

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

May 7, 2008 7:00 pm

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Accepted by the Zoning Board of Appeals with grammatical corrections

Present: Mark Boyce, Chairperson, Clint Barber, Vice-Chairperson, Gordon Strong, Bruce Bemis, Rebecca Hodgson, Carl Harrison and Hugo Leone.

Absent: Patricia Brennan

Town Employees Present: Tia Kilburn, Zoning Board Clerk.

Chairperson, Mark Boyce called the room to order and opened the Public Hearings at 7:03 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

Ray Henderson, Bob Sears and Mr. Neville were not present. Mr. Boyce asked if there were any questions or discussion. None was noted.

Application #: 0002-08 Area Variance 50' setback on 2 sides (corner lot)

Applicant: Mr. Madera

Location: 1 Castlewood Dr

SBL#: 142.6-1-6

Zoning: R-1

Mr. Boyce asked if there was any correspondence on this file, the Clerk said a response from Saratoga County Planning was received, with a decision of Approve. Mr. Barber asked if the garage was for personal use and not for business use. Mr. Madera stated personal use only. Ms. Hodgson asked how many total feet for a variance was needed. Discussion ensued on the exact amount due to it being a corner lot. Mr. Boyce asked Mr. Colozza if he knew, Mr. Colozza responded at least 25'. Mr. Bemis asked what type of doors would be installed. Mr. Madera stated they would be regular garage doors, either one large door or two separate doors, he was unsure at this time. Mr. Barber asked if the size of the garage would remain the same for each of the door options. Mr. Madera said yes, however the garage maybe a little smaller than the original plan. Mr. Barber asked where the cemetery was located in that area. Ms. Hodgson stated it was on the other end of the road. Mr. Strong asked if an engineer had looked at this plan and approved it. Mr. Madera stated yes. Mr. Boyce asked if there was any additional discussion or questions, he asked if there were any public comments or any additional correspondence for this application. Nothing was noted.

Application #: 0003-08 Area Variance 960 sq ft (20,000 sq ft required)

Applicant: Mr. Skip Harsha DBA, SE Enterprises

Location: 16 Leonard Street

SBL#: 103.8-1-16

Zoning: Hamlet – Requires 20,000 Sq Ft

Mr. Harsha was not representation. Mr. Boyce asked if there was any correspondence or anything from the Public. The

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Clerk stated a letter was received from an adjoining property owner, a positive response from Saratoga County Planning and a separate letter from the Town Board pertaining to the abandoned "paper road" bordering Mr. Harsha's property. The Clerk gave copies to the Board Members to review. Discussion ensued on what paper work was needed pertaining to the "paper road". Mr. Colozza stated Mr. Ward would not be creating any additional paper work for this abandoned paper road, if Mr. Harsha wants a quitclaim deed it is his responsibility. Mr. Boyce asked if there were any additional questions, comments or concerns, nothing was noted. Mr. Boyce stated the Board would move on and if Mr. Harsha arrives they will return to this application.

Application #: 0004-08 Area Variance 20' – (corner lot)

Applicant: Mead & Cosette Lotz

Location: 1050 Route 32N

SBL#: 117-1-26

Zoning: AG

Mr. Boyce asked if there was any correspondence from the Public, the Clerk stated only a letter from Saratoga County Planning. Mr. Barber asked if anything was mentioned in relation to the road intersection. The Clerk said no. Mr. Barber asked if there were any changes to the application / project, he asked about moving the house. Mr. Lotz stated they had inquired about moving the house, however it was too costly, it would be over \$400,000 to move the house and build an addition. Mr. Leone asked if they were cutting the trees in the back yard. Mrs. Lotz said no. Ms. Hodgson asked if there were any changes to the original plan. Mrs. Lotz said no, they are staying with the original plan / application. Ms. Hodgson said it will be a 20' variance and Mrs. Lotz agreed. Mr. Strong asked who were the adjacent land owners. Mr. Barber stated he owned parcels on three sides of Mr. and Mrs. Lotz and the fourth side was owned by other people. Mr. Boyce asked if there were any other questions or comments, nothing was noted.

Mr. Boyce stated he would like to address the disposition of all four applications at one time.

Mr. Boyce made a motion to close the 1st public hearing on application# 0012-07 for Mr. Neville.

Ms. Hodgson 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	abstained	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 6-1, public hearing closed for application # 0012-07.

Mr. Boyce made a motion to close the 2nd public hearing on application# 0002-08 for Mr. Madera.

Mr. Harrison 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 7-0, public hearing closed for application # 0002-08.

Mr. Harsha arrived and Mr. Boyce stated the Board would re-address his application # 0003-08.

Application #: 0003-08 Area Variance 960 sq ft (20,000 sq ft required)

Applicant: Mr. Skip Harsha DBA, SE Enterprises

Location: 16 Leonard Street

SBL#: 103.8-1-16

Zoning: Hamlet – Requires 20,000 Sq Ft

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Mr. Boyce asked if there were any questions or comments. Mr. Strong stated the Town would not create anything additional at the cost of the Town, it is up to Mr. Harsha to have a quit claim deed drawn up. Mr. Colozza agreed and added anything Mr. Harsha creates (quit claim deed) would have to be approved by the Town because the "paper road" was abandoned by the Town. Mr. Strong asked if there were any problems on the other side of this parcel. Mr. Colozza stated no, Mr. Harsha had a survey and that should be the official documentation of the property lines. Mr. Barber asked if there has been any communication from the owner of the neighboring parcel. Mr. Colozza stated an attorney called his office however, that was it, nothing was submitted to the board. Mr. Harsha stated he would give up 3' for the length of the other owner's building. Mr. Colozza stated the Board should put any and all of the facts/requirements into any motion made now so there is not any question later. Mr. Boyce asked Mr. Harsha where he was in processing the quit claim deed. Mr. Harsha stated he was waiting for a response from Mr. Ward, the town's attorney. Mr. Barber stated Mr. Harsha would have to give up 3' x 80' = 240', which is the length of the building. Mr. Harsha said yes, whatever the amount of his parcel that is into the neighboring building and then one foot more, however he would expect the same amount of land to be given to him from that owner, behind the building to make up the difference so Mr. Harsha's parcel would not change in overall size. Mr. Boyce asked what the actual amount of the variance was Mr. Harsha was requesting. Mr. Harsha stated he believed it would be 1,000 square feet. Mr. Boyce asked if there were any more questions or concerns, nothing was noted.

Mr. Barber made a motion to close this public hearing for application# 0003-08 for Mr. Harsha.

Mr. Strong 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 7-0, public hearing closed for application # 0003-08.

Mr. Boyce made a motion to close this public hearing for application# 0004-08 for M/M Lotz.

Ms. Hodgson 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	abstained	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 6-1, public hearing closed for application # 0004-08.

Mr. Boyce stated the Board would open the regular monthly meeting at 7:40 P.M., 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

Mr. Neville or Realtors were not present. Mr. Boyce stated the public hearing for this application is closed. Mr. Barber reiterated this application pertains to the "old store", he asked if the Board wanted to take action because the "time clock" has begun or table this to see if Mr. Neville submits a survey. Discussion ensued.

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Ms. Hodgson made a motion to deny this application# 0012-07 for Mr. Neville due to lack of information.

Mr. Leone second the motion, Mr. Boyce asked if there was any additional discussion, none was noted, he asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 7-0, application denied # 0012-07.

Application #: 0002-08 Area Variance 50' setback on 2 sides (corner lot)

Applicant: Mr. Madera

Location: 1 Castlewood Dr

SBL#: 142.6-1-6

Zoning: R-1

Mr. Boyce reviewed and completed part two of the short form SEQR, State Environmental Quality Review, reading out loud the questions and his answers.

Mr. Boyce made a motion to declare a negative declaration, no significant impact, on this application# 0002-08 for Mr. Madera.

Mr. Barber 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

Mr. Boyce asked if there were any additional questions or comments. Ms. Hodgson asked if Mr. Madera should change his application to the correct amount of requested variance due to building a smaller garage. Mr. Boyce stated no, as long as the garage does not get larger.

Mr. Strong made a motion to approve this application# 0002-08 as written for Mr. Madera.

Mr. Barber 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye

Mr. Leone suggested to amend the motion to include no business would be allowed, Mr. Strong amended the motion to approve this application and include for residential use only, Mr. Barber 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 7-0, application # 0002-08 negative declaration on SEQR, State Environmental Quality Review. Motion passed, 7-0, application # 0002-08 approved for residential use only.

Application #: 0004-08 Area Variance 20' – (corner lot)

Applicant: Mead & Cosette Lotz

Location: 1050 Route 32N

SBL#: 117-1-26

Zoning: AG

Mr. Boyce reviewed and completed part two of the short form SEQR, State Environmental Quality Review, reading out loud the questions and his answers, he then made a motion to declare negative declaration on SEQR, State Environmental Quality Review # 0004-08 for M/M Lotz.

Ms. Hodgson 2nd the motion, Mr. Boyce asked for a role call vote.

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Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	abstained	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

Mr. Leone made a motion to approve this application for a 20” variance # 0004-08 for M/M Lotz.

Mr. Strong 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	abstained	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 6-1, declaration on SEQR, State Environmental Quality Review. Motion passed, 6-1, application approved for a 20” variance.

Application #: 0003-08 Area Variance 960 sq ft (20,000 sq ft required)

Applicant: Mr. Skip Harsha DBA, SE Enterprises

Location: 16 Leonard Street

SBL#: 103.8-1-16

Zoning: Hamlet – Requires 20,000 Sq Ft

Mr. Boyce reviewed and completed part two of the SEQR, State Environmental Quality Review, reading out loud the questions and his answers.

Mr. Boyce made a motion to declare a negative declaration, no significant impact, on this application# 0003-08 for Mr. Harsha / DBA, SE Enterprises

Ms. Hodgson 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

Mr. Boyce asked if there were any additional questions or concerns. Mr. Barber asked if this 1,000 foot variance allows for the footage that is into the neighboring building. Mr. Harsha said yes.

Mr. Harrison made a motion to approve this application for a maximum variance of 1,000 feet,

Mr. Strong 2nd the motion, Mr. Boyce asked for a role call vote.

Mr. Bemis	aye	Mr. Harrison	aye	Mr. Barber	aye	Mr. Leone	aye
Mr. Strong	aye	Ms. Hodgson	aye	Chairperson, Mr. Boyce	aye		

ACTION TAKEN

Motion passed, 7-0, negative declaration on SEQR, # 0003-08. Motion passed, 7-0, application approved for a maximum of 1,000 feet. # 0003-08.

Mr. Boyce asked if there was any other business for the Board to discuss. Ms. Hodgson stated she wanted to go on the record and discuss the tractor-trailers (truck terminal) on Duncan Road with Mr. Colozza. She said there are several tractor-trailers parked there every day and that it is a residential area. Discussion ensued and Mr. Colozza stated he would look into it and talk to the owners. Ms. Hodgson stated there should only be one truck for the one driver who lives there. Mr. Colozza stated the Son of the owner also drives tractor-trailers as well as the neighbor across the street, all of the drivers park on the same parcel. He then stated he believes the Son also owns property there and he is unsure if all of the trucks are parked on the same parcel. Mr. Strong asked if there was a weight limit on that road. Mr. Barber stated only seasonally.

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Mr. Leone gave the clerk grammatical corrections for the March minutes, he stated he did not receive the April minutes.

Mr. Boyce made a motion to close the monthly meeting at 8:15 P.M.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed, meeting closed at 8:15 P.M.

FUTURE MEETINGS

Clean Agenda – NO MEETING IN JUNE????

Regular Monthly Meeting, July 2, 2008

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk