

Town of Northumberland Zoning Board of Appeals
Meeting Minutes
Wednesday,
April 6, 2016 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 7:15 PM.
All in attendance stood and recited the Pledge of Allegiance.

Application #0003-16, Tisa Development, LLC - 13' Area Variance / Front Setback

Owner - Lisa Breen

Kevin Weed, Surveyor for the Applicant, presented the application as needing a 13' front yard area variance because the excavator was following the original subdivision survey and the foundation was in before they realized it was not a 50' Right of Way but a 60' and the pavement was moved back due to the curve in the road. He stated this lot changed from the original survey. Mr. Boyce asked who owned lot #2, the adjacent property and if there is a house there, Mr. Weed responded yes there is a house there. Mr. Boyce then asked if there were any questions or comments from the public, none were noted, he then asked if there has been any correspondence received, the clerk stated only from Saratoga County Planning containing a response of "No Significant County Wide or Inter Community Impact". Mr. Boyce asked if there was a motion for this application.

Mr. Harrison made a motion to close the public hearing,
Mr. Applegate 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce then opened the regular monthly meeting; Application #0003-16, Tisa Development, LLC, Mr. Boyce then asked if this parcel was in an approved subdivision, Mr. Colozza responded yes, it is an older subdivision and they took a sliver from the original lot to make the building lot larger and he added it was a "cal de sac" type subdivision and then they changed it. Mr. Boyce stated the SEQRA, State Environmental Quality Review Form was not signed, the applicant Ms. Breen signed and dated the form. He then asked if the Planning Board had taken any action on the SEQRA, the clerk responded no they suggested the Zoning Board take lead. Mr. Boyce asked if the minutes indicated the Planning Board referred this application and for this Board to assume lead for the SEQRA? The Clerk responded yes. Mr. Boyce then reviewed part 1 completed by the applicant and completed part 2. Mr. Bemis asked how far along the construction of the dwelling was, Ms. Breen stated the house is in the finishing stages and the garage has siding and the roof, it has not yet been sheet rocked or taped, Mr. Boyce reiterated the garage is just weather tight, Ms. Breen agreed. Mr. Boyce then asked if there were any other questions or concerns from the Board, none were noted. He then asked why item E.2.o on the SEQRA is answered "yes", it reads "Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?" Mr. Weed responded because any tree over 3" could be a habitat for the now endangered long eared bat. Mr. Boyce then asked if the subdivision process will take a year or more to complete, Ms. Breen responded the current house will be complete within 30 days. Mr. Boyce reiterated she needed this area variance for the subdivision to move forward, Ms. Breen responded yes, the construction is not started for the house and she does not anticipate it be started right away. Mr. Boyce then said part 2 of the

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SEQRA was complete and he read the questions and answers aloud to the Board.

Mr. Boyce made a motion to declare a negative declaration on the SEQRA, State Environmental Quality Review Form and "This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued." For Application #0006-16,

Mr. Bemis 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce asked if there were any further discussion for application #0006-16, none was noted, he then asked if there were a motion;

Mr. Harrison made a motion to approve the 13' Front Yard Variance for application #0006-16, Tisa Development, LLC - Lisa Breen as presented,

Mr. Becker 2nd the motion,

Mr. Boyce asked for a role call vote;

Mr. Bemis	Aye	Mr. Harrison	Aye
Ms. Gates	Aye	Mr.. Applegate	Aye
Mr. Becker	Aye	Mr. Boyce, Chairman	Aye

Motion passed, variance approved. Mr. Boyce instructed the applicant to communicate with Mr. Colozza for the continuation of construction and proceed to the Planning Board for the completion of the proposed subdivision.

ACTION

Public Hearing Closed, Negative Declaration Determined on SEQRA, State Environmental Quality Review Form, and Application approved for 13' area variance. Application will return to Planning for additional Subdivision Review.

Application #0001-16, Ms. Joyce Cole

Ms. Cole explained she is seeking a 5.91 acre area variance; she wishes to retain approximately 4.91 acres with her existing single family dwelling and barn with the right to harbor farm animals, specifically horses.

Approximately 45.01 acres will be sold to a neighboring farmer to continue to be farmed. Ms. Cole stated she use to farm it as hay and the prospective buyer has also planted and harvested that field for a while. She has no interest in farming it now and does not want to sell it to a developer, the plan she and the potential purchaser worked up was for the maximum tillable land for him to farm. She stated it will not be commercial use only for personal farming, and then added she would not need a variance if she kept 10 acres with her dwelling but then that would reduce the tillable land to 27 acres. Ms. Cole indicated the layout for the proposed subdivision is such because of her existing well, septic, barn and to allow the turning of equipment in the field. Mr. Boyce asked if she had presented the subdivision to the Planning Board and if they had any concerns, Mr. Colozza stated the subdivision application is contingent on the variance, Ms. Cole has indicated she will not subdivide if she cannot have her horse(s). Mr. Colozza then explained at one time 5 acres was required in the agricultural zone for agricultural pursuits, the Town found that didn't work and changed it to a minimum of 10 acres, he reiterated Ms. Cole is asking for personal use and this Board can restrict the #animals such as 1 or 4 maximum

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or whatever you feel is reasonable and place a restriction to eliminate the commercial use all together.

Mr. Boyce asked how many stalls she had in the barn, Ms. Cole stated she has 4 in the front, she uses the back to store hay and 6 stalls are in terrible shape she uses for storage. Mr. Boyce asked if there were any further questions on this application, none were noted, he then asked if there was a motion to offer.

Mr. Bemis made a motion to schedule a public hearing,

Ms. Gates 2nd the motion,

All in attendance unanimously agreed.

Mr. Boyce made a motion to recommend a joint public hearing with the Planning Board if they so agree,

Mr. Applegate 2nd the motion,

All in attendance unanimously agreed.

ACTION

Application to be sent to Saratoga County Planning Board, Public Hearing to be scheduled, recommend to the Planning Board for a joint public hearing at this Board's next meeting May 4, 2016 at 7:00 PM.

Application #0005-16, Primax Properties, LLC (Dollar General) Interpretation

Chris Boyea - Bohler Engineering MA, LLC

Mr. Boyce discussed the referral of this application by the Planning Board to this Board for an interpretation and then he read Article III, Establishment of Districts, section C. Subsection 8 of the Zoning Ordinance of the Town of Northumberland; *"In the event that none of the above rules is applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning board of Appeals."* Mr. Boyea then addressed the Board and explained they propose to redevelop an existing single family dwelling lot, he displayed and discussed the site plan and curb cut for the driveway, which is the preferred method by New York State Department of Transportation to have only one curb cut. He stated there is a private well and septic on the property, they will be grading away from the road. Mr. Boyea then stated they have been working on a lot line adjustment for approximately 5 months, there are two "paper" roads John Street is located between property owners and Mott Street is behind the property on the ridge. He added these two "paper" roads were never developed or utilized by the Town so they just went away, his company has been working on the legalities with the Attorney's and land owners. The Planning Board felt they need interpretation because the store will be in the front of the parcel in the Hamlet Zone and part for the lot line adjustment is the Agricultural Zone in the rear. He stated all the improvements will be in the Hamlet zone and Retail is allowed by a special use permit. The Agricultural will hold the septic, storm water and additional parking. The septic is considered retail because it services a retail store; however, he stated they assume the parking would be allowed in the Agricultural Zone. He then stated there was also a question of where the zoning line occurs in relation to the "paper road", if it is on the back side of Mott Rd then all of the parcel would be in the Hamlet Zone. He stated however, if a variance is needed that is ok, they will apply for it and if not this application will return to the Planning Board for the site plan review. Mr. Boyce asked how much of the land will be disturbed with the build out, will the truck turning require more than the 1 acre and will the storm water be ponding in nature? Mr. Boyea stated they need to follow the regulations for New York State and they haven't progressed to that as of yet, he stated they have enough land to meet compliance. Mr. Boyce then asked if they already own the parcel, Mr. Boyea responded no they are under purchase agreements. Mr. Bemis asked if there is more than one parcel / homeowner, Mr. Boyea said yes. Mr. Boyce asked if a SEQRA, State Environmental Quality Review Form was submitted, the Clerk said yes and retrieved it from the file. Mr. Boyea stated they have already spent \$20,000 or \$30,000 on the site plan and they are sure they will be in

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compliance with the Town's ordinances. Mr. Boyce asked if it falls within the Hamlet Zone will any additional variances be needed, discussion ensued. Mr. Boyea responded no, they have proven they meet the allowed % of yard coverage and # of parking spaces required. Mr. Bemis asked if there has been any further thought on the building design, Mr. Boyea stated yes, Mr. Bemis then asked what would be in the back area, if it would be green space with shrubs planted. Mr. Boyea responded they will work with the Planning Board on what is required or what they would like. Mr. Boyce reiterated that this application is before this Board for an interpretation if the entire lot is in the Hamlet Zone and he added Mr. Boyea is stating it meets the green space requirements even with the parking, Mr. Boyea said yes he then added they would prefer not to build 49 parking spaces as required by the Town Ordinance for a Retail Business this size but they do have the room if they need it, in addition if it will require a variance not to build the parking they will build them in even if they do not get used. Mr. Boyea stated they build similar size Retail Stores for Dollar General all over New York State and they have found they have never needed that much parking at once. Mr. Boyce stated that the Planning Board referred the SEQR, State Environmental Quality Review Form to this Board, however, if there is no variance needed there will be no SEQR required for the interpretation. He then asked if this will change the demarcation, anything over 1 acre needs to follow the State requirements, Mr. Colozza stated this will involve approximately 20,000 square feet, anything up to 2 acres is allowed and they can shrink that figure for the Hamlet Zone. Mr. Boyea stated they are creating a larger lot size with the lot line adjustment and there will not be an increase need for the water or sewer because this is a Retail Business, not a food establishment, they will only need to locate the neighbors wells and septic. He then added they will be investing one million dollars in this project. Mr. Boyce asked if there were a motion to move forward as an interpretation, then they could follow with a motion for the interpretation.

Mr. Boyce made a motion to perform an interpretation of zoning for application #0005-16, applicant Primax Properties, LLC (Dollar General),
Ms. Gates 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to interpret the line of demarcation apply strictly to this lot along the stream embankment as the Hamlet Zone,
Mr. Applegate 2nd the motion,
All in attendance unanimously agreed.

Mr. Bemis asked if there would be sidewalks in front of the building by the road, Mr. Boyea responded he did not know, that would be up to the Planning Board and the site plan review. Mr. Boyea then asked if the parking space issue would be the Planning Board or this Board to address if they did not want to build 49 spaces, Mr. Boyce stated they cannot grant a variance without an application for a variance, Mr. Boyea stated they will not submit an application for any variance's they will just build what is required, even if they are not used.

ACTION

Interpretation determined the line of demarcation will apply strictly to this lot along the stream embankment and be it the Hamlet Zone. Applicant will return to the Planning Board for completion of the Site Plan Review and Lot Line Adjustment.

MISCELLANEOUS

The Clerk stated Member David Gougler submitted his resignation from this Board due to personal reasons, she then asked if Mr. Applegate was interested in becoming a member from an alternate. Mr. Applegate responded

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yes. The Clerk will submit a request to the Town Board for review.

Mr. Boyce made a motion to approve the March meeting minutes,
Mr. Applegate 2nd the motion,
All in attendance unanimously agreed.

Mr. Boyce made a motion to adjourn the monthly meeting at 9:05 PM,
Mr. Harrison 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS

Joint Public Hearing with the Planning Board and Monthly meeting to follow, May 3, 2016 7:00 PM

Respectfully submitted,
Tia Kilburn, Zoning Board Clerk