

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
June 6, 2012 7:00 pm
Accepted by the Zoning Board of Appeals
Page 1 of 6

Zoning Board Members Present: Julie Trollip, Bruce Bemis, Jeremy DeLisle and Mark Boyce, Chairperson.
Planning Board Members Present: James Heber and Wayne Durr, Planning Board Chairperson.

Members Absent: Carl Harrison, Clinton Barber, Vice-Chairperson, Rebecca Hodgson and Hugo Leone.

Planning Board Members Present: Wayne Durr, Planning Board Chairperson

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

Mr. Boyce announced application #0003-12 for Applicants Thomas and Sherry Koski, and asked if this application had gone to Saratoga County Planning and if the advertisements were published, the Clerk responded yes.

Area Variance

SBL: 104.-1-2

Applicant: Thomas and Sherry Koski

Application #: 0003-12

Location: 366 Purinton Rd

Zoning: APD

Mr. Woodworth, representative for the applicant addressed the Board and introduced Thomas Koski as the owner of the parcels. Mr. Woodworth explained the need for the variance because a previous owner owned both parcels and built the carriage house right on the property line this application is a proposal to "flip the lots". He explained it is in the Agricultural Protection District and there is one existing dwelling and a care takers ranch style home to be built. Mr. Boyce asked if there were any questions from the audience or from the Board. Lyle Purinton stated he was a neighbor and owned property on 3 sides of these parcels and did not have any problem with the approval of this variance. Mr. Boyce asked if there was any correspondence received, the Clerk responded no. Mr. Heber asked when was it subdivided, Mr. Purinton stated maybe in the 1960's and then the second lot was subdivided around 1987 from his father's property. Mr. Durr asked if there were any deeds, Mr. Woodworth responded no. Mr. Heber stated there should be deeds, it is the law and should be part of the application. Mr. Purinton stated they had actually gone through the variance process at the time of the prior subdivision. Mr. Boyce asked if there were any other questions or comments, none were noted.

The following two applications are Joint Public Hearings with the Planning Board.

Use Variance / Site Plan Review / Special Use Permit

SBL: 129.15-2-4

Applicant: Lois Jenkins

Application#: 0004-12

Location: 244 Colebrook Rd

Zoning: R-3

Mrs. Jenkins explained she needed an area variance because her home occupation is a special permitted use however she

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
June 6, 2012 7:00 pm
Accepted by the Zoning Board of Appeals
Page 2 of 6

needs 5 acres and only has 3 acres. Mr. Boyce asked if there was any correspondence received, if it had gone to Saratoga County Planning and if the advertisements were published, the Clerk responded no correspondence was received and it was all complete. Mr. Boyce asked if there were any questions or comments, Mr. Heber asked what type of business. Mrs. Jenkins responded a home business of sewing and alterations.

Use Variance / Site Plan Review / Used Car Lot / Public Garage

SBL: 116.-2-27.2

Applicant: Maureen Wilber

Application #: 0002-12

Location: 4737 State Route 50

Zoning: C/R

Mrs. Wilber daughter and son stated Mrs. Wilber had to work and was unable to attend this meeting. Her Daughter explained they proposed to rent to a gentleman that wanted to open a used car lot for approximately 10 vehicles. Mr. Boyce asked if there was any correspondence received for this application; the Clerk stated she had a positive response from Saratoga County Planning with a comment. Mr. Boyce read the comment section of the response aloud as follows; "*Applicant should check with New York State DOT to insure that the proposed parking area designated along the road frontage will not impede safety along the State highway. It is also recommended that the currently uncontrolled access be changed to have specific point of ingress and egress.*" Mrs. Wilber's son stated they had an automobile dealer's license before, her daughter stated there is only one entrance into the property, they have placed large boulders along the road to restrict the entrance for vehicles. Mr. Bemis asked what the dotted line was on the map and what the agreement with the neighbors was. Mrs. Wilber's daughter stated there was a right-of-way granted dating 1981 to the owner of the log cabin behind this parcel and she stated they had submitted a letter. Discussion ensued on the right of way and Mrs. Wilber's son said it dated back to the 1940's. Mr. Boyce asked if there was a letter, Mrs. Wilber's daughter stated it was a verbal agreement with the land owner at that time and she discussed the agreement not to park anything behind the garage. Mr. Boyce asked if there were any further questions or comments, and explained the rules of participation. Daniel Kasper stated he resides in the log cabin at 4733 Route 50 behind the property and asked about the Saratoga County Planning letter and if a State Environmental Quality Review Form was submitted. Mr. Boyce stated those items will be reviewed in the regular monthly meeting. Mr. Kasper stated the uses for that zone do not include auto sales however it allows for a public garage and where the cars will be parked is confusing. Mrs. Wilber's son said the layout is in the file and auto sales were allowed there before. Mrs. Wilber's daughter stated there would be 3 cars parked on Mr. Kasper's side of the property and she referred to the photos they submitted of the property. Mr. Kasper added that the current zoning is commercial / residential and any business aloud should blend with the neighborhood. He stated how the other businesses in the area look like residences blending with the neighborhood and he added none of them have stuff in front of them. He then asked for clarification of the hours of operation. Mr. Kasper asked if there are setbacks that need to be observed and if they could put up some kind of screen to hide the cars from the view of his dwelling? Mrs. Wilber's daughter stated there use to be 7 vehicles parked in that same area when T-n-T was operating there. Mrs. Wilber's son interjected he did not know what the problem was, they are only trying to rent the property to get some use out of it. Mr. Boyce asked Mrs. Wilber's son to return to his seat and allow Mr. Kasper to finish expressing his concerns and stated the purpose of the public hearing is for people to express their concerns and ask questions. He then asked Mr. Kasper to put concerns in the form of a question. Mr. Kasper asked what the hours of operation would be, stating they were a little confusing as written in the file, Sundays were listed as appointment only and did that mean anytime Sunday? Mrs. Wilber's daughter said the gentleman leasing the property listed them as M-F, 10am to 7pm, Saturday, 10am to 5pm and Sundays are by appointment, in the file. Christine Kasper introduced herself and stated she also lived in the log home behind the garage and her concern was that if this application were approved and the auto sales fell through then they would rent it as a garage and there would be stuff all over she and her husband would have to look at. Mr. Boyce read the application requesting a public garage and auto sales, if approved as submitted all that is on that application would be approved unless there were conditions and / or limitations put on the approval and narrowing the scope. Mrs. Wilber's son stated they would be happy to

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
June 6, 2012 7:00 pm
Accepted by the Zoning Board of Appeals
Page 3 of 6

restrict the use to auto sales and no repair. Mr. Kasper said he had one more concern and stated the applicant is using the hardship of a change in zoning as not being able to rent the property for a specific use when the reason could be the economy and not the location or the use. He added there are vacant lots all over and maybe people just don't have enough money to start a business or stay in business, so maybe it is not the use that is a problem but the economy. Mr. Boyce asked if there were any other questions or concerns, Mr. Durr stated he was uncomfortable with the line through the building and asked for a deed that would show something different. Mrs. Wilber arrived (7:40pm) and stated there is nothing different than what they already have in the file. Mr. Kasper stated he has a survey of his land showing the driveway. Mr. Durr and Mr. Heber reviewed the survey with Mr. Kasper. Mr. Durr then stated Mr. Kasper's driveway goes through Mrs. Wilber's property. Mr. Kasper said it is deeded that way. Mr. Durr reviewed the survey with the Board and stated they need something to prove where the property lines are because the drawings and maps in the file all show something different. Discussion ensued on the property lines and ownership. Mr. Boyce asked Mrs. Wilber if she had a current survey. Mrs. Wilber responded no, she did not understand what they were asking for. Mr. Durr reiterated they need to get one because all the hand drawn maps were different. Mr. DeLisle added the survey needs to include the foot print of the garage. Mr. Boyce asked if there were any other questions, none were noted.

Mr. Boyce stated they would not proceed to the regular monthly meeting as of yet he added there are 3 separate applications they would consider closing them all individually and ask for the Planning Boards opinion.

Mr. Boyce referred to the 1st application #0003-12 for Thomas and Sherry Koski and asked the Planning Board members in attendance if they had a recommendation for this application. Mr. Heber made a suggestion to leave the public hearing open because once they close it the clock will start ticking and they only have a certain number of days for the Planning Board to review it. Mr. Boyce asked what kind of information the Planning Board would like to receive, Mr. Heber stated they needed to do a site plan review for the lot line adjustment and see the deeds. Mr. Durr reiterated keeping it open will keep the clock from ticking and prevent them from running out of time. The Clerk stated that this application is not a joint public hearing because Doug Ward, the Town's Attorney, had told Mr. Colozza, the Town's Code Enforcement Officer, this application does not need review by the Planning Board because the variance is needed to correct a violation. Mr. Heber stated he disagreed and said it should have to go to the Planning Board regardless of the violation because they are requesting a lot line adjustment. Mr. Boyce asked if there were any additional questions or concerns, none were noted. He then asked if there was a motion for this application.

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

Ms. Trollip 2nd the motion,

Mr. Boyce called for a roll call vote;

Mr. Bemis	aye	Mr. DeLisle	aye	Ms. Trollip	aye	Mr. Boyce	aye
Ms. Hodgson	absent	Mr. Barber	absent	Mr. Harrison	absent	Mr. Leone	absent

Motion passed, 4 - 0, public hearing closed for application #0003-12.

Use Variance / Site Plan Review / Special Use Permit

SBL: 129.15-2-4

Applicant: Lois Jenkins

Application#: 0004-12

Location: 244 Colebrook Rd

Zoning: R-3

Mr. Boyce announced the 2nd application #: 0004-12 for Lois Jenkins and asked the Planning Board members in attendance if they had a recommendation for this application. Mr. Heber recommended the public hearing remain open for the same reason as the 1st, to prevent time from running out, Mr. Boyce asked if there was any missing information or if the Planning Board

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
June 6, 2012 7:00 pm
Accepted by the Zoning Board of Appeals
Page 4 of 6

was requesting additional information, none was noted. He then asked if there was a motion for this application.

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

Mr. DeLisle 2nd the motion,

Mr. Boyce called for a role call vote;

Mr. Bemis	aye	Mr. DeLisle	aye	Ms. Trollip	aye	Mr. Boyce	aye
Ms. Hodgson	absent	Mr. Barber	absent	Mr. Harrison	absent	Mr. Leone	absent

Motion passed, 4 - 0, public hearing closed for application #0004-12.

Mr. Boyce stated the third public hearing was for Application #: 0002-12, Applicant Maureen Wilber. He then asked if there was a recommendation from the Planning Board Members that are present. Mr. Heber stated he recommend this public hearing remain open to allow time for review of the site plan, he added they need a survey map and deeds to verify property lines. Mr. Durr asked if there were any additional comments or concerns for this application, none were noted. He then asked if there was a motion for this application.

Mr. Bemis made a motion to close the public hearing, Mr. Boyce asked if there were a 2nd to that motion, none was noted, Mr. Bemis stated he would like to recant his motion. Mr. Boyce said there would be no motion at this time and he moved to have the public hearing remain open for the applicant to provide the deed and a survey map to proceed with the site plan review.

Mr. Boyce stated the aforementioned public hearings are closed or continued as stated. He opened the monthly meeting at 8:03 pm, he then explained the Board has 60 days to act on each application after the public hearings are closed, he explained the applications for Koski and Jenkins are closed and Ms. Wilber's remains open.

Mr. Boyce stated they will now consider application #0003-12, for applicant Thomas and Sherry Koski - area variance. Mr. DeLisle asked if they had deeds for the parcels to see if anything was grandfathered in, there would not be an issue. Mr. Boyce asked if Mr. DeLisle was requesting additional information, Mr. DeLisle stated no. Ms. Trollip asked if they could approve with condition to produce the deeds. Mr. Boyce asked if there were a State Environmental Quality Review Form, SEQRA for this application and stated they will vote on it as it is submitted and if it is incorrect it will be void. Mr. Boyce reviewed Part II of the SEQRA form, he then read the questions and answers aloud and asked if there were any questions.

Mr. Boyce made a motion to declare a negative declaration on the State Environmental Quality Review Form for Application #0003-12,

Mr. Bemis 2nd the motion,

All in attendance unanimously approved.

Mr. Boyce asked if there were a motion of this application.

Mr. DeLisle made a motion to approve application #0003-12 as submitted,

Ms. Trollip 2nd the motion,

All in attendance unanimously approved.

Mr. Boyce asked if there were any conditions on the approval, none were noted.

ACTION

Public Hearing Closed, Negative Declaration Declared on the SEQRA, Application Approved.

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
June 6, 2012 7:00 pm
Accepted by the Zoning Board of Appeals
Page 5 of 6

Mr. Boyce asked Mrs. Jenkins to approach the board and if there were a State Environmental Quality Review Form for this application, the Clerk stated she did not have one, however she provided one and Mr. Boyce stated they would move on with new business if Mrs. Jenkins wanted to complete the form now and they would return to her application. Mrs. Jenkins agreed, Mr. Boyce announced new business, application # 0005-12 for Applicant Sam Salvi. Mr. Salvi and his attorney Mr. Hogan approached the Board. Mr. Hogan explained the proposal to the Board as Mr. Salvi owning 3.02 acres in the R-3 zone. He stated Mr. Salvi is interested in subdividing into two single family dwelling lots, he said there is an existing mobile home on the lot that Mr. Salvi has spent a considerable amount of money trying to repair and he would like to subdivide to build a new single family residence with a value of about \$180,000. Mr. Hogan added the lots surrounding Mr. Salvi's lot are smaller than his current lot. Mr. DeLise asked if this was the parcel on the corner of Gurn Springs Rd and Strong Rd, Mr. Salvi responded yes it has the mobile home. Mr. Hogan stated they wanted to get advice from this Board before he spent any money, and added they feel it is an upgrade to the neighborhood. Mr. Boyce asked Mr. Salvi when he purchased the parcel. Mr. Salvi stated it was his Grandmothers and she passed away, he bought it about one or one and a half years ago. Mr. Boyce asked if he had applied for a building permit and where was the single family residence going to be built. Mr. Hogan reviewed the map with the Board and indicated the single family residence would be built behind the trailer. Mr. Bemis asked where the driveway would be, Mr. Salvi explained the driveway placement. Ms. Trollip asked why Mr. Salvi did not sell the trailer and build the single family residence on the 3 acre lot. Mr. Salvi stated he wanted to keep it to rent and eventually remove it and build on that lot too. Mr. Boyce stated they needed to add the reason they are applying for the variance on the application. Ms. Trollip asked if there was any other reason he wanted to keep the trailer, and stated he could remove it keeping the conforming and build on the whole thing. Mr. Salvi stated he felt it was a waste of money because he has already put a lot of money into the trailer and was hoping to rent it and get some money back. Mr. Boyce asked if they had a photo of the proposed house to be built. Mr. Hogan responded no, they have not decided on the design as of yet but it would be a small home no bigger than 2000 sq ft. Mr. Hogan then stated they wanted to get an assessment from this Board to see if they are "barking up the wrong tree" before they spent any money on surveys and testing. Mr. Boyce stated this Board cannot make any decisions without seeing the complete application and going through the whole procedure. Mr. Hogan asked for an advisory decision. Mr. DeLisle asked if there were any wet lands involved. Mr. Salvi stated no. Discussion ensued on the driveway location and the setbacks. Mr. Bemis stated they are limited on the amount of building coverage. Mr. Hogan stated they would limit the house size to 2,000 sq ft, they would have 13,068 they could use. Mr. Boyce stated if they subdivide they would have to look at the build out on a substandard lot. Mr. Hogan asked if they need a survey showing the building envelope to say yes or no. Mr. Boyce stated they cannot make a determination on this application at this time, and asked if they are prepared to proceed with what is required. Mr. Hogan said yes, they just don't want to move forward and spend a bunch of money and then get turned down. Mr. Boyce stated there is a specific timeline they have to follow. Mr. Hogan stated they could get the survey, septic location and water location. Ms. Trollip asked if Mr. Salvi was planning on being in before winter. Mr. Salvi stated probably in the spring he would start to build. Mr. Boyce asked for clarification that the area variance is for the subdivision and build out for at least one lot, Mr. Hogan responded or both lots. Mr. Boyce explained the timeline for the meetings. Ms. Trollip asked about the surrounding lots if they had variances, the Clerk responded no, they are all pre-existing zoning. Mr. Boyce explained the Town established the Zoning and this is in the Residential 3 acre zone. Mr. Hogan said yes and that is the reason the variance(s) are needed. Mr. Boyce stated they consider variances on a case by case basis and will also need the input from the public, he stated they cannot indicate one way or the other at this time if this will be approved. Discussion on the Planning Board Meeting for Monday evening.

Mr. Boyce asked Mrs. Jenkins if she was ready to proceed, she indicated she was. Mr. Boyce reviewed Part II of the State Environmental Quality Review Form, SEQRA and read it aloud.

Mr. Boyce made a motion to declare a negative declaration on the State Environmental Quality Review Form for application # 0004-12,

Ms. Trollip 2nd the motion,

All in attendance unanimously agreed.

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
June 6, 2012 7:00 pm
Accepted by the Zoning Board of Appeals
Page 6 of 6

Mr. Boyce asked if there were any additional discussion on this application, none was noted. He then asked if there was a motion for this application.

Ms. Trollip made a motion to approve the application as submitted for area variances of 2.27 acres and road frontage, Mr. DeLisle 2nd the motion,
All in attendance unanimously agreed.

ACTION

Public Hearing Closed, Negative Declaration Declared on State Environmental Quality Review Form, SEQRA, Application approved.

The Clerk stated the next monthly meeting falls on the July 4th Holiday. Discussion ensued on the next monthly meeting. Mr. Boyce made a motion for the next monthly meeting to be June 27th, 2012

Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to accept the April monthly meeting minutes as submitted, Ms. Trollip suggested the Clerk rephrase the explanation that the newspaper did not publish the public hearings in a timely manner, and it was not of fault of the Clerk.

Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to accept the May monthly meeting minutes as submitted,
Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to adjourn the monthly meeting at 8:22 PM,
Mr. DeLisle 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

June 27, 2012, due to July 4th holiday - As Needed

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk