

**Town of Northumberland
Zoning Board of Appeals
August 7, 2024 - 7:00 PM**

Zoning Board Members: ___ Carl Harrison, ___ Paul Becker DDS., ___ Maureen Leerkes, Sarah Mojzer, Vice Chairperson, ___ Christopher McMahon, alternate, ___ Anne Haag, Alternate and ___ Mark Boyce, Chairperson

Town Employees: P Tia Kilburn, Clerk, P Michael Terry, Code Enforcement Officer, ___ Dave Brennan, Town Counsel

All stand for Pledge of Allegiance

NEW BUSINESS

Area Variance – 5 Foot

Applicant: Jason Martindale

Application #: 0005-24

SBL: 118.-1-9.11

Location: 658 A&B West River Rd

Zone: AG

Acres: 15.30

Use Variance – Airbnb

Applicant: Noah Savett

Application #: 0006-24

SBL: 144.-1-1.3

Location: 168 West River Rd

Zone: AG

Acres: 5.1

Use Variance – Airbnb

Applicant: Matthew Lebowitz

Application #: 0007-24

SBL: 104.-1-105.1

Location: 17 Wells Ln

Zone: AG

Acres: 49.2

OLD BUSINESS

None

MISCELLANEOUS

Next meeting September 5th

**Town of Northumberland
Area Variance Application
Zoning Board of Appeals**

OFFICE USE ONLY

SBL#: 118-1-9.118
Application #: 0005-24
Date of Appeal: 8/7/2024
Date of Receipt by Board: 7/25/2024
Date of Public Hearing: _____
Date of Final Action: _____
Date of Filing a Decision with the
Town Clerk's Office: _____

Part 1: To Be Completed by the Applicant

Applicant: Jason Martin Dale
Owner (if not applicant): _____
Mailing Address: 658 West River Road
Cansewood NY 12831
Day Phone: 518-938-9767 Evening Phone: _____

Property Information

Appeal Concerns Property at the Following Address: 658 B West River Rd

Date Applicant Acquired Property: NA

(If property is not owned by the applicant, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf.)

Note: the ZBA is without authority to grant an Area Variance unless the applicant can demonstrate that the dimensional requirements of the zoning regulations have created a practical difficulty. Accordingly, the applicant for an Area Variance must complete the following information.

Project Description (Briefly describe your proposal and attach a surveyed plot plan):
Replace Mabel Home

State what type and size of an area variance you are requesting (ex. 3 foot side yard variance):
5 Foot Variance

State the reason you are applying for the area variance: Put Back in same place
as old one

Describe the character of the neighborhood and how this project will not be a substantial detriment to the neighborhood: Farm, single-family dwellings,

Signature of Property Owner: Jason Martin Dale Signature of Applicant: Same
Date: 7/25/2024 Date: _____

Disclaimer: We hereby dispose and say that all the above statements and statement content in the application submitted are true.

Sworn before me, Denise Murphy, on this date 25 month, July, and year 2024

Jason Martin Dale
Applicant
Same
Property Owner

Denise D Murphy
Notary
DENISE D. MURPHY
Notary Public, State of New York
Qualified in Saratoga County
Registration No. 01ML4867899
My Comm. Expires 08/15 2026

Part 2: To Be Completed by Zoning Administrator

SBL# 118-1-9.111 Current Zoning: APD

Is Property in Hamlet Area? ___ Yes No Is SEQRA Review required? ___ Yes No

The applicant's appeal from a decision of the Zoning Enforcement Officer, or on direct appeal from the planning board as permitted by Town Law, concerns the following:

Denial of an Application for a Building Permit concerns the following: Does not meet Subcode for zoning

___ Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity: Mobile Home Replacement
Denial was made because of a violation of the Town Zoning Code (s): Schedule A

Michael [Signature]
Signature of Zoning Administrator

7/26/24
Date of Zoning Administrator's Decision

Part 3: To Be Completed by the Zoning Board of Appeals

Following a public hearing and reviewing the above materials from the applicant and the criteria provided from the Zoning Administrator the ZBA finds:

___ The Applicant has failed to meet the above criteria and the application is **denied** on the basis of: _____

___ The Applicant has shown adequate and substantial merit to the application project and is hereby **approved** by the ZBA which grants the applicant the requested Area Variance in the manner detailed below:

Signature of ZBA Chairperson

Date

Applicant: Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if you fail to obtain any necessary building permits or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof. The Zoning Board of Appeals may increase this period from six (6) months to one (1) year at its discretion.

Town of Northumberland
Use Variance Application

Office Use Only

SBL # 144-1-1.3
APPLICATION # 0006-24
Date Rec'd. By Board: 8/1/2024
Notice Published: _____
Date Sent to SCPB: _____
Date of Public Hearing: _____
Date of Final Action: _____
Date of Filing a Decision with the
Town Clerk's Office: _____
Fee's paid: _____

Part I: To be Completed by the Applicant

Applicant: Noah Savett
Owner (if not applicant): _____
Mailing Address: 168 West River Road,
Schuylerville, N.Y., 12871
Day Phone: 518-791-4285 - Evening Phone: Same

Property Information

Appeal Concerns Property at the following Address:

Project Description (attach sketch):

168 West River Road. Request permit
for living space established previous owner.
Allow from 2018 listing for this address (attached)
Reasonable Return: Explain why this property cannot realize a reasonable return: If I am not able
to realize rental income from this property I would
not be able to maintain it as my own

Unique Hardship: Explain [why or what] the alleged hardship relating to the property is unique, and does not apply to
a substantial portion of the district or neighborhood: As a retired person I
am attempting to continue to maintain a sizable
property with substantial tax and maintenance burden.

General Character of the Neighborhood: Describe how the requested variance will not alter the essential character of
the neighborhood: This is an agricultural/residential
neighborhood with generally large land parcels. There
should be no substantial impact on the local
neighborhood.

Not Self-Created: Provide confirmation that the alleged hardship has not been self-created by the applicant: This
space was depicted as a living space when
advertised as part of 168 West River Road in 2018
by previous owner. It had a functioning kitchen with
all appliances and fixtures and a bathroom with fixtures.

Signature of Property Owner: _____ Signature of Applicant: _____

Date: 7-30-24

Date: _____

Disclaimer: I/We hereby dispose and swear that all the above statements and
statement content in the application submitted are true.

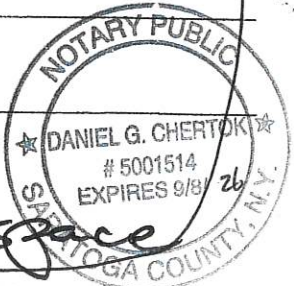
Sworn before me, Daniel Chertok, on this date 30th, month, July, and year 2024

Noah Savett
Applicant

[Signature]
Notary

Noah Savett
Property Owner

Daniel Chertok



-- OVER --
appropriate for a living space

Part 2: To Be Completed by Zoning Administrator

Property Description:

Tax Map SBL#: 144-1-1.3 Zoning District: APD

Description of Current Use of the Property: (attach sketch): Illegal apartment above garage used for short term rental.

Is Property in Hamlet Area? ___ Yes No Is SEQRA Review required? ___ Yes No

The applicant's appeal from a decision of the Zoning Enforcement Officer, or on direct appeal from the planning board as permitted by Town Law, concerns the following:

_____ Denial of an Application for a Building Permit concerns the following: _____

_____ Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity: _____

Denial was made because of a violation of the Town Zoning Code (s): Violates Article XT Section 11. "Principal buildings per lot"

[Signature]
Signature of Zoning Administrator

8/1/24
Date of Zoning Administrator's Decision

Part 3: To Be Completed by the Zoning Board of Appeals

After public hearing and reviewing the above criteria the ZBA finds:

- () The Applicant has failed to prove hardship through the application of the above tests as required by state statutes.
- () The Applicant has proven hardship through the application of the above tests. In finding for such hardship, the ZBA grants a variance to allow use of the property in the manner detailed below:

Signature of ZBA Chairperson

Date

Applicant: Unless otherwise specified by the Zoning Board of Appeals, an Approved Variance shall expire if you fail to obtain any necessary building permit or fail to comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof. The Zoning Board of Appeals may increase this period from six (6) months to one (1) year at its discretion.

Town of Northumberland Use Variance Application

Office Use Only

SBL # _____
APPLICATION # 0007-24
Date Rec'd. By Board: 8/2/2024
Notice Published: _____
Date Sent to SCPB: _____
Date of Public Hearing: _____
Date of Final Action: _____
Date of Filing a Decision with the
Town Clerk's Office: _____
Fee's paid: _____ - _____
_____ - _____

Part 1: To be Completed by the Applicant

Applicant: Math & Justine Lebowitz
Owner (if not applicant): _____
Mailing Address: 17 Wells Lane
Gansevoort, NY 12831
Day Phone: 518 744-0205 - Evening Phone: 518 361 4083

Property Information

Appeal Concerns Property at the following Address:

Project Description (attach sketch):

One room cabin - no power or plumbing

Reasonable Return: Explain why this property cannot realize a reasonable return: _____

Unique Hardship: Explain [why or what] the alleged hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood: Both retired - we need revenue from cabin to pay living expense, taxes ...

General Character of the Neighborhood: Describe how the requested variance will not alter the essential character of the neighborhood: Farming - no neighbors within visible range

Not Self-Created: Provide confirmation that the alleged hardship has not been self-created by the applicant: We are at retirement age

Signature of Property Owner: ~~Justin Lebowitz~~ Justin Lebowitz Signature of Applicant: ~~Math Lebowitz~~ Math Lebowitz
Date: 8/2/24 Date: 8/2/24

Disclaimer: I/We hereby dispose and swear that all the above statements and statement content in the application submitted are true.

Sworn before me, Denise Murphy, on this date 08, month, 02, and year 24
Justin Lebowitz Applicant
Justin Lebowitz Property Owner
Denise D Murphy Notary

DENISE MURPHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN SARATOGA COUNTY
REGISTRATION NO. 01MU4867899
MY COMM. EXPIRES 08/15 2026

-- OVER --

Part 2: To Be Completed by Zoning Administrator

Property Description:

Tax Map SBL#: 104, -1 -105, 1 Zoning District: APD

Description of Current Use of the Property: (attach sketch): _____

Is Property in Hamlet Area? ___ Yes No Is SEQRA Review required? ___ Yes No

The applicant's appeal from a decision of the Zoning Enforcement Officer, or on direct appeal from the planning board as permitted by Town Law, concerns the following:

_____ Denial of an Application for a Building Permit concerns the following: _____

Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity: 2nd Primary Structure on the same lot

Denial was made because of a violation of the Town Zoning Code (s): Article XI - Section H

Michael Long
Signature of Zoning Administrator

8/2/24
Date of Zoning Administrator's Decision

Part 3: To Be Completed by the Zoning Board of Appeals

After public hearing and reviewing the above criteria the ZBA finds:

- () The Applicant has failed to prove hardship through the application of the above tests as required by state statutes.
- () The Applicant has proven hardship through the application of the above tests. In finding for such hardship, the ZBA grants a variance to allow use of the property in the manner detailed below:

Signature of ZBA Chairperson

Date

Applicant: Unless otherwise specified by the Zoning Board of Appeals, an Approved Variance shall expire if you fail to obtain any necessary building permit or fail to comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof. The Zoning Board of Appeals may increase this period from six (6) months to one (1) year at its discretion.

August 1, 2024

Mr. Michael Terry
Town of Northumberland Building Department
PO Box 128
Gansevoort, NY 12831

Reference: Lebowitz, Matthew
17 Wells Lane
Cabin Inspection

Dear Mr. Terry:

In accordance with our discussion, I have inspected the cabin located at 17 Wells Lane owned by Matthew and Justine Lebowitz, parcel ID# 104.-1-105.1. The 49 +/- acre parcel contains a principal residence and a number of barns in addition to the subject cabin.

The subject cabin is a "primitive cabin" with no running water, interior plumbing, or electricity and is less than 500 SF in floor area. Construction type is timber frame with locally produced mill graded timbers, rafters and joists, and is constructed in accordance with modern timber framing techniques. Foundation is embedded pressure treated timber piers on concrete footings. The frame is braced by traditional diagonal timber bracing techniques as well as sheathed with sawn lumber. Roof framing is traditional timber rafters sheathed with sawn lumber; roofing is 5-panel metal.

Although we did not design the structure, nor observe its construction, based upon my inspection it is my opinion that the structure is constructed of materials and methods generally in conformance with wind and snow loading requirements applicable to this primitive building.

I trust this information is sufficient for your immediate needs. Please feel free to contact me if you have any questions.

Regards,



G. Thomas Hutchins, P.E.

Cc.
Matthew Lebowitz