

Town of Northumberland Planning Board
Minutes
Subject to approval by the Planning Board
Monday, January 14, 2013 7:30 pm
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Present: Susan Martindale, CJ Lofgren, Jayme Heber, Lisa Black, Melanie Eggleston, John DeLisle, Jeff King - Vice Chairperson and Wayne Durr, Chairperson.

Absent: Brit Basinger.

Town Employees Present: Tia Kilburn, Clerk and Richard Colozza, Code Enforcement Officer

Mr. Durr opened the monthly meeting at 7:30 PM.

All in attendance stood and recited the Pledge of Allegiance

OLD BUSINESS

None

NEW BUSINESS

Application #: 0008-12 - Site Plan / Special Use Permit

Applicant: Mark Reynolds

SBL#: 103.12-1-8

Location: 2 Leonard St

Zoning: Hamlet

Mr. Durr invited Mr. Reynolds to address the Board. Mr. Reynolds presented the Board with a proposed expansion of his existing building and a parking plan. He stated he wanted to use the building for a Business office and storage. Ms. Lofgren asked if the storage would be personal storage or business storage, Mr. Reynolds responded it would be business storage. Discussion ensued on a previous variance being issued to raise the height of the roof for storage. Mr. Reynolds insisted he has always been open on the type of storage he would use the garage for. Ms. Lofgren asked for the motion form from the Zoning Board's approval and the minutes from that meeting of the Zoning Board, October 7, 2009. Mr. King asked if he had been to the Zoning Board recently since the approval to raise the roof, Mr. Reynolds said yes for a use and area variance to have an office in the building. Mr. King asked if that application was denied, Discussion ensued and the Clerk stated the denial on the back of the form is from Mr. Colozza, the Code Enforcement Officer for the special use permit. Mr. Colozza stated this is currently a non-conforming use and Mr. Reynolds wants to change it to another non-conformation use. Mr. Reynolds stated he was told this Board would be involved with the parking and site plan issues then he will have to return to the Zoning Board of Appeals. Ms. Lofgren stated a non-conforming use cannot be changed to another non-conforming use. Mr. Heber asked if he was currently trying to get a variance, Mr. Reynolds responded yes, zoning has changed. Mr. King asked if this was a new use of the building, Mr. Reynolds said he has used this building for the same thing since day one, currently commercial storage and an office. Mr. Durr asked if he wanted to use it for both commercial storage and an office, Mr. Reynolds said yes he has been all along and wasn't aware he needed a variance or had to ask permission. Ms. Martindale stated she had read somewhere in meeting minutes that the prior variance to raise the roof was for personal storage of an RV in the garage. Mr. Reynolds said no, he was clear at the meeting of the Zoning Board what he wanted to store. Mr. Heber asked about a well and septic, Mr. Reynolds stated there is an existing well and the septic design is included in his plan he submitted. Mr. Heber asked where the well was located; the design did not indicate it. Ms. Martindale asked if they would be parking on top of the septic, Mr. Reynolds said no, and reviewed the map with the Board. Ms. Martindale stated they would still be driving over the connection between the septic tank and leach. Mr. Heber said they don't usually put a septic under a driveway or parking lot because that would need a special septic, in addition the Health Department is going to have to approve it, also needs variances and an engineer to design it. Mr. Reynolds stated the 100' separation is there, Mr. Heber added that is not the only concern, the Health

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Department will probably also be concerned with the well in the building where there will be storage of chemicals and the neighbors wells and septic, which they also needed variances for. Mr. Reynolds responded these are the same chemicals that have been used in drinking wells. Mr. Heber said they were not going to be able to get the separation with the neighbors but that is for the Health Department. Mr. Colozza said there has been no testing yet at this site and all the neighbors have legacy systems. Mr. Reynolds said in the past variances have been granted, Mr. Colozza stated they are all legacy systems. Mr. Heber explained they all previously had wells and a septic if one needs to be replaced they would be granted a variance as opposed to a totally new one, that is for the Health Department. Mr. King asked how close to the road the existing building was, and Mr. Heber asked about the setbacks in the rear of the parcel. Ms. Lofgren asked how much of a right of way the railroad had, Mr. Colozza responded the right of way is usually 20' from the center of the tracks and Mr. Reynolds has a survey. Mr. Durr asked how far the parking area was from the road. Mr. DeLisle reviewed the map and stated the parking looks like 8 or 10' from the road. Mr. King said the proposed expansion would need a variance for the back setbacks. Mr. Colozza said and the sides also need variances and the parking needs to be 15' from the property lines, which can be found in the Zoning Regulations under the parking design. Mr. King asked if there was a list of variances he needed. Mr. Colozza responded he had made a short list just for the use and he did not include what would be needed for the site plan and loading birth. Mr. King asked if the Zoning Board was looking for comments from this Board. Mr. Colozza said they are inquiring as to what this Board maybe looking for. Mr. Heber asked if it would be considered a public garage, Mr. Colozza responded it would be considered a warehouse and office. Mr. Heber said that is not listed in the uses for the Hamlet. Mr. Colozza said he needs a variance for the warehouse use and storage along with at least 8 area variances. Mr. Heber asked if the septic would be under the parking area. Mr. Reynolds said no. Mr. Heber stated all the setbacks need variances, Mr. Colozza added it will also need a variance for the build out, parking and septic. Mr. Reynolds said they will be able to drive over the septic. Mr. Heber said if an engineer draws it up and gets it approved by the Health Department then ok, but for the public use of the office the water also needs approval by the Health Department, and the setbacks. Mr. Durr stated giving the number of variances needed; expanding the non-conforming use and it looks like anything he does is going to need a variance. Mr. Colozza stated he is running commercial storage and he can't have an accessory use without a permitted use. Mr. Durr reiterated he is currently using it for commercial, Mr. Reynolds said yes, that is exactly what they discussed from day one, commercial. Mr. King stated it would be difficult for this Board to give an opinion to the Zoning Board on this application due to the size and shape of this lot it does not lend itself to the type of use, minimum sq ft needed is 20,000 sq ft and this lot only has 6,800 sq ft at the most. Mr. Reynolds stated there will not be any customers coming in, UPS deliveries maybe once a day and they will limit the number of trucks that will be parked there. Mr. King stated this parcel is in the Hamlet zone, intended for certain uses, diversion from the allowed use is difficult to make everything work for this lot. Mr. Heber said it is non-conforming they cannot change to another non-conforming use and he can only expand to a certain percentage. Ms. Lofgren asked if he would be mixing the chemicals in the building. Mr. Reynolds stated he is not mixing them, he submitted the MSDS sheets and it is harmless, he added somebody created this property, he wants to utilize it, he has been using it and wants to keep using it. He stated they gave Gregg across the street permission and granted him parking on the street for his business. Ms. Lofgren stated it is not zoned for this type of business. Mr. Heber added the amount of variances needed is unbelievable, everything will need a variance. Mr. Reynolds said he went to an engineer, these were drawn by an engineer and he said it was possible. Mr. Heber agreed it probably can be done, they would have to recommend variances for everything; well, septic, expansion, parking, building and all the setbacks. Mr. Durr asked who the engineer was because the plans were not stamped; Mr. Reynolds said Peter drew this up. He then stated there are several functional businesses in this area, he mentioned the Flag place, the garage next to him and Mark Duckett, he feels he is not harming anyone and he is not in the middle of a residential area. Mr. Durr reiterated the number of variances and the fact he is exceeding the 25% build out limit. Mr. Heber said the Health Department is going

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to be the biggest hurdle. He then asked if anyone had any additional questions. None were noted.

ACTION

Mr. Reynolds will return to the Zoning Board of Appeals

MISCELLANEOUS

Mr. Durr reminded the Board of the Annual Planning and Zoning Conference at the Saratoga Springs City Center, January 30th, which will fulfill the requirement of 4 hours annual training. The Clerk needs the registrations back tonight.

Mr. Heber made a motion to recommend to the Town Board, Mr. Durr remain as Planning Board Chairperson, Ms. Lofgren 2nd the motion,
All in attendance unanimously agreed.

Ms. Martindale made a motion to recommend to the Town Board, Mr. King remain as Planning Board Vice-Chairperson,
Ms. Lofgren 2nd the motion,
All in attendance unanimously agreed.

Mr. Heber made a motion to accept the December Planning Board minutes as submitted,
Ms. Martindale 2nd the motion,
All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the January monthly meeting at 8:15 PM,
Mr. King 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:

Regular Planning Board Monthly Meeting February 11th, 2013
, 7:30 PM, as needed.

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk