

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
March 7, 2012 7:00 pm
Corrected and accepted by the Zoning Board of Appeals
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Members Present: Julie Trollip, Bruce Bemis, Carl Harrison, Clinton Barber, Vice-chairperson and Mark Boyce, Chairperson

Members Absent: Hugo Leone, Jeremy DeLisle, and Rebecca Hodgson.

Town Employees Present: Richard Colozza, Building and Zoning Administrator and Tia Kilburn, Zoning Board Clerk.

Mr. Boyce, Chairperson, called the Monthly Meeting to order at 7:14 PM.
All in attendance stood and recited the Pledge of Allegiance.

Mr. Boyce announced application for Applicant Mark Reynolds, Application # 0015-11,

Area Variance

SBL: 103.12-1-8

Applicant: Mark Reynolds

Application #: 0015-11

Location: 2 Leonard St

Zoning: Hamlet

Mr. Reynolds addressed the Board, he stated there are some changes he would like to make to his application and explained there were discrepancies on the original survey map, he submitted a new survey to the Board. He said this survey is the actual correct version and he is not asking for any larger setbacks, no less and no more, however he is proposing changing the footprint of the building. He said he changed the application to reflect expanding the building with the same side setbacks, he stated he still has the required 100' separation from the well to septic. He then described the septic design changes and stated he can have his engineer draw out the entire design. He said his thought was to come in and start over with engineered drawings. Mr. Boyce said they need a completed application before they can proceed to the Public Hearing. Mr. Boyce then asked if Mr. Reynolds was looking to demolish the existing building and rebuild, Mr. Reynolds responded no, he proposes to put an addition on the current building and add a septic system. Mr. Barber asked what the 30' indicated in the center of the drawing was, Mr. Reynolds said that was a typo and should be 35'. Mr. Bemis discussed an article from the *Daily Gazette* pertaining to the Railroad and utilities being run from Canada through New York underground on the Railroad property, he stated that in part comes to this situation and the Railroad may want to take land along the way. Mr. Reynolds said he did not know what that had to do with this application and that would be between the Railroad and property owners. Mr. Barber said the Railroad would not be taking property the utilities would be installed on the Railroad's property. Mr. Reynolds said he was not going to be affecting the Railroad property. Mr. Bemis stated he did not feel they could move forward on this application. Mr. Harrison stated they cannot make a decision based on what may happen with the Railroad in the future. Ms. Trollip discussed the difference in a private and public garage. Mr. Bemis stated per Mr. Colozza, the Code Enforcement Officer, this parcel does not meet the minimum requirements for a public garage. Mr. Reynolds said he did not understand the problem because his changes will not affect anyone. Mr. Bemis said the previous approval Mr. Reynolds obtained for this property was suppose to be for storage only. Mr. Reynolds said he was clear at that time what he planned on using the building for. Mr. Barber said yes, for storage and equipment and added they need a complete application for this variance request. Mr. Reynolds said he would like a general consensus of approval so they can go to a public hearing without spending a lot of money for nothing, he added he will come back with the entire plan drawn out to scale. Ms. Trollip asked if it would continue to be used for just storage, Mr. Reynolds responded yes. Mr. Bemis asked if there was a bathroom in the office across the road and why they couldn't use that one. Mr. Reynolds asked why it was an issue with Gansevoort if he has a bathroom, he did not say it was a private garage, this Board said

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it was. Mr. Bemis read the minutes from Mr. Reynolds previous application for an area variance at the same location. Mr. Reynolds reiterated that at that time he spoke openly about the type of business he had. Ms. Trollip asked the Clerk for the original application from the area variance issued previously. Mr. Reynolds said he came in the last meeting and this Board was ready to go to a Public Hearing with this application, Mr. Boyce responded no, they need a complete application and scheduling a public hearing doesn't mean this Board approves of the application, he then explained it means they accept the application as complete. Mr. Reynolds said that he assumed that there were no objections from this Board and he was sorry he misunderstood, however, he feels the Board should not hide their opinion from him and he spends hundred of dollars to only be shot down by the Board. Mr. Boyce explained State Regulations and the requirements for the procedure, he said he is just stating the process of procedure, the Town invokes Zoning Regulations, the Code Enforcement Officer determines if it is within the zoning regulations and the State allows the Town of Northumberland set up a Zoning Board of Appeals. Mr. Reynolds discussed the need for the office in the building, indicating it would make the property more useable and stated he does have a few employees. He said he actually has two businesses and it is not the type of business that will generate a lot of traffic, he feels he is a good neighbor and has never had any complaints from the neighbors. He added he would like to utilize this building that has never been used because of the size of it. Ms. Trollip asked if he was planning on moving the office to this building. Mr. Reynolds responded yes, there will be an office in there. Ms. Trollip asked if this was going to be for storage only and he had said yes. Mr. Reynolds said he openly stated what his business was at the time of the original approval. Ms. Trollip reviewed the original application for the approved area variance and stated there was no mention of an office on that application, the variance was granted for storage only. She then asked if Mr. Reynolds has talked to the Health Department for the septic system. Mr. Reynolds said no however, he will have an engineer design the septic, he is not sure if he needs to talk to the Health Department. Ms. Trollip stated this Board cannot move forward until the application is complete and said he will want to add the office proposal to the application so it will be clear and the application is granted based on what is requested in writing on the application. Mr. Barber said he may still need to obtain a variance for the septic. Mr. Reynolds asked if this Board thinks the overall plan is ok because he doesn't want to go through all this and find out the Board is against it. Ms. Trollip stated they cannot decide right now, they need to look at everything a completed application, the regulations and ordinances. Mr. Reynolds said hypothetically if he did all that would it look fine, Mr. Boyce reiterated they cannot make a decision at this time. Ms. Trollip added they need everything he is requesting to be on the application in writing. Mr. Reynolds said he will talk to Mr. Colozza, the Code Enforcement Officer and Tia Kilburn, the Zoning Board Clerk to make sure he is ready for the next meeting. Ms. Trollip encouraged Mr. Reynolds to complete the application thoroughly with all proposals. Mr. Boyce added what is on the application is what will be considered; this Board is encouraged to grant the least required variance, he said currently he has an area variance he may need a use variance and suggested he talk to Mr. Colozza. Mr. Reynolds said he will decide if he wants to spend more money and move forward with this application or just move on to another location. Ms. Trollip suggested he talk to Mr. Colozza, Mr. Reynolds then asked if the use variance would be a separate meeting starting all over, Mr. Boyce said they can combine the two requests. Mr. Reynolds stated he will decide if he wants to move forward and will talk to Mr. Colozza.

Mr. Boyce asked if there were any additional questions or concerns, none were noted.

Action

Tabled, Mr. Reynolds will make a decision on how or if he would like to proceed, he will contact Mr. Colozza.

Miscellaneous

Maureen Wilber discussed a proposal for a public garage for automotive repair, located at 4737 Route 50, Gansevoort, NY 12831, the old "Dow's Garage".

Mr. Boyce explained the process, they need an application, Mr. Colozza can help her with that and then they will need either the Planning Board to refer the application to this Board, or Mr. Colozza to refer it. Ms. Wilber stated she has completed the application however she needs to make changes to it to add auto sales. Mr. Boyce said they have reviewed it and it is a general request for an auto garage she will want to go through the office and when they receive a complete application they can proceed.

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Ms. Wilber asked how long the process would take, Mr. Boyce said they need a complete application and it may need to go to the Planning Board for a site plan review. Discussion ensued on the previous uses of the location. Mr. Bemis said there has never been any auto sales there, Ms. Wilber said the previous tenant had sales and did inspections there. Mr. Bemis said he lives close by and there have never been any real sales there. Ms. Wilber stated she would like a variance for a public garage and auto sales. Mr. Boyce said they cannot leave the application wide open, they will need details and this Board will consider the application as it is written, it is this Board's responsibility to minimize non-conforming uses, and he suggested the applicant submit exactly what they want to use it for, Mr. Colozza can help her and either refer the application to this Board or to the Planning Board for a site plan at which time it may be referred back to this Board. Mr. Boyce explained the process and stated the application will have to be reviewed and then go to County Planning when it is complete; a denial by County Planning does not mean a denial here nor does an approval from County Planning prejudice this Board. Ms. Wilber asked if there was enough information on the application for a public garage. Mr. Bemis asked if they had plans to use the land behind the garage because they are wetlands. Ms. Wilber stated they have never used that area because they have an agreement with the neighbors. Ms. Trollip said they should calculate the "usable lands" square footage for the application if they are unable to use the entire parcel. Ms. Wilber corrected herself and said it is only wet straight back behind the building and the sides are fine it is all usable, they just have an agreement with the neighbors. Mr. Bemis said they are marked wetlands by the Federal Government, he added there may be environmental issues as well due to oil and transmission fluid contamination that will need to be removed. Ms. Wilber said the tanks from the ground are gone and it has been cleaned up she has the paperwork and that is one of the reasons they want to be careful who they rent to. Mr. Boyce asked if there were any questions on the current written application, he read the definition of a public garage plus auto retail sales, stating they are limiting themselves it could be a gas station he advised the project description be more thorough with what they want to do and what they do not want to do, if they are not dispensing fuel they should state that, he said he is not telling them what to do with the parcel only that they should be more specific on their request. Mr. Bemis said if it included prior auto sales there should be a record of a license, discussion ensued on prior uses. Mr. Boyce suggested the more information they put on the application the better it is for review and completeness for County Planning. Ms. Trollip re-read the definition of a public garage and stated it doesn't cover auto sales, which would be a separate use.

Mr. Boyce asked if there were any additional discussion for this application, none was noted. Ms. Wilber said she would contact Mr. Colozza to complete the application.

Mr. Barber made a motion to accept the February meeting minutes as corrected,
Mr. Harrison 2nd the motion,
All in attendance unanimously agreed.

Mr. Barber made a motion to adjourn the monthly meeting at 8:15 PM,
Mr. Harrison 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

April 4th as needed.

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk