heard; therefore be it

RESOLVED, that the Area Variance is hereby approved with no conditions.

Motion to Approve the Randy Lent Area Variance

Made by Mark Peckham, Seconded by Craig Albano

Aye: 3

Nay: 0

Abstain:

Absent: 2

Motion carried

The Clerk stated that the applicant would be notified by email regarding the Board's decision and provided with documentation of the approved variance.

Charles Rappa Area Variance Application

The Board reviewed preliminary information regarding a potential area variance request submitted by Charles Rappa. Mr. Rappa explained that two greenhouse structures located on his property appear to encroach into required setback areas based on his recently completed survey. The applicant noted that the newer survey differs from an earlier survey conducted when the property was purchased and that discrepancies in property boundary locations appear to exist. Board members reviewed the surveys and discussed the location of the structures relative to neighboring properties. Discussion also included the proximity of one structure to the property line and the potential difficulty of performing maintenance without encroaching onto the adjacent property. Mr. Rappa indicated that neighboring property owners had not raised concerns and that he has maintained a cooperative relationship with them. Board members noted that while current neighbors may not object, future property owners could raise concerns, and that the matter should be addressed formally through the variance process. The Board agreed that the matter should proceed to a public hearing so neighboring property owners would have the opportunity to comment.

Motion to Schedule a Public Hearing for the Charles Rappa Area Variance Applications on May 6, 2026

Made by Sam Anderson, Seconded by Craig Albano

Aye: 3 Nay: 0 Abstain: Absent: 2

Motion carried.

The Clerk advised the applicant that he would receive a list of adjoining property owners and instructions regarding certified mailing requirements for the public hearing notification process.

Motion to Approve the February 4, 2026, Public Hearing and Monthly Meeting Minutes

Made by Sam Anderson, Seconded by Craig Albano

Aye: 3 Nay: 0 Abstain: Absent: 2

Motion carried

Motion to Adjourn Meeting

Made by Sam Anderson, Seconded by Craig Albano

Aye: 3 Nay: 0 Abstain: Absent: 2

Meeting Adjourned 7:50 pm.

DRAFT