

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
May 4, 2011 7:00 pm
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Present: Hugo Leone, Bruce Bemis, Julie Trollip, Jeremy DeLisle, Clinton Barber, Vice-chairperson, and Mark Boyce, Chairperson

Absent: Rebecca Hodgson and Carl Harrison.

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, Planning Application #: 0004-10 – Lot Line Adjustment

Applicant(s): David Danks / Christine Aubin, SBL#: 129.6-1-29 & 129.6-1-69.1

Mr. Barber reiterated the proposed lot line adjustment was for Mr. Danks to retain ownership of the trees and the fact of the location of one of the wells. Ms. Aubin stated the lot that is .69 acres will stay the same size and the other lot would increase in size. Mr. Boyce asked Mr. Colozza, the Town's Code Enforcement Officer, if he had any information from Doug Ward, the Town's Attorney. Mr. Colozza stated Mr. Ward reviewed the application and the deeds, and has determined the dwelling lot of the applicant's was suppose to be joined with the lot involved in the "land swap" for the subdivision. When the lots are joined it will be 1.98 acres and then this application could go to the Planning Board. Currently they are both non-conforming lots. When joined they will create one legal lot. Mr. Colozza said Mr. Ward indicated this zoning application for an area variance is moot until the lots are recorded because of the original "land swap" deal, currently this is a violation because it was never completed, it should be one lot. Mr. Colozza stated this needs to be addressed and corrected before this application can go forward. He added after the deed is corrected and filed with the lots joined, if the applicant desires to return and move forward with this application that is ok however, the front lot on Duncan Road will not be able to meet the separation for the well and septic and the applicant's will have to have an engineer verify if it is possible. Ms. Trollip asked if this had to go back to the Planning Board first. Mr. Colozza said yes. Ms. Aubin stated she did not know they were suppose to record it and asked for clarification of what the engineer was needed for. Mr. Colozza said to verify the separation for the well and septic of the lot on Duncan Road. Ms. Trollip asked Ms. Aubin where the septic was for their dwelling. Ms. Aubin was unsure and asked if the engineer would be able to locate it. Mr. Colozza said yes it is possible for the engineer to locate it, they would have to dig to find it, however, if the Planning Board allows this it will be creating a sub-standard lot and they still need to correct the violation before moving forward. Discussion ensued on the well and septic locations. Mr. Colozza said Mr. Ward asked if there were a hardship to be able to grant this variance. Ms. Aubin said they want to eventually sell and her driveway is on the wrong lot, the Duncan Rd Lot. Mr. Colozza stated that was not a hardship it was self created, he added the well for the Duncan Road lot was supposed to be 15' off the property line according to the original plot plan and it is not. Mr. Dank's asked where they stood and if the public hearing was over. Mr. Colozza said yes the public hearing is over and they need to fix the violation before proceeding. Ms. Aubin asked if they needed a new map. Mr. Colozza said yes, they need to erase the property line and show the lots were joined to start over and then go back to the Planning Board first. Mr. Leone asked if this application would then come back to this Board. Mr. Colozza said if the Planning Board allows it, however, you should tell them if you think it is possible before more money is spent and if they have a hardship requirement. Mr. Barber asked if they have to vote to close the public hearing.

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

**Zoning Application #: 00013-11 - 15' Area Variance, Applicant: Randall Countermine,
SBL#: 129.-1-30, Location: 564 Colebrook Rd**

Mr. Countermine explained his proposal. Mr. Boyce asked if there were any correspondence, the Clerk stated Saratoga County Planning responded via a letter with the determination, "A cursory review of the paperwork revealed the requested area variance seems minor in nature and would be considered not to have any County Wide or Inter Community Impact." Mr. Boyce asked if the State Environmental Quality Review Form has been completed. The Clerk gave him the State Environmental Quality Review Form to review and complete. Mr. Leone asked how far this building would be from the winery. Mr. Countermine said it would be 35' building to building. Ms. Trollip asked how much land was available on the other side of the house. Mr. Countermine said there is plenty of room over there, and added the reason he wanted the garage in this location was to be able to enter the home through the kitchen vs. the bedrooms. Mr. Leone asked where the well and septic were located. Mr. Countermine indicated the locations on the map. Mr. Bemis asked how he was going to build a one and 1/2 car garage. Mr. Countermine said they build them all the time it is basically 30' x 30'. Mr. Boyce asked if there were any more questions or comments. Mr. Leone stated he was reviewing the application and reiterated there was no other place for the garage. Mr. Countermine stated it would be an improvement for that lot, however, it could go behind the house. Mr. Barber asked what zone this was in, Mr. Colozza said R-1, Residential one acre. Mr. Countermine stated it is a ranch style house and the attached garage would go with the character of the neighborhood. Mr. Leone asked if there were any wet lands. Mr. Countermine responded no. Mr. Leone asked if he planned on having a breezeway. Mr. Countermine said no, it would be connected to the dwelling and enter directly into the kitchen from the garage. Mr. Boyce asked if there were any more questions or comments. None were noted.

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

Mr. Boyce, called the regular monthly meeting order at 7:43 PM.

New Business

**Zoning Application #: 00013-11 - 15' Area Variance, Applicant: Randall Countermine, SBL#:
129.-1-30, Location: 564 Colebrook Rd**

Mr. Boyce reviewed the State Environmental Quality Review Form with the Board.

Mr. Boyce made a motion to declare a Negative Declaration, no significant impact on the State Environmental Quality Review Form for application #00013-11
Mr. Barber 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce asked if there were a motion on the application.
Ms. Trollip made a motion to approve application # 0013-11, for a 15' side yard area variance as proposed

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by Randall Countermine for the lot containing SBL#: 129.-1-30.
Mr. Barber 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce explained Mr. Countermine has 6 months to complete his project or he may come back to this Board and request an extension.

ACTION

Public Hearing closed, negative declaration declared on State Environmental Quality Review Form and application approved.

**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**

Mr. Boyce asked if there were any discussion or a motion for this application, none was noted.
Mr. Leone made a motion to approve application # 0004-10, for an area variance as proposed by David Danks and Christine Aubin for the lot(s) containing SBL#: 129.6-1-29 & 129.6-1-69.1.
Mr. Barber 2nd the motion,

Application was denied 6-8 by Roll Call Vote; due to an existing violation.

Bruce Bemis, No
Julie Trollip, No
Hugo Leone, No
Clint Barber, Vice-Chairperson, No
Mark Boyce, Chairperson, No
Jeremy Delisle, No
Rebecca Hodgson, Absent
Carl Harrison, Absent

ACTION

Application denied.

**Area Variance, "0 Lot Line", Application#: 0009-11, Applicant: C&S Construction,
SBL#9(s): 116.16-1-(5),(6),(9),(10),(13),(14) and 116.20-1-(19),(20), Location Brampton Woods
C&S Construction, represented by Luther Waldron.**

Mr. Waldron explained his proposal stating he cannot sell the lots involved because people are having trouble visualizing where the homes will be placed in relation to each other. He is requesting zero lot lines for the listed lots that are located within a approved subdivision, Brampton Woods which is off Colebrook Road. His proposal is to turn the position of the homes on these lots and create something like townhouses to create privacy in the yards for the owners. He added each home would have its' own separate well, septic and driveway as approved for the subdivision. Mr. Waldron said nothing else would change including the square footage. Mr. Barber asked if they would share a wall. Mr. Waldron responded yes, it would be a fire wall. Mr. Leone asked if the driveways were wide enough for emergency vehicles. Mr. Waldron said yes, nothing else will change from the subdivision regulations and approval, electrical service will probably be placed in between the driveways for separation and nothing else will change except the houses will be attached like townhouses. Mr. Leone asked if the septic will be engineered. Mr. Waldron said yes that was all done as per the subdivision approval and is not changing.

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Mr. Barber asked if two family dwellings were allowed in that zone. Mr. Colozza said they will not be two family, Mr. Waldron added they will just appear to be townhouses. Mr. Barber asked if the character will match the other homes in the subdivision. Mr. Waldron said yes. Mr. Colozza reviewed the zoning regulations and said duplexes are allowed in the R-1 district. Jeremy asked why they could not join the two lots into one. Mr. Waldron said he needs to sell as many as he can, he would lose \$45,000.00 per lot if he joined them. Ms. Trollip asked if they would be built side by side or back to back. Mr. Waldron said side to side and then everything else will stay the same. Mr. Barber asked Mr. Colozza if there were any problem with this concept. Mr. Colozza said no, the subdivision is approved all he will need will be a fire wall. Mr. Waldron added it would all be engineered. Mr. Barber reiterated 4 variances are needed. Mr. Waldron said yes there are 8 lots total. Mr. Boyce asked if this application was referred from Mr. Colozza, Code Enforcement, or the Planning Board. Mr. Colozza said Mr. Waldron applied by himself because the Subdivision has previously been approved, Mr. Waldron is basically only requesting a change in the setbacks. Mr. Boyce asked if a building permit was denied. Mr. Colozza said no, and explained if this were an application for a lot line adjustment it would have to go back to the Planning Board, however because Mr. Waldron is requesting a zero setback for each lot it needs to come to this Board. Mr. Waldron explained he cannot ask for a lot line adjustment because there is a homeowners association that is controlled by the Attorney General's Office and if any changes were to occur it would all have to be re-filed. Discussion ensued on the difference between a lot line adjustment and zero setbacks. Mr. Barber asked if Mr. Waldron has talked to any of the homeowners in there. Mr. Waldron said no, not yet. Mr. Leone stated that is what the public hearing will do. Mr. Boyce asked if a State Environmental Quality Review Form has been completed. The Clerk said no, she would give one to Mr. Waldron. Mr. Boyce asked if this had to go to Saratoga County Planning. Mr. Colozza said yes and this Board should also send notification of the application to the Planning Board of this Town to keep them informed. Mr. Waldron said it will stay aesthetically nice. Mr. Boyce asked if there was a motion for a public hearing.

Mr. Barber made a motion to schedule a public hearing for application #: 0009-11 for June 1st, 2011 7:00pm.

Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

ACTION

Public Hearing to be scheduled, June 1st, 2011, 7:00 pm, Seqra form to be submitted.

Mr. Barber made a motion to approve April meeting minutes,
Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to adjourn the monthly meeting at 8:24 pm,
Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

June 1, 2011

Public Hearing for Application #0009-11, Applicant: C & S Construction / Luther Waldron

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk