

**TOWN OF NORTHAMPTON
ZONING BOARD OF APPEALS
March 26, 2014**

The Town of Northampton Zoning Board of Appeals held their regular scheduled meeting and Public Hearing on Wednesday, March 26, 2014. The meeting was called to order by Member Darling at 6:59 p.m. in the Municipal Building, 412 South Main St., Northville, NY as well as 2841 S. Calle Flamenco, Green Valley, AZ. The locations were connected online via Tele Conferencing. Member Darling led the Salute to the flag.

PRESENT: Members: Heidi Darling, Jeff Daum, Heather Simpson and Alternate Patrick Donovan
Thomas Corrigan via Tele Conference from 2841 S. Calle Flamenco, Green Valley, AZ
Absent: Bruce Backer

ALSO PRESENT: Matthew Ginter, Code Enforcement Officer
John and Betsy Murray, Dennis and Cheryl Conway, Richard (Chris) Schmidt,
Robert and Bryn Brown and Chris Garber
Supervisor Groff entered 7:40 p.m.

RECORDING SECRETARY: Elaine Mihalik, Town Clerk

Member Darling: We have to appoint an Acting Chair for tonight's meeting because our Chair is no longer a member on the Town of Northampton Zoning Board of Appeals.

MOTION: Member Daum motioned to appoint Heidi Darling as Acting Chairperson for tonight's meeting, seconded by Deputy Chair Corrigan,
Adopted by 5-Ayes: Darling, Corrigan, Daum, Simpson and Donovan 0-Nays

Acting Chair Darling has asked Alternate Patrick Donovan to sit as Member on the Zoning Board of Appeals for this meeting in the absence of Member Bruce Backer for the purpose of this meeting Alternate Patrick Donovan to be acknowledged as Member.

MINUTES: Member Daum motioned to approve the October 23, 2013 meeting minutes as presented by the Town Clerk/Secretary, seconded by Deputy Chair Corrigan, and passed by,
5-Ayes: Darling, Corrigan, Daum, Simpson and Donovan 0-Nays

COMMUNICATIONS:

- Town of Northampton March 11, 2014 minutes
- Literature from the January 29, 2014 Saratoga County Planning and Zoning Conference
- Res. 2002-29 Local Law 2 of 2002

APPEAL #Z01-14

Acting Chair Darling opened the Public Hearing at 7 p.m. and read the duly posted

LEGAL NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town of Northampton Zoning Board of Appeals has scheduled a Public Hearing for Wednesday, March 26, 2014 at 7 PM in the Town Hall, 412 S. Main St., Northville, NY as well as 2841 S. Calle Flamenco, Green Valley, AZ. The locations

will be connected online via Tele Conferencing. The public has the right to attend the meeting at any of the locations on the following: APPEAL #Z01-14 Provisions to the Town of Northampton Zoning Law: Article IV, C, 4 (a) Number of dwellings on a lot.

PROPOSED: Replacing existing camp with modular home

APPLICANT: Dennis Conway, 287 Jefferson St., Saratoga Springs, NY 12866

Parcel #32.18-3-7.2 at 230 NW SD Pinewood Ave. 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

Elaine Mihalik

Town of Northampton ZBA Secretary

03/13/2014

Communications re: Appeal #Z01-14

~APA letter dated 1/21/2014 - Jurisdictional Determination

DISCUSSION:

Dennis Conway: I have provided a letter explaining that my wife and family on what we would like to do.

On our lot we have two dwellings and one of the dwellings is somewhat in disrepair.

We would also like to replace it for a few reasons.

1. The physical nature of the structure of it;

2. Health concerns. Our son has chronic asthma. We have a niece that is disabled and she is unable to go there because there is no facility that can handle a wheel chair.

With the unit that is a little bit bigger we are going to make it handicap accessible. I have had two knee replacements and several operations.

I am planning on spending a lot of time up here. Hopefully we can replace it and we will be able to provide upgraded access for myself and family members.

The new dwelling would be 26'x36'. On the plot plan the surveyor has put an overlay of the building over the current foot print. I also have an add on with the possibility of putting a deck on the front.

Acting Chair Darling: You are calling the front toward the water?

Dennis Conway: Correct

Deputy Chair Corrigan: Clarify what the requested variance is for. It is to replace a pre-existing non-conforming legal use building with a newer building. The problem with this from our Zoning prospective is once you take that building down you cannot put up another building there because you would then be non-conforming. As I understand it, if you were to leave some portion of that building and build around it. You would be able to do so without having to request this variance. However, that is not what you wanted. Do you understand what I am saying?

