

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
October 12, 2016 7:00 pm
Subject to Corrections by the Zoning Board
Page 1 of 3

Zoning Board Members Present: Gary Applegate, Bruce Bemis, Paul Becker, Aimee Gates, Jeremy DeLisle, Vice Chairperson (Mark Boyce, Chairperson, entered at 7:10 pm)

Members Absent: Carl Harrison and Todd Heym

Town Employees Present: Richard Colozza, Code Enforcement Officer & Tia Kilburn, Zoning Board Clerk

Jeremy DeLisle, Vice Chairperson, called the Public Hearing to order at 7:05 PM, and assumed Chairperson. All in attendance stood and recited the Pledge of Allegiance.

Application #0007-16, Area Variance

Mr. DeLisle announced the application as an area variance applied for by Levi and Courtney Sayward. Mr. Sayward introduced himself and stated he lived at 536 Route 32N, he explained prior to installing a stockade fence on his property he had phoned the building department and asked about the regulations for the fence. He said the purpose is to keep his two small children and the dog out of the road, he said a 4 foot fence is not sufficient. Mr. DeLisle asked if this had been reviewed by county planning, the Clerk responded yes, they responded with "no significant impact". He then asked Mr. Colozza if the reason for this application was because of the height of the fence, Mr. Colozza responded yes, the ordinance allows for a 4' fence from the face of the house, Mr. Sayward interjected the lot is odd and most of the parcel is front yard because the house sits to the back of the parcel. (Mr. Boyce entered).

Mr. DeLisle asked if there were any questions / comments / or concerns from the public in attendance, Ms. Dickie introduced herself as a neighbor of the applicants and stated she sees no problem with the fence and feels it does not obstruct the view for traffic. The Clerk stated a letter from another neighbor was added to the file and each of the Board Members has a copy in their packet, Ms. Sayward asked if the letter would be read out loud or if they could read it because they had talked to the neighbors and found no concerns. Mr. DeLisle gave Ms. Sayward a copy of the letter, and then he reiterated the variance is for the front yard, Mr. Colozza agreed and said the side and back are not a problem. Mr. Sayward stated the reason he had to get a solid fence was because one with slats would just act as a ladder for his children, Mrs. Sayward said the "letter" stated the shrubs and low hanging branches made it difficult to see and they will be cut and removed. Mr. DeLisle asked Mr. Colozza what the reason for the height restriction was, Mr. Colozza responded site distance. Mr. Sayward gave the distance of the fence from the road and stated his photo log he submitted with his application show the shrubs are an issue up and down the road not just in front of his property. Ms. Dickie stated maybe they need a traffic light in the area to slow down traffic. Mr. Colozza stated it is a bad area, they cut the bank down on the corner which has helped a little and a caution light has been requested up further on King Road but that has nothing to do with this. Mr. Boyce asked Mr. DeLisle if he wanted him to take over, Mr. DeLisle agreed. Mr. Bemis asked what the required setback from the road is, Mr. Colozza said 25' for structures, Mr. Sayward stated the fence is 20' from the road at one end and 18' from the road at the other. Mr. Sayward then stated he was not made aware of the setback for structures and Mrs. Sayward added they were not aware of the violation either. Mr. Colozza stated they are associated with each other, the violation is because of the setback. Mr. Sayward stated he understands the code is for a 4' fence in the front yard and 25' setback from the road, he stated he had discussed it with a New York State Engineer who determined the fence would not interfere or pose any hazard to traffic, he added it would be a bigger hazard for the traffic to duck and dodge his children and dog. Mr. Boyce asked the Clerk if she received a response from Saratoga County Planning, she responded with yes, their comment was no significant County wide or inter community impact. Mr. Boyce then asked if any additional correspondence has been received, the Clerk responded yes one letter and she gave it to him to review.

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
October 12, 2016 7:00 pm
Subject to Corrections by the Zoning Board
Page 2 of 3

Mr. Sayward asked if it were a 2nd letter, Mr. Boyce reviewed the letter and passed it to the Board members. Ms. Dickie introduced herself as a neighbor and stated she did not feel the fence was a problem. Mr. Boyce then asked if there were a motion for this application.

Mr. Delisle made a motion to close the public hearing,
Ms. Gates 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce then opened the regular monthly meeting and re-introduced application # 0007-16 for Mr. & Mrs. Sayward, he then asked if there was any additional discussion for this application, if the Board needed more time of if they were prepared for a motion, he then reiterated the closest spot to the property line was 18'.

Mr. Boyce made a motion to grant a 7' area variance to meet the 25' required setback and allow for a 6' fence to be placed where a maximum of 4' is allowed.

Mr. Becker 2nd the motion,

Mr. Boyce asked if there were any questions or amendments, none were noted. He then asked for a role call vote.

Bruce Bemis	Abstained	Paul Becker	Aye
Carl Harrison	Absent	Todd Heym	Absent
Aimee Gates	Aye	Jeremy DeLisle	Aye
Gary Applegate	Aye	Mark Boyce, Chairman	Aye

Motion passed 5 - 0, 1 abstained, 2 absent.

Mr. Boyce then introduced Application #: 0011-16, Applicants; Rocco and Diane Sperrazza.

Mr. Sperrazza explained his proposal to the Board as a request seeking a 4.33 acre area variance to allow for horses, he explained he owned approximately 5.67 acres in the agricultural zone where 10 acres is required. He discussed where they proposed to place the barn and paddock for the horses and explained both will have larger setbacks from the property lines than what are required. He stated there are horses around him in the area. Mr. Becker asked if the variance was to allow for the barn, Mr. Colozza explained no, it is the agricultural zone and 10 acres is required so he needs a variance. Mr. Bemis asked how many horses they were hoping to have. Mr. Sperrazza answered 4, one for each member of his family. Mr. Boyce asked if they planned on any other live stock, Mr. Sperrazza responded no and stated horses are not uncommon for the area, Mr. Bemis then reiterated they will be riding horses and asked where they will ride, Mr. Sperrazza stated his own property they will have about 4 acres to ride on, he explained he can re-route his driveway, Mr. Bemis then reiterated they have 5.6 acres, Mr. Sperrazza said yes. Mr. Bemis asked if the neighbors had horses, Mr. Sperrazza said yes there are 2 horse farms in the across the road, Mr. Bemis then asked if they were adjoining his property and Mr. Sperrazza said no. Mr. Boyce asked if there were any additional questions, Mr. Becker asked if there could be a limit on the number of animals, Mr. Sperrazza responded yes if that is what they have to do, but 4 will be the maximum. Ms. Gates asked how long they have lived at this address, Mr. Sperrazza answered 2 months they are from the Saratoga area, Mr. Bemis asked the size of the home if it is a 2 story home, Mr. Sperrazza said yes 2 story approximately 3,000 sq ft. Ms. Gates asked if horses are allowed within 10 acres or over 10 acres, Mr. DeLisle said within 10 acres, it is written in the regulations as 10 or more acres for agricultural pursuits. Mr. Colozza discussed the trails on the State property that people ride horses on, they come in on trailers and ride the trails. Ms. Gates asked if they ever owned horses before, Mr. Sperrazza responded his wife's family always

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
October 12, 2016 7:00 pm
Subject to Corrections by the Zoning Board
Page 3 of 3

has in Sharon Springs, she then added 5 acres for horses is tight. Mr. Sperrazza stated he understood the zone use to be 5 acres for agricultural pursuits and Mr. Colozza said yes, and explained the code changed to 10 acres because people were taking advantage of the 5 acre rule trying to say they had a farm for additional "farm help" dwellings to be allowed on the property. A member of the public interjected she once had 4 horses on 4 acres and it was not a problem. Mr. Colozza discussed the removal of waste created by the animals and setback requirements, reiterating this parcel is in the agricultural zone. Mr. Sperrazza said he has done some research on a company that will come and pick up the waste or perhaps a local farm that will take it. Mr. Bemis asked what type of fence was proposed, Mr. Sperrazza answered a normal paddock fence, Mr. Bemis asked if it would be one of the vinyl flexible fences, Mr. Sperrazza said no, he was thinking move of a 2 x 4 wooden fence he felt was better.

Mr. Boyce asked the Clerk if they had time to schedule a public hearing and get this application to Saratoga County Planning for the next monthly meeting, The Clerk responded yes.

Mr. Boyce made a motion to accept the application as complete and schedule a public hearing for November 2nd.

Mr. DeLisle 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce asked if there were any corrections to the September meeting minutes, none were noted.

Mr. Boyce made a motion to accept the September meeting minutes,
Ms. Gates 2nd the motion,
All in attendance unanimously agreed.

Discussion on member status's.

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

Mr. Boyce made a motion to adjourn the monthly meeting at 7:48 PM
Mr. Applegate 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

Public Hearing followed by regular monthly meeting November 2, 2016 7:00 PM

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk