

Town of Northumberland Zoning Board of Appeals  
Meeting Minutes  
Wednesday,  
November 7, 2012 7:00 pm  
Subject to Correction by the Zoning Board of Appeals  
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**Zoning Board Members Present:** Julie Trollip, Vice-Chairperson, Carl Harrison, Jeremy DeLisle and Mark Boyce, Chairperson.

**Members Absent:** Hugo Leone, Bruce Bemis, Clinton Barber and Rebecca Hodgson

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

Mr. Boyce, Chairperson called the Monthly Meeting to order at 7:09 PM.  
All in attendance stood and recited the Pledge of Allegiance.

**NEW BUSINESS**

Appeal # 0008-12

Mr. Reynolds, Request(s) for Use Variance pursuant to Article XII, existing non-conforming use & Several Area Variances pertaining to setbacks and lot size.

Mr. Reynolds explained his intention to expand the existing building to accommodate storage and office space, he would like to add a restroom and allow for outdoor storage of equipment. He stated the drawing submitted is just preliminary, he would like to add a 12' bay and an additional entrance. He stated he had been before this Board previously for a variance to raise the height of the building and he was unaware he had to ask for outside storage, he then added the lot is small and unique, he feels he would not be affecting anyone and it would not be a detriment to the community. Mr. Reynolds then stated he has 2 businesses and would like to utilize this building, one business is sales and they store the product there and the other is a service business and the service trucks are parked there. He said they travel to 25 states and would like to park 2 vehicles on the premises when they are not traveling a 3rd truck will be working throughout New England. He would like to operate an office out of the back side of the building to be shared by both businesses. Ms. Trollip asked what it was that he was storing, he responded it is a non-toxic, non-hazardous chemical that many farmers use as a herbicide, and there will be a minimum of the product stored. Ms. Trollip asked what it was stored in. Mr. Reynolds responded it is delivered in drums and then they blend it and repackage it into gallon containers, he added basically it is calcium sulfides and water, non toxic. Mr. Boyce repeated it is non toxic, Ms. Trollip asked if it were zero toxic and Mr. Reynolds said yes, zero toxins. Ms. Trollip stated when he came before the Board previously it was suppose to be a private garage. Mr. Reynolds disagreed and stated the business was discussed. Ms. Trollip asked where the business was located before, Mr. Reynolds stated nowhere, one of the businesses is new. Ms. Trollip asked how many total trucks would be parked there, he responded 5. Mr. Boyce asked if there were any other questions for Mr. Reynolds. Mr. DeLisle asked what the companies were. Mr. Reynolds stated there are 2 companies, one is a root control service and the other is a septic drainer that is not bacterial based, farmers often use it and it regenerates septic systems. He added he has been storing it there since he raised the roof height, it is a product from India and he has brought it here to the United States. He stated they blend and repackage it and it has been stored outside. He said he understands that the barrels outside did not look good and it bothered him so they had them behind the building, he had considered a fence however the cost was ridiculous, since then he has found a place to take the empty barrels and is trying to expand the building to accommodate the storage, he said there is only around 20 or 25 barrels left. Ms. Trollip asked if he was granted a variance would there be storage outside, Mr. Reynolds responded no, Ms. Trollip asked if all the empty barrels and everything else would be inside and Mr. Reynolds said yes. Mr. Boyce stated he had reviewed Mr. Colozza's memo to the Board (attached) and asked if there were a State Environmental Quality Review Form on file, the Clerk responded no, Mr. Boyce stated because it involves chemicals this application will need a long for State Environmental Quality Review Form. Ms. Trollip asked what the requirements were for the setbacks and lot size. Mr. Colozza said this application is going to need several variances, at least 6 or 7, Mr. Reynolds needs to address additional things such as parking and a loading berth, he will have to go to the Planning Board for a site plan review because he is changing the use from a private garage to warehouse and or manufacturing, he added they should probably combine this Boards review with the Planning Board review. Mr. Reynolds

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asked why he would need a loading berth, Mr. Colozza responded for deliveries and commercial deliveries are only allowed in the Industrial Zone so the Planning Board could ask for additional variances. Discussion ensued on the property lines and Mr. Colozza's memo to the Board. Mr. Colozza stated there would only be a 1' setback on the back side of the property, Mr. Reynolds added that would be on the Railroad side. Mr. Colozza said it doesn't matter what side it is or who the owner is, the setbacks are still requirements. He then added Mr. Reynolds has to prove he has 18' x 25' for a loading berth, Mr. Reynolds asked why he needed a loading berth because he has been unloading trucks there and he is not going to have 5 trucks there all the time. He asked how the Flag Company deals with deliveries, Mr. Colozza stated the Flag Company is a mail order business and Mr. Reynolds business is a warehouse / manufacturing business. Mr. Colozza said the Planning Board will have more questions because he is trying to change a non-conforming use to another non-conforming use so they could require additional variances. Mr. Boyce stated this application will have to go to Saratoga County Planning and nowhere on the application does it state the intent of use for the building, in order to have a complete application they need to have all the information on the application including the intended use in order to move forward. Mr. Reynolds stated all of this should have been addressed by Mr. Colozza before this meeting. Mr. Boyce explained the procedure for submitting an application, first this Board has to accept the application as complete and then send it to County Planning. In order for the County Planning Board to be able to review the application it needs to be listed what business it will be used for and there is information discussed tonight not on the application, he stated Mr. Reynolds needs to convey all the information on the application. Mr. Colozza stated the last application submitted was for a private garage. Mr. Reynolds said he did not know the difference between a private garage and public garage, and he added he does not know the Town Law. Mr. Boyce read what was listed on the application and stated the purpose Mr. Reynolds is discussing is different than what is written on the application, it is not conforming to the use variance requested. Mr. Reynolds said he was an entrepreneur and wanted to be able to utilize this building for his business, he added he did not want to invest money in a large building in the Industrial Zone. Mr. Colozza said Mr. Reynolds previously stated he wanted to use the garage for storage and he knew about the restrictions for the building when he bought it. Mr. Reynolds said his business did not exist when he bought the building, it is a new business he is starting, the product comes from India and some Town Residents have used the product and they love it. He said he would like to hire more people and the material is not toxic or hazardous. Mr. Colozza asked the Board to keep in mind Mr. Reynolds would need 6 or 7 variances and this situation was self created. Mr. Reynolds asked Mr. Colozza why he was against this and he did not care if he needed 100 variances. He then added he sees other businesses in the hamlet and he also owns the apartment building across the street. He feels he has improved the area and keeps it neat and tidy, he said the barrels got out of hand however, the business is new to them and they have now found a place to remove the barrels. Ms. Trollip stated they needed to get back to the issues of the application and asked how many employees would work there. Mr. Reynolds said he currently has 2 employees. Ms. Trollip asked about parking, Mr. Reynolds responded there is parking across the street at the apartment building during the day when nobody is there. Mr. Boyce stated he was requesting to build out to within 1' of the property line and asked how he planned to maintain the outside of the building and if he had an agreement with the neighbors. Mr. Reynolds admitted he did not think of that. Ms. Trollip asked about the neighbor to the left of the building. Mr. Reynolds stated it was a renter, he said the father of the owner had come over once to discuss the property line, however, they have never discussed any concerns. Mr. Reynolds added he is hoping to have satellite offices in other locations, there will be 2 businesses in this garage and 5 vehicles parked there, then he stated he hoped that the parked vehicles would be reduced later. Ms. Trollip asked if there would be any customers coming into the building, Mr. Reynolds responded no. Ms. Trollip then asked at what point will the Planning Board review this application, Mr. Colozza responded if this Board is comfortable with the application they can refer it to the Planning Board. The Planning Board needs to see it because they have to approve a special use permit, you can ask them to look at it now. Mr. Harrison stated they do need the Planning Board's input. Ms. Trollip asked Mr. Reynolds when he envisioned expanding the building. Mr. Reynolds said he had hoped to start construction now, but he understands that is unlikely. He then asked what the acceptable setback for the maintenance of the outside of the building. Mr. Colozza said that the setbacks listed for each zone are the acceptable setbacks for each zone. Mr. Boyce asked if he planned on making agreements with each neighboring property owner. Mr. Reynolds said he could try to lessen the impact and shrink the

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building a couple of feet. He stated the piece of property is useless, he intends on bringing in about 4,400 gallons of material and re-packaging it in the additional bay which would take about 2 weeks for each shipment. There would be a minimum of about 20 or 25 barrels stored before they are picked up, with the improvements to the building it would be a nice shop for a contractor or plumber in the future. Mr. Boyce stated in his opinion this application is not complete, Mr. Reynolds needs to annotate it because it does not express the intended use so he can either supplement it or modify it. Mr. Reynolds said he did not know why it would be a manufacturing use, he is just re-packaging. Mr. Colozza stated they have to go by the definitions from the Regulations, and this use fits in the warehousing and manufacturing definitions. Ms. Trollip reiterated he is using products to blend and create another product and the Board is bound by the book. Mr. Boyce stated they will need a long form State Environmental Quality Review Form and MSDS sheets for the product to accompany it. Mr. Reynolds stated he did not want to hire an attorney because of the money, he was not trying to hide anything and storage is storage. Mr. Boyce said it is a commercial use and MSDS sheets are required for the product, he asked Mr. Reynolds if he wants to proceed with the build out as stated or change it, and said they need the information on the "blending" of product. Mr. Reynolds said he will submit a long form State Environmental Quality Review Form and MSDS sheets, he will also meet with Mr. Colozza to make sure all his ducks are in a row. Mr. Boyce said the purpose of this meeting is to create a dialog session for a completed application to be able to submit to County Planning. Mr. Reynolds asked what role County Planning played in this procedure. Mr. Boyce said they will review it for any community impacts and provide comments, if County Planning sends negative comments; this Board will need a superseded vote to over ride the County's vote. Also what is on paper is what they will act on, once it is accepted as a complete application it will go to the Town's Planning Board and the Town's Attorney, due to the nature of the business discussed. Ms. Trollip added everything discussed tonight should be included in writing on the application, Mr. Reynolds agreed he would add to the application, he then asked about the long form State Environmental Quality Review Form. Mr. Boyce explained the long form is just that a longer form that contains 2 parts, the first part is for the applicant to complete and the 2nd part will be completed by this Board. Mr. Reynolds asked if they could hold the public hearing prior to sending the application to Saratoga County Planning, Mr. Boyce responded no, before they can hold a public hearing they need to advertise for public notice, send notification to surrounding property owners and get a response from Saratoga County Planning. Mr. Reynolds said he would do a better job completing the application and asked when the next meeting was. Discussion ensued on an agent or representative if Mr. Reynolds was unable to make the meeting, Mr. Reynolds said he would be here. Ms. Trollip asked if the "blending" of chemicals would take place on the premises, Mr. Reynolds stated just storage, Ms. Trollip reiterated that it would be blended elsewhere and just stored at the location of the garage. Mr. Boyce said that is why Mr. Reynolds needs to be more specific on the application. Mr. Reynolds stated he did not think about some of the issues and it could be possible to have somewhere else to blend. Ms. Trollip asked about sprinklers, eye wash station and safety, Mr. Colozza said the building department will deal with all that. Mr. Reynolds asked Mr. Colozza if he needed MSDS sheets if it were just a warehouse and there was no blending, then could they go to the public hearing, Mr. Boyce responded no, this is still not a complete application and it still needs to go to County Planning. Mr. Reynolds said if he decides not to blend at that location it would be a complete application, Ms. Trollip added as long as Mr. Reynolds feels all the information is on the application they could vote on it, however, the more information the better. Mr. Boyce said the build out has to be reasonable, he suggested Mr. Reynolds consider the area available for construction and maintenance of the building, Ms. Trollip said this Board cannot tell an applicant what to ask for they can just request what is needed. Mr. Reynolds said he will have a conference with Mr. Colozza to make sure he has everything needed for the next meeting. Mr. Boyce said the next meeting will be the 1st Wednesday in December.

ACTION

Tabled, Mr. Reynolds will set up a conference with Mr. Colozza to complete the application and include additional information requested by the Board.

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

Mr. Boyce made a motion to close the monthly meeting at 8:30 pm,  
Mr. DeLisle 2nd the motion,  
All in attendance unanimously approved

**FUTURE MEETINGS**

December 5, 2012 - As Needed

Respectfully submitted,

Tia Kilburn, Zoning Board Clerk