

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
September 7, 2016 7:00 pm
Accepted by the Zoning Board
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Zoning Board Members Present: Gary Applegate, Bruce Bemis, Aimee Gates, and Mark Boyce, Chairperson.

Members Absent: Paul Becker, Carl Harrison, Todd Heym and Jeremy DeLisle, Vice-Chairperson

Town Employees Present: Richard Colozza, Code Enforcement Officer & Tia Kilburn, Zoning Board Clerk

Mark Boyce, Chairperson, called the monthly meeting to order at 7:12 PM.
All in attendance stood and recited the Pledge of Allegiance.

Application #0007-16, Area Variance

Mr. Boyce stated this application is for an area variance for a fence and asked the applicant to explain, Levi Sayward stated he lived at 536 Route 32N and explained prior to installing a stockade fence on his property he had phoned the building department and asked about the regulations for a sign. He stated the purpose is to keep his two small children, 2 yrs old and 4 yrs old, in addition to their dog out of the road, he said a 4 foot fence will not hold them. Mr. Boyce asked if there was anything else besides what was submitted to the Board, and if the Board had any questions. Mr. Sayward stated the fence doesn't block any visibility and he was under the impression it was ok to install, he added he doesn't want to put anyone in harms way. Mr. Boyce stated he was struggling with if this would be an interpretation or an area variance due to the fact there is no requirement for a building permit to construct or erect a fence. Mr. Colozza stated it is in Real Estate law our regulations in our book says nothing over 4' in the front yard. Discussion ensued on variance v. interpretation, Mr. Boyce stated there are no setback or permit requirement, Mr. Colozza stated he felt it would be an area variance because of the ordinance stating no fence taller than 4' beyond the front face of a dwelling. Mr. Bemis asked if this location was in the hamlet zone, Mr. Colozza responded yes the hamlet of Bacon Hill, he then asked if it has already been installed, Mr. Sayward said yes, it is behind the shrubs and he had called to inquire about it before he ordered it. Mr. Boyce asked how far from the road was the fence, Mr. Sayward stated at one end it is 18' from the white line and the other end is 20' behind existing shrubs. Mr. Boyce asked if this requires a variance will it have to go to County Planning, the Clerk responded yes, he then asked if SEQRA, State Environmental Quality Review Form was required, it was determined SEQRA was not required.

Mr. Boyce made a motion to accept the application as an application for an area variance,
Mr. Bemis 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce explained the process to Mr. Sayward, the application will be sent to Saratoga County Planning for review and a public hearing will be scheduled for October. Mr. Sayward asked what the difference was between an interpretation and an area variance. Mr. Boyce explained the process for a variance, county planning review, notification to anyone with 500' of the property for the public hearing and publication in two newspapers for the public hearing. Mr. Sayward asked if the county was ok with it did that mean this board would be ok or if not is this board obligated to deny, Mr. Boyce responded no, if the county has a problem with it this board could still approve by a super majority vote.

Mr. Bemis asked how many complaints have been received regarding this fence, Mr. Colozza stated he has received 2, Mr. Sayward stated he has spoke with the neighbors and personally he has received none, he then

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added he knew of one of the complaints and that was because they were denied the same and he asked what the 2nd complaint was, Mr. Colozza responded visibility. Mr. Sayward then stated he just wanted it for the safety of his family and he feels strongly it doesn't block any view; he will do all in his power to protect his family and doesn't want anyone harmed.

Mr. Boyce thanked Mr. Sayward and asked Mr. Colozza if he could ask Doug Ward, Town Counsel if this should be an interpretation and if there is a difference to please call him. Mr. Colozza agreed and stated he would be with Mr. Ward the next day for a meeting.

Mr. Boyce asked if there were any other business for this Board, none was noted.

Mr. Boyce made a motion to adjourn the monthly meeting at 7:32 PM
Ms. Gates 2nd the motion,
All in attendance unanimously agreed.

ACTION

Application for area variance, to be sent to Saratoga County Planning and Public Hearing scheduled for October 7, 2016

FUTURE MEETINGS

Public Hearing followed by regular monthly meeting October 5, 2016 7:00 PM

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk