

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
February 6, 2013 7:00 pm
Accepted by the Zoning Board of Appeals
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Zoning Board Members Present: Hugo Leone, Bruce Bemis, David Gougler, Mark Boyce, Chairperson and Julie Trollip, Vice-Chairperson entered at 7:11 PM.

Members Absent: Jeremy DeLisle, Carl Harrison and Rebecca Hodgson

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

Mr. Boyce, Vice-Chairperson called the Monthly Meeting to order at 7:06 PM.
All in attendance stood and recited the Pledge of Allegiance.

NEW BUSINESS

None Noted

OLD BUSINESS

Appeal Application #0008-12, Mr. Mark Reynolds - Multiple Area Variances and 2 Use Variances

Mr. Reynolds stated he went before the Planning Board and they did not appear to have any concerns and questioned why he was there they stated there are quite a few variances needed and reviewed the plans with that Board. He stated he has made some changes to his site plan, such as changing the location of the leach field to accommodate parking, he added he will use the existing well and install a new septic. He stated years ago the Town allowed this piece of property to be broke off the original parcel and created a hardship. He discussed the storage of the empty barrels outside and stated there would be no outside storage if granted his proposal for the addition. Mr. Leone asked if he planned on making it bigger, Mr. Reynolds responded no, he needed to shrink the original plan to be able to get all the way around the building for maintenance, he added this is Commercial / Residential and he would not be affecting anyone. Mr. Leone asked how close to the train tracks the building would be, Mr. Reynolds said it would be 50' from the center of the tracks, and added he had an engineer design the plan. Mr. Leone asked where the septic would be, Mr. Reynolds indicated on the map, Mr. Leone said he cannot drive over a septic, and Mr. Reynolds said there is a cover they can install to be able to drive over. Mr. Leone asked who is responsible for that approval. Mr. Reynolds stated it is a rated cover and he believes it would be the building inspector. Mr. Leone asked if it would be rated for the trucks to drive over, Mr. Reynolds said yes, Mr. Leone asked even if they were loaded, Mr. Reynolds said they are never loaded. Mr. Gougler asked if the leach went beyond the parking area. Mr. Reynolds said yes and indicated on the map where it would be and added the trucks would not always be parked there, they would be at other locations. Mr. Gougler asked what type of trucks they were, Mr. Reynolds said they are water trucks. Mr. Leone asked if they were empty both when they leave and when they return to the property, Mr. Reynolds responded yes, Mr. Gougler said they will have to verify the setbacks with the tracks and the road, Mr. Reynolds said it is on the application in the file. Mr. Bemis said the maps / plan is not stamped, Mr. Reynolds asked if that was a requirement for the public hearing, Mr. Bemis said it is a requirement for this Board. Mr. Reynolds stated he would have them stamped, that was no problem. Mr. Boyce stated at the least this application needs variances for the setbacks of both sides and the back and use variances, Mr. Leone agreed it needs a lot of variances. Ms. Trollip added they will also need a variance for the septic. Mr. Colozza said Mr. Reynolds will need to obtain a permit from D.E.C because of the chemicals, and he needs to meet the separations from the wells, he needs 2 use variances and at least 8 area variances and a variance for parking over the septic. Mr. Colozza explained the need for the use variances and stated it will be about \$3,000 or \$4,000 for the application fees which will need to be paid before the public hearing, not counting any engineering fees, then there is no guarantee for approval. Mr. Colozza added this would be changing a non-conforming use to another non-conforming use and is really changing zoning because this type of business is only allowed in the industrial zone. Mr. Colozza said Mr. Reynolds needs to have everything put on one map for the Board to properly review and consider all the variances needed. Ms. Trollip asked about the chemicals and D.E.C, Mr. Colozza responded Mr. Reynolds needs to go to D.E.C with the data sheet for the chemicals to see if he can install a conventional

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septic or if he needs something special. Ms. Trollip suggested Mr. Reynolds might want to contact D.E.C first to see what is required before he incurs any cost. Mr. Reynolds asked if they could join it with the Planning Board, Mr. Colozza said the Planning Board kind of threw their hands up and said he needs to obtain variances for everything first. Mr. Reynolds stated if he builds somewhere else starting from scratch it would cost him about \$150,000 or \$200,000, when this building would suit his needs for only a few thousand dollars. He said he really wanted to be able to utilize this parcel, he doesn't mind going through the steps, however, this is the first time he has heard anything about D.E.C, he could have already gone there. Mr. Colozza stated he himself just found out about the D.E.C regulations. Mr. Reynolds said his neighbor, Mr. Stoddard uses chemicals in his home for his business. Ms. Trollip said they need to follow the current regulations. Mr. Boyce asked when Mr. Reynolds acquired this parcel. Mr. Reynolds stated about 5 years ago, Mr. Boyce then stated the regulations pre-date when he purchased therefore they were in effect at that time. Mr. Bemis asked if he would be expanding his business, Mr. Reynolds said at some point they may and at that point they can invest in a warehouse, somewhere within the 50 states he does business all across the US. Mr. Bemis said it was amazing how he conducts business all across the United States and chooses to have it based here in this small town in New York. Mr. Reynolds said he owns the property across the road and likes this town. Mr. Bemis asked if he had a business over there, Mr. Reynolds stated he has from the start, and has discussed it with this Board when he applied for the prior variance, he added the Town moved a road for the airport and he did not see why they were giving him a hard time, there are no houses around him, there are other business's on the Main Street and his chemicals were organic. Ms. Trollip stated it was not just the case of the chemicals, it is the warehouse, and they are not talking about a retail business. Mr. Reynolds stated Stewarts warehouses, Mr. Colozza responded the foot print is too small, Mr. Reynolds said several variances were granted to Stewarts. Mr. Colozza said they have a right to use the property and for Mr. Reynolds to receive all these variances they would be re-vamping zoning. Mr. Reynolds asked if it would make a difference if he were to get a petition signed by a high number of town residence. Ms. Trollip said this Board still has to follow zoning and needs to be careful with setting a precedence. Discussion ensued on other businesses in the area and parking for those businesses. Mr. Colozza said this application will need at least 16 difference variances and that is like changing the zoning. Mr. Reynolds stated he did not understand because it was commercial zoning, Mr. Colozza explained it is not commercial zoning his parcel is in the Hamlet zone. Mr. Reynolds asked if there was a certain amount of product before it was considered warehousing, Mr. Colozza responded no there was no amount and actually both uses Mr. Reynolds is asking for are only allowed in the industrial zone and this lot is too small, Mr. Reynolds will have to prove the hardship is not self created, he did buy a private garage. Mr. Boyce said this Board granted one variance for the stated purpose on the application, they need to look back at that and it needs to pass the test of not being self created hardship, he added Mr. Reynolds bought property in the Hamlet and it was not of standard size or use. Discussion ensued on the previous variance that was granted. Mr. Boyce stated the Planning Board will do a site plan review and asked for the file copy of the variance application, then stated what is documented does not represent what he is discussing here tonight. Mr. Reynolds said he had brought the application to Mr. Colozza and the Clerk and they accepted it. Mr. Boyce said the application doesn't address the storage and the warehouse use and he added they need the MSDS sheet. Mr. Colozza said they have the MSDS. Mr. Boyce said they need all the documentation to accompany the application with all the information. Mr. Reynolds asked who usually put the stamp on the drawings, Mr. Bemis said the architect that does the design. He then stated the Planning Board gave him a list and he would like to go through the process, he has owned this parcel for 28 years and would like to utilize it. Ms. Trollip asked if everything depends on the Use Variances, what would the impact be to the Area Variance(s)? Mr. Reynolds asked what if the Town Board changed zoning. Mr. Colozza said he would have to go to the Town Board for that. Mr. Reynolds said they need to think about where the property is and the chemicals are not toxic, they are not flammable, he has scaled back the size and believes it will make a nice addition to the Town. Mr. Reynolds asked if he could get a list of everything that is needed with bullets clear and concise, because he has been in front of this Board several times and each time something else is needed. Mr. Colozza said he will compile a list. Mr. Boyce asked Mr. Reynolds if he could complete an application with everything he is requesting in his own words so the Board understands what is being requested. Ms. Trollip added the more detail the better. Mr. Boyce said they don't really need that much more, just for the application to be filled out with the exact request and a stamped survey / site map. Mr. Reynolds asked

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if stamped Architect plans would be enough, Mr. Boyce responded that should meet the intent. Mr. Bemis interjected, that would not satisfy him and he would like a stamped legal survey map. Ms. Trollip said it needs to show all the setbacks and the septic, to include as much detail as he can supply. Mr. Boyce said Mr. Reynolds may want to contact DEC and the Department of Health to see what is needed. Mr. Reynolds stated he bet there is a limit of chemicals for DEC and Department of Health and added he wants everything requested to be in the letter from Mr. Colozza. Ms. Trollip said for him to bring as much information as he can, they need a detailed survey so the Board knows exactly what is required. Mr. Boyce stated the first application Mr. Reynolds submitted requested to be able to mix and store chemicals, Mr. Reynolds responded that has changed; the mixing of the product will take place off site, Mr. Boyce said if the chemicals will come in a container and go out in the same container Mr. Reynolds needs to state that on the application. Mr. Leone asked where the chemicals were produced, Mr. Reynolds responded India, however he is negotiating with a company in Connecticut to package it for them. He added there will be about 20 or so pallets in storage, sealed, and the Root Control business will not be there. Mr. Reynolds asked if he could have the letter containing all requested items by next week, Mr. Colozza responded he could probably get something together. Mr. Bemis stated a stamped survey is needed showing the property and train tracks, then he asked if Mr. Reynolds had any contact with the Railroad, he would like to see a letter from them. Mr. Reynolds said he was not sure about that, it may take a while.

Appeal Application #0003-13, David and Cynthia Swota, Forest Lane Dr.
Mr. Swota explained he currently owns 12.30 acres and would like to use it for the intended use of Residential / Agricultural. He stated about 30 years ago he bought into Forest Knolls Subdivision; the developer was in trouble and did not complete the subdivision. He stated he has reviewed the Vision of the Town and feels his project would fit in with it. He then discussed the current placement buildings and he wanted to build a new house for his wife and himself and have the ability to sell his current house on one acre of land to his son. He stated he currently has a small farm and would like to keep the existing barn with his new home for his farm. He then explained he will get a survey and follow requirements for any permits. Ms. Trollip asked if this was Agricultural / Residential 5 Acre zoning, Mr. Colozza responded yes and discussed the color coded map with the Board. Ms. Trollip reiterated the land was never really subdivided. The Board then discussed the zone 5 acre requirements, setbacks and the other existing homes. Mr. Boyce explained they need him to return to the Planning Board and find out how much of a variance is needed.

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

Ms. Trollip made a motion to close the monthly meeting at 9:03 pm,
Mr. Leone 2nd the motion,
All in attendance unanimously approved

FUTURE MEETINGS
March 6, 2013 - As Needed

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk