

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

April 2, 2008 7:00 pm

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*Subject to approval by Zoning Board of Appeals*

**Present:** Mark Boyce, Chairperson, Clint Barber, Vice-Chairperson, Gordon Strong, Bruce Bemis, Rebecca Hodgson and Hugo Leone.

**Absent:** Carl Harrison and Patricia Brennan

**Town Employees Present:** Tia Kilburn, Zoning Board Clerk.

Chairperson, Mark Boyce called the room to order and opened the monthly meeting at 7:03 P.M.  
All in attendance stood and recited the Pledge of Allegiance.

**Public Hearing**

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

**Applicant: Mr. 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

Not present, no representation. Mr. Barber suggested to leave the public hearing open, Mr. Barber agreed.

**OLD BUSINESS**

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

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Not present, no representation. Mr. Barber stated he would like to see the boundary line settled before the variance is addressed. Mr. Strong asked if there was a time limit to be considered. Mr. Colozza said he thought it was only an issue if the public hearing were closed, however he would look it up. Mr. Boyce agreed, there was only a time limitation if the public hearing was closed. Mr. Strong stated his concern was 2 applicants, and this Board should not hold up one applicant for the other. Ms. Hodgson stated they could give Mr. Neville a time limit to complete his application so they could move on with Mr. Harsha's application. Discussion ensued on how to handle the two applications. Mr. Colozza stated it is between the surveyors, Mr. Harsha has a stamped surveyed map, if Mr. Neville doesn't get a survey he will be done. The Board can base Mr. Harsha's on his survey for an approval. Mr. Boyce stated the public hearing is left open by default because it was not reconvened before the regular monthly meeting. Mr. Bemis agreed and stated a determination can't be made when the property line is in question.

**ACTION TAKEN**

Tabled

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**NEW BUSINESS**

**Application #: 0002-08 Area Variance 50' setback on 2 sides (corner lot)**

**Applicant: Mr. Madera**

Location: 1 Castlewood Dr

SBL#: 142.6-1-6

Zoning: R-1

Mr. Madera submitted photos and information to review with the Board. The Clerk gave the Board maps from the file. Mr. Strong stated Mr. Madera had a garage and asked why he needed another. Mr. Madera said he needed more room and a shop. Mr. Bemis asked what kind of shop. Mr. Madera responded a motorcycle shop. Mr. Boyce asked if it would be a private shop. Mr. Madera stated yes. Mr. Boyce asked if he would be installing a new driveway. Mr. Madera said no. Mr. Boyce asked Mr. Colozza if he had been out there to see it. Mr. Colozza said he is familiar with the location, it is on a hill, Mr. Madera needs 50' on the front and the side. Mr. Colozza added, he needs 25' variance because it is a corner lot. Mr. Colozza explained the lot is 8 or 10' off the road, the garage won't interfere with the line of site because it is higher up on a hill and there currently is a tree line. Mr. Bemis asked if there was a full cellar in the house. Mr. Madera said yes. Mr. Bemis reiterated Mr. Madera wanted a garage off to the side. Mr. Madera stated yes for extra room and his motorcycles. Mr. Strong asked if there was going to be a bath in the new garage. Mr. Madera said no. Mr. Barber suggested a public hearing for May 7<sup>th</sup>. Mr. Boyce reviewed the application, and asked what the lot size was. Mr. Strong responded it is one acre. Discussion ensued on how much of a variance was needed. Ms. Hodgson said 10' variance. Mark asked if Mr. Madera could turn the garage. Mr. Madera responded yes, he could do that. Mr. Bemis stated this is part of a subdivision, and asked if there were any rules or regulations restricting this. Mr. Madera stated not that he knows of. Mr. Boyce asked if there were any additional questions or comments. Ms. Hodgson asked if it would be easier if Mr. Madera turned the garage and if he would still need a variance. Mr. Barber stated he would still need the variance because it is a corner lot.

Mr. Strong made a motion to schedule a public hearing for May 7th.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed, public hearing will be scheduled for May 7<sup>th</sup>, 2008 at 7:00 PM.

Mr. Colozza asked which variance would be considered. Mr. Boyce stated the application would be accepted as written for a 25' variance. Mr. Boyce added this will have to go to County Planning and also a short form SEQRA.

**Application #: 0004-08 Area Variance 20' – (corner lot)**

**Applicant: Mead & Cosette Lotz**

Location: 1050 Route 32N

SBL#: 117-1-26

Zoning: AG

Mr. Barber stated this applicant owns 2 lots. Ms. Lotz stated the problem is the new well is to close. Mr. Strong asked how close was the well. Ms. Lotz said she was unsure, maybe 10 or 15'. Mr. Bemis asked if it was a drilled well. Ms. Lotz responded yes. Mr. Boyce asked Mr. Colozza if there was a setback requirement for the well. Mr. Colozza stated 5' was the setback and it was not an issue with this application. Mr. Leone asked if the decks on the house were coming off. Ms. Lotz said yes, the addition would be going there and then one of the decks would go back on. Mr. Strong asked if there were two separate lots. Ms. Lotz stated it is all one lot now. Mr. Barber stated it shows a point well on the 2<sup>nd</sup> lot. Ms. Lotz said there use to be a trailer on that lot and was removed. Mr. Leone asked if this was a combination addition. Ms. Lotz stated it would be a 3 car garage, a master bedroom, a bathroom, a family room and some storage. Ms. Hodgson asked how big the addition was. Ms. Lotz stated it would be 32' x 36'. Mr. Barber asked if any trees were to be cut. Mr. Colozza stated three trees would have to be cut for the driveway cut. Mr. Colozza added by changing the driveway gets the

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autos away from the road where they park now. Mr. Barber asked about the site distance. Mr. Colozza stated it would have no effect and if anything it would improve by moving the vehicles away from the road. Mr. Boyce asked if there were any more questions or comments. None were noted.

Mr. Boyce made a motion to schedule a public hearing for May 7th.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed, public hearing will be scheduled for May 7<sup>th</sup>, 2008 at 7:00 PM.

Mr. Colozza stated this will have to go to County Planning because of the State Road, however no SEQRA would be required, although a short form was on file.

**Application #: 0003-08 Area Variance 960 sq ft (20,000 sq ft required)**

**Applicant: Mr. Skip Harsha**

Location: 16 Leonard Street

SBL#: 103.8-1-16

Zoning: Hamlet – Requires 20,000 Sq Ft

Mr. Strong asked Mr. Colozza for his input on this file. Mr. Colozza stated this is an existing commercial lot that is undersized. He added it is a problem all through the hamlet. Mr. Barber asked what kind of business it was going to be. Mr. Harsha stated he has an apartment upstairs, which has 2 parking spaces. Downstairs Mr. Harsha said he wants to have a kitchen / bath design. Mr. Harsha stated the Town has conveyed the “paper road” to him and his neighbor. Mr. Boyce asked if Mr. Harsha would improve on his application adding that the lots are undersized in the hamlet. Mr. Colozza stated this map is also in front of the Planning Board for a site plan and special use permit. Mr. Boyce stated they can accept this application now and a public hearing can be scheduled, however the deeded portion of the “paper road” needs to be completed (recorded) and the portion of the neighboring building needs to be resolved. Mr. Harsha stated he is willing to give the neighbor the portion the building is on if they are willing to give him the equal. Mr. Boyce said any approval received for this application would be based on this lot size and if that changed the variance would be void. Mr. Harsha stated he would not be giving up land, it will stay the same, he was just waiting for the deed. Discussion ensued on whose responsibility it was to record the deed with the “paper road”. Mr. Boyce stated this application could go to a public hearing, however if there is no deed this application could not be resolved.

Mr. Strong made a motion to schedule a public hearing for May 7th.

Mr. Barber 2nd the motion,

All in attendance unanimously agreed, public hearing will be scheduled for May 7<sup>th</sup>, 2008 at 7:00 PM.

Mr. Strong made a motion to close the monthly meeting at 8:03 PM.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed, meeting closed at 8:03 PM.

**FUTURE MEETINGS**

May 7th, 2008, 3 Public Hearings and regular monthly meeting

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk