

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
May 1, 2013 7:00 pm
Accepted by the Zoning Board of Appeals
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Zoning Board Members Present: Bruce Bemis, Carl Harrison, Jeremy DeLisle, Hugo Leone, David Gougler, Rebecca Hodgson and Mark Boyce, Chairperson.

Members Absent: Julie Trollip, Vice-Chairperson

Planning Board Member Present: James Heber

Town Employees Present: Tia Kilburn, Zoning Board Clerk

Mr. Boyce, Vice-Chairperson called the Monthly Meeting to order at 7:00 PM.
All in attendance stood and recited the Pledge of Allegiance.

JOINT PUBLIC HEARING WITH PLANNING BOARD

Appeal Application #0003-13, David Swota, Area Variance to Subdivide 11+ acres.

Mr. Swota stated he lived in the Forest Knolls Subdivision off Lindsay Hill. He explained the need for an area variance because he submitted an application to the Planning Board for a 2 lot subdivision. He stated he currently owned 11 plus acres in the agricultural district residing at 155 Forest Lane Dr on the corner of Poplar Way, his request was to sever 10 acres from the existing single family residences parcel and retain his current rights of agricultural pursuits and build a new single family resident for his wife and himself. He would be selling his current home to his son. Michael Jett, residing at 161 Forest Lane Dr, asked for clarification from the Board that the lot sizes were 1 acre lots and now because of the agricultural zoning the single family resident lots need to be 5 acre lots, Mr. Boyce responded he was under the impression the subdivision was never officially completed with the 1 acre lots. Mr. Jett asked if there were a Grandfather Clause to protect the 1 acre lots, Mr. Boyce responded no, not in this case because Mr. Swota had joined several lots and now needs to follow the regulations to subdivide the existing lot. Discussion ensued on parcel sizes and the purchases of several lots being combined. Mr. Heber reiterated that Mr. Swota had joined several lots and now wanted to reverse the process for the existing dwelling and he would have to meet the current codes and regulations. Mr. Boyce asked if there were any other questions or comments from the public. Florence Austin, residing at 144 Forest Lane Dr, asked if the intent was to create one 1 acre lot for the existing home and keep the rest together for one more single family residence, Mr. Swota responded yes, exactly. Mr. Boyce asked if there were any questions or concerns from the Planning Board, Mr. Heber stated the Planning Board was concerned about the ownership of the road and asked if there was verification that the Town owned it, the Clerk stated she researched it and the Town does own and maintain it, the entire subdivision has been on the Town's inventory for quite some time. Ms. Austin agreed and stated the Town plows the road and fixes the pot holes. Discussion ensued about the 5 acre single family requirement verses the 10 acre agricultural pursuits requirement and if additional variances would be needed. Mr. Potter, residing at 11 Poplar Way, asked if Mr. Swota's intent was to have the existing barn go with the proposed house, Mr. Swota said yes. Mr. Boyce asked if there were any other structures on the larger parcel and how far the barn was from the proposed property line, Mr. Swota said no, the barn was the only structure on that parcel and it was over 100' from the line. Mr. Leone stated the septic system is not on the map. Mr. Swota said the existing septic is in the back yard of the existing dwelling and they have already performed a deep hole perk test with an engineer and Mr. Colozza. Mr. Boyce asked if he knew where the existing septic was, Mr. Swota indicated on the map where it was and stated it was in the back about 12' from the house and the well is in the front yard. Mr. Leone asked how far the septic was from the well and Mr. Bemis asked how deep the well was. Mr. Swota stated he did not know the depth, however it was a drilled well and it was over 150' from the septic. Mr. Boyce asked if there was any correspondence regarding this application, the Clerk responded no. Mr. Heber reiterated that when he purchased the parcels they were all subdivided at that time. Mr. Swota yes he purchased the dwelling lot and 11 more lots. Mr. Boyce asked if there were any additional questions, none were noted, he then asked if there was a motion to close the public hearing.

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Mr. DeLisle made a motion to close the public hearing for application #0003-13,
Mr. Leone 2nd the motion,
All in attendance unanimously agreed, public hearing closed.

ZONING BOARD PUBLIC HEARING

Appeal Application #0004-13, Byron Potter, 28' Area Variance to erect a personal garage.

Mr. Potter addressed the Board and explained he was requesting a 28' area variance to erect a personal garage, due to drainage and his septic and leach field he is unable to obtain the full 50' setback requirement. Mr. Leone asked if his yard was full of drainage, Mr. Potter responded yes, he has drainage from the subdivision through his yard to a stream and his leach field is on the other side of the house. Mr. Boyce asked if there were any other questions for Mr. Potter, none were noted, he then asked if there was a motion.

Ms. Hodgson made a motion to close the public hearing for application # 0004-13,
Mr. Gougler 2nd the motion,
All in attendance unanimously agreed, public hearing closed.

REGULAR MONTHLY MEETING

Mr. Boyce opened the monthly meeting and stated they would begin with application #0003-13 for applicant Dave Swota. He then asked for the State Environmental Quality Review Form, the Clerk retrieved the long form from the file. Mr. Boyce reviewed the SEQRA.

Mr. Boyce make a motion to declare a negative declaration, no significant impact on the SEQRA form for Application #0003-13, Area Variance for applicants Dave & Cynthia Swota.

Mr. Leone 2nd the motion,
All in attendance unanimously agreed, motion passed.

Mr. Boyce asked if there were any additional discussion on this application, none was noted.

Mr. Harrison made a motion to approve application # 0003-13, as submitted for an area variance, applicants Dave and Cynthia Swota, residing at 155 Forest Lane Drive.

Mr. Bemis 2nd the motion,
All in attendance unanimously agreed, motion passed.

ACTION

Public Hearing Closed, Neg. Dec. Declared on SEQRA, Application approved at submitted.

Mr. Boyce stated they will continue with application #0004-13, 28' area variance for Bryon Potter, he then asked for the State Environmental Quality Review Form, the Clerk retrieved the long form from the file. Mr. Boyce reviewed the SEQRA.

Mr. Boyce made a motion to declare a negative declaration, no significant impact on the SEQRA form for Application #0004-13, Area Variance for applicant Byron Potter.

Mr. Harrison 2nd the motion,
All in attendance unanimously agreed, motion passed.

Mr. Boyce then asked if there were any additional discussion for this application, Mr. Leone stated he is 8' from the

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existing garage and then asked if he could get closer to it, Mr. Potter responded no because of the leach field on the side of the existing garage.

Mr. Leone made a motion to approve application #0004-13, as submitted, 28' area variance for Byron Potter.
Mr. Gougler 2nd the motion,
All in attendance unanimously agreed, motion passed.

ACTION

Public Hearing Closed, Neg. Dec. Declared on SEQRA, Application approved as submitted.

NEW BUSINESS

Mr. Boyce made a motion to accept this application as complete, contingent upon the receipt of the Long Form State Environmental Quality Review Form,
Mr. Delisle 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to schedule a public hearing for application #0004-013 for the next monthly meeting May 1st, 2013 at 7:00 Pm,
Ms. Trollip 2nd the motion,
All in attendance unanimously agreed.

ACTION

Application accepted as complete, contingent upon the receipt of the Long Form State Environmental Quality Review Form and a public hearing will be scheduled for May 1st, 2013.

Mr. Leone made a motion to close the monthly meeting at 8:03 pm,
Mr. DeLisle 2nd the motion,
All in attendance unanimously approved

FUTURE MEETINGS

June 5, 2013 - As Needed

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk