

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Public Hearing
Randy Lent, Shelly West & Tammy Parker – Area Variance Application
June 7, 2017 – Page 1

Property Location: 39 Hadley Drive
Parcel #17.01-1-9

The Public Hearing was opened at 7:32 p.m. by Chair Pat Linger. Other Board Members in attendance were Kingsley Greene and Jeff Carlson. Craig Albano and Michael Meredith were absent. Also present was applicant Randy Lent.

Green cards were presented for certified letters sent to:

Gregory Deso, Jr.
David & Anthony Cary, att: Charles Cary

It was not necessary to send notification to the other three surrounding property owners since they are the applicants for the subject Variance.

There were no members of the Public present for this Public Hearing, but it will be held open for 15 minutes for anyone who may be running a little late.

The Board went through the Short Environmental Assessment Form as follows:

Part 1 – Project and Sponsor Information

Name of Action or Project: ***Lent Minor Subdivision***

Project Location: ***North end of Town highway known as Hadley Drive (a dead end street)***

Brief Description of Proposed Action:

Currently two single-family dwellings exist on one parcel of land. The proposal is to subdivide the one parcel of land into two parcels, each parcel will contain an existing single family dwelling.

Name of Applicant or Sponsor: ***Randy Lent, Tammy Parker and Shelly West***

Address: ***52 Hadley Drive (Address for Randy Lent) Hannacroix, NY 12087***

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? - ***NO***
2. Does the proposed action require a permit, approval or funding from any other governmental agency? - ***YES (In addition to the Variance from this Board, subdivision approval from the Planning Board is required.)***
- 3a. Total acreage of the site of the proposed action? - ***2 acres***
b. Total acreage to be physically disturbed? - ***0 acres***
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor. ***5.8 acres***
4. Check all land uses that occur on, adjoining and near the proposed action.
XX - Rural (non-agriculture)
XX - Residential (suburban)
5. Is the proposed action,
 - a. A permitted use under the zoning regulations? - (No) ***YES***
 - b. Consistent with the adopted comprehensive plan? - ***YES***

Linger: You have this marked “no” as a permitted use under the Zoning regulations. The use if I am not

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mistaken is permitted, it is just the area that is not. So this would be a **YES**.

Clerk: It is a subdivision. Maybe I am just trying to dig too deeply into it.

Linger: I am trying to think. The proposed action is a subdivision of property, of residential property, which is going to leave one non-conforming.

Clerk: It is going to leave two non-conforming.

Linger: Two non-conforming, because they are splitting the two acres, but the use is.

Clerk: The use is acceptable. It is residential/agricultural.

Linger: Is permitted so this should be a YES for the use. It is marked "no" here. In my mind that is.

Carlson: How I would read it. Linger: How I am reading it.

Clerk: It is a Permitted use. Linger: It is just against the Code for area.

Clerk: It is just the size is not permitted. That is why he is here for a Variance.

Linger: Correct. I am going to change that and have Randy initial these later.

[The other Board Members present were in agreement.]

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? **YES**

Linger: It has been there for 50 plus years.

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? - **NO**

Linger: At least, it doesn't show up on the map.

8a. Will the proposed action result in a substantial increase in traffic above present levels? - **NO**

b. Are public transportation service(s) available at or near the site of the proposed action? - **NO**

c. Are any pedestrian accommodations or bicycle routes available on or near site of proposed action? - **NO**

9. Does the proposed action meet or exceed the state energy code requirements? - **YES**

10. Will the proposed action connect to an existing public/private water supply? - (No) **YES**

If No, describe method for providing potable water:

Linger: That is a "no". If it says public or private, it would be a private well.

Clerk: But they are already hooked. Linger: They are already hooked.

Clerk: Well, the action is the Variance, not something new coming in.

Linger: Right, it is already there. The subdivision isn't going to change the physical property.

11. Will the proposed action connect to existing wastewater utilities? (No) **YES**

If No, describe method for providing wastewater treatment:

Linger: The next question is exactly the same thing. It is connected to an existing wastewater facility. There is a septic system there now. We asked that the last meeting.

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Lent: Yes, that is all done.

Linger: Both houses have their own well; both houses have their own septic. I just think both of them should be a "yes".

Carlson: I think if one is, they both should be. Linger: They are private.

Carlson: #10, If not, describe method for providing potable water. Linger: Yes, private wells.

Carlson: That should be yes; both #10 and #11. Linger: I believe that would be the case.

Clerk: The action is the variance; it is not bringing something new and putting it on the property.

Linger: Right. Carlson: Correct, but the State still likes to ask these questions.

Linger: You are not building anything new. Carlson: No.

Linger: It is not an additional connection but it is still connected.

Clerk: Okay, "existing" there is the key word, existing private water supply.

Linger: Right. Clerk: Existing wastewater facility. Linger: Correct.

12a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? - **NO**

b. Is the proposed action located in an archaeological sensitive area? - **NO**

13a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other water bodies regulated by a federal, state or local agency? - **NO**

13b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? - **NO**

14. Identify the typical habitat types that occur on, or are likely to be found on the project site.

XX- Agricultural/grasslands

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? - **NO**

16. Is the project site located in the 100-year flood plain? - **NO**

17. Will the proposed action create storm water discharge, either from point or non-point sources? - **NO**

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? - **NO**

19. Has the site of the proposed action or any adjoining property been the location of an active or closed solid waste management facility? - **NO**

20. Has the site of the proposed action or any adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? - **NO**

Mr. Lent was asked to initial the answers that were changed. Part II of the Short Environmental Assessment Form will be completed in the Regular monthly meeting to follow. With no members of the public having come in for this Hearing:

At 7:49 p.m., it was moved by Greene and seconded by Carlson to close the Public Hearing.

Ayes: 3 Nays: 0 Abstained: 0 Absent: 2

Respectfully Submitted,
Marjorie B. Loux, Clerk