

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

March 5, 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, Rebecca Hodgson, Carl Harrison and Hugo Leone.

**Absent:** Bruce Bemis and Patricia Brennan

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

Chairperson, Mark Boyce called the room to order and opened the public hearing at 7:00 P.M.

**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

Mr. Boyce asked if any correspondence has been received for this file. The Clerk responded no.

Mr. Boyce asked the applicant to come forward and explain his application to the public. Mr. Neville explained he wanted to open an upholstery shop in the "old store" on Leonard St. The Zoning laws call for 20,000 sq ft and he has approximately 17,000 sq ft. The building is already zoned commercial. He explained he would only have 1 or 2 cars per week on the premises.

Mr. Boyce asked if there were any comments from the public. Mr. Harsha, an adjoining landowner to the right of this location, stood and stated he had a survey for his parcel and found part of the building (store) is on his land. Bob Sears, the realtor for the owner of that location, stated that the building has been there for 50 or 60 years. The Clerk gave the Board a copy of the survey. The Board reviewed the survey with Mr. Harsha.

Mr. Strong asked if Mr. Harsha had anything else from the surveyor. Mr. Harsha stated no, just the survey. Mr. Barber asked if the fence line was supposed to be the property line. Mr. Harsha explained his survey goes beyond the fence into the building. Mr. Sears said the building has been there so long it should fall under adverse possession. Mr. Harsha said his intent was to turn the house into commercial use and he is short about 200 sq ft of the zoning requirement of 20,000 sq ft. Mr. Harsha stated the neighbor on the other side of his parcel, Mr. Roberts, was surveyed as well. Mr. Harsha said he and his neighbor Mr. Roberts were negotiating with the town to receive the "paper" road in between their parcels that has been abandoned by the town. Mr. Harsha added even with the footage from the "paper road" if approved, he would still be short the required footage for commercial use. Mr. Sears asked when the fence was put up. Ms. Denise Murphy another adjacent land owner, across the street, said the fence was put up sometime in the 1970's to protect one of the previous owners children. Ms. Murphy stated Mr. LaFountain owned both the house and store and placed the fence around the house's yard to stop his children from running into the parking lot of the store and he had a built in swimming pool.

Mr. Boyce explained there is a problem with proceeding with this variance because it now is a struggle to grant a 4,000 sq ft variance. He said Attorneys will have to look at the surveys, an agreement needs to be reached and this may require more than 4,000 sq ft for the variance. Discussion ensued on what could be done to solve the problem. Mr. Boyce stated this Board cannot move forward until the boundary line is resolved. He stated the public hearing should be left opened.

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Mr. Harsha said he was worried about losing footage. Mr. Strong asked how much footage was involved. Mr. Harsha said about 3,000 sq ft because it is 100' x how ever far it is into the other building. Mr. Sears stated all the parcels were off by 20' all the way down the street. Mr. Strong asked what Mr. Sears thought should be done to resolve this issue, and if they would be comfortable with having theirs surveyed. Mr. Sears stated a lot line adjustment could be done. Ms. Murphy said she had photos submitted for the boards review of the current business Mr. Neville owns on Route 9(entered into the file). The board reviewed the photos and Mr. Barber asked about the Motor Vehicle repair sign in the window. Mr. Neville stated he does not do that anymore. He said he had to be registered for automotive repair because he use to tint windows, however he was unable to do it anymore because he could not get in and out of the vehicles due to a disability. Discussion ensued in the room on the autos in the yard. Mr. Neville stated the truck was his plow truck. Mr. Leone called the room back to order. Ms. Hodgson asked if the zoning was different for Mr. Neville's current location in Wilton. Mr. Neville said no and there was nothing up on blocks. Mr. Strong asked if there would be any vehicles worked on in the yard or driveway. Mr. Henderson, Mr. Neville's realtor, said no that is why Mr. Neville wanted the large building in the rear and nothing would be outside. Mr. Neville stated there would only be about 3 cars a week there, and they would not be to repair because he is 90% disabled. Mr. Leone asked if anything would be out front or if it would all be outback. Mr. Neville stated he use to work on old cars as a hobby and not for profit but could not anymore. Mr. Strong stated he would like to see a survey of this parcel as well. Mr. Boyce agreed. Mr. Neville stated he assumed because this parcel was commercial it was not a problem to open a new business. Mr. Leone said the requirements still have to be followed. Mr. Strong stated there were still the concerns of the neighbors. Ms. Hodgson asked if there was anything else from the public. Ms. Murphy said she was not against the plan however she just wanted to make sure it would be taken care of and there would be improvements because it is a main street in the hamlet. Mr. Harsha agreed, he was not against it either but he has put a lot of money fixing up the house next door for his use and would like the neighborhood to remain nice. Mr. Boyce asked if there was anything else. Mr. Harsha asked if he could be forced to give up his land to Mr. Neville. Mr. Boyce said that would have to settled by the attorneys.

Mr. Barber made a motion to leave the public hearing open.

Mr. Strong 2<sup>nd</sup> the motion ,

All in attendance unanimously agreed, public hearing left open.

Mr. Boyce opened the regular monthly meeting. All in attendance stood and recited the Pledge of Allegiance.

**OLD BUSINESS**

**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

Applicant left after the Public Hearing.

**ACTION TAKEN**

Public Hearing will be left open.

**NEW BUSINESS**

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**Informal Discussion**

**Application #:**

**Applicant: Mr. Skip Harsha**

Location: 16 Leonard Street

SBL#: 103.8-1-16

Zoning: Hamlet – Requires 20,000 Sq Ft

Mr. Harsha asked the Board if he could have an informal discussion about his project. He stated he has refurbished the house to an apartment upstairs and a kitchen design on the bottom. If the Town conveys part of the “paper road” of Hill Street between his parcel and Mr. Roberts he is still short for the required 20,000 sq ft for commercial use. He said every parcel within the hamlet is short the required 20,000 sq ft for commercial because of the re-zoning. Mr. Boyce stated Mr. Harsha would have to go through the same process as Mr. Neville. Mr. Boyce reviewed the Zoning Requirements and said Mr. Harsha will have to go to the Planning Board for a special use permit and site plan review. He may need a variance at that time.

Ms Hodgson made a motion to close the monthly meeting at 8:00 PM.

Mr. Strong 2nd the motion,

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

**FUTURE MEETINGS**

April 2nd, 2008, Public Hearing left open

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk