

Town of Northumberland Zoning Board of Appeals

Wednesday,

August 2, 2017 7:00 pm

Subject to Corrections by the Zoning Board

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**Zoning Board Members Present:** Sarah Mojzer, Paul Beckner, John Amidon, Carl Harrison,  
Bruce Bemis, Vice Chairperson and Mark Boyce, Chairperson

**Zoning Members Absent:** Aimee Gates, and Gary Applegate

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

Mark Boyce, Chairperson, called the public hearing(s) to order at 7:00 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 stated unfortunately he was unable to get the letter of authorization to proceed from the Bank that currently owns the property because it is not back on the market yet. Mr. Boyce asked if his intent was to pursue the property further, Mr. Sorano responded yes, absolutely, he has a month to complete the process with the bank before they have to start over. Mr. Colozza stated they could move forward with a contingency because the applicant still has to complete the site plan review with the Planning Board. Discussion ensued on the options to leave the public hearing open or close it and make a possible motion with contingency. Mr. Boyce asked what the advantage of a contingency would be and Mr. Colozza explained he can move forward and before the Planning Board can complete their review there has to be a determination by this Board, if this Board doesn't close the public hearing they will have to conduct an additional meeting after the Planning Board meets and due to the time constraints of the contract with the Bank he may have to start over and possibly lose money. Mr. Boyce stated his concern was there is no documentation he is speaking for the owner. Mr. Colozza stated the contingency could be him and him alone can proceed for the owner and if he obtains the property it would be approved but if it fell through the application would be declined. Mr. Boyce stated his next concern was if they close the public hearing it will start the 60 day clock. Mr. Sorano asked if everything else were good, Mr. Boyce ask if there were a SEQRA, State Environmental Quality Review Form submitted, the Clerk responded yes. Mr. Amidon stated they can approve it when they receive the letter so now they could make a motion contingent on the letter. Mr. Colozza agreed, added yes if he doesn't get the letter it would just go away. Mrs. Sorano reiterated if they leave it open they will have to wait for September, Mr. Boyce responded yes or they could hold a special meeting. Mr. Colozza stated yes, and then there is the Planning Board. Mr. Amidon stated he was in agreement with the variance and they can pass it with the contingency, Mr. Colozza said yes, basically he is going for ownership and needs to complete the process first. Mr. Bemis interjected if he gets it they can hold a special meeting. Mr. Boyce asked if the Planning Board could act on a contingency, Mr. Colozza responded yes, they can and if not it would be left alone and no variance granted. Mr. Harrison stated the choices tonight are either leave the public hearing open or close it.

Mr. Amidon made a motion to close the public hearing,

Mr. Harrison 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce introduced the 2nd public hearing. Application #: 0003-17, Use Variance for King Brother Dairy, LLC. Mr. Jan King addressed the Board and placed the site plan on the easel he then stated they are seeking a variance for a mercantile, farm creamery, ice cream shop. He explained they propose a 12' addition to the existing creamery to sell products from the farm, to serve light food and an ice cream dipping counter. This will allow them to move the existing farm store from the small shed to the store front. Currently they do not have running water in the shed it is just for sales. Ms. Mojzer asked if the 12' addition across the front would be closed in, Mr. King responded yes it will be the new part. Mr. Boyce asked if there would be indoor seating,

