

Town of Northumberland Zoning Board of Appeals

Wednesday,

June 14, 2017 7:00 pm

Corrected by the Zoning Board

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Zoning Board Members Present: Gary Applegate, John Amidon, Sarah Mojzer and Bruce Bemis,
Vice Chairperson

Zoning Members Absent: Aimee Gates, Carl Harrison, Jeremy DeLisle and Mark Boyce,
Chairperson

Town Employees Present: Richard Colozza, Code Enforcement Officer & Tia Kilburn,
Zoning Board Clerk

Bruce Bemis, Vice Chairperson, called the monthly meeting to order at 7:04 PM

All in attendance stood and recited the Pledge of Allegiance.

Mr. Bemis introduced application #0006-17, Use Variance - Steve Sorano 7 Pettis Road. Mr. Sorano approached the Board and explained they currently operate the garden shop on route 32, their lease is up at the end of the year and instead of renewing the lease they prefer to move the business and rebuild the greenhouses where there is more room and they have more options to expand. Mr. Bemis asked and you want to move into this Town, Mr. Sorano responded yes, they live in this Town and it would be closer to their home on Wilton Gansevoort Rd. Mr. Bemis then asked what the first steps to be taken are, Mr. Sorano stated they have to clean up the site, they plan on hiring a company. Mr. Bemis asked if they are keeping the house, Mr. Sorano responded they are unsure, it depends on the condition, they haven't looked at the house it may not be worth saving. He added they are interested in saving the barn, it could be used for storage and equipment, at the current location they have limited storage space. Mr. Bemis then read part of the application allowed regarding why the applicant felt they could not realize a reasonable return on this property, focusing on the limited allowed uses due to it being in the residential one acre zone and the surrounding properties zoned commercial / hamlet and industrial (see attached). Mr. Sorano stated the allowed uses would be impractical. Mr. Bemis then asked Mr. Colozza if this application would need 3 separate variances, Mr. Colozza responded no, just one use variance for the current R-1 zone it is located in, for the garden shop due to the retail part. He explained they can erect and use the green houses at that location they just would not be able to sell the product because retail is not an allowed use in the R-1 zone. The use is not even a special allowed use in the R-1, it is allowed in the R-3 zone, and this parcel is 4 plus or minus acres therefore they should look at the requirements for the R-3 zone as a guide if the Board is incline to approve a variance. Mr. Colozza then explained in order for the applicant to secure a commercial loan for this property they have to prove the use is allowed by the Town, the use requires a variance to be allowed and if they got a personal loan they would not be able to sell products as a retail / commercial business. Mr. Amidon stated it would be an improvement over the current use. Mr. Bemis asked if there were any additional comments or concerns, none were noted. Mr. Bemis asked if there were a motion to schedule a public hearing.

Mr. Becker made a motion to schedule a public hearing at the next monthly meeting,
Mr. Amidon 2nd the motion,
All in attendance unanimously agreed.

The Clerk stated the next monthly meeting will be July 5th, 2017 the day after the 4th Holiday and asked if members would be available for the meeting to verify there will be a quorum. Mr. Amidon was the only one to indicate he would be out of town that week.

Ms. Mojzer asked if there is anything else needed for before the public hearing, the Clerk responded SEQRA,

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State Environmental Quality Review Form, Mr. Colozza interjected a short form would be sufficient. Mr. Sorano agreed he would submit that and a letter of permission from the Bank, current owner of the parcel, prior to the next meeting.

Action

Public Hearing to be scheduled July 5, 2017 @ 7 pm and the applicant will submit a short form SEQRA and Letter granting permission to proceed from the current owner prior to the meeting.

Mr. Bemis announced the next application #0003-17, King Brothers Dairy, LLC use variance. The Planning Board sent a favorable recommendation for the approval of variance(s) if requested items are provided and added to the site plan / map.

Jan King explained this application is for an expansion on the existing dairy on King Road. He stated they have been delivering milk since 2010 and about a year ago they started processing dairy in the creamery now they are looking to change the existing creamery to a larger area and get rid of the shed. They would like retail of dairy products, milk, butter milk, ice cream, shakes, sundaes and maybe some snack type stuff like grilled cheese, burgers and hot dogs. Mr. Bemis asked the size of the proposed enlargement, Mr. King responded just 12' across the front of the building. Mr. Bemis stated then he will need a variance for the restaurant, Mr. King added they want cooler space and ice cream production in the creamery, people could then come in and purchase products and watch the production through the window into the creamery. Mr. Bemis asked if people would come in and set down to be served, Mr. King responded not served but they would come to the counter for ice cream and they if they wanted they could sit and eat it, but not a full scale dining. Mr. Amidon asked if they had retail sales now, Mr. King responded Ag and Markets allows a small farm stand, Mr. Jeff King interjected they don't prepare food currently. Mr. Amidon asked if that was what they were looking to do, prepare food. Mr. Bemis asked if it were limited to dairy products, Mr. King said yes. Mr. Bemis asked the applicant's if there was anything else they wanted the Board to see, nothing was noted. Mr. Bemis then asked how many variances they would be seeking, Mr. Colozza stated if they want to prepare and serve food it will be considered a restaurant and they need one for that, if they want retail they need one for that. It is up to them they can go for one or both now. He added if they are not preparing food than it is not a restaurant, Mr. Amidon asked if they serve ice cream it is not preparing the ice cream, Mr. Colozza responded if they are cooking to prepare it is a restaurant. Mr. King stated it was not intended as a full scale restaurant, Mr. Colozza said if they eliminate the food it is just retail. Mr. Jeff King said at this time they want to focus on ice cream and milk, Mr. Jan King interjected and said they could go for both variances to get them out of the way.

Mr. Becker made a motion to schedule a public hearing for the next monthly meeting,
Mr. Amidon 2nd the motion,
All in attendance unanimously agreed.

Mr. Becker asked Mr. Colozza for clarification why the variances were needed for an expansion on an existing use. Mr. Colozza explained the current use is a farm stand and they are allowed to sell their own farm produced product, the variance's will open up to sell other farmers products and the restaurant allows them to prepare and serve food. If they were just to sell ice cream like Stewarts using only toppings and maybe a microwave it would be fine, food and a kitchen open up as a restaurant. These two uses are not allowed in the agricultural zone. Mr. Bemis asked like Thomas's eggs, Mr. Colozza agreed, Mr. Jeff King interjected they currently do home deliveries.

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Action

Public Hearing to be scheduled July 5, 2017 @ 7pm, applicant(s) will add additional requested items to the map / site plan.

Mr. Bemis asked if there were any additional business for the Board, none was noted.

Mr. Amidon made a motion to adjourn the monthly meeting at 7:40 pm

Mr. Applegate 2nd the motion,

All in attendance unanimously agreed.

FUTURE MEETINGS

2 Public Hearings July 5, 2017 at 7 pm, regular monthly meeting to follow.

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk