

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

September 2, 2009 7:00 pm

Page 1 of 3

*Accepted by the Zoning Board of Appeals*

**Present:** Bruce Bemis, Acting Chairperson, Hugo Leone, Rebecca Hodgson, and Julie Trollip, Acting member

**Absent:** Mark Boyce, Chairperson, Carl Harrison, Clinton Barber and Gordon Strong

**Town Employees Present:** Tia Kilburn, Zoning Board Clerk.

Mr. Bemis, as acting Chairperson, called the monthly meeting to order at 7:18 PM.

All in attendance stood and recited the Pledge of Allegiance.

**PUBLIC HEARING**

**Application #: 0008-09 – Area Variance**

**Applicant: Kerman Family Properties / Jonathan Zuckerman**

Location: 85 Harris Rd

SBL#: 131.1-10-12

Zoning: AG

Acres: 16.724+

Status: Public Hearing

Mr. Zuckerman requested an area variance from the Board to erect a 44' x 32' pole barn as an accessory building for storage. He explained he has a corner lot and that is why additional setbacks are required. He stated he submitted a new "final" map with the setbacks they had all agreed on last month, 38' and the Clerk gave the map to the Board to review. Mr. Boyce said the map shows a proposed house, Mr. Zuckerman said it was an old map he had just added the garage to but this map did not show the pond that is there. Mr. Barber asked where the post went that he had started to put up, Mr. Zuckerman said he removed them because they were to close, the back corner of the building would have been at the 0 setback mark. Mr. Leone interjected, the Board had agreed to throw out the original plan mark #1, it was no good to close to the road and would have been a problem for winter snow plowing. He stated they had agreed on the 38' setback from the center of the road, Mr. Zuckerman agreed and added he may even go a foot further away to be safe, he will probably go 13' from back instead of 12 ½'. Mr. Boyce asked if the LP Tank was in service or abandoned, Mr. Zuckerman said it was in use, it was what they heat the house with. Mr. Boyce asked if it was in the ground or on top, Mr. Zuckerman said it was buried in the ground and he believed the regulations said it had to be 25' from structures. Mr. Leone said Mr. Zuckerman said he was going to raise the elevation to help the drainage and added he has seen he has been doing that. Mr. Zuckerman agreed he has been working on it. Mr. Boyce asked for the application. Mr. Barber asked if there was a State Environmental Quality Review form, SEQRA. Mr. Zuckerman stated there is a separate sheet attached to the application, and said he originally had asked for a 25' or less variance then the Board and himself had decided on 13', actually 25' in the front and 13' at the back of the structure for the variances. Mr. Boyce reviewed the application and asked if there were any questions or comments from the public, he then said the Board had received a letter from a neighbor and read the letter to the public (in the file). Mr. Zuckerman asked if he could make a statement, Mr. Boyce said yes. Mr. Zuckerman said he could put the garage on the other side of Harris Rd, however that would not be very good, it would be away from the house to far. Mr. Boyce asked if he owned the parcel across the street, Mr. Zuckerman said yes he did the problem was it was separated by the road.

Mr. Leone made a motion to close the public hearing for application #; 0008-09, Area Variance, Kerman Family/Jonathon Zuckerman,

Mr. Barber 2<sup>nd</sup> the motion,

All in attendance unanimously agreed, public hearing closed.

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

September 2, 2009 7:00 pm

Page 2 of 3

*Accepted by the Zoning Board of Appeals*

**Application #: 0009-09 – Use Variance / expansion of non-conforming use**

**Applicant: Mr. Mark Reynolds**

Location: 2 Leonard Street

SBL#: 103.12-1-8

Zoning: Hamlet

Acres:

Status: Public Hearing

Mr. Reynolds was unable to attend and sent his contractor, Rick Hammond, with permission to act as his agent. Mr. Hammond said basically Mr. Reynolds wants to raise the roof to accommodate a 12' door and replace the trusses. Mr. Barber asked if they were tearing down the old and building all new. Mr. Hammond said no, they were raising the roof, installing a new garage door on the "Stewarts" end of the building, removing the

**NEW BUSINESS**

**Application #: 0008-09 – Area Variance**

**Applicant: Kerman Family Properties / Jonathan Zuckerman**

Location: 85 Harris Rd

SBL#: 131.1-10-12

Zoning: AG

Acres: 16.724+

Status: Final

Mr. Zuckerman requested an area variance from the Board to erect a 44' x 32' pole barn as an accessory building for storage. He explained he has a corner lot and that is why additional setbacks are required. Mr. Bemis asked where he got that information. Mr. Zuckerman said from Richard Colozza, the Code Enforcement Officer, he added Mr. Colozza said if it were not a corner lot he would only need 25' setback. Mr. Leone asked if that was where the poles were already in the ground. Mr. Zuckerman said he did start with two poles then stopped and came in for his building permit, that is when Mr. Colozza said he needed the variance, the poles can easily be moved. Mr. Zuckerman said he was told by Mr. Colozza the front setback is 50' from the center of the road, he then stated he had tried different angles to try and make it fit. He said the problem is he has some wet property, a man made pond he wanted to stay away from and also his leach field. In addition he wanted to keep it close to the dwelling and keep it facing the dwelling not the road, he was hoping to utilize the current driveway. Mr. Zuckerman discussed three different plans with different setbacks for each, however each one would still need a variance. Mr. Bemis asked if the doors were to go where the poles are now. Mr. Zuckerman said yes and read the letter he submitted as an explanation with his application (in the file). Ms. Trollip asked if Mr. Zuckerman's preferred choice was his plan #3, without a setback, She then asked how far back it would be. Mr. Zuckerman said that plan would be 25' to the back corner of the garage, the front of the garage would be at approximately 38'. Ms. Hodgson asked about plan #1. Mr. Zuckerman said that one puts the garage on top of a 1,000 gal liquid petroleum gas tank. Discussion ensued on the possibility of turning the garage. Mr. Bemis asked what was wrong with plan #1 with the 50' setback because he was concerned about the highway department plowing in the winter. Mr. Zuckerman said substantially the elevation; he did not want water draining into the garage. Ms. Trollip asked if any part of this was in the 500' overlay from the river. Mr. Zuckerman said it is 800' from the river. Mr. Bemis stated the plan with the 0' setback would be a problem for plowing in the winter. Mr. Zuckerman said there is a berm between the road and the proposed garage and he actually was just asking for a 25' variance or less. He then said plan #2 had good elevation and was twisted towards Harris Rd, the southern bay would be difficult to get into with his equipment and he may have to make that into a shop area. Mr. Bemis

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

September 2, 2009 7:00 pm

Page 3 of 3

*Accepted by the Zoning Board of Appeals*

stated that could still be useful. Mr. Zuckerman agreed. Mr. Leone stated in his opinion plan #1 was useless. Ms. Trollip agreed and added it would actually create more problems. Mr. Bemis stated that plan #2 is very close to the road. Mr. Zuckerman responded they could move it somewhere between the plans creating a new one. Mr. Bemis said they could work with plan #2, Mr. Zuckerman said sure, somewhere between plans #2 and 3, he stated he could live with plan #2 but really liked the third plan because it looks better being parallel to the house. Ms. Trollip asked how many feet it could go back and still be parallel with the house. Mr. Zuckerman asked for a ruler and determined about

12'. Discussion ensued on the measurements and Mr. Zuckerman adjusted his layout, he asked what the number for the variance he is requesting should be. Mr. Leone said it would be 25' from the center of the road and 13' from there, 38' total. Mr. Leone then said this application has to go to County Planning for the 38' area variance and a short form SEQRA was needed. Mr. Zuckerman thanked the board and stated he would bring the requested items into the office. Mr. Bemis said the public hearing will be scheduled for the next monthly meeting, October 7<sup>th</sup>, 2009 at 7:00 PM.

**ACTION**

Applicant to submit short form SEQRA, a completed application and the Public Hearing will be scheduled for October 7<sup>th</sup>, 2009.

**Application #: 0009-09 – Use Variance / expansion of non-conforming use**

**Applicant: Mr. Mark Reynolds**

Location: 2 Leonard Street

SBL#: 103.12-1-8

Zoning: Hamlet

Acres:

Status: Final

Mr. Reynolds explained his application to the Board; he said he owns the small garage on the first parcel located on Leonard Street / Route 32. He said he recently purchased this garage to store his RV and other items; it will be a private garage for storage. He then said the garage height is too low for this purpose, he stated a unique hardship is created because he needs a variance to proceed and use the property for their purposes; he said the new roof will not exceed the heights of other structures in the area. Mr. Reynolds said this is a non-conforming use because the garage is the only thing on the parcel and the parcel is undersized therefore he is unable to put anything else on it and the property is not good for much of anything else. Mr. Bemis asked if he planned on strengthening the building when they change the height of the roof. Mr. Reynolds said they are reconstructing the entire thing with new trusses and framing. Mr. Bemis asked about the entrances from Route 32. Mr. Reynolds said currently there are overhead garage doors and another entrance on the front of the building, however, he wanted to remove the bay doors and create one large bay door on the end of the building to get his RV in there leaving only the walk in entrance on the front of the building. Discussion ensued on other possible uses for the property. Mr. Leone stated this application has to go to County Planning. Mr. Bemis asked if lead on SEQRA had been determined. The Clerk said no, and Mr. Bemis asked her if she would send notifications to the necessary parties, she confirmed she would.

**ACTION**

Application will submit a short form SEQRA, the Clerk will send lead agency notifications to Saratoga County and New York State and public hearing will be scheduled for October 7, 2009 at 7:00 PM.

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

September 2, 2009 7:00 pm

Page 4 of 3

*Accepted by the Zoning Board of Appeals*

**OLD BUSINESS**

None

**Miscellaneous**

Donna Richard requested clarification from the Board pertaining to the placement of residential structures in the Solomon Meadows subdivision on Mott Rd. Mrs. Richard owns 25 acres located at 338 Mott Rd, known as lot 9. She stated she had recently listed the property for sale and had an interested party, when they called the Town they were told this lot contains a building envelope. She stated she met with Mr. Colozza, the code enforcement officer on July 2, 2009 for more information because she was not aware of that. She said she and Mr. Colozza reviewed the subdivision map

dated June 19, 2006 and did not see any specific building envelope on her lot. Mrs. Richard said she did not see where the building is restricted to the back right corner of the open field. She stated that no where on the subdivision map or any maps that were recorded does it show a specific building envelope on her property. Mr. Bemis stated this Board cannot make a decision on this issue, the subdivision was approved by the Planning Board and Mrs. Richard should ask the Planning Board for clarification.

Mr. Bemis asked if there were any other business for the Board, none was noted.

Mr. Bemis made a motion to adjourn the monthly meeting at 8:50 PM,  
Ms. Hodgson 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed, meeting adjourned at 8:50 PM.

**FUTURE MEETINGS**

Monthly Meeting with Public Hearings, October 7, 2009 – 7:00 PM

Respectfully submitted,  
Tia Kilburn, Zoning Board Clerk