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Mr. King responded a little. Mr. Bemis asked if they are manufacturing ice cream will they sell it outside the plant. Mr. King said yes, in the store and to some restaurants, currently they have no running water in the shed, which is required. Mr. Boyce asked if there were any additional questions or comments, none were noted. Mr. Boyce then asked if there were any correspondence received, the Clerk said no, he asked if there is a response from Saratoga County Planning and a SEQRA, State Environmental Quality Review Form, the Clerk stated the County has not responded yet because they are seeking more information and yes there is a SEQRA. Mr. Boyce then stated their options are they can leave the public hearing open or close it without a response from the County as long as they have a super majority vote which means they need 5 out of the 6 six votes tonight in approval to pass the motion. Mr. Bemis made a motion to keep the public hearing open, Mr. King asked what the reason was to keep it open, Mr. Boyce responded to wait for a response from the County. Mr. Becker asked what the difference was to be open or closed, is it to assume the Board is in approval without the County? Mr. Boyce stated without a response from the County they can take action and even if the County disagrees with the project they can pass it with a super majority, or they can hold it open until the next meeting and or hold a special meeting if something is received. He added the County meets the 3rd week of the month. Mr. Harrison asked what if they close it and don't have a super majority vote, Mr. Boyce said then it is not approved, adding they can close the public hearing but then the 60 day clock starts. Mr. King asked if it could be contingent on the County similar to the previous application. Mr. Colozza responded yes. Mr. King asked if there are any issues the Board is worried about, Mr. Boyce stated the County is only because their application is not complete; the County can vote one way or another. Mr. Bemis asked if they have beef cows? King responded they have about 20 beef cattle spread throughout the herd they have had for about 7 or 8 years. Mr. Amidon asked if they are only waiting for the County they can they make this contingent, Mr. Colozza responded yes, they can set any contingencies on any application if the County votes no and this Board doesn't have a super majority the application will be denied. Ms. Mojzer stated they will have to come back. Mr. King asked if it passes with a super majority it can be contingent on the County response. Mr. Boyce stated the County does factor in; ultimately, this Board has the ability to act without a County response or we can make it contingent on the County response. Mr. King stated he would like to see a vote and if the super majority agrees great, if not maybe they can make a vote contingent on the County. Discussion ensued on direction to proceed. Mr. Boyce explained this Board needs to make a motion as a positive action, if the vote as it stands without the County response is declined it would be required to the next vote and either decline or approve with contingency. Then he asked if there were a motion to close the Public Hearing,

Mr. Amidon made a motion to close the Public Hearing,

Mr. Bemis 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce then opened the regular monthly meeting and announced application # 0006-17 for a use variance, Steve Sorano. He asked the Clerk for the SEQRA, State Environmental Quality Review Form, he then stated there is no mitigation for any contamination, Mr. Colozza agreed, stating the cleanup has been completed by the bank. Mr. Boyce read the SEQRA form aloud as he completed it.

Mr. Boyce made a motion to declare a Negative Declaration on the SEQRA, State Environmental Quality Review Form for application #0006-17,

Mr. Becker 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce then asked the Board if there were any discussion for the application, none was noted, he asked for a motion.

Mr. Becker made a motion to accept and approve application #0006-17, Use Variance for Sorano's Greenhouses

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contingent upon the applicant acquiring the land as owner or documentation from the current owner for representation of the application,

Mr. Amidon 2nd the motion,

Mr. Boyce asked for any discussion and a roll call vote.

The Roll Call Vote;

Mr. Harrison	Aye	Sarah Mojzer	Aye
Paul Becker	Aye	John Amidon	Aye
Bruce Bemis, Vice Chair	Aye	Mark Boyce, Chairman	Aye

Motion Passed unanimously.

Mr. Boyce announced the second application # 0003-17, King Brothers Dairy, he then asked for any discussion, Ms. Mojzer asked if the parking lot has been reviewed for runoff, Mr. Colozza responded it is stone and there are no plans for changes, if at some point they decided to pave it then it will have to be reviewed.

Mr. Boyce made a motion to accept application #0003-17 for a Use Variance for King Brothers Dairy and approve as described / submitted,

Mr. Harrison 2nd the motion,

Mr. Boyce asked if there were any discussion, Ms. Mojzer asked if they were going to accept without the County response, Mr. Boyce responded yes, if there is a super majority of the Board, if not then they need a motion in the positive, he then called for a roll call vote,

Roll Call Vote:

The Roll Call Vote;

Mr. Harrison	Aye	Sarah Mojzer	Nay
Paul Becker	Aye	John Amidon	Aye
Bruce Bemis, Vice Chair	Aye	Mark Boyce, Chairman	Aye

Motion passed by super majority, 5-1

Mr. Boyce made a motion to accept the July meeting minutes as submitted,

Ms. Mojzer 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 7:50 PM,

Mr. Harrison 2nd the motion,

All in attendance unanimously agreed.

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk

Future Meeting Regular Monthly Meeting September 11, 2017 7 PM, as needed.