

Town of Northumberland Zoning Board of Appeals  
Meeting Minutes  
Wednesday,  
February 1, 2012 7:00 pm  
Corrected and Accepted by the Zoning Board of Appeals  
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**Members Present:** Hugo Leone, Bruce Bemis, Clinton Barber, Vice-chairperson and Mark Boyce, Chairperson

**Members Absent:** Julie Trollip, Jeremy DeLisle, Carl Harrison and Rebecca Hodgson.

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

Mr. Boyce, Chairperson, called the Monthly Meeting to order at 7:07 PM.  
All in attendance stood and recited the Pledge of Allegiance.

Mr. Boyce announced application for Applicant Mark Reynolds, Application # 0015-11,

Area Variance

SBL: 103.12-1-8

Applicant: Mark Reynolds

Application #: 0015-11

Location: 2 Leonard St

Zoning: Hamlet

Mr. Reynolds stated he was before this Board a year ago to rebuild the garage, at this time he is proposing a small addition to the garage, an extension on the back of at least 5 foot and a 4 foot extension on the other side. He stated he would like to install a septic and utilize the existing well for a bathroom and storage. His engineer has already looked at the parcel and they did not feel there should be any issue, he would not be affecting anyone, he then added it is a very small piece of property he does have maps with the placement of the building, but wants to talk to his surveyor because he feels the placement of the building on those maps is incorrect and it does not make sense to him, the building is 20' wide and the lot was nearly half. He stated he only wanted a bathroom for the convenience of the garage and he would have a custom made septic tank installed, it would be long and wide. Mr. Leone asked how close to the leach field would be to the railroad tracks property. Mr. Reynolds stated it would be on his property and he assumes it would be 20 feet or so. Mr. Leone asked if the vibration from the trains would affect the leach field, Mr. Reynolds responded no, and said consider all other houses all along the tracks and it hasn't impacted them. Mr. Leone asked what the purpose of the bathroom was, when the garage is just for storage. Mr. Reynolds stated just for convenience. Mr. Bemis reiterated the building was for storage. Mr. Reynolds asked what the definition of a private garage was. Mr. Leone gave Mr. Reynolds a copy of the definition of a private garage as written in the Town's ordinance and Mr. Reynolds reviewed it. Mr. Reynolds stated the storage they are using this building for is for their business, he states when he came in and asked for the variance to raise the garage he was pretty clear about that. Mr. Leone said yes, it was suppose to be for storage; Mr. Reynolds agreed and said he did not see the difference. Discussion ensued on the prior approval for use of the garage. Mr. Barber asked if there was an office across the street. Mr. Reynolds responded yes, Mr. Bemis asked if there was a bathroom in the office to use and Mr. Reynolds responded yes but he wants this building to be more usable. Discussion on the separation distances that is required as per the Regulations. Mr. Reynolds stated he and his surveyor were confused by the fence lines on the railroad side of the other properties. He stated if the railroad was going to do something lots of stuff would have to be taken out to accommodate them. Mr. Bemis asked how far the tank its self will be from the railroad property line, Mr. Reynolds responded probably only several feet, that is why they are building a smaller custom tank, the survey is confusing with the placement of the fences and the building location to the property line of the railroad. He then added they are not asking to build on the railroads property only be granted a relief from the side setbacks, and he is guessing it will be several feet. Mr. Bemis asked if it was on the property line, Mr. Reynolds said no, it would be 2' from the property line, Mr. Bemis asked if he had contacted Canadian Pacific, Mr. Reynolds said no. Mr. Leone asked if he had engineered septic plans and a survey. Mr. Reynolds said yes and gave copies of the survey to

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the Board for review; the Clerk asked for a copy for the file, Mr. Colozza reviewed the file copy, Mr. Reynolds submitted. Mr. Barber asked if the building placement was shown on this map, Mr. Reynolds responded no. Discussion ensued on the additions to the building and Mr. Barber stated he did not know where the building was, it was not on the map, Mr. Leone asked Mr. Reynolds to show the Board where the building was and where he wanted to put the extensions, Mr. Reynolds pointed out the location and Mr. Leone asked if that is his building that is shown on the map, Mr. Reynolds said no, and Mr. Barber asked if this was a survey of someone else's property. Mr. Reynolds said yes, it appears that way his building was not shown on this survey. Mr. Bemis asked how far off from Ms. Raymond's property line he was. Mr. Reynolds stated he believes his building is 5 1/2 to 6 feet from Ms. Raymond's property and he has potential room to accommodate this proposal. Discussion ensued on the location of the State's property, setbacks and the language on the map. Mr. Bemis stated the statement on the application which asks to describe the neighborhood is vague to him. Mr. Reynolds stated the word "neighbor" was left off the last sentence; he must have been interrupted when he completed it. Mr. Boyce stated they need a complete application to be able to proceed, they need the building on the maps, he also added the map contains typical boilerplate language; no title search, no easements or covenants, there may be a Right of Way, however it is not depicted on the map. Mr. Leone stated they need more definitions on the map, Mr. Boyce stated it is critical to have the building placement and Mr. Bemis asked if the well was a driven well or a point well and what the depth was.

Mr. Boyce asked if there were any additional questions or concerns, Mr. Leone asked for clarification of what the neighborhood description meant, Mr. Reynolds stated it was suppose to say only one neighbor. Mr. Bemis stated the legion on the map says mentions a "point" but it is not located on the map. Mr. Boyce reiterated that was boiler plate language for the legion on the map. Discussion ensued on timelines for applications.

Mr. Boyce asked if a State Environmental Quality Review Form, SEQRA had been submitted. Once the application is accepted as complete they can move forward. The Clerk said yes there is a short form SEQRA. Mr. Leone stated the map needs to be corrected, Mr. Boyce agreed.

Mr. Reynolds stated he would like the Board's opinion on another proposal he has for the property across the road that he may want to pursue at a later time. He explained there use to be a small garage there and he removed it, he has little use for that area across the street and has tried to sell it to neighbors that could join it to their property and use it, but they are not interested. He would like an opinion on seeking an area variance to be able to erect a small garage back on that property for storage. Mr. Boyce stated this Board cannot form an opinion at this time without an application and information.

Mr. Leone asked if they wanted to schedule a public hearing for this application that is before the Board. Mr. Boyce stated the question on the table is the map. Mr. Reynolds said he cannot be here next month. Mr. Barber asked if Mr. Reynolds could be here in April. Mr. Reynolds stated yes. Mr. Boyce said they can table this application until next month and review for completeness at that time.

Action

Tabled. Map needs building placement.

Mr. Boyce asked if there were any motions for Chairperson Nominations.

Mr. Leone made a motion to recommend to the Town Board Mr. Boyce remains Chairperson of this Board.  
Mr. Barber 2nd the motion,  
All in attendance unanimously agreed.

Discussion on a Vice-Chairperson Nomination.

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Mr. Leone made a motion to recommend to the Town Board Ms. Trollip is appointed Vice-Chairperson of this Board.  
Mr. Barber 2nd the motion,  
All in attendance unanimously agreed.

Mr. Boyce asked the Clerk to please submit the recommendation to the Town Board.

Miscellaneous

Use Variance, Mr. Frank Litterer proposes Marine Repair / Small to Med. Engine repair and winter boat storage, located at 4737 Route 50, Gansevoort, NY 12831, the old "Dow's Garage".

