

Town of Northumberland Zoning Board of Appeals

Wednesday,

July 5, 2017 7:00 pm

Corrected by the Zoning Board

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**Zoning Board Members Present:** Gary Applegate, Sarah Mojzer, Paul Beckner, Aimee Gates, Bruce Bemis, Vice Chairperson and Mark Boyce, Chairperson

**Zoning Members Absent:** John Amidon, Carl Harrison and Jeremy DeLisle

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

Mark Boyce, Chairperson, called the monthly meeting to order at 7:10 PM

All in attendance stood and recited the Pledge of Allegiance.

Public Hearing application #0006-17, Use Variance / Green House Retail Sales - Steve Sorano 7 Pettis Road. Mr. Sorano approached the Board and explained they currently operate the garden shop on route 32, Lena Farms which they purchased in 2015, they currently lease the property the business is operated on and the lease is up for renewal at the end of this year. He stated they are limited with space and would like to expand, they have since purchased an additional green house 30' x 90' and have no space at the current location to use it. He explained they have done some research on the location of 7 Pettis Road and feel it has everything they need to successfully move the business and operate the green house / retail garden shop. He stated at the current location there is limited parking and when they have their busy season early spring customers are forced to park on the road side and that is an accident waiting to happen, they don't want that. He explained 7 Pettis Road has been foreclosed and is in the control of the Bank, he is working on getting a letter of permission to proceed with this variance request from them, however, due to the fact the property needed extensive clean up it was pulled from the real estate market and they cannot issue the letter until it is put back on the market. Mr. Boyce stated that answers his questions about ownership or if they are under contract. Mr. Sorano responded they are under contract however, it is on hold. Ms. Gates asked if there has been a traffic impact study due to the vehicles coming and going. Mr. Sorano responded no and explained the proposed layout; he stated they have a design for parking spaces and plenty more space in the field to park extra in the busy season usually in May. He indicated they have proposed handicap parking as well. Mr. Boyce asked about the site cleanup and who was responsible, Mr. Sorano responded the bank is funding and yes it is almost complete. Mr. Boyce then asked if the New York State Department of Environmental Conservation was involved, Mr. Sorano said no, not at this time, they had completed their testing. Mr. Boyce asked if there were any other questions from the audience, Ms. Martindale, stated her address and asked if they would be using the existing driveways, Mr. Sorano said yes, they need to be graded and they will contract someone to fill in the pot holes and make them nice and smooth. She then asked if he planned on one way traffic around since the driveway goes through the property from Pettis Road out to Stump Street, and if they were going to utilize the house, Mr. Sorano said yes and eventually they may move there, but for now they can use the attached garage for a temporary area for the sales. Mr. Bemis asked if there has been any response from the mailings, the Clerk responded no. Mr. Boyce asked if the application was sent to Saratoga County Planning and if a response has been received from them, the Clerk stated it was sent however, they do not meet until Thursday, July 13. He then asked if a SEQRA, State Environmental Quality Review Form has been submitted, discussion ensued on the SEQRA and it was determined a short form would be sufficient. Mr. Boyce stated the SEQRA would be needed prior to any action being taken, he explained it is not necessary for the public hearing however, the permission letter, is needed because the variance goes with the property so they will leave the public hearing open until they receive feedback from County Planning and the permission letter from the Bank. Mr. Sorano agreed. Ms. Mojzer asked if it would be holding up progress with his lender because they were waiting for the approval to release the loan. Mr. Sorano responded no, they are fine now without the approval he should hear more this week. Ms. Mojzer reiterated they are not waiting for the document. Ms. Gates interjected this parcel is not zoned for retail sales and asked if they had been looking at

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other properties, Mr. Sorano replied no, they really like this parcel it seems to have everything they are looking for and close to their home, it is flat and there are no wet lands. Mr. Boyce said they will hold the public hearing open the Country won't hold it up but they need to see the legal representation letter of permission, Mr. Sorano said they have limited time frame at their current location because their lease is up at the end of the year and by the contract with the current landlords they must give 20 days' notice if they are not renewing the lease in addition to disassembling and reassembling the greenhouses, running the power before winter at a new location they start planting in February. Mr. Boyce asked Mr. Colozza if this application had to go to the Town's Planning Board, Mr. Colozza responded yes, at some point, Mr. Boyce asked if they wanted to ask the Planning Board to join this public hearing, discussion ensued on time frames and expediting the application with a joint public hearing. Mr. Boyce then stated he would like to extend a recommendation to the Planning Board to join in the public hearing. Mr. Colozza stated that there are 3 different zoning districts, Hamlet, R-1 and Industrial all within 1,000' of this property. Ms. Martindale asked the location of the industrial zone; Mr. Colozza responded the field adjoining. Mr. Bemis asked if the house on the map was an accurate placement, discussion ensued and it was determined it was.

Mr. Boyce asked for any additional questions or comments, none were noted, and he again stated the public hearing should remain open. And asked if there were anyone in attendance tonight to represent the 2nd application for King Brothers Dairy, LLC, application # 0003-17, nobody acknowledged, he stated it also should remain open.

Mr. Boyce made a motion to keep each Public Hearing open for applications #0006-17 and #0003-17 until the additional information requested is received for each of them,

Ms. Gates 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce stated there is no new business and asked if there were a motion or discussion for meeting minutes. Mr. Becker said he has one correction, the minutes indicated he was absent in June and he was present. The Clerk stated she would correct that.

Mr. Boyce made a motion to accept the June meeting minutes with the correction,

Mr. Applegate 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce asked if there were any other business for the Board, none was noted.

Mr. Boyce made a motion to adjourn the monthly meeting at 7:30 PM,

Mr. Applegate 2nd the motion,

All in attendance unanimously agreed.

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk

Future Meeting

Public Hearing Continuation followed by Regular Monthly Meeting August 2, 2017 7 PM.