

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

### **Monthly Meeting Minutes**

3809 County Route 51 Hannacroix, NY 12087

**April 1, 2026**

**7 PM**

**Present:** Brad Jourdin, Sam Anderson, Craig Albano, Mark Peckham, Jean Horn

**Absent:** None

#### **Pledge of Allegiance**

#### **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.

#### **Motion to Re-open the Schultz Farm and Properties, LLC Use Variance Application**

Made by Mark Peckham, Seconded by Craig Albano

**Aye:** 5

**Nay:** 0

**Abstain:**

**Absent:**

#### **Motion carried**

Chairman Jourdin reviewed language from the prior meeting regarding Condition No. 2 of an approval. The condition, as previously drafted, referenced “further approval of the Zoning Board of Appeals.” It was clarified that the Zoning Board of Appeals does not initiate approvals independently, but rather hears matters referred to by the Building Inspector or Town Board in its appellate capacity. As such, the prior reference to the Zoning Board of Appeals as the approving authority for future actions was discussed and reconsidered. The Board agreed that the revised language—stating that “no expansion of the building or increase in intensity of use shall occur without further approval from the applicable Town boards”—more accurately reflects proper procedure and authority.

Mr. Schultz noted that such conditions may be somewhat duplicative of existing zoning regulations, as all applicants are required to comply with the Town Code regardless. However, the Board acknowledged that including the condition provides additional clarity within the approval.

The Board expressed general agreement with the revised language as written.

Chairman Jourdin emphasized the importance of ensuring that any future changes to the subject property—particularly given the granted use variance for commercial uses—follow proper procedures. He noted that, regardless of when changes may occur, whether in the near or distant future, any new or modified use should be subject to review and approval through the appropriate channels, including the Planning Board where applicable. The applicant acknowledged the requirement to follow the established approval process. Chairman Jourdin asked if there were any additional questions or comments. Hearing none, 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 from the applicable Town Boards.
3. All applicable federal, state, and local laws and codes shall be complied with at all times.

**Motion to Approve the Schultz Farm and Properties, LLC Use Variance Application**

Made by Sam Anderson Seconded by Craig Albano

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

**Motion carried**

Mr. Schultz inquired about the possibility of further review of the property's zoning designation. He referenced prior discussion suggesting that the current zoning classification may have resulted from an error in the zoning map or prior revisions. He noted that, while the granted variance allows continuation of the current use, he believes the zoning designation may still have adverse impacts on the property. He further stated that comments had been made during prior meetings indicating that the matter might warrant review by the Planning Board or Town Board. Accordingly, Mr. Schultz respectfully requested that the Zoning Board of Appeals consider referring the matter to the appropriate board for further evaluation.

The Clerk advised Mr. Schultz that he may bring the matter directly to the Town Board for consideration. This could be done by contacting the Town Supervisor or attending a Town Board meeting to present the issue during the public comment portion. Chairman Jourdin stated that, although he was not present at the prior meeting, he had spoken with the Town Supervisor regarding the matter. He indicated that the Supervisor is aware of the situation.

Chairman Jourdin suggested that Mr. Schultz may wish to contact the Town Board directly to discuss the issue further and determine whether the matter could be reconsidered at the Town level.

Mr. Schultz expressed appreciation to the Board for its consideration, noting that while the granted variance allows him to proceed in the immediate term, he intends to pursue further review at the Town level as a long-term resolution.

The Clerk confirmed that the formal resolution would be finalized and provided to Mr. Schultz via email.

**Motion to Approve the March 4, 2026, Monthly Meeting Minutes**

Made by Sam Anderson, Seconded by Brad Jourdin

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

Motion carried

**Motion to Adjourn Meeting**

Made by Sam Anderson, Seconded by Brad Jourdin

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

**Meeting Adjourned 7:11 pm.**

