

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
January 05, 2011 7:00 pm
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Present: Hugo Leone, Rebecca Hodgson, Carl Harrison, Clinton Barber, Vice-chairperson, and Mark Boyce, Chairperson

Absent: Bruce Bemis and Julie Trollip

Town Employees Present: Richard Colozza, Zoning Administrator and Tia Kilburn, Zoning Board Clerk.

Mr. Boyce, Chairperson, called the regular monthly meeting to order at 7:00 PM.

All in attendance stood and recited the Pledge of Allegiance.

Mr. Boyce announced the first application on the agenda;

Area Variance, Planning Application #: 0004-10 – Lot Line Adjustment
Applicant(s): David Danks / Christine Aubin, SBL#: 129.6-1-29 & 129.6-1-69.1

The Board reviewed the maps and Ms. Aubin explained they were referred to this board from the Planning Board. She explained they would like to do a lot line adjustment between parcels owned by them, she pointed out they live in one dwelling and the other is a rental. Mr. Barber asked how large the parcel of land was that was part of the "land swap" for the subdivision, and asked if it was included in the total acreage for the parcel their house is on. Mr. Danks said no it was not included as of yet, however it would be and they had given up any chance to build on that parcel as a separate parcel. Mr. Colozza explained the reason the Planning Board referred this application; because it is non-conforming and you cannot alter a non-conforming lot. Mr. Boyce asked if they were trying to create a new lot. Ms. Aubin said no, and explained they are hoping for a lot line adjustment to make 2 lots out of the current 3 lots. Mr. Danks added they are trying to make the worst of the lots conform to the zoning. Mr. Boyce asked for clarification that this application is currently also before the Planning Board and referred from the Planning Board to this board. Mr. Colozza said yes, because it is non-conforming with Zoning and you cannot alter a non-conforming parcel. Mr. Boyce asked if both lots would remain non-conforming. Mr. Danks said no, one lot would be conforming and the other would be closer to conforming than it currently is, they are adding to both lots. Mr. Boyce asked if all other setbacks would be met. Mr. Colozza stated yes they will have to unless they ask for additional variances. Mr. Boyce asked if they were adjusting the lines pertaining to the parcel on Duncan Rd. Mr. Danks said yes, basically they are changing 3 lots into 2 and they are trying to keep the well with the house on that parcel it belongs to. Ms. Aubin stated the line on the map is dotted because they are unsure of the square footage until they get it surveyed, however she added they will not go smaller than it is now. Mr. Danks stated they will not be able to bring it up to a full one acre.

However, they will increase the size of it as much as they can. Mr. Leone asked about the easement onto Little Oaks Terrace. Ms. Aubin said they are not changing that, Mr. Danks added they are making the lot deeper and it will be an improvement. Mr. Leone asked about the road frontage on Duncan Rd, he stated according to the map it has 200' now, it will be reduced to 125', it should have at least 150'. Ms. Aubin said yes, they had discussed that with the Planning Board and agreed with the 125' road frontage because they wanted to keep the trees with their parcel. Mr. Barber asked if the Planning Board was ok with the lot sizes, Ms. Aubin said yes they were all but approved and about to walk out the door and then someone said they had to go to the Zoning Board for an area variance. Mr. Boyce asked if

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they had an application for an area variance and stated they will need a public hearing. Ms. Aubin said no she did not have an application and asked who notifies the public? The Clerk explained the public hearing process. Mr. Boyce instructed the applicants to fill out the application as thoroughly as they could and be specific on the amount of variance requested. Ms. Aubin asked how would they know the amount of variance needed. Mr. Boyce explained variances are specific and she needs to state what is requested. Ms. Aubin asked if the Board at least liked the concept, because she did not want to pay a surveyor and then find out they have to have it redone because the Board did not like it. Mr. Boyce stated he was unable to answer that because they do not even have an application in front of them. Mr. Barber reiterated they are going from 3 undersized lots to 2 lots. Ms. Hodgson agreed it will be an improvement. Mr. Boyce said they will need the survey to be accurate. Mr. Danks said they will come back with numbers that work. Mr. Harrison stated he didn't see anything wrong with the concept. Mr. Leone said they need to have this all straightened out before they return to the Planning Board and Mr. Barber suggested they continue on. Mr. Boyce said they could schedule the public hearing for next month and if the applicants are not ready they could leave the public hearing open.

Next on the agenda;

INTERPRETATION - Zoning, Planning Application #: 0006-10 - Minor Subdivision, Applicant: Dale Cox, SBL#: 144.-1-11, Location: Starks Knob Rd

Mr. Cox explained he is in front of this Board and asking for an interpretation for the zoning of a parcel in the Hamlet of Northumberland. He stated he has an application in front of the Planning Board for a subdivision. He said one of the parcels is in dual zones and the Planning Board asked to have clarification, he added if you follow the map the zones are hap-hazardly drawn without any rhyme or reason. Mr. Colozza stated he and Mr. Hodgson scaled the zoning for that parcel in question and found it to be in the Hamlet zone 330' from the center line of the road in to that lot and the back of the lot is 360' from the center line, due to the Pocket Park the entire section falls 27' short from being completely in the Hamlet zone. Ms. Hodgson asked if the 27' was all that was NOT in the Hamlet Zone out of 360'. Mr. Colozza said the lot goes from Route 4 up Starks Knob Road. Mr. Cox stated the lines for the zones are drawn different in that area, not straight and they do not follow anything particular. Mr. Colozza stated in the Hamlet zone a lot has to be 20,000 sq ft and Mr. Cox will have 1.9 acres. The Board examined the map and Mr. Barber asked Mr. Cox if he wanted to recognize the State's property line as the zone. Mr. Cox stated the State does not legally own because the deed was never filed and that has nothing to do with what he is trying to accomplish here with this application. Mr. Boyce reiterated that the Planning Board is asking if the proposed lot is in the Hamlet zone. Mr. Colozza said yes, the Zoning Book says an applicant can come to this Board for interpretation and 1.9 acres would be ok in the Hamlet zone instead of a 5 acre lot, there are natural boundaries with the parks. Mr. Barber stated it made sense to put it all in the Hamlet Zone. Mr. Leone asked if the statues at the end of Starks Knob Road was what Mr. Colozza was calling the pocket park. Mr. Colozza said yes. Mr. Barber asked who owned the pocket park. Mr. Cox said the State bought property in 1949 to widen the road and then the zoning line was moved again with no rhyme or reason. Mr. Boyce stated he was confused as to why this Planning Board application was in front of this Board, and said it sounds like the Planning Board referred it to the Zoning Board. Mr. Colozza said he actually suggested it come to this Board because Mr. Heber, a member of the Planning Board, tried to scale this parcel to determine the zoning, and they were unsure, Mr. Hodgson and Mr. Colozza used a larger map on the wall of Mr. Colozza's office to scale it out, basically Mr. Cox is asking this Board for an interpretation. Mr. Barber asked if the remainder of the subdivision was going to remain agricultural,

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Mr. Cox said yes, he did not want any neighbors. Mr. Harrison asked what they do for an interpretation, Mr. Barber said they will need an application to make a motion on. Ms. Hodgson asked if they had an application for that. Mr. Boyce stated it was included on the old 8 1/2 x 11 inch application. The Clerk gave Mr. Cox an application and he completed it. Mr. Leone asked if a SEQRA was needed, Mr. Boyce said the Planning Board will need one but this Board does not need it for an interpretation.

Mr. Barber made a motion to interpret the proposed subdivision plot for application #0006-10 specified as lot 2 to be in the Hamlet zone.

Mr. Leone 2nd the motion,

Roll Call Vote;

Rebecca Hodgson	<u>aye</u>
Carl Harrison	<u>aye</u>
Clinton Barber	<u>aye</u>
Hugo Leone	<u>aye</u>
Mark Boyce	<u>aye</u>

Discussion ensued on recommendation for Chairperson and Vice Chair.

Mr. Leone made a motion to recommend Mr. Boyce remain as Chairperson.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed.

Ms. Hodgson made a motion to recommend Mr. Boyce remain as Vice Chairperson.

Mr. Leone 2nd the motion,

All in attendance unanimously agreed.

Mr. Barber made a motion to adjourn the monthly meeting at 8:14 pm,

Mr. Harrison 2nd the motion,

All in attendance unanimously agreed.

FUTURE MEETINGS

February 2, 2011 – as needed

March 2, 2011 Public Hearing for Application #0004-10 (changed to March at Applicants Request)

FYI: Save the Date 2011 Saratoga County Planning & Zoning Conference January 26th.

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk