

**TOWN OF NORTHAMPTON
ZONING BOARD OF APPEALS
August 28, 2019**

The Town of Northampton Zoning Board of Appeals meeting on Wednesday, August 28, 2019 was called to order by Chair Darling at 7:00 p.m. in the Municipal Building, 412 South Main St., Northville, NY. Chair Darling led the Salute to the flag.

PRESENT: Chair: Heidi Darling
Members: Thomas Corrigan and Jeff Daum
Excused: Bruce Backer

Also present: Homer Horton, Ted Horton Jr. and Linda Kemper

RECORDING SECRETARY: Elaine Mihalik, Town Clerk/ZBA Secretary

MINUTES: Member Jeff Daum motioned to approve the July 24, 2019 meeting minutes as presented by the ZBA Secretary. Seconded by Member Heidi Darling and passed by 3-Ayes: Darling, Daum, and Corrigan 0-Nays

Chair Heidi Darling opened the Public Hearing at 7:05 p.m. for
Case #Z01-19: Homer & Wilma Horton, 309 County Highway 143, Northville, NY.
Parcel: #18.-1-9 in the Town of Northampton, Fulton County, NY.
Provisions to the Town of Northampton Zoning Law: Schedule B: Minimum Lot Width for Rural Residential 1
Type of Action request: Area Variance
PROPOSED: A 50' variance is requested to allow a lot size of 100' in width.

Homer Horton noted that he would like to split off the property with the house and the rest of the property would go to his children.

Ted Horton Jr. mentioned that the worst-case scenario would be that they would be looking at putting a gravel driveway on the north side of the property. That would be the only thing that would happen at all so that we could get to the back of the property. That would all that would change. If we would wind up selling maybe to a friend or to someone, we know nothing would change.

Are you going to have the required setbacks done asked Linda Kemper? Ted Horton Jr. mentioned that they had a stamped survey map done.

Mrs. Kemper asked, what is it that she sees up there from the road? Mr. Horton mentioned it must be lumber or something that you see.

Member Tom Corrigan mentioned that this is an "Area Variance", we do not control the "use". Use is still controlled by the Zoning Ordinance. So the limitations on that piece of property you have to comply by the Zoning Ordinance. You have to comply with that for the zone. That deals with the setbacks with the side lot with the use standards that are in the zoning. All we are asked to do is to grant this, such that you have 150' frontage that allows you to create the second lot through the Planning Board.

Ted Horton Jr. responded, yes.

What we will do is to think about a conditional variance. A variance conditioned upon you getting approval for the subdivision. So, if the Planning Board does not give this to you this dies out.

We are looking at a conditional variance, a variance conditioned upon your getting approval for the subdivision you are requesting. If the Planning Board does not give this subdivision to you then this will die out.

For the record Linda Kemper mentioned that she is not opposed to this at all. Her only concern is that you clearly specify the conditions and if you are going to approve it at the same time that you state the intention of it because her concern is down the road if the property sells to someone else.

On the survey it is minimal and it all works out on this blue print.

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

Jeff Daum	Aye	Bruce Backer	Absent
Thomas Corrigan	Aye	Heidi Darling	Aye

- a. Whether the benefit sought by the applicant can be **achieved by some method**, feasible for the applicant to pursue, other than an area variance:

Jeff Daum	No	Bruce Backer	Absent
Thomas Corrigan	No	Heidi Darling	No

- b. Whether the requested area variance is **substantial**:

The following members unanimous agreed that they did not have a problem with that.

Jeff Daum	No	Bruce Backer	Absent
Thomas Corrigan	No	Heidi Darling	No

- c. Whether the proposed variance will have an **adverse effect or impact** on the physical or environmental conditions in the neighborhood or district:

Jeff Daum	No	Bruce Backer	Absent
Thomas Corrigan	No	Heidi Darling	No

- d. 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:

It is self-created; they are creating it.

Having no further discussion Chair Heidi Darling closed the Public Hearing on Case #Z01-19: Northville, NY. Parcel: #18.-1-9 in the Town of Northampton, Fulton County, NY at 7:14 p.m. Having none a motion was made as follows:

MOTION: Member Thomas Corrigan motioned Town of Northampton Zoning Board of Appeals to grant approval for an Area Variance to allow, with conditions upon approval from the Town of Northampton Planning Board for a creation of a two lot subdivision, a variance that permits a parcel with a 150' front footage and includes the existing one family house, and a second parcel north of the above parcel that has a 100+/- front footage dimension. This is shown on the survey map provided by William Kelley dated 4/21/2019 on Case #Z01-19: Homer & Wilma Horton: 309 County Highway 143, Northville, NY. Parcel: #18.-1-9 in the Town of Northampton, Fulton County, NY. Seconded the motion by Member Heidi Darling and carried by voice vote as follows:

3-Ayes: Darling, Daum, and Corrigan

0-Nays

0-Abstain

ADJOURN: Member Corrigan motioned to adjourn at 7:19 p.m. Seconded by Member Heidi Darling and carried by a voice vote as follows:

3-Ayes: Darling, Corrigan, and Daum

0-Nays

0-Abstain

Respectfully submitted,

Elaine Mihalik, Town Clerk/ZBA Secretary