

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

October 7, 2009 7:00 pm

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Approved by the Zoning Board of Appeals

Present: Hugo Leone, Julie Trollip, Clinton Barber, Rebecca Hodgson, and Mark Boyce, Chairperson

Absent: Bruce Bemis, Carl Harrison, and Gordon Strong

Town Employees Present: Tia Kilburn, Zoning Board Clerk.

Mr. Boyce, Chairperson, called the monthly meeting to order at 7:09 PM.

All in attendance stood and recited the Pledge of Allegiance.

PUBLIC HEARING

Application #: 0008-09 – Area Variance

Applicant: Kerman Family Properties / Jonathan Zuckerman

Location: 85 Harris Rd

SBL#: 131.1-10-12

Zoning: AG

Acres: 16.724+

Status: Public Hearing

Mr. Zuckerman explained to the Board the revisions made to the application / request as discussed with this Board, and displayed the “new” map. Mr. Zuckerman recapped for Mr. Boyce the previous three options he had discussed with the Board. Mr. Boyce stated the map shows a proposed house, Mr. Zuckerman said that was actually an old map he was using, but the house is already there and the map does not show the existing pond he put in. Mr. Barber asked where the post went that he had in the ground for the barn. Mr. Zuckerman said he removed them because they were too close, the back corner of the building would be at a 0 setback, right on the line. Mr. Leone stated plan #1 was not good and the Board agreed to go with 38’ from the center of the road. Mr. Zuckerman said he actually moved it 13’ instead of the 12 ½’ to be safe and he probably would even go a foot more back away from the road. Mr. Boyce asked if the 1,000 gal service tank was intact. Mr. Zuckerman said yes that is what they use to heat the house. Mr. Boyce asked if it was buried in the ground, Mr. Zuckerman said yes, he believed it was suppose to be 25’ away from structures. Discussion ensued on the improvements Mr. Zuckerman has already made to help the drainage. He stated he has already brought in “fill” and raised the driveway. Mr. Boyce asked for the application, and Mr. Barber asked if there were a State Environmental Quality Review form started. The Clerk gave the Board both requested items. Mr. Zuckerman stated there is a separate sheet attached to the application with more detail, he said originally he requested 25’ or less for a variance. He then said the Board had agreed to 13’, 25’ in the front and 13’ in the back of the building. Mr. Boyce asked if there were any questions or concerns from the public, none were noted. Mr. Boyce read aloud a letter submitted by one of Mr. Zuckerman’s neighbors objecting to the approval of the variance, (letter is in the file). Mr. Zuckerman asked if he could rebut that letter, Mr. Boyce said yes. Mr. Zuckerman stated he could put the garage on the other side of the road but that would not be good for him. Mr. Boyce asked if he owned property on the other side of the Harris Rd. Mr. Zuckerman said yes.

Mr. Leone made a motion to close the public hearing,

Mr. Barber 2nd the motion,

All in attendance unanimously agreed, public hearing closed.

Application #: 0009-09 – Use Variance / expansion of non-conforming use

Applicant: Mr. Mark Reynolds

Location: 2 Leonard Street

SBL#: 103.12-1-8

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Zoning: Hamlet

Acres:

Status: Public Hearing

Rick Hammond, introduced himself as the contractor for Mr. Reynolds and said he would be representing him tonight because Mr. Reynolds was out of town. He explained they wanted to raise the roof of the garage to accommodate a 12' overhead door. They plan to replace the trusses and siding as well. Mr. Barber asked if they were tearing down the building to start over. Mr. Hammond said no, they were just modifying it. Mr. Boyce reviewed the letter received from NYS Department of Environmental Conservation which suggested Mr. Reynolds submit a conceptual plan to NYS Office of Parks, Recreation and Historic Preservation. The Clerk gave Mr. Boyce an email forwarded to her from James Warren, the Historic Sites restoration Coordinator of NYS Historic Preservation Office, stating raising the height of the roof 3 or 4 feet would not impact any historic resources. Mr. Boyce asked what the final height would be. Mr. Hammond said on the end closest to Stewarts it will accommodate a 12' door, he was not sure the exact measurements; there would be a 5' pitch on top of 4' to the peak. Ms. Trollip asked if the existing garage door was also going to stay. Mr. Hammond stated it would be removed. Mr. Barber reiterated there would be only one 12' door, Mr. Hammond said yes. Mr. Leone asked if they would have electric power in there. Mr. Hammond said yes it is existing. Mr. Boyce asked what the current height limit was, Mr. Colozza said the fire code is 35'. Mr. Boyce asked why the variance was needed. Mr. Colozza explained that this was a non-conforming use, it has a garage, accessory use on this parcel without a primary use, it needs a permitted use. Mr. Boyce reiterated there is not a house there. Mr. Colozza explained this parcel was very small and only had the garage on it, it was not good for much else, they could not even get the setbacks for a septic or well. Mr. Boyce asked if there were any other questions or comments. Mr. Barber asked what the use variance was for, Mr. Boyce stated it was not an use variance but an area variance, Mr. Colozza said it would be a use variance because of the non-conforming use. LE, in the public attendance asked if this use was grandfathered, Mr. Colozza said yes it was as it sets right now, however because Mr. Reynolds wants to modify the building that is no longer grandfathered. Mr. Leone reiterated the overhead door would be moved to the end of the building. TR, also in attendance asked if this was Commercial zoning. Mr. Colozza stated it was Hamlet zoning. LE asked if the same gentleman owned the apartment house across the street. Mr. Hammond said yes. LE asked why it couldn't be considered the accessory for that apartment, Mr. Colozza said only if Mr. Reynolds wanted to join the deeds. LE stated moving the door to the end of the building is an improvement in its self. Mr. Boyce asked if there were any other questions or concerns. None were noted.

Mr. Leone made a motion to close the public hearing,

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed, public hearing closed

Regular Monthly Meeting

OLD BUSINESS

Application #: 0008-09 – Area Variance

Applicant: Kerman Family Properties / Jonathan Zuckerman

Location: 85 Harris Rd

SBL#: 131.1-10-12

Zoning: AG

Acres: 16.724+

Status: Final

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Mr. Boyce asked if there was any additional discussion for this application. None was noted. Mr. Boyce reviewed and read the State Environmental Quality Review form aloud and answered the questions.

Mr. Barber made a motion to declare a negative declaration on the State Environmental Quality Review form, no significant impact.

Ms. Hodgson 2nd the motion.

All in attendance unanimously agreed, Negative declaration declared on State Environmental Quality Review form for application # 0008-09.

Mr. Leone made a motion to approve application # 0008-09, Area Variance for Kerman Family Properties, 37' from the center of Harris Rd.

Mr. Barber 2nd the motion,

All in attendance unanimously agreed, 13' variance approved or 37' from the center of the road.

Mr. Boyce asked for a roll call vote;

Mr. Bemis absent

Ms. Hodgson yea

Mr. Leone yea

Mr. Harrison absent

Mr. Strong absent

Ms. Trollip yea

Mr. Barber yea

Chairperson, Mr. Boyce yea 5-3, 3 absentee members.

Mr. Boyce explained Mr. Zuckerman has 6 months to complete his project and if he should need additional time he should return to this Board and request an additional 6 months.

ACTION

Application approved.

Application #: 0009-09 – Use Variance / expansion of non-conforming use

Applicant: Mr. Mark Reynolds

Location: 2 Leonard Street

SBL#: 103.12-1-8

Zoning: Hamlet

Acres:

Status: Final

Mr. Boyce asked for the State Environmental Quality Review form, reviewed and completed it.

Ms. Hodgson made a motion to declare negative declaration on the State Environmental Quality Review form, no significant impact,

Mr. Barber 2nd the motion,

All in attendance unanimously agreed, Negative declaration declared on State Environmental Quality Review form for application # 0008-09.

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Ms. Hodgson made a motion to approve the use variance due to non-conforming use for application #0009-09 for Mark Reynolds under the conditions the building will be used solely for storage purposes.

Mr. Barber 2nd the motion.

All in attendance unanimously agreed, use variance approved with contingencies.

Mr. Boyce asked for a roll call vote;

Mr. Bemis absent

Ms. Hodgson yea

Mr. Leone yea

Mr. Harrison absent

Mr. Strong absent

Ms. Trollip yea

Mr. Barber yea

Chairperson, Mr. Boyce yea 5-3, 3 absentee members.

ACTION

Use Variance approved contingent upon the building will be used for storage purposes only.

NEW BUSINESS

None

Miscellaneous

Lawrence Neville, the Planning Board referred Mr. Neville back to the Zoning Board of Appeals for an area variance. Mr. Boyce stated he was confused on what they were requesting, this application was in front of the Zoning Board and was approved for a use variance. Mr. Colozza explained the Planning Board felt Mr. Neville did not have enough area to perform this type of business. Mr. Boyce asked if there was any modifications to the existing building planned. Mr. Colozza responded no. Mr. Colozza asked for an interpretation, he explained the use variance was issued and in the Hamlet zone, 20,000 sq ft is all that is needed for this type of business, this use is not specifically included or excluded in the Commercial / Residential zone it is in. Discussion ensued,

Mr. Boyce made a motion to declare the interpretation of the Hamlet criteria is met in the C/R zone for the approved use variance application #0002-09 for Lawrence Neville located at 4750 Route 50 Gansevoort, for 20,000 sq ft therefore an area variance is not required.

Mr. Barber 2nd the motion,

All in attendance unanimously agreed, the application was interpreted not to require an area variance.

Mr. Boyce asked if there were any other business for the Board, none was noted.

Mr. Boyce made a motion to adjourn the monthly meeting at 8:00 PM,

Ms. Trollip 2nd the motion,

All in attendance unanimously agreed, meeting adjourned at 8:00 PM.

FUTURE MEETINGS

Monthly Meeting with Public Hearings, November 4, 2009 – 7:00 PM

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk