

**TOWN OF NORTHAMPTON
ZONING BOARD OF APPEALS
Regular meeting and Public Hearing
April 20, 2015**

The Town of Northampton Zoning Board of Appeals held a Public Hearing on Monday, April 20, 2015. The meeting was called to order by Chair 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.

Chair Darling led the Salute to the flag.

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

Also present: Code Enforcement Officer, Matthew Ginter, Robert Reed, Rhonda and Peter Cucchi

RECORDING SECRETARY: Elaine Mihalik, Town Clerk/ZBA Secretary

MINUTES: Member Daum motioned to approve the November 5, 2014 minutes as presented by Town Clerk/ZBA Secretary, seconded by Deputy Chair Corrigan, and Adopted by 3 -Ayes: Darling, Corrigan, and Daum 0-Nays

Communications:

- Chair Darling read the letter from the Hudson River-Black River Regulating District dated 4/8/2015 so noting that they HRBRRD has no issue with application ZBA Appeal Z#01-15 Parcel #17.2-1-1.
- Chair Darling read an e-mail from Raymond Butler along with pictures attached regarding ZBA Appeal #Z01-15 from Rhonda and Peter Cucchi on Parcel #17.2-1-1.

Chair Darling opened the Public Hearing at 7:00 p.m. for Case No. Z01-15: Applicants: Rhonda & Peter Cucchi, 23 Johnston Ave., Cohoes, NY 12047. Parcel #17.2-1-1 at 201 State Highway 30 in the Town of Northampton, Fulton County, NY as well as well at 841 S. Calle Flamenco, Green Valley, AZ. The locations were connected online via Tele Conferencing.

Chair Darling read the Legal notice that was posted in both the Leader Herald which is the newspaper of general circulation in the Town of Northampton and the Arizona Daily Star newspaper in Tuson Arizona.

LEGAL NOTICE OF PUBLIC HEARING APPEAL #Z01-15

TAKE NOTICE that the Town of Northampton Zoning Board of Appeals has scheduled a Public Hearing for Monday, April 20, 2015 at 7 PM in the Town Hall, 412 South 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:

Provisions to the Town of Northampton Zoning Law: Schedule B, front and shoreline setback
Type of Action request: Area Variance

PROPOSED: To build a stairway with small landings on bottom and stoop – Exterior, not attached to any structure, 2 feet from HRBRD line and 18 feet from front line. The stairway will be used to get access to lower level of property blocked steep slope.

APPLICANT: Rhonda & Peter Cucchi, 23 Johnston Ave., Cohoes, NY 12047.

Parcel #17.2-1-1 at 201 State Highway 30 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 Zoning Board of Appeals/Secretary 04/06/2015.

Deputy Chair Corrigan: I think we should respond to the questions asked by Mr. Butler in his e-mail. The deck and stairs that he is referring to that exist right now are on the HRBRRD land and were permitted by the HRBRRD. That has no relevance to what we the Zoning Board of Appeals is doing here tonight.

Chair Darling: Correct.

Member Daum: Are you going to put railing on these steps?

Rhonda Cucchi: Yes. They are all finished. That deck is the deck we did on the HRBRRD property.

Chair Darling: Is there a railing on both sides? I went up there today and I believe there are railings on both sides.

Rhonda Cucchi: Yes, there are railings on both sides. Those pictures are from way before we finished. The Butlers keep coming on our property and taking pictures.

Chair Darling: That is on the HRBRRD property and it is permitted because you got your permit from the HRBRRD. We don't issue there.

The next thing that I would like to bring up is, in your Zoning Board of Appeals application form you indicated that there are no other previous appeals for this property. I don't believe that is accurate and I feel it should be put into the record of this meeting. I believe that there have been 2 permits.

One (1) that was made by you (Cucchi) and one (1) that was made by a previous owner Donald Foster. (Owner is nodding affirmatively).

Chair Darling: We need to amend the application form. How do we do that?

Deputy Chair Corrigan: Just fill in the information, the date and initial it.

The other question that your neighbor asked was "Is there acceptable less involved variance?" In my opinion, no there isn't because it isn't as safe as a properly constructed set of stairs and landing.

Chair Darling: I think that the way the applicants are asking for the permit is fine.

Deputy Chair Corrigan: That is the proper way to traverse that hill.

Chair Darling: I don't think that there is any other way to do it. I can go look at it.

Member Daum: I think that it would be a good idea to be able to get up and down

Chair Darling: What we are trying to address is that "they support the request for approving access but they are concerned on whether or not they are requesting the minimum relief necessary" and I think so. I do think that you need the landing like you have because of the steepness of the bank.

Deputy Chair Corrigan: You have to be able to stage things.

The lower stairs that are built on the HRBRRD are considered open riser stairs. Whether the HRBRRD makes you comply with the building code is not our issue. But these stairs that you build will be made to comply with the State Code. That is with the stairs that Matthew Ginter the Code Enforcement Officer has control of.

I do not have any issues with this request at all. I think is it very logical.

Chair Darling asked if anyone on the board had any further questions or discussion on the request for an Area Variance submitted by Rhonda & Peter Cucchi Parcel #17.2-1-1 at 201 State Highway 30 in the Town of Northampton, Fulton County, NY.

Having no further discussion Chair Darling closed the Public Hearing at 7:08 p.m.

MOTION: Deputy Chair Corrigan motioned to approve a variance remanded to construct stairs and landing as shown on the application that are located with a 2 foot setback from the HRBRRD northerly lot line and 18 feet from the adjoining property of the subject property at the southerly lot line as requested by Rhonda & Peter Cucchi, 23 Johnston Ave., Cohoes, NY 12047 on Parcel #17.2-1-1 at 201 State Highway 30 in the Town of Northampton, Fulton County, NY as presented to the Board. Seconded by Member Daum and passed by

3-Ayes: Darling, Corrigan and Daum 0-Nays

The next regularly scheduled meeting is May 27, 2015 at 7 p.m.

Having no further business come before the board, a motion to **adjourn** the meeting at 7:09 p.m., was made by Member Daum and seconded by Deputy Chair Corrigan and passed by,

3-Ayes: Darling, Corrigan, and Daum 0- Nays

Respectfully submitted,

Elaine Mihalik
Town Clerk/ZBA Secretary