

**TOWN OF NORTHAMPTON  
ZONING BOARD OF APPEALS  
April 23, 2014**

The Town of Northampton Zoning Board of Appeals held their regular scheduled meeting on Wednesday, April 23, 2014. The meeting was called to order by Member Darling at 6:57 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 Bruce Backer  
Thomas Corrigan via Tele Conference from 2841 S. Calle Flamenco, Green Valley, AZ  
Absent: Alternate Patrick Donovan

**Town department representative in attendance was:**  
Matthew Ginter, Code Enforcement Officer

**RECORDING SECRETARY:** Elaine Mihalik, Town Clerk

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

**MINUTES:** Member Daum motioned to approve the March 26, 2014 meeting minutes with correction on page 1, "Matthew Ginter, Code Enforcer" to read **Enforcement Officer**" and Correction on page 5, last paragraph "Matthew Ginter: Yes, 20 feet or the average ~~or~~ within 200 feet, seconded by Deputy Chair Corrigan, and  
Adopted by 4-Ayes: Darling, Corrigan, Daum, and Simpson      0-Nays  
Abstained: Member Backer-He was not present at this meeting.

**APPEAL #Z05-14**

Acting Chair Darling read the Town of Northampton Application to the Zoning Board of Appeals #05-14 submitted by Code Enforcement Officer, Matthew Ginter.  
Provision of the Zoning Ordinance Appealed: Article XVI Definitions "Lot Width"  
Describe desired variance; Interpretation of lot width.

**DISCUSSION:**

Matthew Ginter: One of my jobs is to interpret Town of Northampton Zoning and Sub-division Law, from sub-divisions, variances or whatever is in the Law. So, that the applicant is following the rules. If I feel that the applicant isn't following the rules in this Law they would then go before the Zoning Board of Appeal or if something doesn't meet the Sub-division standards of the Law. I would reject it and I would give it back to the applicant and inform them that it doesn't meet the dimensional standards of the Town of Northampton Zoning and Sub-division Law.

Commonly I am asked the same questions from Land Surveyors or Engineers designing a Sub-division. What is the minimum acreage per lot? What is the minimum lake frontage? What is the minimum road frontage?

Acting Chair Darling: Isn't that all in Schedule B?

Matthew Ginter: It is in Schedule B more or less. People who do not know our Law in any Town those are the questions we will get for sub-divisions. They need to know how to figure out the density of acres, which is done per principle building. What is the smallest lot that I can make? What are the dimensional standards? How can I create the lot to meet the standards of the law?

Some of this is very simple and it is right there, what the setbacks are; the setback restrictions; the minimum distance on the lake side of the lot. The land surveyors put a lot of time and effort into the plans and they don't want to have to redo anything. They would just as soon know everything up front. They want what is standard.

The one standard that is a gray area I ask for your (ZBA) interpretation.

I have an interpretation that I have been using and that is the road frontage. When you look at our schedule there is nothing there that says "road frontage". However, the definition of Lot Width "The distance between side lot lines measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district." I interpret that from the distance from the road and if there is a structure. The entire front yard specified in the district. The front yard, meaning the distance from the dwelling to the road.

Member Backer: The beginning of the yard or the middle of the road?

Acting Chair Darling: The front yard is the side toward the road now under our current Zoning Law.

Matthew Ginter: The front yard is the distance between the Highway right-of-way. If the lot is a vacant lot which some of these lots are for Example: If the owner is dividing it for a subdivision and there are no buildings on it. Say its 1000 feet deep, the owner could put the building down by the water or out by the road, as long as they meet the minimum setback of 20' because there is no average of 200 feet. There is nobody around. So, the potential exists for the front yard to be 900+ feet deep or 20 feet deep.

So, if somebody were to propose a narrow lot that didn't meet the minimum lot width from the road to a structure. Sometimes you have an owner who does have a home on a lot and they want to give their child a portion of the lot.

I want to make sure that I'm interpreting it correctly because "Road Frontage" is not in the Town of Northampton Zoning and Sub-division Law.

Deputy Corrigan: We are talking about Lot Width. As I read this, the lot width has to be measured. What does the front yard specify in the district?

Member Daum: There isn't any if there is no building.

Acting Chair Darling: It's the setback to the road to the building.

Deputy Chair Corrigan: Correct. Even though there is no building there, there is still a front yard setback.

Acting Chair Darling: Correct. If you wanted to build a building you would be required to meet the required setback.

Deputy Chair Corrigan: You would have to set your building 20' or more and that would be your setback.

Acting Chair Darling read the different districts and their setback requirements.

Deputy Chair Corrigan: The question is. Should that apply to the minimum lot width at the road?

Acting Chair Darling: Yes, because if it is measured from the back to the front at a right angle.

Deputy Chair Corrigan: That has to be from the front to the rear point.

Acting Chair Darling: If it's measured from the front to the back at a right angle, doesn't it have to be the same all the way, mathematically?

Deputy Chair Corrigan: No, if the side lots are not parallel but they go back at an angle.

Acting Chair Darling: These are two lots that were subdivided so they better be parallel.

Deputy Chair Corrigan: No, not necessarily because you are saying that the right measurement between the front and rear lot lines.

Matthew Ginter: The only thing I would disagree on is putting the word "setback" on there. Mr. Ginter read the definition of a front yard which is "the depth of a front yard shall be measured from the front line of the building and the highway right-of-way and shall include only that area directly in front of the main building on the lot. Going back to the definition of a lot width, it can be interpreted in many different ways.

This is between the side lot lines. It doesn't say the front yard setback.

Deputy Chair Corrigan: Your response to someone doing a subdivision would be - that they would have to specify where the building is going to be in order for me to tell how wide the lot would have to be at the road.

Matthew Ginter: I have to tell the designers and engineer something. What if they ask me where I got that from in the Law?

Discussion ensued on underground electrical cable, TV cable, telephone lines.

Matthew Ginter: I feel that the minimal lot width should be something that can be measured at a safe distance to accommodate all these potential things.

Acting Chair Darling: So we do not have anything in this Zoning Law that tells you how much road frontage you have even though you have minimum lot widths?

Matthew Ginter: The wording "road frontage" is not in the Zoning Law.

Member Daum: I would think that as long as you maintain the road width, the lot width, from front to back you would make it, providing you leave enough width for the building.

Members discussed a Hamlet Residential District. Talking about how some lots are not always perpendicular to one other. The wording in the Law has holes in it.

Member Simpson has googled [www.sunschool.org](http://www.sunschool.org) - "Lot Width" and read it to the boards members. "It's the horizontal distance between the side lot line it is measured at right angles to the lot depth, at a point midway between the front and rear lot line."

Matthew Ginter: I am familiar with this with neighboring towns because I have looked into this a lot. The one neighboring town says "from the center line drawn through the structure to the road is the front yard and has to maintain as a minimum lot." I think that our law states from the front of the structure to the road.

I think that it has to maintain the minimum lot from the road to the house. What goes after the house is irrelevant. If there is no house then the potential for the house can be anywhere on the

lot. But the whole lot has to maintain a minimum. Your minimum lot area is in the second column in the schedule.

Discussion ensued on shoreline restrictions.

Matthew Ginter: I think that the intent was to mimic the APA's lot widths with their shoreline restrictions. If you don't meet the minimum shoreline restrictions the APA will kick it back and will not allow it.

I think we adopted the APA's regulations when it comes to the lake. They don't care what we do out by the road.

Discussion ensued on page 15, Schedule B-Medium Density.

Deputy Chair Corrigan: Are there any provision for a cul-de-sac?

Matthew Ginter: Yes, a cul-de-sac can be use but are not required. There is a minimum 75' outside radius.

There was discussion on creating a private road and it would be maintained from the front to the back. Then you would be meeting the private road standards of the Zoning Law. Then your minimum lot would be off that private road.

There are various ways of doing a road. It could be under a Homeowner's Association, where everyone pays into an Escrow to maintain it. It is required if it services more than four lots. That is to protect the back lots and to maintain it for emergency vehicles. They encourage developments to have a Homeowner's Association.

Deputy Chair Corrigan: Have you talked with the County Planning Board on the definition "Lot Width"? Has anyone talked with Monica and asked her opinion on this?

Matthew Ginter: Yes, I have spoken with Scott Henze. I would have to ask Scott of Monica's opinion on this.

Deputy Chair Corrigan: I believe that the original intent and that your interpretation is accurate. Discussion ensued on examples of interpretation of the Zoning Law what is the minimum acreage, the minimum road frontage.

Councilman Backer: I think that we are on the same page with this. A problem could occur where the Code Enforcement Officer (CEO) could read it a certain way. We can concur in the same way as the CEO but since it is written up that it could be interpreted by the both of us. It would be the applicant's responsibility if they wanted to pursuit this in courts.

**MOTION:** Deputy Chair Corrigan motioned that the road frontage should be equal to or more than the minimum required lot width, as per Schedule B in the Town of Northampton Zoning Law. Seconded by Member Simpson and passed by,

5-Ayes: Darling, Daum, Corrigan, Simpson and Backer 0-Nays

The next scheduled Zoning Board of Appeals meeting will be held Wednesday, May 28, 2014 at 7 p.m.

Having no further business come before the board, a motion to **adjourn** the meeting at 7:35 p.m., was made by Member Backer, seconded by Member Daum and passed by,

5-Ayes: Darling, Corrigan, Daum, Simpson, and Backer 0- Nays

Respectfully submitted,

Elaine Mihalik  
ZBA Secretary/Town Clerk