

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

### **Monthly Meeting Minutes**

3809 County Route 51 Hannacroix, NY 12087

**February 5, 2025**

**7PM**

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

**Absent:** Jean Horn

#### **Pledge of Allegiance**

**Area Variance** Randy Lent Lot Line Adjustment. This issue was discussed with the town attorney and approved to do a lot line adjustment between two non-conforming lots. It was determined that the required setback was not 15 feet but in fact was 25 feet because the garage is not considered an accessory structure since it will be attached to the house. Mr. Lent was able to get an additional 12 feet from his neighbor to try and accommodate the setbacks as much as possible. Chairman Boehlke explained that there are many different setbacks in the state between 5 feet and 25 feet, the board understands that where Mr. Lent lives is like a small development on a dead-end road and exceptions can be made and variances given. Board member Albano questioned if there was any kind of eave that may impose a larger footprint. To which Mr. Lent responded the footprint on the map accommodates the eaves as well. Mr. Lent said if he could change the location of the house and garage, he would but cannot because of the placement of the well on the property. He also explained that it will be an improvement to the neighborhood once it is done. The Board then reviewed and filled out the short environmental form part 2. The board then read the resolution for the variance and scheduled a Public Hearing for the following month.

#### ***RESOLUTION GRANTING AREA VARIANCE***

**WHEREAS**, Randy Lent wishing to construct an attached garage on Parcel bearing Tax Map #17.01-1.8 at 51 Hadley Drive Hannacroix New York submitted a Building Permit Application to the Building Department for placement of a primary residence less than 25 feet from side and rear boundary; and

**WHEREAS**, application was denied by Code Enforcement Officer Jourdin and applicant referred to Zoning Board of Appeals, since pursuant to Chapter Section 112-10, Dimensional Table, Article 5,

Dimensional Regulations of the Code of the Town of New Baltimore, minimum set back from side and rear property boundary in the Town of New Baltimore Rural Agricultural Zone is 25 feet; and

**WHEREAS**, Randy Lent submitted the required Variance Application at the December 12, 2024, Zoning Board of Appeals meeting seeking relief from the 25-foot side and rear boundary requirement; and

**WHEREAS**, recognizing that this property has previously been granted a variance as a non-conforming lot; and

**WHEREAS**, transferring any variance previously granted; and

**WHEREAS**, after further discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its February 5, 2025, Regular Monthly Meeting, it was

**RESOLVED**, that this action be granted a negative declaration for the purpose of SEQRA; and be it further

**RESOLVED**, that the Variance be approved with conditions that the Town of New Baltimore Planning Board approves the lot line adjustment between 51 Hadley Drive and 39 Hadley Drive and that a Public Hearing be held with no opposing comments.

Motion to Accept Resolution

Made by Bill Boelke, Seconded by Sam Anderson

**Aye: 3      Nay:      Abstain: Brad Jourdin      Absent: Jean Horn**

Motion Carried

**Scheller Park Road Subdivision of Driveway** Mr. Kiselev explained how his right of way never actually touched his lot, also that his garage and his septic are located on his neighbor's land. His neighbor Mr. Boehm has agreed to sell the property containing Mr. Kiselev's parcel to him along with the small strip of land that his right of way is located on. The concern is that Mr. Boehm's lot is non-conforming, and they will have to subdivide the driveway from said non-conforming lot. The lot he wishes to subdivide is .29 acres to be able to own his driveway. Board Member Jourdin expressed his concern with Mr. Boehm having enough acreage to be able to address any issues that may arise in the future with the septic or well if it may fail. Ultimately the decision is up to Mr. Boehm the board would just like Mr. Boehm to retain as much property as possible. The board advised Mr. Kiselev that Mr. Boehm needs to fill out the subdivision application and submit it to the Planning Board to move forward. It will get denied by the Planning Board and then moved to the Zoning Board of Appeals to get a variance for creating a non-conforming lot, then a public

hearing will need to be held and finally it will go back to the Planning Board for final approval.

Motion to accept approval of meeting minutes from December 4, 2024

Made by Sam Anderson, Seconded by Brad Jourdin

**Aye:** 4      **Nay:** 0      **Abstain:**      **Absent:** Jean Horn

Motion carried

Motion to Adjourn Meeting

Made by Craig Albano, Seconded by Brad Jourdin

**Aye:** 4      **Nay:** 0      **Abstain:**      **Absent:** Jean Horn

**Meeting Adjourned** 7:54 pm.