

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Regular Monthly Meeting
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The meeting was called to order at 7:33 p.m. by Chair Pat Linger, followed by the Pledge of Allegiance. Other Board Members in attendance were Craig Albano, Mike Meredith and Jeff Carlson. Denise Taber was absent due to illness.

MINUTES – None available for approval.

CORRESPONDENCE

1. From Code Enforcement Officer Jourdin, copy of 1/21/2020 letter to Long Island Teen Challenge denying their Building Permit Application and referring them to the ZBA for a Use Variance.

2. From Greene County Department of Economic Development, Tourism & Planning, 1/17/2020 response to the five 239's submitted by ZBA for the Hannacroix Solar Project.

The County Planning Board's response is that it is a "*local decision with comment*". Their comment is: *Internal Lot Line zoning variances are a local decision. However, Site Plan for Hannacroix Solar should be referred to the Greene County Planning Board for review.*

3. From Richard Schiafo at Greene County Planning a 2/4/2020 e-mail, re: New 239 Form

This new form can be completed on line and submitted, getting the information to them instantly rather than in the three or four days it takes in the mail.

Old Business – None

New Business

Long Island Teen Challenge – Use Variance Application

Received prior to the meeting were the Application for Variance, Short EAF, deed, owner consent form giving Victor Harris permission to submit and discuss the application for them.

Mr. Harris was present and was asked to give a brief overview of what it is they wish to do. Mr. Harris advised that the parcel purchased in September, 2019 is just south of the property already owned and used by Teen Challenge. They wish to put a double-wide trailer on the parcel.

Mr. Linger advised as he understood it what has happened—normally, like you said there was a trailer there and you could simply replace it with something newer. However, since the time the trailer was originally placed there and now, the zoning has changed for that area from Commercial, which allows residential to Industrial which does not. Thereby, prompting the letter from the Code Enforcement Officer to deny and refer to us.

So when I looked at these maps, and I was on the Zoning Board back then, I could not remember any discussion taking place on those particular pieces of property going into the Industrial zone. I wasn't on the Comprehensive Plan Committee, the Town Board or anything like that so we didn't have any discussion on that. We have to apply what exists; so what exists is that it is in an Industrial Zone. I did talk to the Town Supervisor at that time, Nick Dellisanti, and Shelly Van Etten who was on the Town Board then and now and Kathy Rundberg who was on the Comprehensive Plan Committee back then just to kind of get an overview of what the discussions were at that time. Why would these have been included. Was there a request for that? Was it inadvertent; did it get missed when reviewing the map? If you saw your map, it is a little tiny parcel that sets down in off of 9W. None of them can remember any conversation as to why these two or three pieces of property needed to be in the Industrial Zone. They just remember there having to be an Industrial Zone. They also recall that there were like seven, maybe five, different Commercial Zones at the time which they consolidated down to two or three and there were some other things that went on at the same time. At the end of the day, all three of them believed that these parcels were missed on the map as being Industrial as opposed to Commercial. They could not come up with a reason as to why they were not Commercial but we have to deal with them as if they are Industrial now since that is what the map reflects.

Mr. Linger continued and cautioned even if there is a Variance that is issued and awarded next month, you will still have to follow all the Building Codes and everything that would apply to that. It is not just a means to say go ahead and do your thing. It would only give the necessary permission to put a residential house in an Industrial area which doesn't appear to be a big deal. Shelly did tell me that Chuck Irving is

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now in charge of that Committee for the Town Board and that they are in the middle of working on changes to the Code and Zoning. This was going to be one of the things that they were looking to put back to Commercial. That is not going to be in the next month or two. So unless you are okay with putting this off potentially for a year, your best bet is to move forward with this process; and if all goes well and there are not a whole bunch of people here next month that are against this, we will proceed with the Variance and see if we can't get that through, which would take this month and next month.

If in the future that property does revert and go back to a Commercial property, the Variance will no longer matter because residential is allowed in the Commercial District. In the meantime, for your purposes, this is probably the safest and easiest way to go about it.

Mr. Harris questioned what his next step was. He was advised we will go over the application tonight, make sure everything is here and then schedule a Public Hearing for March 4. That will give the public the opportunity to come in, hear what you are looking to do, and comment positive, negative or whatever. That is the opportunity for us to hear from the public. Then once that Public Hearing is over, we will move into our Regular Meeting, discuss it and make a decision based on what the public says and based on what fits into the Zoning and the Comprehensive Plan.

Once the Public Hearing date is set, you will be required to mail out a notice/letter to all your bordering property owners stating that you have an application before the Zoning Board. That puts them on notice that you are looking to do something that isn't included in the Code, here is when the Public Hearing is so if they are concerned enough then they come to the Public Hearing. The more information that is included in the letter explaining what it is you propose to do alleviates neighbors concerns and cuts down on the number of people who attend as a result of the notice. The Clerk provided a copy of the blue sheet which explains the certified mail process and the list of the surrounding property owners will be e-mailed to Mr. Harris.

Variance Application was reviewed as follows: The applicant is *Long Island Teen Challenge* which is the owner of the property situated at the following address: *14302 U.S. Rte. 9W, Ravena, NY 12143*. Tax Map #7.01-2-11. The above described property was *acquired by applicant on 8/19/19*. A *Use Variance is being requested for residential purposes*. Describe need for area variance or proposed use, if application is for a use variance: *Replace a manufactured home with a manufactured home*. Would an undue hardship be created if variance is not granted? If, yes, explain: *Yes, because the proposed utilization would render the property unusable for our purpose*. How would the variance affect the character of the district? *It would not change the character*.

It was noted this is pretty straight forward; and if this had remained a Commercial District, it would have been a simple swap and most likely what was anticipated when the property was purchased.

Question was raised with regard to the application fee in this instance. It was believed to be based on the owner of the property; the owner is commercial, a not-for-profit; or is it based on the use which is residential? It was believed to be a residential use; therefore, Board was in agreement that the fee would be \$40. This fee will be dropped off or paid the night of the Public Hearing.

Mr. Harris advised the manufactured home would be used for staff housing. With this added housing, it will free up four beds in their facility. It was noted that it was Teen Challenge's intent to go with a double-wide, rather than a single wide as was there. Mr. Linger pointed out that while the parcel is less than two acres, required setbacks from property lines will still need to be met. The property is in a Ravena water district, so concern for both a well and septic on the parcel is not an issue. Further, being in the water district cuts minimum required acreage to half an acre.

Adjournment

At 7:55 p.m., it was moved by Albano and seconded by Meredith to adjourn the meeting.

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

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