

**TOWN OF NORTHAMPTON
ZONING BOARD OF APPEALS
May 22, 2013**

The Town of Northampton Zoning Board of Appeals held their regular meeting Wednesday, May 22, 2013. The meeting was called to order by Chair Skotarczak at 7:02 p.m. in the Municipal Building, 412 South Main St., Northville, NY.

PRESENT: Chair Amanda Skotarczak
Members: Thomas Corrigan, Heidi Darling and Jeff Daum
Absent: Bruce Backer

ALSO PRESENT: Matthew Ginter, Code Enforcer
William Fenwick

RECORDING SECRETARY: Elaine Mihalik, Town Clerk

Discussion on February 27, 2013 Zoning Board of Appeals minutes.
Deputy Chair Skotarczak explained that the board will discuss the February 27, 2013 meeting minutes. Mr. Santucci came before the Zoning Board of Appeals for a Use permit and the Zoning Board did not formally act on a motion for that particular case. We are going to discuss tonight on how to proceed with this request.

Member Daum: My answer would be that we send a letter stating that we actually had no input to the application so we had to deny the request. So that Mr. Santucci is aware that his request was denied.

Deputy Chair Corrigan: Actually, I believe we have to approve or deny a request within 60 days of opening a Public Hearing.

Member Darling: Are we past the 60 days?

Deputy Chair Corrigan: This was at the February 2013 meeting. I think that we need to look at this a little closer.

Member Darling: He had applied for a Home Occupation but we never formally denied the Use Variance, which isn't allowed in that area. It is almost 90 days now because we haven't had a meeting.

Matthew Ginter: Mr. Santucci understood the Home Occupation. If was granted the Use Variance he would have had more of a store over there. Now, he is held to the Home Occupation guidelines. Therefore, we needed to deny that use.

Deputy Chair Skotarczak: He could sell incidentals.

Matthew Ginter: Exactly, you didn't a Walmart to come in over there. The Use Variance needs to be denied.

Deputy Chair Skotarczak read the Zoning Law process.

Member Daum: We told Mr. Santucci that his application for a Use Variance wasn't necessary.

Matthew Ginter: Mr. Santucci wanted a "Use Variance" so that he could sell more items than what the Home Occupation is limited to. Now he is denied that and he is held to the Home Occupation.

Deputy Chair Corrigan: I wouldn't say he was denied it. He wasn't granted it. In the February 2013 minutes Chair Skotarczak stated that "Mr. Santucci you will have to fill out a new permit with the Code Enforcer". Mr. Santucci: "We've already paid for this permit. Do we have to pay for another?" Matthew Ginter: "I don't have a problem with it." Then the Chair closed the meeting. According to this, it is up to the owner to fill out a new permit.

Chair Skotarczak will contact and consult Attorney Radner.

MINUTES: Deputy Chair Corrigan motioned to approve the February 27, 2013 meeting minutes as presented by the Town Clerk/Secretary, seconded by Member Darling, and passed by, 4-Ayes: Skotarczak, Corrigan, Thompson, and Darling 0-Nays

Chair Skotarczak **opened the Public hearing at 7:10 for Case #2013-03:**

TAKE NOTICE that the Town of Northampton Zoning Board of Appeals will hold a Public Hearing, Wednesday, May 22, 2013 at 7:00 PM in the Town Hall, 412 South Main Street, Northville, on the following: Provisions of the Town of Northampton Zoning Ordinance appealed, Schedule B-MDR Zone-side yard Setback 15'.. PROPOSED: Carport APPLICANT: William Fenwick, 118 Osborne Rd., Northville, New York 12134. Parcel #31.4-7-11 located at 118 Osborne Road, in the Town of Northampton, Fulton County, NY. All interested people will be heard for or against the above variance application, which is available for review at the Town Clerk's Office, 412 South Main St., Northville, NY (518) 863-4040 ext 22. Amanda Skotarczak, Chair Zoning Board of Appeals.

Communications received:

- A survey for Case #2013-03 William Fenwick
- Letter of reason for proposed carport from William Fenwick dated 5/20/2013

William Fenwick: My wife and I have been living here in Northville for 20 years. We have been going to NC for the winter, where we have relatives and friends. Last year we're weren't able to do that because of medical reasons and we are in our 70's. We need to do something because I don't want to push my wife in a wheelchair in the snow again. We would like to be able to come out of our sliding glass door in the back of the house where I can have a better path way to make it easier. I thought I could have a carport but my property is too narrow. I would like to have a 12'x 20' carport to have shelter from the elements for myself and my wife. My wife has to have a wheelchair because of her health.

Chair Skotarczak: You stated that you come out of the back of the camp and you have a deck there? Is that how you get your wife around?

William Fenwick: Yes, that's correct.

Chair Skotarczak: There is no door on the side of the house where you would like the carport placed?

William Fenwick: No, there is no door there.

Chair Skotarczak: You would still have to go on the deck and you would still have to go through the snow to get into the house from the carport.

William Fenwick: That can easily be cleared. There is no shelter for myself or my wife to get into or out of the car. We do need some sort of shelter from the elements.

Chair Skotarczak: How much use do you get out of your deck?

William Fenwick: Quiet a bit in the summer time.

Member Darling: What if you took down the deck and put the carport where the door is?

William Fenwick: I can't get a car around to the back of the house. My septic is on that side of the house. That might be so much money that I would not be able to afford to move the septic system.

Member Darling: No, we didn't realize the septic system was there.

Chair Skotarczak: You mentioned about possibly putting a door on the side of the house.

William Fenwick: That is a possibility that I might look into.

There was discussion on possibly putting in a ramp and the elevation change.

Deputy Chair Corrigan: You should the carport aligning with the porch. I think it is going to be very difficult to do a roof line that would look normal. I think you need to move the carport a little to rear. You show a shed type roof. If you build it with a shed roof you will be above the porch roof at the front. Can you move the carport to the rear or will the cellar stairs access be in the way?

William Fenwick: The cellar stairs would be in the way.

Deputy Chair Corrigan: You have a front porch that is maybe 10' deep. If you put a shed roof up against the end wall of the porch, it's going to be higher than the porch roof.

William Fenwick: I did have two builders come over and look at it. They both said it was doable without any problem. They would do either do board and batten or shingles like the house is.

Deputy Chair Corrigan: You would probably need a hip roof on that to help it look normal but you can do it anyway you wish. I want to confirm that the drawing in the area in the back where the shed is.

William Fenwick: I'm a little bit in disagreement with the surveyor. That original survey was done when Mark DeMeo bought the golf course from Dick Osborne. Mr. DeMeo came to me and stated that that shed was a little on my land. I explained to him I thought it was on my land frankly. It's been there for more than 25 years. He then said "Don't worry about it".

When Dick Osborne took the golf course back I talked with him right away. Dick said that, as far as he's concerned he didn't have any problem with that. If I need to get a big truck back there I need to get my neighbors permission or find another way to do it.

Deputy Chair Corrigan: Do we have any input from Mrs. Tetreault?

William Fenwick: They came up for the weekend. I did mention to them that I was planning on putting up a carport and they didn't say anything one way or the other. The Maizner's told me they received a letter on my proposal and that they had no problem with me building a carport. I spoke with Dick Osborne who stated he received a letter and he had no problem.

Deputy Chair Corrigan: So, you don't own the area of land on the golf course.

William Fenwick: I wanted too but the Planning Board wouldn't let me buy it. They stated it was an impossible situation if they approved it. It wouldn't conform to the plan because that's a golf course and it would always have to be a golf course. As long as I've owned my land, I have been maintaining that property where the shed is. Discussion ensued on the side yard measurements and also on the reasoning of the golf course remaining a golf course.

Chair Skotarczak: When we hear people that they need 14' instead of 15' we are very accommodating in cases like this and similar cases. Where it's 15' and now we are looking at 3'. Even if the neighbors are okay with it, in some we have to draw the line. I'm not saying that I am not in favor of it but I think that we as a board really need to consider this.

Deputy Chair Corrigan: Absolutely and I think it goes beyond that. If we have to issue a variance for front yard setbacks also because this extension to this building doesn't comply with the front yard setback. There is a requirement for a front yard set back. The house doesn't have to comply with the current regulation but an addition does. It is 20' or the average of all front yard setbacks within 200'.

William Fenwick: The house is more than 20'.

Deputy Chair Corrigan: But the neighbor on the right sets way back in and he is within the 200'.

Member Darling: It might be a couple feet difference but not very much. There used to be a house that was outback which was right next to the golf course but the neighbors took that down and that it is gone now.

Deputy Chair Corrigan: The other aspect of this is requirements of 34' between the left and the right setback. They have to total 34'.

Member Darling: Between the two sides of the house?

Deputy Chair Corrigan: Exactly. If you had 15' on one side you need to have 19' on the other side.

Member Darling: I didn't know that.

Matthew Ginter: That's if you don't want to get a variance.

Member Darling: What's the option?

Deputy Chair Corrigan: You can grant him a variance but understand that the variance is going to be from both aspects of this. Both the 15' on either side and also from the 34' total.

Member Darling: Do we need to measure from the front of the camp to the road?

Deputy Chair Corrigan: No. Mr. Ginter was asked if he had any problem with that.

Response: No.

Deputy Chair Corrigan: Somebody needs to talk with the Town Board on straightening out that aspect of the Law on the 200'. We need to think about that a little further. I believe that the original Consultant should be involved. If the board wants to grant the variance it has to be from the one side and the total. Once we grant the side lot we have no control over the use. You can't put conditions under "use". I think use variance allows you to put conditions on and a special permit use allows you to put conditions on but not on a side lot variance.

William Fenwick: I consider myself to be within the park and there are tons of people there. The park lots are notoriously small and the houses are notoriously that close together. I would hope that would be something to be considered. Then I wouldn't be out of step with what you wouldn't have to walk very far to see at all, not only in the park but in a lot of other places.

Member Darling: We're worried about down the road somebody closing it in and it being a part of the camp.

Deputy Chair Corrigan: Are we really worried, no?

Chair Skotarczak closed the Public hearing at 7:40 p.m. for Case #2013-03.

Discussion on the Motion: It was suggested to Mr. Fenwick to have the contractor give him a little sketch of what that roof would look like with a hip on the front corner.

MOTION: Deputy Chair Corrigan motioned approving the variance to go to within 3' of the side lot, on the South side of the building on William Fenwick's property for a carport, parcel #31.4-7-11 located 118 Osborne Road, in the Town of Northampton, Fulton County, NY, seconded by Member Daum, and passed by,

4-Ayes: Skotarczak, Corrigan, Darling, and Daum 0- Nays

The next Zoning Board of Appeals meeting will be held Wednesday, June 26, 2013 at 7 p.m. to discuss the Santucci Case.

Having no further business come before the board, a motion to **adjourn** the meeting at 7:45 p.m., was made by Member Darling, seconded by Member Daum, and passed by,

4-Ayes: Skotarczak, Corrigan, Darling, and Daum 0- Nays

Respectfully submitted,

Elaine Mihalik
Secretary/Town Clerk