

Town of Northumberland Zoning Board
Minutes
Wednesday, September 5, 2007 7:00 pm
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Corrected and approved by Zoning Board

Present: Clint Barber, Bruce Bemis, Rebecca Hodgson, Hugo Leone, Carl Harrison and Gordon Strong

Member Patricia Brennan was present, observed from the audience.

Absent: Mark Boyce, Chairperson

Town Employees Present: Tia Kilburn, Zoning Board Clerk.

All in attendance stood and recited the Pledge of Allegiance

Vice - Chairperson, Clint Barber opened the monthly meeting at 7:00 PM and asked for role call;

Clint Barber	<i>Here</i>
Bruce Bemis	<i>Here</i>
Rebecca Hodgson	<i>Here</i>
Hugo Leone	<i>Here</i>
Carl Harrison	<i>Here</i>
Gordon Strong	<i>Here</i>

Patricia Brennan , alternate *Here* (observed from the audience as a learning experience)

NEW BUSINESS

Variance Request

Application #: 0007-07

Applicant: William & Tammy Bartholomew

Location: 3 Thomas Road

SBL#: 103-1-10

Acres:

Zoning: APD

Surveyor:

ISSUE:

Denial of building permit for a 20' x 20' addition to home, two variances are needed, one due to lack of acreage needed to build, build-out exceeds 10% lot coverage, and another variance due to lack of reaching required setbacks.

Mr. Barber asked Mrs. Bartholomew to come forward.

Mr. Leone stated the 2 story wood frame house shows a setback as 27.6' from Route 32 on the survey. Mr. Barber asked if that was the original house. Mrs. Bartholomew stated yes and the way the original survey was done it is actually 30' from the center of the road and an additional 21', so it would be 51' altogether. Mr. Barber asked if from the side or center. Mr. Leone said from the center. Mrs. Bartholomew stated that was measured from the center.

Mrs. Bartholomew explained the proposal, she stated due to the septic location, a small back porch and the garage on the opposite side of the home this is the only place they could add on to their home. Mrs. Hodgson and Mr. Leone discussed the layout with Mrs. Bartholomew.

Mrs. Hodgson asked how small the addition would have to be to be in compliance with the two different issues. Mrs. Bartholomew stated she thought the 20' x 20' was fine, she thought the setback was 50' and

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they have 51'. Mr. Leone stated from the center of the road it counts 51'. Mrs. Hodgson asked to the 21' on the property line, and Mrs. Bartholomew said plus 30' from the center of the road.

Mrs. Hodgson asked what Mr. Colozza, the Town's Code Enforcement Officer, said was lacking, the 10% and the acreage. Mrs. Bartholomew said yes but she then added they have .48 acreages and was not sure what the new acreage came out to be on the survey. Mrs. Hodgson said it is .35. Mrs. Bartholomew asked who wrote that, its on the survey. Mrs. Hodgson said yes. Mrs. Bartholomew stated she did not know why that was there the original survey they had was a little under ½ acre.

Mr. Strong said you also have a fence up there. Mrs. Bartholomew said yes, Mr. Leone said yes along Route 32, and Mrs. Hodgson was looking at the survey and asked where is the fence. Mrs. Bartholomew pointed it out and said there was a large ditch there. Mr. Leone stated it was right on the property line, on the grass, he had drove by there.

Mrs. Bartholomew stated they need to have some kind of addition on the home for their growing family. Mr. Strong said the home is looking good and Mrs. Bartholomew stated they have been doing work on the home and still want more improvements done. The home is very small. Eventually they will replace the exterior, the home was in rough shape when they bought it.

Mr. Leone asked when they purchased the home. Mrs. Bartholomew stated she thinks they have had it about 6 years now.

Mrs. Hodgson confirmed if they measure from the middle of the road they have 51', and one of the issues Mr. Colozza denied Mrs. Bartholomew on was the setback. Mrs. Bartholomew stated yes and the acreage needed for the addition, but the home is 70 years old, that was the lot size back then when the house was built but she understands the newer standards.

Mr. Strong asked if there was going to be a second bath. Mrs. Bartholomew stated there is a ½ bath upstairs. Mr. Strong then asked if she planned on adding an additional bath in the addition. Mrs. Bartholomew responded no new bath will be added. The new addition will just be a family room. The current living room is 10' x 15' and they are going to turn that into the kitchen / dining area. Mr. Barber asked if that was one story, Mrs. Bartholomew responded the addition will be one story.

Mr. Barber asked if the footage was taken care of. Mr. Leone said yes if you measure from the middle of the road they have 51'.

Discussion ensued on the footage needed, the Board reviewed a memo received from Mr. Colozza on the setback requirements and the build-out requirements (attached). The Board asked the clerk for a calculator to determine the % of the build-out. The Board then compared their results with what Mr. Colozza stated in his memo.

Mr. Strong said what Mr. Colozza is saying (in his memo) it is 571 square feet over the maximum amount of coverage with the addition.

Discussion among the Board on where to measure the setback from, the center of the road or the property line, due to it being on a County Road. Mr. Leone stated he believed it is from the center of the road.

Mr. Strong reviewed the Zoning Regulations Book.

Mrs. Bartholomew asked if the variances could be approved tonight. Mr. Barber responded no. Mrs. Hodgson stated there needs to be a public hearing.

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Mr. Barber asked if the application was complete to setup a public hearing.

ACTION TAKEN:

Public Hearing to be scheduled for October 3, 2007, 7:00 PM. Clerk will send information to the County Planning Board due to the setbacks from County Route 32.

Variance Request

Application #: 0008-07

Applicant: Matthew & Patricia Brennan

Location: 385 Rugg Road

SBL: 12-9-1-75.2

Acres:

Zoning:

ISSUE:

Building permit revocation due to setback requirements, stop work order issued July 20, 2007.

Mrs. Brennan came forward and explained she received a building permit from Mr. Colozza August 2006, then received the permit in the mail on August 10, 2006. October she wanted to start building however was having difficulties with her contractor. Mrs. Hodgson asked when the work actually started. Mrs. Brennan said May, 2007. Mrs. Hodgson then responded the permit was still good until August, 2007. Mrs. Brennan said in June of 2007 she needed a new contractor because her neighbor stopped by .

Mr. Colozza then stopped by the property and issued a "stop work" order in June. Mrs. Brennan stated her contractor at the time called Mr. Colozza and Mr. Colozza said he would not pass an inspection on this project.

The Board then discussed the setback requirements. Mrs. Brennan stated she has 123' across the front of her property and her home is in the middle. Mr. Bemis said it looked like 144" across the front. Mr. Barber reiterated the house was in the middle.

Mr. Bemis discussed Mr. Colozza's "Stop Work Order" letter to Mr. And Mrs. Brennan, see attached.

Mr. Leone reviewed the neighbor's, Mr. Sedrish's, survey supplied by Mr. Colozza.

Mr. Bemis asked if this was a Town road. Mrs. Brennan responded yes. Mr. Bemis then asked why she can't measure from the center of the road.

Mrs. Hodgson discussed the possibility of a different location for the garage. Mrs. Hodgson asked where the septic was. Mrs. Brennan stated she did not know. Mr. Barber stated if the water was in the back of the house as per Mrs. Brennan's drawing the septic should be in the front. Mr. Bemis asked if this was a drilled well. Mrs. Brennan stated there are two point wells. Mr. Bemis asked what happened to the drilled well. Mrs. Brennan said they were filled in.

Mr. Strong asked Mrs. Brennan, applied for the permit, received it and then what happened. Mrs. Brennan responded, Mr. Colozza signed the application as ok. Mrs. Hodgson stated that was in 2006. Mr. Strong asked what Mrs. Brennan has left to do now. Mrs. Brennan responded everything, Mr. Colozza issued the

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“stop work” before she could get anything done.

Mrs. Hodgson asked who Mrs. Brennan’s contractor for the concrete was, Mr. Barber asked if he had done the cement work. Mrs. Brennan said not for her, for other people.

Mr. Barber asked if October 3rd was ok for a Public Hearing.

Mrs. Brennan stated this is a hardship created by the “stop work order”, she has all the wood stacked there and it will rot.

Mr. Strong said the Public Hearing will be October 3rd. Mrs. Brennan responded with she has \$8,000 sitting there and that is not cool. Mrs. Hodgson stated the Board needs a paper trail, Mrs. Brennan was given the “green light” and then stopped.

Mr. Strong then looked at the sketch submitted with the building permit and asked if that was all Mrs. Brennan had submitted with the permit. Mrs. Brennan stated yes that was all Mr. Colozza asked for at the time. Mr. Strong stated there are no measurements on the sketch and the Board should talk to Mr. Colozza.

Mr. Bemis pointed out on the map (Mr. Sedrish’s survey) where the driveway was. Mrs. Brennan said that was the wrong property, that is the neighbor’s driveway.

Mrs. Strong asked if the neighbor came over and said the garage was to close to the property line. Mrs. Brennan responded, no he never said anything to her. Mrs. Hodgson asked when Mrs. Brennan received the “stop work”, before the permit expired in August 2007.

Mrs. Hodgson asked what agencies had to be notified. Mr. Barber said the County did not have to be. Mrs. Hodgson then asked if this Board could do SEQR. Mr. Leone responded, yes this Board could take lead on SEQR.

Mrs. Brennan then asked what if she moved the garage forward a little. Mr. Bemis said it is a Town Rd and they need measurements from the center of the Road. Mrs. Hodgson asked how far the front of the garage will be from the road. Mrs. Brennan was unsure.

Mr. Strong asked the size of the garage, 20’ x 20’? Mrs. Hodgson stated it is 24’x34’.

Mr. Barber asked about a turn around in the yard. Mr. Leone stated Mrs. Brennan needs 50’ setback in the front and due to Mr. Colozza giving you an allowance (per his “stop work order” letter) for an under sized lot 15’ setback is still needed on the side. Mr. Strong asked Mrs. Brennan if she could bring measurements from the hole for the foundation to the road and to the side property line to put on the map. Mr. Barber explained the reason for setback requirements, including the issue of snow and rain to fall on the homeowners own property and not the neighbors property. Mrs. Brennan stated she believed her contractor had done the measurements and written them on his copy. Mrs. Hodgson asked if Mr. Colozza had a copy of that. Mrs. Brennan stated yes, she thought Mr. Colozza had a copy of that.

Mr. Strong stated if they move the garage closer to the road it would be further away from the property line. Discussion ensued about changing the location or the possibility of turning the garage at an angle. Mrs. Brennan stated if they turned the garage it would hit the house. Mr. Strong asked about the corner on the road being sharp. Mrs. Hodgson stated yes it is very sharp, and you cannot see anything to be able to back out of the driveway due to the corner on the road.

Mr. Barber said a Public Hearing will be scheduled for October 3, 2007.

Mrs. Hodgson asked if it needed to go to the County. Mr. Barber stated no.

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Mr. Strong requested the Clerk to located the copy Mr. Colozza may have with the measurements on it and if Mrs. Brennan would re-measure and bring that incase the copy cannot be found and to be as accurate as she can. Mrs. Brennan agreed and the Clerk said she would ask Mr. Colozza and check the building permit file.

ACTION TAKEN:

Public Hearing to be scheduled for October 3, 2007 at 7:00 PM. Clerk will try to locate copy of map / layout with the measurements from the road and side property lines.

Mr. Leone made a motion to adjourn the monthly meeting at 8:15 PM.
Mr. Barber 2nd the motion.
Unanimous by all in attendance.

FUTURE MEETINGS

Public Hearings, October 3, 2007 7:00 PM

Respectfully submitted
Tia Kilburn, Planning Board Clerk