

Town of Northumberland Zoning Board of Appeals
Wednesday,
June 5, 2019 7:00 pm
Subject to Correction by the Zoning Board
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Zoning Board Members Present: Gary Applegate, Paul Becker, John Amidon, Carl Harrison,
Vice Chair and Mark Boyce, Chair

Zoning Members Absent: Sarah Mojzer, Bruce Bemis and Aimee Smith

Town Employees Present: Richard Colozza, Code Enforcement and Tia Kilburn, Zoning Board Clerk

Mark Boyce, Chair, called the Public Hearing to order at 8:02 PM
All in attendance stood and recited the Pledge of Allegiance.

Quorum established, Chair Boyce introduced application #0003-19, 5' side yard area variance for Stewart and Amanda Phillips, 35 Leonard Street.

Mr. Phillips addressed the Board and explained he would like to build a 2-car garage with a bathroom and mud / laundry room. He stated it would be nice to have a 2-bathroom home and move the laundry room to the first floor. He added there would be no impact on the neighborhood and he cannot build it behind the house because the septic is there, Mrs. Phillips stated they cannot build it on the very back of the lot because there is a dangerous curve back there on the road.

Chair Boyce asked if there were any questions or discussion from the public in attendance. Ms. C, stated she is a neighbor and there is not enough room there to build a garage between their homes. She said she has had previous trouble with water in her basement, her foundation is made of stone and her appliances are all on that side of the basement. The water shed from the garage will go into her basement and she has an air conditioning unit on that side of the home she will not be able to maintain. She submitted a letter from her attorney (see attachment). Ms. C stated with the garage so close to her home she will not be able to put a ladder up to repair the roof and emergency vehicles would not be able to access her entire home if they need to. Ms. C reiterated there is not enough room, the slant of the roof will cause water in her cellar and snow and ice on her conditioning unit. She stated she has had problems with Mr. Phillips in the past.

Mr. Phillips stated the roof will be angled towards his driveway and back yard, it is not ideal however, it will not cause snow and ice to go onto Ms. C property. Chair Boyce reiterated the gable end will be toward the neighbors, Mr. Phillips responded yes.

Discussion on the roof angle and pitch, Ms. C asked if he could put eaves all around it as well to direct water away from her property, Mr. Phillips agreed.

Chair Boyce said for review; the parcel is in the Hamlet and requires a 10-foot side yard setback, the applicants are seeking a 5-foot variance, Mr. Colozza agreed the setback will be a reduction of 5 feet. Mr. Amidon asked if the drawing submitted is fairly accurate with 5' setback from the property line to Ms. C home and 5' from the proposed garage to the property line? Mr. Colozza responded he is not sure, he then asked Mr. Phillips if he was able to get a copy of a survey map, Mr. Phillips said no, but he would still like one. Ms. C stated her septic is right there beside her home. Mrs. Phillips stated they just want a garage to cover the vehicles in the rough winters.

Mr. Applegate asked if the septic was in Mr. Phillips back yard because the letter from the Attorney says he can build somewhere else. Discussion ensued on the building location options.

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Chair Boyce asked if there were any other questions or comments, none were noted.

Vice Chair Harrison made a motion to close the public hearing for application #0003-19,
Mr. Applegate 2nd the motion,
All in attendance unanimously agreed.

Chair Boyce stated they would now open the regular monthly meeting; he added this application is the only one on the agenda and asked if there were any further discussion.

Vice Chair Harrison stated he would like to discuss the points made in the letter from Ms. C's Attorney; he stated the letter says it is to close to be able to clear snow, he added the applicant addressed that by changing the roof so snow won't fall on the neighbor's property. In addition, neither can enter a neighbor's property without expressed permission. Next, he said is emergency vehicles cannot access the home, again they cannot just go and drive on a neighbor's property the area Ms. C has will remain the same as now. Mr. Applegate interjected the homes are on a main street and emergency vehicles would go to the main entrance of the home. Vice Chair Harrison stated lastly, there is 10-foot there for the use of a ladder to fix the roof with permission from the applicant if needed, she has 5' and that won't change, he added he does not feel the concerns expressed in the letter warrant this not to be issued.

Chair Boyce reiterated the applicant's septic is behind his house. Mr. Becker asked when they purchased the property, Mr. Phillips responded 2014, Mr. Becker then said this Board has seen the neighborhood with similar properties and garages close, Vice Chair Harrison said yes the photos included with the application, he then added the applicant can install fire rock on the side wall near the neighbors property for extra safety. Chair Boyce asked Mr. Colozza what the code was, Mr. Colozza responded ½ hour minimum fire rating of X-Board on any wall that touches the residence, but he could fire rock the entire garage, it is not that much more. Chair Boyce confirmed the fire code only states what touches the house. Mr. Phillips agreed and stated he had already planned on that.

Chair Boyce asked if there were any additional discussion, none was noted, he then stated the Board has 60 days to make a decision on the application, he asked if the Board was prepared to move forward tonight.

Vice Harrison made a motion to approve the 5-foot side yard variance, application #0003-19, Stewart and Amanda Phillips contingent upon the entire garage have a minimum of ½ hour fire rating of sheet rock and the gable ends of the garage face the neighbor's property.

Mr. Becker 2nd the motion,
All in attendance unanimously agreed by roll call vote.

Mr. Applegate made a motion to accept the May meeting minutes,
Mr. Becker 2nd the motion,
All in attendance unanimously agreed.

Vice Chair Harrison made a motion to adjourn the meeting at 7:30 pm,
Mr. Becker 2nd the motion,
All in attendance unanimously agreed.

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk

LESLIE W. RYAN, ESQUIRE

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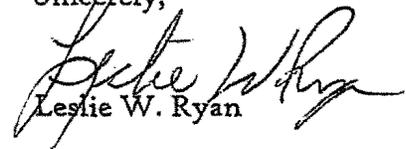
June 5, 2019

Dear Sir or Madam:

I have conferenced with Helen Carter regarding the zoning variance request of her neighbor to erect a garage. I am of the opinion that the variance should be denied for many reasons including that the proposed garage would be too close to Mrs. Carter's house. It would impede the ability to clear snow, impede the ability of emergency vehicles to reach the entire home, and impede the ability to fix the roof or house near the garage.

There is another alternative to this variance and that would be for the neighbors to erect the garage further behind their home.

Sincerely,



Leslie W. Ryan