

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Public Hearing
12498 U.S. Route 9W, LLC (New Baltimore Family Dentistry)
November 6, 2019 – Page 1

The Public Hearing was opened at 7:31 p.m. by Patrick Linger, ZBA Chair. Other Board Members in attendance were Craig Albano, Mike Meredith, Jeff Carlson and Denise Taber. Present on behalf of the applicant was Kevin Conklin from Conklin Architecture.

Green cards were presented for certified letters sent to NYS Thruway Authority; William Brandt; William & Evelyn Moore; Arthur & Louise Borghaus Irrev. Trust; and Anaita, Inc.. White receipts were presented for the letters sent to Gustav Schoenborn; and James M. Warren, att: John Brunner, Trustee. All requiring notification had been so notified.

There were no members of the public present to address the Board on this application. Mr. Linger summarized this is an application for an Area Variance due to an expansion of the business requiring additional parking spaces, which when constructed will result in 38% lot coverage, which is over the 30% allowed by Town Code.

The Short Environmental Assessment Form was gone through as follows:

Part 1 – Completed by Applicant
Project and Sponsor Information

Name of Action or Project: **New Baltimore Family Dentistry Expansion**

Project Location: **12498 US 9W, West Coxsackie, NY**

Brief Description of Proposed Action:

We propose to expand the existing dentistry practice into the currently empty basement area of the building. A new egress door will be created from the basement level to provide a secondary means of egress. Additional parking will be created for this expansion

Name of Applicant or Sponsor: **Conklin Architecture, 50 Rte. 23A, Catskill, NY**

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**

This answer was changed from No to YES since the Planning Board has to approve the Site Plan and the Building Department will require Building Permit Application and Permit issuance for the basement expansion.

- 3a. Total acreage of the site of the proposed action? - **2.03 Acres**
- b. Total acreage to be physically disturbed? - **.1 Acre**
- c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor.- **2.03 Acres**
4. All land uses that occur on, adjoining and near the proposed action: **Rural (non-agriculture); Commercial; Residential (suburban)**
5. Is the proposed action,
 - a. A permitted use under the zoning regulations: - **YES**
 - b. Consistent with the adopted comprehensive plan? - **YES**
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? **YES**
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? - **NO**
- 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? - **YES**
- c. Are any pedestrian accommodations or bicycle routes available on or near site of proposed action?

NO

Answer to c. was changed from Yes to NO.

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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**
11. Will the proposed action connect to existing wastewater utilities? - **NO**

Answer for #11 was changed from Yes to NO.

- 12a. Does the site contain, or is it substantially contiguous to, a building, archaeological site or district which is listed on the National of State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? - **NO**
- b. Is the proposed action located in an archaeological sensitive area? - **YES**
- 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. - **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? - **YES**
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?
If yes,
a. Will storm water discharges flow to adjacent properties? - **NO**
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? - **NO**

It was noted that most of this, other than the handicap spaces, will not be paved but rather stone.

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. Conklin initialed where changes (#2, #8, #11) had been made.

Part 2 – Completed by Lead Agency

1. Will the proposed action create a material conflict with an adopted land use plan or zoning Regulations? - **NO**
2. Will the proposed action result in a change in the use or intensity of use of land? - **NO**
3. Will the proposed action impair the character or quality of the existing community? - **NO**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? - **NO**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? - **NO**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? - **NO**

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7. Will the proposed action impact existing:
 - a. public/private water supplies? - **NO**
 - b. public/private wastewater treatment utilities? - **NO**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? - **NO**
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)? - **NO**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? - **NO**
11. Will the proposed action create a hazard to environmental resources or human health? - **NO**

Part 3 – Determination of significance.

No questions in Section 2 were answered as moderate to large impact may occur. It was not believed there were any impacts that needed to be defined. It was not felt the small parking addition would affect the short-eared owl or the Northern Harrier. Determination was made that the action will not result in any significant adverse environmental impacts.

With no one having arrived to address the Board on this application and with no further questions from the Board, at 7:51 p.m:

It was moved by Albano and seconded by Meredith to close the Public Hearing.

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

mbl