

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday, February 6, 2008 7:00 pm

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Approved by Zoning Board of Appeals

**Present:** Mark Boyce, Chairperson, Mr. Barber, Vice-Chairperson, Gordon Strong and Rebecca Hodgson, via telephone conference (due to weather).

**Absent:** Carl Harrison, Bruce Bemis, Hugo Leone and Patricia Brennan

**Town Employees Present:** Richard Colozza, Code Enforcement Officer and Tia Kilburn, Zoning Board Clerk.

Chairperson, Mark Boyce called the room to order and opened the regular monthly meeting at 7:50 P.M. All in attendance stood and recited the Pledge of Allegiance.

**OLD BUSINESS**

**Area Variance Request – Side Area Variance**

**Application #: 0008-07**

**Applicant: Matthew & Patricia Brennan**

Location: 385 Rugg Road

SBL: 12-9-1-75.2

Acres:

Zoning: R-3

Status:

Applicant was not present this month.

Mr. Colozza submitted an outline with his results of a site visit, and a site map with measurements he prepared. Mr. Boyce read the outline out loud as follows;

- 1.) *This is a self-created difficulty since there is approximately 2 ½ acres behind the house that could be used for garage & driveway. (a water well in back yard only takes 5' clearance and is 6" in diameter).*
- 2.) *Clearance on the side yard at point © is approximately 15" plus or minus.*
- 3.) *The Northerly corner, marker, is unknown to the East side line. This is the area where the side yard variance is needed.*
- 4.) *By moving the building forward to reduce the amount of footage needed on a side yard setback, Mrs. Brennan now will need a front yard variance over 20" along with the side yard variance.*
- 5.) *If Mrs. Brennan applied for a front yard variance the plan should be reviewed with caution;*
  - A.) *An Engineer has done a sight review of the road area, along with Neil Petteys, our Town Highway Superintendent; the road has a corner in front of Mrs. Brennan's property that has property line on the adjoining property to the East. Also the Zoning Regulations do not allow parking within 20' of the highway "right of way". Moving the building forward would take away any parking or turn around area.*
  - B.) *Mrs. Brennan mentioned the septic is in the front of the parcel, which omits building in the front of the house and there should not be water running from the roof of the garage onto the septic area (see Part 75-A of New York State D.O.H. design book)*

*Again, there is nothing in the back yard, which there is 2 ½ acres of land that could be developed. This is the second time the yard has been measured to get the garage to fit around all the obstacles and to blend in with the neighborhood the garage should go in the "backyard".*

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Mr. Boyce then stated there was a site map with the measurements to the property line that Mr. Colozza was able to obtain. *The map will be in the file.* Ms. Hodgson asked what was the least the applicant could do, what is the most viable solution. Mr. Colozza said the most viable solution would be to go past the house to the back yard. Ms. Hodgson asked how far behind the house would it have to be. Mr. Strong stated completely behind the house.. Mr. Colozza agreed and said the house is at an angle and if the garage was not completely behind the house. A side variance would still be needed. The Clerk said the public hearing for this application was closed December 5th, 2007. Mr. Barber asked if anyone had a motion they wanted to make. Mr. Strong stated he didn't feel comfortable taking a vote on this application tonight because they still lacked information. Discussion ensued on the need for both side and front yard variances the application is only for a side variance. Mr. Barber stated if no action is taken tonight the sided variance would be granted by default. Mr. Colozza explained a front variance would still be needed if the garage is left at this location.

Mr. Barber made a motion to deny this application due to lack of information.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed, motion passed 4-0, application denied for side variance.

Mr. Boyce asked for a role vote;

Mr. Bemis	absent
Ms. Hodgson	yes
Mr. Leone	absent
Mr. Harrison	absent
Mr. Strong	yes
Mr. Barber	yes
Chairperson, Mr. Boyce	yes

**ACTION TAKEN:**

Application denied, 4-0, due to lack of information.

**Application #: 0012-07 Area Variance 4,000 sq ft**

**Applicant: Mr. Neville Neville**

Location: 18 Leonard Street (Previously Reed's Store)

SBL#: 103.8-1-16.2

Zoning: Hamlet – Requires 20,000 Sq Ft

Applicant's Realtor: Ray Henderson, Kelleher Realty

Owner's Realtor: Bob Sears

Mr. Boyce asked the applicant to approach the Board. He then reviewed and read the request / application and the referral letter from the Planning Board for an area variance. The Clerk gave the Board a map rendering Mr. Neville's plan and the deed containing an easement for 35' x 90'. Mr. Neville explained his plan of opening an upholstery shop.

Mr. Boyce stated this application needs to go to County Planning for review. Mr. Barber said this lot measures 178' x 100' equaling 17,800 sq ft and adding the easement totals 20,950 sq ft. Discussion ensued on using the easement to reach the area requirements for the intended use. Mr. Boyce stated he did not believe the easement could be used for the total square footage, therefore a variance is needed.

Mr. Strong asked if vehicles would be left in the yard. Mr. Neville said no. Mr. Strong asked if he worked on boats and where they would be stored and worked on. Mr. Neville said he would keep them in the large garage and occasionally on nice days he may pull them outside to work on them. Mr. Neville then added his property will not look like the property next door with all the junk outside. Mr. Neville stated the shack on the backside of the front building would also be removed.

Mrs. Hodgson asked if the gas tanks that were used by the store had been removed. Mr. Henderson, the applicants realtor, stated they were removed and he had a Tank Closure Report from Albany Tank Services, Inc. and NYS Department of Environmental Conservation sent a letter stating in part "...no further remedial action is required."

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Mr. Boyce asked if there were any other questions from the Board. Mr. Strong asked if there would be outside storage of any kind. Mr.

Neville stated no.

Mr. Strong made a motion to schedule a public hearing for March 5th.

Mr. Barber 2nd the motion,

All in attendance unanimously agreed.

Mr. Sears, the sellers realtor asked if the Board could make a motion stating the variance was not required. Mr. Strong stated no, this application would need a public hearing. Mr. Boyce explained variances need to go to County Planning Planning for review and the required time requirements for a response from them. Mr. Boyce stated they would need a short form SEQRA. The Clerk stated one was on file.

**ACTION TAKEN**

Public Hearing will be scheduled for March 5th, 2008 at 7:00 PM.

**NEW BUSINESS**

None

Mr. Barber made a motion to close the monthly meeting at 8:30 PM.

Mr. Strong 2nd the motion,

All in attendance unanimously agreed, meeting closed.

**FUTURE MEETINGS**

March 5th, 2008, Public Hearing at 7:00 PM

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk