

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
September 2, 2015 7:00 pm
Subject to correction by the Zoning Board
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Zoning Board Members Present: David Gougler, Todd Heym, Bruce Bemis, Aimee Gates, Paul Becker and Jeremy DeLisle, Vice-Chairperson as Chairperson

Members Absent: Gary Applegate, Carl Harrison, and Mark Boyce, Chairperson

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

Jeremy DeLisle, acting Chairperson, called the monthly meeting to order at 7:05 PM.
All in attendance stood and recited the Pledge of Allegiance.

Mr. DeLisle introduced Application #0005-15, applicant Mark Reynolds for a Use Variance. Mr. Reynolds addressed the Board and stated this application is a request for him to use an existing 20' x 30' storage garage to store his business goods. Mr. Bemis asked if he had an official plot plan Mr. Reynolds said he had submitted one at a previous meeting for another application, Mr. Bemis said the survey / plot plan map he previously submitted was not signed by a licensed surveyor, they need to see an official layout signed by a surveyor. Mr. Reynolds disagreed and stated it was signed, Mr. Bemis said not by a licensed surveyor. Mr. Reynolds then stated he bought this property with the intent to use for business, he stated he was granted an area variance previously to raise the roof of the structure for storage, he did not realize he needed to ask permission for business storage. He said the storage is not visible from Route 32 or from the railroad track side, he installed a fence, he does not need a loading dock, he receives an occasional tractor trailer delivery most of his deliveries are via UPS and across the street. There was an issue once with one tractor trailer because it broke down. Mr. Gougler asked what type of goods are on the premises, Mr. Reynolds responded septic additive, he added it is completely safe, he has had his kids (2 sons) working there this summer bottling it, they also had worked there last year. Mr. Bemis asked if they are mixing chemicals at this location, Mr. Reynolds said yes, soap with an agricultural chemical only a couple months out of the year, he is trying to keep his son's busy while school is out. Mr. Bemis stated the process of mixing chemicals is industrial. Mr. Reynolds said the cabinet maker across the street has chemicals he mixes at his location. Mr. Bemis then said that is industrial and not storage, industrial is not allowed in the hamlet zone. Ms. Gates asked if there was any correspondence from New York State Department of Conservation pertaining to the chemicals, Mr. Reynolds responded he had spoke with them however he does not have anything in writing from them, just information from their website. Dr. Becker stated he reviewed the MSDS sheets from the file and they have serious side effects and can even cause death. Mr. Reynolds said the chemicals are not any more hazardous than turpentine or oil. Dr. Becker then said the Fire Department may need special equipment in case of a fire and continued to discuss the information on the MSDS sheets. Mr. Reynolds asked what would happen if a petroleum tanker tipped over. Mr. Colozza stated the Board needs the information for the file, Mr. Reynolds stated he should have told him what information he needed. Mr. Colozza reiterated the information is needed and without it the application is incomplete. Ms. Gates interjected the MSDS sheets are obsolete because "Data Sheets" are used now. Mr. Gougler stated even the smoke from a fire would create a hazard. Mr. Reynolds stated there are other businesses in the hamlet that use chemicals, Mr. Bemis stated they are not asking what the others have, they are concerned about this application and they need a surveyor to look at it and prove there is enough room for everything. Mr. Reynolds stated he is not moving the building, it has always been there. Mr. Colozza stated this application will still have to go to the Planning Board for a site plan review and the Boards could get the information from the surveyor maps such as; proving there is adequate parking for employees and room for the loading dock, the complete site plan. Mr. Bemis asked about the well and septic, Mr. Reynolds said there is no well or septic. Mr. Bemis stated he had discussed the well with the Board previously, Mr. Reynolds said that was for a different application and it has been used for storage for 5 or 6 years now. Mr. Bemis asked if he had any paperwork going back proving it has been used for commercial use. Mr. Reynolds said it was used as a wood shop, it was owned by his Uncle and his son used it for a wood shop. Mr. DeLisle asked if he had a restroom, all commercial businesses need a restroom. Mr. Reynolds stated if someone needs a restroom they can use one across the street, he then stated this process was horrendous, he is not trying to "pull" something he only wants to use the building for dry storage. Mr. Bemis asked "dry storage", Mr. Reynolds said yes, everything is in boxes, Dr. Becker said storage and then mixing chemicals. Mr. Reynolds said the mixing is only in the summer, to keep his kids busy. Mr. Bemis asked if he had an eye wash station, Mr. Reynolds responded yes. Mr. DeLisle

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stated they need a complete site plan including the setbacks he added it is less than 1/2 acre and he needs to prove there is room for everything, such as the loading dock, septic, bathroom and there appears to be a lot of exceptions. This Board and the Planning Board need more information including the process of mixing and moving of the product and where it is sold. Mr. Reynolds stated he could install a new type of toilet that is in use in the Town of Moreau and is approved by the Health Department, the well is a point and was installed years and years ago, he added if he needs to have bottled water on hand he can get it. Mr. Reynolds then discussed the process of mixing chemicals with an air operated machine and an induction machine, he stated it is all safe. He then added he did not want to have to go out and build a new building somewhere, he would rather rent a location. Mr. Bemis stated they still need an official site plan, Mr. Reynolds said he submitted one however this Board would not accept it because it was not signed by a surveyor, Mr. Bemis stated they need the surveyor to certify it with his signature. Mr. Colozza said he needs to prove it meets the criteria for the use as a warehouse, it can be proven with the site plan, stamped and signed. Mr. Reynolds stated he has to go to the expense of a survey, Mr. Colozza said yes to prove the parking and etc. Mr. DeLisle asked if there was water in the building now, Mr. Reynolds said he gets it from across the road in his office; the point well is not hooked up. Mr. Gougler stated they have to consider the business use for the neighborhood, Mr. Reynolds said he has never had any complaints, Mr. Gougler stated things can change and years down the road it may become a nuisance for the neighborhood, Mr. DeLisle added the hamlet has really grown in the last couple of years. Mr. Reynolds stated in the future his business may outgrow this location and the next owner can use it for something small, he did not know why they are giving him a hard time. Mr. Gougler said they need more information than what he has provided; it is not because they don't like the business, Mr. Reynolds then asked why the Town of Northumberland doesn't have a "checklist" like other Towns. Mr. Bemis stated they have informed Mr. Reynolds what he needs several times. Mr. Reynolds said this is a different application and he never got anything in the mail as to what he needs. Mr. Bemis stated a site plan never came in, Mr. Reynolds said he wants a letter of exactly what is needed and he will work on it. Mr. Colozza said it is all in the Zoning Book, Mr. DeLisle asked Mr. Reynolds what he needed, and discussion ensued on what was required. Dr. Becker reiterated the requirements and information on the allowed zone for this use are listed in the book, Mr. Colozza interjected they need the information listed clearly on the site plan / map, as for every application such as hours of operation, number of employees and everything else listed in the Zoning Book.

Dr. Becker asked if they had a total number of variances needed, Mr. Colozza said they will not know that until Mr. Reynolds submits a good site plan and he referred to other businesses that all had to follow the same requirements before approval. Dr. Becker stated in order for them to complete an educated review of this application, this Board needs additional information so they can determine how many variances are needed. Mr. Reynolds stated he was not aware he needed other variances, he added there are other businesses allowed to operate in the hamlet and this Board cannot change the rules for his business, Mr. Gougler stated they are not changing rules; they are trying to see if the site plan is good and if he can meet all the codes. Mr. Reynolds stated nobody could meet the codes, it is nearly impossible, he wants to stay in Town and this building has been used for business since 1980, all he wants to do is store business stuff. Mr. Colozza said they need the site plan and proof it will not disturb the neighbors in the hamlet district, this use is industrial, discussion ensued on the tractor trailers delivering on the road and blocking traffic. Mr. Reynolds stated that only happened once and it was because there was a problem with the truck. Mr. Colozza responded no it was more than once, he has been getting complaints so he went over and actually took pictures when the trucks were there, the 1st time there were 3 trucks and the 2nd time there were 2 trucks. Mr. Reynolds said it was only once, those trucks only deliver once a year and they are only there for 5 or 10 minutes he then added he has improved the property, he put up a fence so it looks better and you cannot see the stuff stored. Mr. DeLisle stated they need a good site plan because they need to know how many exceptions there are from the requirements of the codes before they can except the application as complete. Mr. Reynolds stated he has parking for 2 employees. Mr. Colozza stated he would make a list of requirements for the Board, they can add to it if they feel something is missing at this time and then it will be forwarded to Mr. Reynolds however, that will take a little while, the Planning Board may also request additional information at the site plan review stage. Mr. Reynolds thanked the Board for their time.

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ACTION

Tabled

Mr. DeLisle asked if there were any additional business for this Board,

Mr. Gougler made a motion to accept the August 3, 2015 monthly meeting minutes as submitted,
Mr. Bemis 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to adjourn the monthly meeting at 8:12 PM,
Dr. Becker 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

October 7, 2015 - As Needed

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk