

***TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS  
Regular Monthly Meeting  
July 6, 2016 – Page 1***

The meeting was called to order at 7:52 p.m. by Chair Pat Linger followed by the Pledge of Allegiance. Other Board Members in attendance were James Eckl, Craig Albano and Mike Meredith. Kingsley Green was absent.

**Minutes**

It was moved by Linger and seconded by Albano to accept the minutes of the June 1, 2016, Regular Monthly Meeting as presented.

Ayes: 4    Nays: 0    Abstained: 0    Absent: 1

**Correspondence**

1. Copy of 6/17/2016 letter from Kathy Rundberg, Chair, Planning Board to Frederick Ingraham, re: Jay F. & Corina J. Skidmore
2. From Greene County Planning, 6/16/2016 239 Referral Response for Suchy Variance Application

The County's response is that it is basically a local decision with no County impact.

3. Skidmore Variance Application Packet
4. 7/6/2016 letter from Planning Board Chair Kathy Rundberg, re: Skidmore Minor Subdivision Application.

**Old Business**

**John & Jennifer Suchy – Area Variance Application**

Mr. Suchy and Christopher Prenzi from Solar Liberty remained present. Public Hearing on the application was completed just prior to the start of this meeting. Only comment in Public Hearing was from adjoining property owner, William Kapusta, Jr. who has no objection. The Short Environmental Assessment Form was completed during the Public Hearing. There were no additional comments for the record.

Mr. Eckl questioned if a simple majority of three was sufficient for any decision to go forward and was advised that it would be. He then informed the Board that he would abstain since he felt it was academic and that the applicant didn't need to be here, although he certainly understood the wisdom in erring on the side of caution. Mr. Linger responded that is basically what it is since we do not have an exact answer as it applies to our Zoning.

**WHEREAS**, John & Jennifer Suchy, wishing to site a ground mount solar system less than 15 feet from their side boundary line on property owned at 977 County Route 51, Coxsackie, bearing Tax Map #27.00-4-11, submitted an Area Variance Application at the June 1, 2016, Zoning Board of Appeals Meeting; and

**WHEREAS**, a Public Hearing, having been duly published in THE DAILY MAIL, was held on said application at the New Baltimore Town Hall on July 6, 2016, with members of the public offering no comment; and

**WHEREAS**, required 239 Referral was submitted to the County Planning Board with response received that it was a local decision with no County impact; and

**WHEREAS**, after discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its July 6, 2016, 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 application for an Area Variance is hereby granted with no conditions.

Moved by: Linger  
Seconded by: Meredith

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AYES: Linger, Albano, Meredith  
NAYS: None  
ABSTAINED: Eckl  
ABSENT: Greene

Mr. Prinzi questioned if the Code Enforcement Officer would now be contacting them and was advised that they should contact the Code Enforcement Officer when they are ready to move forward.

**New Business**

**Jay F. & Corina J. Skidmore – Area Variance Application**

The Board had received the Variance Application packet prior to the meeting. Present on behalf of the applicants was authorized representative Frederick Ingraham. Notarized Agent's Authorization Form was part of the application packet. The Skidmores own a L-shaped .60 acre parcel at 1365 Acquetuck Road, Ravena, bearing Tax Map #6.00-2-19. Mr. Ingraham owns a .30 acre parcel next door at 1373 Acquetuck Road bearing Tax Map #6.00-2-17. The Skidmores and Ingrahams wish to do a .10 of an acre lot line adjustment which will make the Skidmores' parcel rectangular in shape and will enlarge the rectangular shape of the Ingraham parcel. Minor Subdivision Application was submitted to the Planning Board for this lot line adjustment, application denied by Planning Board because of acreage involved and referral made to the Zoning Board of Appeals for Variance.

No practical difficulty would arise if Variance not granted. Variance would not affect the character of the District. An undue hardship would not be created if Variance was not granted but the granting would enhance the character of the property.

Mr. Ingraham informed the Board that he has been using the .10 of an acre for the last seven or eight years for his garden; and now with the Skidmore property to be sold, he wants to legally make the small piece part of his parcel. It was noted that both parcels are non-conforming in size, have been for many years, probably pre-dating Zoning, and will continue to be after the proposed lot line adjustment if approved.

Mr. Linger advised when two neighbors agree on a lot line adjustment, it should be their business and not someone else's to worry about. However, since we do not have stipulation at this time in our Code, this is the process we have to work with.

Public Hearing was scheduled for 7:30 p.m., August 3. Mr. Ingraham was provided with the blue sheet outlining the Public Hearing certified letter process and a list of the surrounding property owners needing to be notified. Mr. Ingraham questioned if a letter needed to be sent to the Skidmores. He was advised no, since they were the applicants; but even though he was the authorized representative, he should send a letter to himself so no notification issue can be raised at a later date. Letters should be sent out at least two weeks prior to the Public Hearing and the more explanation put in the letter the better which can alleviate the neighbor's questions and concerns.

Mr. Eckl pointed out it is apparent from the maps in front of us and for the record, this action would not affect the Acquetuck Road frontage of either parcel and that the conveyance will be something like 17% of Lot #19. It was confirmed that it was, considering both are relatively small undersized parcels.

Mr. Linger advised since the Town Board has not yet acted on any legislation with regard to lot line adjustments, it is necessary for the Board to continue going through this process.

Mr. Ingraham questioned what happens if the Skidmore property sells before the application process is completed. Do I have to start all over again? Mr. Linger responded to Mr. Eckl's point of making the property significantly smaller, whether we award a Variance or not, a bank may have a problem with any of it and there is nothing we can do about that. It was not really known what would happen in that instance. It was considered highly unlikely that the property would sell and closing take place in that short of a time frame. However, Mr. Ingraham would then have to go to the Planning Board, after ZBA approval, and go through the subdivision process to complete the lot line adjustment.

**Adjournment**

At 8:20 p.m., it was moved by Linger and seconded by Meredith to adjourn the meeting.

Ayes: 4    Nays: 0    Abstained: 0    Absent: 1

Respectfully Submitted,  
Marjorie Loux, Clerk