

**TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS**  
**Regular Monthly Meeting**  
**November 6, 2019 – Page 1**

The meeting was called to order at 7:51 p.m. by Patrick Linger, ZBA Chair, followed by the Pledge of Allegiance. Other Board Members in attendance were Craig Albano, Mike Meredith, Jeff Carlson and Denise Taber.

**Minutes**

It was moved by Taber and seconded by Linger to approve the minutes of the October 2, 2019 meeting as presented.

AYES: 5    NAYS: 0    ABSTAINED: None    ABSENT: None

**Correspondence**

1. Greene County Planning Board Report on 239 Referral for 12498 U.S. Rte. 9W Area Variance Application.

The Board's referral did not reach the County in time for their October Meeting. It has been placed on their November agenda.

It was noted that the County now wants all 239 Referrals 10 to 12 days prior to their meeting which is on the third Wednesday of the month. It was further noted that there is a new County Planner and the 10 to 12 days in advance is a new requirement as well. Adding to the schedule, it seems with increasing frequency our mail is taking several days to reach Catskill from Hannacroix. In this instance, it was not believed there would be any comment beyond "it being a local decision". Mr. Linger commented that he understood what the new Planner was trying to do but not sure it will work for the Towns in our County and still be within their 30-day period to respond. Discussion was held regarding contacting the Planner, explaining the ZBA's situation and the possibility of scanning future 239 referrals to them to try to meet these deadlines. Mr. Linger will look further into the matter.

**Old Business**

**12498 U.S. Route 9W LLC (New Baltimore Family Dentistry) – Area Variance Application**

Remaining present on behalf of the applicant was Kevin Conklin from Conklin Architecture. There was no public comment during the Public Hearing held just prior to the start of this meeting. Mr. Linger asked if the Board had any concerns, any restrictions, anything like that that they would like to discuss. The Short EAF was gone through during the Public Hearing and determined that this would have a negative impact on the environment.

Mr. Linger continued for the benefit of Mr. Conklin who had not been present at last month's meeting, one of the questions he had had coming into the meeting was in the paving and how much of it would be paved. Mr. Conklin explained just the front, initial parking lot, is asphalt, all the rest is gravel. I didn't talk to them about it, didn't give them the option to not pave the back part of it except for the handicap spaces. There is no sense in paving the rest; don't see why you would want to deal with that, plus the expense.

Mr. Linger responded aside from the expense part of it, from our point of view in awarding the Variance, you start paving it, putting an impervious surface over it, then you start collecting stormwater and it raises the questions of where is it going to go, who is going to be affected? By not so doing, these are the things you avoid. Question was raised regarding whether there should be a restriction that it can't be paved; whether there is an issue. It was determined in this instance it wasn't felt to be a big deal. There were no further questions or concerns.

It was moved by Linger and seconded by Taber that the Variance be approved.

Ayes: 5    Nays: 0    Abstained: 0    Absent: 0

Resolution was presented as follows:

**WHEREAS**, 12498 U.S. 9W, LCC, better known as New Baltimore Family Dentistry, wishing to expand their parking lot to include another 13 parking spaces, submitted Site Plan Application at the September 12, 2019, Planning Board Meeting; and

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**WHEREAS**, application was denied because the expansion would bring parcel coverage in excess of the 30% allowed by Town Code and applicant was referred to Zoning Board of Appeals for Area Variance consideration; and

**WHEREAS**, applicant's authorized representative presented application at the October 2, 2019, Zoning Board of Appeals Meeting; and

**WHEREAS**, a Public Hearing Notice, having been duly published in THE DAILY MAIL, was held on said application at the New Baltimore Town Hall on November 6, 2019, with no members of the public offering objection or negative comment; and

**WHEREAS**, required 239 was submitted to County Planning Board with response received that referral was not received by October meeting deadline and was being held for consideration at November meeting; and

**WHEREAS**, after discussion by the members of the Town of New Baltimore Zoning Board of Appeals at its November 6, 2019, Regular Monthly Meetings, 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.

Moved by: Linger  
Seconded by: Albano

AYES: Linger, Albano; Meredith; Carlson; Taber  
NAYS: None  
ABSTAINED: None  
ABSENT: None

Mr. Conklin thanked the Board.

**New Business** - None  
**Adjournment**

At 8:05 p.m., it was moved by Albano and seconded by Linger to adjourn the meeting.

mbl