Dennis Conway: Yes.

Deputy Chair Corrigan: It can cost you a lot of time and money. You can end up where you want to end up without getting the variance but I think the common sense approach and we do try to do that here. Is to think about granting this variance, to take down the sub-standard structure and put in one that more adequately suits the needs of you and your family.

Acting Chair Darling:

Area Variance: We need to go through that it with it will not create an undesirable change because it will be within the character of the neighborhood; it is not a substantial area variance; the proposed variance it will not adverse effect or impact on the physical or environmental conditions in the neighborhood or district because I measured and they are all pretty much the same apart; and it was not self-created because you bought it in this condition and the properties were already existing.

Letters were received by residents of the area saying they had no opposition to this project.

Acting Chair Darling closed the Public Hearing at 7:08 p.m. for Dennis Conway - Appeal #Z01-14.

MOTION on APPEAL #Z01-14

Deputy Chair Corrigan motioned to grant a variance that allows Mr. Dennis Conway
Dennis Conway, 287 Jefferson St., Saratoga Springs, NY 12866

Parcel #32.18-3-7.2 at 230 NW SD Pinewood Ave. in the Town of Northampton, Fulton County, NY to remove the existing building requested and replace it with the new 26' x 36' building. The new building will have to meet any and all current standards for a new building, seconded by Member Daum and

Adopted by 5-Ayes: Darling, Corrigan, Daum, Simpson and Donovan 0-Nays

APPEAL#Z02-14

Acting Chair Darling opened the Public Hearing at 7:09 p.m. and read the duly posted
LEGAL NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town of Northampton Zoning Board of Appeals has scheduled a Public Hearing for Wednesday, March 26, 2014 at 7 PM in the Town Hall, 412 S. Main St., Northville, NY as well as 2841 S. Calle Flamenco, Green Valley, AZ. The locations will be connected online via Tele Conferencing. The public has the right to attend the meeting at any of the locations on the following: APPEAL#Z02-14

Provisions to the Town of Northampton Zoning Law: Schedule B, MDR Zone. Front yard setback of 20' or average.

PROPOSED: Addition

APPLICANT: Robert C. Brown, 141 Houseman Pt., Mayfield, NY 12117

Parcel #46.9-1-10.1 at 141 Houseman Pt. 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

Elaine Mihalik

Town of Northampton ZBA Secretary

03/13/2014

Communications re: Appeal #02-14

~HRBRRD dated 2/21/2014

~APA dated 2/24/2014 Jurisdictional Determination

~ Letter dated 3/11/2014 from Patricia A. Palmateer

DISCUSSION:

Robert Brown: We are trying to put an addition on to our house. The house is 544' square feet. There is a porch on the front of the house that adds approximately 120 to 150 square feet to it. It is seasonal and there is no insulation. What we explored was paralleling the house which would then entail a roof that covers most of the section that are two units that are mated together. The load on that roof, according to builder, would be pushing on the original structure in a manner that is probably not wise. We would have to dig up our septic and relocate it. I'm sorry but the septic is not on the diagram.

Acting Chair Darling: Is the septic on the driveway side or the opposite side?

Robert Brown: The opposite side. It comes off behind the bilko door on the opposite side of the driveway.

Acting Chair Darling: Is it more than halfway back from the camp?

Robert Brown: Yes

Bryn Brown: it begins about one third behind the camp and continues to the back of the property.

Robert Brown: It probably also borders the south of the property.

Acting Chair Darling: It goes to the property line closest to McMartin?

Robert Brown: That's correct, yes. So, that leaves the front of the building essentially it is also the best place to put it aesthetically to put the addition.

Deputy Chair Corrigan: What would be the problem with going out vertically?

Robert Brown: We were told that the structure of the house was never intended to be used in that manner. We would essentially have to open all the exterior walls and in addition to that, we don't know if the footings go below the frost line. The house does shift a lot during the winter, the doors stop opening and closing, that sort of thing.

Deputy Chair Corrigan: How wide is the building?

Robert Brown: Currently 16 feet.

Deputy Chair Corrigan: How would you do an addition on that towards the east, in terms of connecting it? You can't connect a new stable condition, a sound condition to a camp that goes up and down?

Robert Brown: Agreed sir, I don't have the exact answers to that. We would be putting in a full basement on the new portion of the house and essentially the two would be connected aesthetically but not structurally.

Bryn Brown: What the builders are talking about doing is creating a full basement foundation that leaves earth abutting the current structure. So that the foundation walls don't come all the way over to the current structure and the floor joist span that distance.

Some space is then left in the construction so that there can be movement with the old structure without damaging the new structure. The goal is to eventually replace the current structure with also new construction. We just can't afford to do it all at the same time.

Deputy Chair Corrigan: I don't think that you can do that. That's a question for the Building Inspector or an Engineer. But, I don't think that the State Standards allow that.

Bryn Brown: Do you know where the violation is?

Matthew Ginter: Foundations have to be alike. Ideally you would have a structure that frost would not allow it to move. I would encourage that when we're in that phase. I have not heard of not accepting something on the old foundation with something that is designed to be even around. I would like rather see that it wouldn't move too. Anything that is attached has to be like foundation, so that either they both move together or neither one of them move. They need to be like.

That it something that we can discuss with the builder, we may have to put piers in that would be something that we would go over with the Building Permit phase with the builder. We can think about what the builder is proposing.

Robert Brown: Have you had any feed-back from the neighbors?

Patrick Donovan: Yes, I received a call from Bruce DeGeyter and he would be the last lot on the lane he would be the one who would be driving past the house. Some of these owners are out of state this time of year and we haven't spoken to them. We have spoken to the Tirpak's and Ivar Anderson. Patricia Palmateer didn't have a problem with this addition.

Area Variance:

a-Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

Response: That is not affected.

b- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

c- Whether the requested area variance is substantial;

Response: You are already into the setback. If the area variance is granted you would be only 2 feet off the road.

Discussion:

Robert Brown: we would be tearing off the front porch

Acting Chair Darling: you show on your paperwork that the addition includes where the porch is and you are coming out 13.8 feet on one side and 14.2 feet on the other side.

Matthew Ginter: They want to come out 6.8 feet I believe.

Acting Chair Darling: Off the current porch.

Bryn Brown: Yes, which it will have us somewhere around 6-7 feet off the line.

Acting Chair Darling: The setbacks for that area are 20 feet or the average of the camps around it. Correct?

Matthew Ginter: Yes, 20 feet or the average within 200 feet.

Acting Chair Darling: Do you have any averages from camps that are within 200 feet?

Robert Brown: We don't.

Bryn Brown: We are not sure where the other property lines are because it is a dirt lane. There are quite a few that are within 6 feet of the lane and some that are within less than that.

Acting Chair Darling: Do you understand that emergency equipment can't get down there? I had to back out all the way.

Robert Brown: Several of use concur that there is one tree that needs to be removed because it is keeping from making the corner because you can't get back in there with anything bigger than a pickup truck.

Deputy Chair Corrigan: Your current setback from the front of your property is 13.8 feet at the shortest distance?

Robert Brown: That is correct.

Deputy Chair Corrigan: You are looking to go to 7 foot setback?

Robert Brown: Approximately.

Deputy Chair Corrigan: The addition that you are planning to build is going to be wider than the existing camp?

Robert Brown: That's correct.

Deputy Chair Corrigan: North to South. I have mixed feelings. It's pretty cramped down in there. You are going to have to deal with this foundation issue and that is probably going to mean putting front piers under that existing camp.

Robert Brown: Yes sir, I understand what you are saying. I have thought of one other thing as far as the piers go. I think you can get pilings with a metal screw that they screw down into the ground. I'm not sure if that would work as far as like foundations or if we would have to do that under the new foundation also.

Deputy Chair Corrigan: I don't have a strong feeling. He's looking at leaving 7 foot at the front.

Acting Chair Darling: That would be a substantial variance.

Member Daum: There are other houses with less than 8 feet. When I went down there, it seemed that there were other houses that were even closer. I don't see where it would be a problem. It would blend in with what is already there. Even with the addition.

Deputy Chair Corrigan: There are that many houses that are that close to the lane?

Member Daum: Yes there are.

d- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Response: No.

e- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Of course it is self-created.

Acting Chair Darling closed the Public Hearing at 7::22 p.m. for Robert Brown - Appeal #Z02-14

MOTION on APPEAL #02-14

Deputy Chair Corrigan motioned to grant an area variance that would allow the applicant Robert C. Brown, 141 Houseman Pt., Mayfield, NY 12117

Parcel #46.9-1-10.1 at 141 Houseman Pt. in the Town of Northampton, Fulton County, NY to construct his addition within 7 feet on the lakeside or the easterly property line, seconded by Member Daum and

Adopted by 5-Ayes: Darling, Corrigan, Daum, Simpson and Donovan 0-Nays

APPEAL #Z03-14

Acting Chair Darling opened the Public Hearing at 7:24 p.m. and read the duly posted

LEGAL NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town of Northampton Zoning Board of Appeals has scheduled a Public Hearing for Wednesday, March 26, 2014 at 7 PM in the Town Hall, 412 S. Main St., Northville, NY as well as 2841 S. Calle Flamenco, Green Valley, AZ. The locations will be connected online via Tele Conferencing. The public has the right to attend the meeting at any of the locations on the following:

APPEAL #Z03-14

Provisions to the Town of Northampton Zoning Law: Article IV, C, (2) and (3).

PROPOSED: 12' x 24' Storage Shed

APPLICANT: Christopher Garber, 24 Dyke Road, Latham, NY 12110

Parcel #32.13-4-3 at 126 Roosevelt Terrace in the Town of Northampton, Fulton County, NY

All interested people will be heard for or against the above area variance application, which is available for review at the Town Clerk's office, 412 South Main St., Northville, NY.

(518)-863-4040 ext 22

Elaine Mihalik

Town of Northampton ZBA Secretary

03/13/2014

Christopher Garber: I'm looking at putting a storage shed up but because of where the house is right now, the one side is on the water and looking at the other houses in the area they have sheds in front of their houses along the side.

Communications re: Appeal #Z03-14

~HRBRRD dated 2/21/2014

~Skip Taylor e-mail

DISCUSSION:

Christopher Garber: I have an e-mail from my neighbors Ron Pintuff and the Bruno's who have given their approval. I can provide a copy if the Board chooses.

Clerk/Secretary Elaine Mihalik: I would like a copy of them for the record.

Christopher Garber: From a location perspective, if you look on the survey where Ron Pintuff's is, it's a 5' setback from the property line.

Acting Chair Darling: You said it would be setback 10' back.

Matthew Ginter: Unless you want to approve it smaller.

Deputy Chair Corrigan: Do you know the distance between the property line and Mr. Pintuff's garage?

Christopher Garber: It's right on the property line.

Deputy Chair Corrigan: According to the survey map it's in a little.

Acting Chair Darling: The fence is on the property line but the garage is in a little.

Deputy Chair Corrigan: If I'm looking at the survey right it looks like there 3' in back of the garage that he owns.

Christopher Garber: There is some space there but we are going to go in 5 feet in or 10 feet into our property obviously.

Acting Chair Darling: In staying with the character of the neighborhood do you think that they should stay within the same distance, so that they all look alike?

Deputy Chair Corrigan: I would let Mr. Garber start the building 3 feet in from the line. That would leave basically 6 feet between the garages. 6 feet would keep someone from parking a junk car there.

Acting Chair Darling: Where is the snow going to go from off the roof so it does dump on the fence? I'm thinking you would have to keep it 3 feet from the fence so that the snow would not knock it down. Correct?

Area Variance:

a- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

Response: No

b- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

Response: No

c- Whether the requested area variance is substantial;

Response: No

d- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Response: No

e- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Response: No

Deputy Chair Corrigan: If Mr. Garber stays out toward Roosevelt Drive the way Pintuff's garage is, even if his roof does shed snow. It won't knock the fence over because it's the same or less depth. To allow Mr. Garber build his shed/garage at a distance off of his property line that equals the distance of the property line as Mr. Pintuff's garage. I think that would create some uniformity there.

Member Daum: I think it would blend in.

Acting Chair Darling closed the Public Hearing at 7:32 p.m. for Christopher Garber - Appeal #Z03-14.

MOTION on APPEAL #Z03-14: Member Simpson motioned to grant a variance that would allow Christopher Garber, 24 Dyke Road, Latham, NY 12110 on

Parcel #32.13-4-3 at 126 Roosevelt Terrace in the Town of Northampton, Fulton County, NY the construction of a detached building that is located in a distance from the south property line that is equal to the distance between the south property line and the southerly owners existing garage. The accessory build shall also be located from the westerly property line as southerly property owners existing garage, seconded by Acting Member Donovan and

Adopted by 5-Ayes: Darling, Corrigan, Daum, Simpson and Donovan 0-Nays

APPEAL #Z04-14

Acting Chair Darling opened the Public Hearing at 7:34 p.m. and read the duly posted

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APPEAL #Z04-14

Provisions to the Town of Northampton Zoning Law: Article IV, C, (2)

PROPOSED: 30' x 26' Two Car Garage and Breezeway

APPLICANT: Richard and Susan L. Schmidt, 114 Lincoln Avenue, Northville, NY

Parcel #32.3-1-15 at 141 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

Elaine Mihalik

Town of Northampton ZBA Secretary

03/13/2014

Communications re: Appeal #Z04-14

~Letter dated 3/18/2014 from Richard Osborne

~e-mail dated 3/22/2014 Nancy and Moe Rad

~e-mail dated 3/23/2014 Veracelle and Chris Hansen

~e-mail dated 3/25/2014 Nancy & John Murphy and Eugene & Claire Preston

~ Letter from John Ferguson

DISCUSSION:

Richard Schmidt: In August we bought a home on Osborne Road we currently have a permit in place for a full renovation. Part of that renovation we would like to add a two car garage to the roadside of the home and based on the shape of the house we have to have a Breezeway to the house in the shape of a "V". Understanding that there would also be a need for a variance for the garage and we are here to talk about this. I have color copies of pictures to distribute to the board.

I would like to submit the neighboring properties and their setbacks. The distances of the garages they have from the road.

It is in agreement that our proposal is the best alternative for us.

You also have a picture of the existing home as we had bought it and the architectural renderings of what we have already been approved to do with the home and in addition to that what it would look like with a 2 car garage. The garage dimensions are 30' x 26'.

As far as aesthetic, we would like to mirror image it like the new front of the home. In our packet you will see that both of our neighbors (Rad and Preston homes) have garages to the front. Being a waterfront home obviously we do not want to go behind the house with anything. We've already removed the shed that was back there and it helped the neighbors view. We also removed boat storage and shed that was in the front yard.

Deputy Chair Corrigan: What is the Zoning section that we need a variance for?

Acting Chair Darling: Provisions to the Town of Northampton Zoning Law: Article IV, C, (2). I road down that street and every house that has a garage on that road is on the roadside. With that being said, two years ago when we revised the Zoning "Lakefront Residential" the front yard was considered the lakeside and now it is reversed. Now we have to take that into consideration.

Deputy Chair Corrigan: Is this garage a detached garage?

Richard Schmidt: No, it's a detached garage with a breezeway to the house.

Deputy Chair Corrigan: Then that isn't a detached or accessory structure.

Acting Chair Darling: Mr. Ginter we need an interpretation.

Matthew Ginter: I'm going with it being an accessory structure.

Deputy Chair Corrigan: So there is no interpretation.

Area Variance:

a- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

Response: It's not an undesirable change because every house that has a garage is on that side of their house.

b- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

Response: No.

c- Whether the requested area variance is substantial;

Response: No.

d- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

Response: No.

e- Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Response: No.

Acting Chair Darling closed the Public Hearing at 7:42 p.m. for Richard and Susan L. Schmidt - Appeal #Z04-14.

MOTION on Appeal #Z04-14: Deputy Chair Corrigan motioned to grant the variance to Richard and Susan L. Schmidt, 114 Lincoln Avenue, Northville, NY on Parcel #32.3-1-15 at 141 Osborne Road in the Town of Northampton, Fulton County, NY for a 30' x 26' Two Car Garage and Breezeway as shown in the plans, seconded by Member Simpson and

Adopted by 5-Ayes: Darling, Corrigan, Daum, Simpson and Donovan 0-Nays

NEW BUSINESS:

We need to discuss

1. Lakeside houses
2. Give a description of accessory structure if attached and then give a description of what attached would be. If attached the accessory becomes a part of the primary.
3. The difference between Front yard and back yard definition
4. Parking cars

Matthew Ginter: I think that when you come back the Board is going to take a couple of people from Planning, Zoning, possibly myself the CEO' maybe Scott Henze from the Planning Department and maybe John Ferguson. We will sit down and come up with possibly all of the revisions. It goes to the Town Board, to Public Hearings and then make the changes.

We need to talk with Consultant Monica or have someone to help implement it. Would Monica work with us and would she bill us?

The next scheduled Zoning Board of Appeals meeting will be held Wednesday, April 23, 2014 at 7 p.m.

Having no further business come before the board, a motion to **adjourn** the meeting at 7:49 p.m., was made by Member Simpson, seconded by Member Daum and passed by,
5-Ayes: Darling, Corrigan, Daum, Simpson, and Donovan 0- Nays

Respectfully submitted,

Elaine Mihalik
ZBA Secretary/Town Clerk