

Town of Northumberland Zoning Board of Appeals

Thursday,

January 2, 2020 7:00 pm

Subject to Correction by Zoning Board

Page 1 of 3

**Zoning Board Members Present:** Gary Applegate, Paul Becker, Sarah Mojzer, Carl Harrison, Vice Chair, and Mark Boyce, Chair

**Zoning Members Absent:** John Amidon, Aimee Smith and Bruce Bemis

**Town Employees Present:** Richard Colozza, Code Enforcement and Tia Kilburn, Zoning Board Clerk  
Dave Brennan, Town Counsel.

Chair Boyce called the monthly meeting to order at 7:04 PM  
All in attendance stood and recited the Pledge of Allegiance.

Quorum established;

Chair Boyce opened the regular monthly meeting with old business and stated the first item is an appeal of a lot line adjustment / submitted as in interpretation of the lot line adjustment, he then asked for discussion for the application and none was noted.

He stated he would give a recap of what the application has asked for, he asked the Board members to correct him if they saw it differently;

The lot line adjustment / interpretation application challenges a review provided by the Code Enforcement Officer, which was then executed as a real estate transaction recorded by Saratoga County. The new parcel is separated into 2 parts, main land & island, separated by a waterway owned by NYS, the Hudson River, similar to other parcels that are separated by roadways or other properties owned by the State, County or other entities.

An application to construct a bridge to join the two is being processed by the Planning Board, the planning board did not take exception to the real estate transaction that has been completed.

The interpretation application was sent to Saratoga County Planning and county planning did not comment to the application.

One of the reasons stated during the public hearing and preceding in subsequent meetings, one of the concerns with the lot line adjustment is opposition of constructing a bridge, the proposed bridge will require review by multiple agencies including Town Planning and will result in a bridge between the 2 parts of this real estate parcel.

As a high-level summary, Code Enforcement, Town Planning and Saratoga County Planning have accepted this lot line adjustment. In front of the Board now, as an interpretation application there are not mandatory test that they need to process the application through. Interpretation application applies potential deviations the Zoning Board should consider, but these are only items to consider, they are not test.

He then asked for comments about his high level summary or further discussion on points he may have missed, none was noted.

Chair Boyce then asked to move to a vote;

Ms. Mojzer asked if he meant on the interpretation, He agreed and said it is the 1<sup>st</sup> application on the agenda, he added if there are no comments, he will remind the Board the action has to be a positive action and he explained

Town of Northumberland Zoning Board of Appeals

Thursday,

January 2, 2020 7:00 pm

Subject to Correction by Zoning Board

Page 2 of 3

the need to look at the application & process a motion that will either result in approving that motion or if the motion is denied then there will be a 2<sup>nd</sup> motion that would be effectively counter to the 1<sup>st</sup> motion in order for the Board to take positive action on the motion. He stated he was now looking for a motion or if anybody felt the need to go into executive session to consult with Town Counsel.

Ms. Mojzer asked for clarity on sequence of motions. Chair Boyce explained; Whatever action is taken with respect to an application, however the motion gets worded if that motion gets disapproved, as example if you make a motion upholding the decision by the Code Enforcement Officer, which this application is asking to interpret to the contrary and that motion were denied- Ms. Mojzer interjected meaning no 2<sup>nd</sup> motion or it was voted down? Chair Boyce responded and said yes voted down, then we would have to bring forward another motion for the next step, which would take exception to, an interpretation that is an exception to the action that has been taken by the Code Enforcement Officer and other entities stating what the interpretation is that we take exception to, if that were to pass then that would be the granting of the interpretation. Ms. Mojzer said she understood.

Mr. Brennan asked if there were normally 7 members on this Board, Chair Boyce replied yes and 4 members make a quorum and 4 have to be in agreement on a motion.

Ms. Mojzer reiterated it has to be a positive motion so has it to be phrased to uphold, then the Board votes? Chair Boyce said yes and asked for a motion.

Ms. Mojzer made a motion to uphold the Code Enforcement Officials decision on the lot line adjustment regarding application #0002-19,  
Mr. Becker 2<sup>nd</sup> the motion,

Mr. Brennan interjected and asked Chair Boyce if they normally have discussion before the vote? Chair Boyce said yes, if any member has a statement to make, discussion or questions. Mr. Brennan then asked how they usually handle this, whether the motion carries or fails and someone offers the opposite motion and that one carries, do you then , based on that motion through discussion want him to craft a written decision for adoption by the Board at a subsequent meeting or is it just a bare decision in the minutes, he stated each Board does things differently.

Chair Boyce responded, bare decision, basically the 1<sup>st</sup> motion would carry or be disapproved, then if they went to a 2<sup>nd</sup> motion it would be the same process, motion, discussion, any clarification to the motion and that would be rendered as the decision. He then asked if there were any additional discussion or clarification to the motion before they call for a vote? None was noted.

Roll Call Vote;

Gary Applegate	yes
Sarah Mojzer	no
Vice Chair Harrison	yes
Paul Becker	yes
Chair Boyce	yes

Motion carried; the Zoning Board affirmed the action taken by the Code Enforcement Officer.

Town of Northumberland Zoning Board of Appeals  
Thursday,  
January 2, 2020 7:00 pm  
Subject to Correction by Zoning Board  
Page 3 of 3

Chair Boyce stated the 2<sup>nd</sup> item for old business is the response to the Appeal by Robert Walsh / Request for Ratification &/or an Area Variance, he said at this time there is no need to proceed further on that application, and he asked if Mr. Walsh was in agreement with that.

Ms. Kukle, Counsel for Mr. Walsh responded yes, they agree.

Chair Boyce corrected himself and said the applicant is actually Irony Alliance and he asked if the representative for Irony Alliance agreed this Board does not have to take action on that application.

Mr. Phillips, Counsel for Irony Alliance replied yes, upholding the determination of the Building Inspector, that concludes the matter.

Chair Boyce then asked the Board if they were in agreement, all members agreed unanimously, Chair Boyce stated the application was closed, he added there is no other old business and no new business, discussion ensued on correction of meeting minutes, it was decided December minutes would be tabled.

Ms. Mojzer made a motion to adjourn the monthly meeting at 7:19 pm,  
Vice Chair Harrison 2<sup>nd</sup> the motion.  
Meeting Adjourned.

Respectfully submitted, Tia Kilburn, Zoning Board Clerk