Mr. Litterer stated it is located diagonal across from Zorro Fencing on Route 50, he wants to explore possibilities before he spends money. He then added he is depending on this Board to say "ok" move forward or tell him not to waste his money. Mr. Boyce explained the application process and explained this Board couldn't give an opinion without an application. Mr. Litterer stated the owner was supposed to be present tonight with the application and information; however he has not heard anything from them. The Board reviewed the Planning Board application. Mr. Barber asked if the boat storage would be undercover. Mr. Litterer said no, it would be outdoor and he would shrink wrap the boats. Mr. Litterer asked how long this process would take. Mr. Boyce explained he needs to work with the office to complete an application and submit information required, after a complete application is submitted a public hearing can be held therefore the process could be as short as 2 meetings. Mr. Leone asked who owns the property, Mr. Litterer said Ms. Wilber owns it, he would just be leasing it for now. Mr. Colozza stated when the application comes in they will know better what is needed and one way or another he will go back to the Planning Board for the site plan review. Mr. Barber asked if he worked on the engines or did fiberglass work, Mr. Litterer responded just the engine repair, he had no desire to do the fiberglass work - he would send all of that and the canvas work out. Mr. Bemis stated if this is listed on the tax assessment as auto body he has never seen that type of business there and he lives right up the road, he added he remembers "well drilling" being in there. Mr. Barber asked how many boats would be stored he added it appears there are 12 parking spots in the prior approved site plan, Mr. Litterer said by looking at the lot he feels he could get 20 to 25 boats in there, he can stack them up a little. He felt it was better to ask for more than less, that way if he needed less room it was better than if he needs more room and has to return to this Board. Mr. Leone stated for the small engine repair there will be stipulations he will have to follow. Mr. Boyce asked what the current allowed uses are. Mr. Colozza said it is Commercial Residential zoning and it also has to blend with the neighborhood. Discussion ensued on the use. Mr. Colozza stated there have been several attempts to use the property, such as TNT Water and a Private truck garage, however there has been no legal continuous use. Mr. Bemis stated there will also be stipulations because of the wetlands; Mr. Colozza stated he was unaware of any wetlands. Mr. Litterer discussed improvements he would like to make to the building if approved. Mr. Leone asked about the entrance to the lot, Mr. Litterer stated it was existing and the owners have done some work there trying to discourage people from pulling in there and turns onto Route 50. Mr. Bemis added yes, they have placed large blocks there.

Mr. Boyce explained the process, they need an application, Mr. Colozza can help him with that and then they will need either the Planning Board to refer the application to this Board, or Mr. Colozza to refer it. Mr. Litterer stated Ms. Wilber has the application she picked up from the office; however she did not show up tonight. Mr. Boyce said they will review it when it is referred through the office and when they receive a complete application they can proceed, this Board cannot make a determination on whether they are in favor of it or not at this point. Mr. Litterer asked how long that process would take, Mr. Boyce stated he needs to go through the Town office, be put on the agenda, then to the public hearing, from closing the public hearing this Board will have 60 days to act on the application, it is possible they can act on it the same night or it may be held over for another meeting, if it is compressed it could have action within 2 meetings or it could go several meetings. Mr. Colozza said because this application is in front of the Planning Board they can hold the public hearing together, when the application comes in they will know what kind of variance is needed and one way or another he will go back to the Planning Board to complete the site plan review. Mr. Boyce suggested Mr. Litterer be as specific as possible on the application. Mr. Colozza

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interjected he had talked to the owner, Ms. Wilber about the application and discussed the need for her to talk to Mr. Litterer to get a synopsis of hours, storage, employees and site plan because he knows what he wants to do. Mr. Colozza then suggested Mr. Litterer get an application packet together and then they can take a look at it. Mr. Litterer stated he is trying to get approval for storage of 25 boats but if he can only get 20 in there that is fine. Mr. Boyce suggested Mr. Litterer be reasonable with his request. Mr. Barber asked the size of boats, Mr. Litterer stated the largest would probably be between 25 and 30 feet, and added he really doesn't like working on larger ones. Mr. Leone suggested he get the required information and then they could go from there. Mr. Litterer thanked the Board for their time.

Mr. Boyce made a motion to adjourn the monthly meeting at 8:06 PM,  
Mr. Barber 2nd the motion,  
All in attendance unanimously agreed.

**FUTURE MEETINGS**

March 7th as needed.

**CORRECTIONS**

Strike "or so" from page 1, paragraph 1, line 1.

Strike "stated" from page 1, paragraph 1, line 9.

Strike "any" from page 3, paragraph 2, line 12.

Respectfully submitted,  
Tia Kilburn, Zoning Board Clerk