

Town of Northumberland Zoning Board of Appeals  
Meeting Minutes  
Wednesday,  
June 1, 2011 7:00 pm  
Subject to Zoning Board Approval  
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**Present:** Hugo Leone, Bruce Bemis, Julie Trollip, Rebecca Hodgson, Carl Harrison and Mark Boyce, Chairperson

**Absent:** Jeremy DeLisle, Clinton Barber, Vice-chairperson.

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

Mr. Boyce, Chairperson, called the Public Hearing to order at 7:10 PM.

All in attendance stood and recited the Pledge of Allegiance.

**Area Variance, Zero Lot Lines, Application#: 0009-11 – Applicant(s): C & S Construction / Luther (Chuck) Waldron, SBL#: 116.16-1-(5), (6), (9),(10), (13), (14) and 116.20-1-(19) & (20).**

Mr. Boyce asked for the application from the Clerk, Mr. Waldron approached the Board and stated to all in attendance he was the President of C & S Construction and explained the proposed application. A color coded map of the subdivision was displayed for the public to view. Mr. Waldron explained the affected lots are keyhole lots that are tight, his proposal would reduce the lot lines (set backs) to zero for only those lots. He explained the homes would be built closer together however, each will still have their own well, septic and yards. He elaborated the idea would be to separate the front and rear yards of each set of homes to allow for more privacy, he added he is open to suggestions and it has been suggested that the garages of each home be together, thus allowing for the actual dwellings to possibly have more privacy.

Mr. Scott Turner, residing at 10 Brampton Lane, located within the subdivision, asked which lots would be affected and how decreasing the setbacks would give more room if the lots would remain the same size. Mr. Waldron explained moving the houses closer would give the yards more privacy. He then stated he is having trouble with potential buyers being able to envision the placement of homes on these lots. He added he really needs to sell these lots he already has investment in them and cannot afford to lose them, he stated he is trying to avoid putting smaller cheaper homes in there and wanted to keep it the same as the rest of the subdivision. He said the homes in there are all nice and the yards are kept attractive.

Mr. Bob Gerber, residing at 60 Brampton Lane, also located within the subdivision, asked why this does not have to go to the Planning Board because it has already been approved by the Town and the State, so changes would have to be approved by them. Mr. Waldron said the subdivision is not changing; all the requirements and regulations for the sub division will be met. He added they will all have their own well and septic as approved by the Department of Health, and are all engineered.

Mr. Turner asked if they were going to be closer how much closer. He said he and his wife moved here from Clifton Park where there are townhouses because they liked the rural neighborhood of this sub division. He then asked how putting townhouses in there would benefit the rest of the community. Mr. Waldron said they are not townhouses and maybe he would attach them by the garages. Mr. Waldron said they are all approved building lots and they meet all the codes including separate wells and septic.

Mr. Turner asked what if someone comes in and buys one of those homes then they decide they don't like it and rent it instead. Mr. Waldron said they cannot restrict someone from moving and renting.

Mr. Joe Hogan, residing at 44 Brampton Lane, within the sub division, stated it looked like the proposal would affect lots number 54 through 70 and he was wondering what it was they were going to see. Mr. Waldron stated the houses would be moved back as far as they can go and he would leave as many of the trees as possible for aesthetics. Discussion ensued on how many trees have previously been left on the lots.

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Mr. Gerber stated that this subdivision was approved by the Planning Board of this town and before they re-zone it he feels it should go back to the Planning Board. Mr. Waldron said it is not a re-zone it is just a request for an area variance. Mr. Boyce, Chairperson, said there is no need for this application to go to the Planning Board, and explained there are no changes to the approved subdivision, the dwellings would just be single family residence with adjoining walls, which is not necessary for Planning Board approval. Mr. Gerber said the Planning Board members said where they wanted the homes and if he is going to move the location it should go back to the Planning Board. Mr. Boyce stated he did not believe the Planning Board approved the exact location of each home and that the building codes and regulations must be followed. Mr. Waldron said the building envelopes were put on the maps for the Department of Health. Mr. Gerber stated that # 7 in the Town's Regulations says there has to be a practical difficulty and he is not convinced there is a hardship in this situation. He then added this Board is changing approved zoning and asked what the hardship was. Mr. Boyce read the "reason for applying for the area variance" from the application in the file for this project to answer Mr. Gerber's question about the hardship, which in part says "Having a hard time moving the key hole lots.", and he added they are not changing the zoning.

Mr. Tim Spencer, residing at 26A Brampton Lane, within the subdivision, asked how the sales would go, if Mr. Waldron would build the homes and then sell them and what if they build one home on the line to be attached and then the next buyer decides they do not want theirs attached. Mr. Waldron stated he did not want to have to attach the homes, he just wanted the vehicle to be able to move the lots. Mr. Spencer reiterated that the idea to join was just an option. Mr. Waldron stated that once one of the lots was sold and the buyer does not want it as a zero lot line the variance for those lots would go away.

Mr. Steve Rajeski, residing at 54 Brampton Lane, within the subdivision, asked if with the homes closer and more wells and septs in a confined area would put more water in his cellar. Mr. Waldron stated it should make it better because they would be closer and they would have more control over the run-off. An unidentified member of the public stated it is the builders' job to give the vision to a buyer. Mr. Waldron stated he has no way to make people imagine it, he added they have tried. Mr. Turner asked if they have a computer program to show a prospective buyer the options. Mr. Waldron stated yes they have equipment, however, they still are unable to show what it will look like because the placement on the 2nd lot is up to the buyer for that one.

Ms. Renea Winters, residing at 43 Brampton Lane, within the subdivision, stated they bought their home because they liked the neighborhood and Bylaws of the homeowners association. She added they did not want to live in a subdivision like Terrel Hills, houses side by side and no trees.

Mr. Gerber said what matters is that in the Town's own rules it says it is created by a particular hardship, people unable to vision what it will be is not a good enough reason. He then referred to the job of this Board as being to determine if the proposal will have an undesirable change in the neighborhoods character and if the request will have an adverse physical or environmental effect. Mr. Boyce said Mr. Gerber has accurately described the Boards job and they will leave the public hearing open as long as necessary for information to be considered. Mr. Gerber then gave the Board a petition and stated it had been signed by all the residents of Brampton Woods subdivision. Mr. Boyce accepted the petition and read it aloud to all in attendance the Clerk then placed it in the file. Mr. Waldron asked for a 5 minute break, Mr. Boyce granted it, and Mr. Waldron stepped out of the room. Mr. Waldron returned.

Mr. Joe Hogan, residing at 44 Brampton Lane, within the subdivision, said there are 6 lots affected why doesn't he go to 5 lots. Mr. Waldron said he would be taking a loss, he already has too much invested. Mrs. Waldron said they are not allowed to change the number of lots. Mr. Rajeski said he has seen flyers that say there are 50 lots within the subdivision. Mr. Waldron stated that was a misprint and it should say 49 lots.

Mr. Boyce asked if there were any correspondence, questions or comments, the Clerk stated a representative from Saratoga

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County Planning Board phoned the office and said they did not feel this application warranted review by them, no other questions or comments were noted.

Mr. Leone made a motion to close the public hearing,  
Julie 2nd the motion,  
All in attendance unanimously agreed.

Mr. Boyce announced to everyone in attendance the regular monthly meeting was starting and they could either stay as it is a public meeting or they could leave however there would be no further public participation for the regular meeting. An unidentified member of the public asked how they would know the outcome of the application. Mr. Leone stated the minutes are posted online for them to read, no further notifications would be mailed to anyone.

**ACTION**

Public Hearing Closed.

**Area Variance, Zero Lot Lines, Application#: 0009-11 – Applicant(s): C & S Construction / Luther (Chuck) Waldron, SBL#: 116.16-1-(5), (6), (9),(10), (13), (14) and 116.20-1-(19) & (20).**

Mr. Boyce said they would stay on the application # 0009-11 for C & S Construction, and asked for the State Environmental Quality Review Form, SEQRA. He then reviewed it with the Board, discussion ensued on Item C, #2 of the SEQRA. Mr. Colozza stated it should be no because they are not changing to commercial or industrial, it is residential and it is staying residential. Mr. Bemis asked if the Homeowners Association should have any input on this application, Mr. Boyce responded not on the SEQRA. Mr. Colozza asked the Board if they wanted Doug Ward, the Town's Attorney to interpret the question on the SEQRA for them. Mr. Boyce stated the difference between an yes and no answer for this question is the long or short form SEQRA. Brief discussion ensued and it was determined to be a no answer. Mr. Boyce stated he was checking the No box and asked if all were in favor, the response from all Board members in attendance was yes. Mr. Boyce then asked if there was any further discussion on this application from the Board. Mr. Bemis asked what type of houses would be built, the design. Mr. Boyce stated the application is for a variance requesting zero separation, and this Board does not have particular house plans. Ms. Trollip asked what if the variance is granted, one home is built on the line and then the next lot is sold but not put on the line. Mr. Boyce stated they can add conditions to the variance that both lots have to have zero lot lines or both not. Mr. Colozza explained adding conditions to approvals and the Board may restrict or require what they want. Mr. Leone asked what if the applicant gets these variances granted then comes back for the rest of the lots. Mr. Boyce stated that would be a separate application. Discussion ensued on the Board doing a "field walk".

Mr. Leone made a motion to table this application until Board members could visit the site.  
Ms. Trollip 2nd the motion,  
All in attendance unanimously agreed.

Mr. Gerber asked if at the next meeting there would be additional open discussion. Mr. Boyce said no, the public hearing is closed. Mr. Leone stated anyone interested may attend the meeting but they cannot speak. Mr. Gerber asked if he contacted a lawyer and had legal recourse, could he submit that. Mr. Boyce said no, the Town has set the rules, the Board cannot accept any additional information because the public hearing is closed, the Town's Regulations give direction on the subject.

**ACTION**

Tabled. Board members will visit site.

Mr. Boyce announced the next application and asked her to explain her proposal in her own words.

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**Zoning Application #: 0008-11 - Area Variance, Applicant: Theresa Rousseau,  
SBL#: 116.7-1-9 , Location: 4882 Route 50**

Ms. Rousseau explained her application as a request to open a tailor / alteration shop in her home, she said she has done this work for many years and use to work in Albany however, she doesn't want to have to drive to Albany any more. She stated she will only have one customer at a time by appointment only. She explained she owns the parcel next door where her daughter lives and they share a driveway which has plenty of room to turn around by the garage to be able to drive out onto Route 50.

Mr. Boyce asked if there were a SEQRA form for this application, he stated he had learned in training that the SEQRA may be performed as part of the application process. The Clerk conveyed to the Board the Planning Board referred this application and would like to request a "joint public hearing" with this Board. Discussion ensued on the benefits of a joint public hearing.

Mr. Bemis asked if the State was concerned with the sign because it is a State Road. Mr. Colozza said no and discussion ensued on the size and placement of the sign.

Mr. Boyce reviewed the SEQRA form with the Board and stated he was checking the box for "no significant impact...", and asked if the Board agreed.

Ms. Hodgson made a motion to accept the Application and to declare a Negative Declaration, no significant impact on the State Environmental Quality Review Form for application #0008-11

Mr. Harrison 2nd the motion,

All in attendance unanimously agreed.

Mr. Harrison made a motion to schedule a joint public hearing with the Planning Board for July 6, 2011 at 7:00 PM.

Mr. Leone 2nd the motion,

All in attendance unanimously agreed.

**ACTION**

Joint public hearing to be scheduled for July 6, 2011, 7:00 PM. Negative Declaration declare on State Environmental Quality Review Form.

Mr. Harrison made a motion to accept the May Monthly Meeting Minutes with corrections as submitted,

Mr. Bemis 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce made a motion to adjourn the monthly meeting at 8:30 pm,

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed.

**FUTURE MEETINGS**

July 6, 2011

**Public Hearing** for Application #0008-11, Applicant: Theresa Rousseau

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk