

Town of Northumberland Zoning Board of Appeals

Minutes

Wednesday,

March 3, 2010 7:00 pm

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Accepted by The Zoning Board of Appeals

Present: Hugo Leone, Clinton Barber, Julie Trollip, Rebecca Hodgson, Bruce Bemis and Mark Boyce, Chairperson (entered at 7:15 PM)

Absent: Carl Harrison and Gordon Strong

Town Employees Present: Tia Kilburn, Zoning Board Clerk.

Mr. Barber, Vice Chairperson, called the monthly meeting to order at 7:07 PM.
All in attendance stood and recited the Pledge of Allegiance.

OLD BUSINESS

None

NEW BUSINESS

Application #: 0001-10 – Use Variance

Applicant: Pember Dupras

Owner: Phyllis Thomas

Zoning: Agricultural

SBL: 156.00-1-11 & 156.00-1-12 A&B

Mr. Barber invited the applicant to approach the Board. Pember Dupras came forward, introduced himself and explained his request for a use variance for his “Rain or Shine Tent Company”. He explained he has been renting a portion of the barn on one of the parcels, for storage and he had previously rented space from Herb Thomas on Route 29, 15 years prior to moving over to this spot on Wall Street. He is seeking a more permanent place he can use and Mrs. Thomas has indicated she would like to sell both parcels. He stated he would like to purchase the parcels, however, he would like to receive approval for a variance would be possible for his intentions first before the sale. Mr. Dupras explained Herb still has some stuff there and currently he is on the reverse side. The variance would allow him to transition over there and would benefit his business more. Mr. Barber asked if there was more room on the hill where Herb Thomas is operating now. Mr. Dupras said yes and it would be easier for him to move stuff around.

Mr. Boyce entered and Mr. Barber asked him if he wanted to take over the meeting as Chairperson.

Ms. Hodgson asked why the variance is needed if Mr. Dupras is currently using the barn. Mr. Dupras said because it is in the agricultural district and is not an allowed use. Before he purchases the property he would like to know that he can continue to use it. Mr. Barber asked if he needed both parcels and if he planned on using the house for his office. Mr. Dupras said no the house was secondary, the barn is key to his business, his office would remain where it is. Mr. Barber asked if they can stay separate. Mr. Dupras said they could remain separate however, neither lot is large enough for any allowed use in the agricultural district. He would like to combine the two lots and get closer to compliance with the zoning regulations. Mr. Leone asked what he would do with the house. Mr. Dupras stated he had some exchange students that work for him, currently they rent an apartment in Saratoga and he has to supply them a vehicle to get to work. He then added it would be ideal for them to live in the house and be right there on the property next to the business. Ms. Hodgson asked about the manufactured home that was on the parcel. Mrs. Thomas said it use to belong to her parents, they are deceased and it was a rental for a

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while. Mr. Dupras added he would be willing to remove it. Ms. Hodgson reiterated that there would be only one dwelling then. Mr. Dupras agreed. Mr. Bemis asked if the house and the rental were on the same parcel. Mr. Dupras said yes they were. Mr. Leone asked why on one map it looked like the town boundary line went through the barn. Discussion ensued and the Clerk gave Mr. Leone a map of the Town of Saratoga to confirm this property was entirely in the Town of Northumberland. The Clerk then stated she had contacted the Town of Saratoga, the zoning is rural residential and this type of business is allowed by special use permit. Mr. Leone asked if he planned on any renovations on the barn. Mr. Dupras said maybe some paint and paving to clean it up a little, he may plant some shrubs or fast growing trees but he hadn't planned on anything to elaborate. He added they were not there a lot, only to pick up and drop off, he added this location would be perfect for his business because he has a lot of work in the Saratoga area and would do what he has to, to be a good neighbor. Mr. Bemis asked if he was going to add any signs and agreed he would need some paving because it was muddy there. Mr. Dupras said no he did not plan on advertising on this parcel, he stated they do all that on the site where they are setting up their tents. Mr. Leone asked what was currently in the other half of the barn. Mr. Dupras said Mr. Thomas still had a tractor, a truck and a small shop in there. Mr. Bemis asked about the flooring. Mr. Dupras said it was concrete and he would be able to run a forklift, which he can't do now. Mr. Leone asked when he wasn't operating the few months in the winter where would the trucks be stored. Mr. Dupras said there in the yard. Mr. Barber asked if there were any other questions or concerns. Mr. Boyce said he had a couple of suggestions for Mr. Dupras on the application. Mr. Boyce said under the "Reasonable Return" heading Mr. Dupras may want to be more specific when it comes to the Public Hearing because he mentioned the "intended purpose" of the property to prove the "unique hardship" was not self created. Also Mr. Boyce asked Mr. Dupras if he wanted to omit the part that says "Rain or Shine or anyone" under that same heading. Mr. Boyce stated these were just suggestions, however when it comes to the Board approval or denial the Board tries to be specific, more narrowly focusing on the least required variance needed. Mr. Dupras said the "or anyone" referenced, just means anyone else who purchased this parcel would have to seek a variance too. Mr. Leone added any stipulations can and will be written in at the time of the approval or denial for the variance.

Mr. Boyce asked if they wanted to do a joint hearing with the Planning Board. Mr. Dupras said Richard Colozza, the Code Enforcement Officer, had told him to go one step at a time. Discussion on the benefits of combining two public hearings. The Clerk said she would ask the Planning Board if they wanted to combine the public hearings. Mr. Dupras asked what was next in the process, Mr. Boyce explained a public hearing including public notification would have to be sent out, this application needs to go to Saratoga County Planning Board for review, he explained the time lines and review procedures. Mr. Boyce then asked if there was a State Environmental Quality Review (SEQR) form. The Clerk said she would give one to Mr. Dupras to complete. Mr. Barber added it would be a short form. Mr. Boyce stated the Zoning Board of Appeals will take lead on State Environmental Quality Review Form.

Mr. Barber made a motion to schedule a Public Hearing for April 7, 2010.

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed.

Action

Public Hearing to be scheduled April 7, 2010 at 7 PM. Clerk will give Mr. Dupras a short form State Environmental Quality Review Form to complete. The Clerk will submit it to Saratoga County Planning.

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Miscellaneous

Mr. Boyce apologized for not being able to attend the meeting in January and asked if a recommendation was made for Chairperson and Vice-Chairperson. Mr. Leone said yes, the Board recommended the current remain as such.

Mr. Barber made a motion to accept the January minutes as corrected.

Mr. Leone 2nd the motion,

All in attendance unanimously agreed

Mr. Boyce asked if there was any other business for the Board.

None was noted.

Mr. Barber made a motion to adjourn the monthly meeting at 7:37 PM

Ms. Hodgson 2nd the motion,

All in attendance unanimously agreed

FUTURE MEETINGS

April 7th, 2010 – Public Hearing

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk