

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
August 5, 2015 7:00 pm
Subject to correction by the Zoning Board
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Zoning Board Members Present: David Gougler, Gary Applegate, Carl Harrison, Bruce Bemis, Aimee Gates, Paul Becker and Mark Boyce, Chairperson.

Members Absent: Todd Heym and Jeremy DeLisle, Vice-Chairperson

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

Mark Boyce, Chairperson, called the public hearing order at 7:05 PM.
All in attendance stood and recited the Pledge of Allegiance.

Mr. Boyce introduced Application #0004-15, Timothy Powell for a 3.38 acre area variance request. Mr. Powell and Attorney representation, Kristen Ashdown, Esq. introduced themselves to the Board. Mr. Boyce asked if there were any correspondence received pertaining to this application, none was noted. He then asked if the applicant to explain the application. Mr. Powell stated he is proposing an addition to his existing pole barn and expand his agricultural use. Ms. Ashdown said the barn currently houses his chickens, feed and equipment the addition will be used primarily for additional supplies since Mr. Powell's is doing well with his agricultural pursuits he would like to expand. Mr. Boyce asked if there were any questions or comments. Mr. Becker asked if it would be all farm equipment, Mr. Powell responded no, Mr. Bemis asked how much of the parcel is used for growing crops, Ms. Ashdown interjected it was a relatively small addition, Mr. Powell agreed, stating the barn is 24' x 40' and the addition is 16' by the 40', the balance of the parcel was for crops. Mr. Gougler asked if he was storing construction equipment, Mr. Powell said yes, it is to maintain the "closure" project, previously approved by the Planning Board for the stump dump at that location. Mr. Gougler then asked if Mr. Powell was aware the parking of the construction equipment may be limited by the variance, Mr. Powell stated he was only keeping it there for the closure maintenance once that was completed it would probably be sold. Ms. Ashdown interjected Mr. Powell will not be storing construction equipment here, he is not an excavator by trade it is only for the maintenance of the parcel, farm equipment will be stored on this parcel. Mr. Powell agreed and stated he is in the business of remodeling mostly kitchens and such, the trackhoe and bulldozer are to fix this property. Mr. Gougler reiterated that if this area variance is approved it would be only for what was granted and there could be restrictions. Discussion on the equipment storage ensued.

Mr. Boyce asked what the current use of the property was, Mr. Powell stated agricultural, chickens, crops and agricultural equipment, Mr. Colozza interjected there is no primary use he is applying to expand a secondary use. Mr. Boyce then asked if he can continue with the current use, Mr. Colozza responded yes without a primary use it is grandfathered without the expansion. Ms. Ashdown stated an approval would not change the nature of the use or the nature of the neighborhood.

Ms. Ashdown stated for the record she would like to revisit the 5 key factors required for an area variance;

1. Is this an undesirable change, answer is no, there will be no change in use.
2. Can be achieved by some other method, answer no, applicant was denied building permit
3. Request is substantial, answer no, small addition
4. Adverse effect on environmental conditions or neighborhood, answer no, continuation of agricultural pursuits
5. Self-created, answer no, part of original plan single family residence will eventually be built as well

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Mr. Boyce asked for the SEQRA, State Environmental Quality Review Long Form, and if there were any additional discussion, none was noted.

Mr. Gougler made a motion to close the public hearing for application #0004-15,
Mr. Bemis 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce opened the regular monthly meeting; he asked if there were any questions, comments or discussion from the Board, none were noted, he then read the decision received from Saratoga County Planning Board, pertaining to this application their referral #15-146MOU; *No Significant County Wide or Inter Community Impact*. Mr. Gougler agreed there would not be an impact on the neighborhood. Mr. Boyce asked Mr. Colozza if there is any reason this application would need to go before the Planning Board, Mr. Colozza stated no, he then asked the applicant to sign the SEQRA, State Environmental Quality Review Form.

Mr. Boyce reviewed the long form SEQRA, State Environmental Quality Review Form, in its entirety and completed parts 2 and 3 as the responsible officer for the lead agency. He stated this project is not a Type 1 or Unlisted Action, Mr. Colozza agreed, Mr. Boyce then stated he check the box on Part 3 of the SEQRA, State Environmental Quality Review Form stating; *This project will result in no significant adverse impacts on the environment, and, therefore, and environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.*

Mr. Boyce made a motion to declare a Negative Declaration, no significant adverse impact on the SEQRA, State Environmental Quality Review Form,
Mr. Gougler 2nd the motion,
All in attendance unanimously agreed.

Chairman Boyce asked for additional discussion, none was noted.

Mr. Becker made a motion to approve application #0004-15, as submitted,
Mr. Harrison 2nd the motion,
Roll call vote, all in attendance unanimously agreed.

ACTION

Negative Declaration declared on SEQRA, State Environmental Quality Review Form, application approved as submitted.

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

Mr. Boyce made a motion to adjourn the monthly meeting at 8:10 PM,
Mr. Harrison 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

September 2, 2015 - As Needed

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk

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