

Town of Johnsburg  
Zoning Board of Appeals  
Tannery Pond Community Center  
October 2, 2017

**ZBA Members:** Cathy Allen, David Skibinski, Phillip Goodman, James Jones, Secretary Joann M. Morehouse, ZEO Danae Tucker

**Applicants:** Alisa Alvarez, Tim Record, Hank Rose

**Guests:** Laurie Arnheiter, Tim Record, Rudd VanVoorhis, Claire Fleming, Matt Allen

**Call meeting to order:** Meeting called to order by Chairperson Cathy Allen at 7:06pm

**Public Hearing:** v-06-2017-Record- Tax Map #48.-1-20

Mr. Record is looking for an Area variance of 2.24 acres.

Mrs. Allen recused herself from this application because applicant is here to discuss property that borders hers.

Mr. Record would like to start a Glamping ground he has a map detailing 14 sites. He stated that he has already been to the Planning Board and was given approval conditional on approval from the Zoning Board of Appeals.

Matt Allen who jointly owns property with Mrs. Allen was present and stated he has concerns because if someone is at Mr. Records camping and they wander off Mr. Records property onto his and gets hurt he would be held liable for any injuries, it was suggested that he have insurance to cover this

possibility and Mr. Allen asked why he should have to pay so that Mr. Record could have a business? Also, his family uses their property to hunt and if guests of the campground are too noisy then that would ruin the hunting that he presently enjoys on his own property. Mr. Record gave a list of things that he and Mr. Allen had come up with and had agreed to in order to help alleviate the Allens concerns: 1. No camping or structures on the north side 2. Across from the intermittent stream there be no camping during Turkey season or early Bear or Deer season 3. A gate on edge of his and National Grid property to deter people from crossing over to the Allen property. 4. At the south side of Record Allen property set posts every 33 feet to help people know where not to go.

Mr. Goodman made motion to temporarily close public hearing at 7:23pm, seconded by Mr. Jones all in favor. Opened regular meeting. Mr. Goodman made motion to grant the area variance for 2.24 acres subject to the list of terms with the Allens, seconded by Mr. Jones all in favor.

Mr. Goodman made a motion to close the regular meeting of the Zoning Board, seconded by Mr. Skibinski all in favor.

October 12, 2017

To the Johnsbury Zoning Board of Appeals

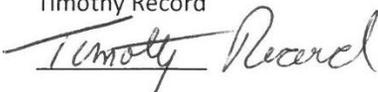
Here are the things that I agreed to do in regards to my application to place 14 campsites at my property at 4091 State Route 28.

1. To place posts at a distance of three per 100 feet to identify the property line on the south eastern between route 28 and the property of National Grid. Also to place posts at the same distance between National Grid and Catherine Allen on the north west side of my property.
  2. To place a gate on the current driveway between my property and National Grid where the right of way of Catherine Allen exists.
  3. To not have any tents, structures or tipis on the north west side of the stream where a golf cart bridge is to be built during spring turkey season or any fall early, archery, muzzle loading or big game season.
  4. To educate my customers that they are not to go for a hike on any of the surrounding land. That this is private property and it would be considered trespassing and they would be subject to arrest. To make them aware that during spring turkey season or any of the fall big game seasons there is the possibility they could hear gunshots from neighboring property.
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#### Section 1110 Requirements for Area Variances

1. The applicant feels that the character of the neighborhood will not be changed by the addition of tents to the property on a seasonal basis.
2. There is no other method to achieve the aim of a campground without the variance.
3. The variance request is not substantial.
4. As stated in the meeting, there could be scores of tents on this property if the camping density was utilized. Asking for 14 tent sites is a minimal use of the property for camping.
5. I purchased the property in 1982 with no thoughts of a future campground. Therefore the difficulty was not self-created.

Timothy Record



4091 State Route 28

North Creek, NY 12853

10/2/17

Town of Johnsbury Zoning Board of Appeals Variance # V-06-2017 (48.-1-20)

This is a request for an area variance of 2.24 acres to allow for the construction of a "glamping" campground at 4091 State Route 28, North River, NY 12856.

Background:

Mr. Record has owned his 7.76 acre property for a number of years and would like to build a campground with 14 sites on it. Our zoning plan only allows campgrounds on properties of 10 acres or more, necessitating a variance. So called "glamping" campsites consist of a raised platform with a tent

placed on it, the “room” is fitted with accessories equivalent to an upper range hotel room, hence the “glam.”

Mr. Record’s neighbors, the Allen’s weighed in with a number of concerns about the project which were mitigated by negotiations and an agreement of conditions between the two parties.

Philip Goodman moved to grant 2.24 acres of relief conditional to Mr. Record abiding to the aforementioned conditions agreed to, and approve variance application V-06-2017.

Rationale:

- 1) Granting this relief will not cause an undesirable change to the character of the neighborhood because it will be a seasonal concern, constructed in a rustic style harmonious with the natural surrounding area.
- 2) The benefit cannot be otherwise achieved without substantially more impact on the surrounding properties; any other business activity would have a greater impact than a small campground.
- 3) The variance is not substantial. If Mr. Record had 10 acres, he could build up to 10 sites an acre, this variance will only allow him to build only 1.8 sites per acre.
- 4) The environment will not be adversely impacted by the variance, it is in Mr. Records own best interest to work with the natural environment. It would be necessary for his financial success, and compliance with health department regulations for a project like this would likely guarantee it.
- 5) Choosing to build a campground is a self-created circumstance, but we don’t believe it is a reason to not grant the variance.

Motion seconded by James Jones.

Motion passed 3-0

#### **V-07-2017-Alvarez-Tax Map #118.-1-52**

Reopened the public hearing. Ms. Alvarez and Ms. DiGrigoli want to open a shelter, training facility that also offers low cost veterinary services. They need a variance from the scenic corridor and an area variance for the height of the fence they want to have around the property.

Several area residents have concerns about the noise dogs will make in the area and have started a petition to ask that the variance not be granted. Ms. Alvarez stated that doesn’t want to start out having problems with the neighbors, so she would like time to discuss this with her partner before continuing with the process. Mr. Goodman made a motion to table the application until the November meeting, seconded by Mr. Jones all in favor.

In Wevertown from the corner of Rt 28 and Rt 8 by Glode's house, down Rt 8 past Perryman's house is a valley that is surrounded one side by a mountain and a large hill on the other. This is called a concave slope (it looks like a concave bowl) any sound that is made the area is magnified and bounces around in that bowl. As the noise travels away from it's source the sound grows louder as it echoes and spreads through the valley.

People in Wevertown are typically animal lovers, many have dogs and are respectful about letting their dogs barking. Everyone knows that sound travels so as a whole we do not let our dogs outside to sit and bark continuously. A dog's bark can reach a decibel of 750, for comparison a train whistle has a decibel of 140, that is a noise that will reverberate throughout town and all will hear. A kennel will provide a continuous dog bark that will essentially be noise pollution to all in Wevertown ruining our quiet and peaceful town.

We have some serious concerns, some being;

1. Who will be checking on the conditions of the kennel?
2. With a traveling vet clinic how will they dispose of euthanized animals?
  - a. Dirty needles, instruments?
  - b. Dirty instrument?
  - c. How will the feces be disposed?
3. How will the kennels be cleaned?
  - a. Runoff from detergents ?
  - b. Runoff from degreasers?
  - c. Runoff from feces and urine?

We the residents of Wevertown, NY 12886 are requesting the local Town of Johnsbury Zoning deny the petition from Alisa Alvarez and Joann DiGrigoli to change the zoning on the property at 2280 State Route 28, Johnsbury, NY 12886 from scenic corridor to commercial to allow a kennel, vet clinic, dog training, and animal rescue at 2280 St. Rt. 28, Wevertown, NY 12886 .

1. 9/30/17 Signature: M. Van Voorhis Print Name: M Van Voorhis
2. 9/30/17 Signature: Claire Fleming Print Name: CLAIRE FLEMING
3. 9/30/17 Signature: Gerard Turano Print Name: Gerard Turano
4. 9/30/17 Signature: Richard Globe Print Name: Richard Globe
5. 9/30/17 Signature: Eleanor Huggler Print Name: Eleanor Huggler
6. 9/30/17 Signature: Laurel Glode Print Name: LAUREL GLODE
7. 9/30/17 Signature: Sennifer Glode Print Name: Sennifer Glode
8. 9/30 Signature: Gertrude Havery Print Name: Gertrude Havery
9. 9/30 Signature: R. Green Print Name: R. Green
10. 9/30 Signature: P McALONEN Print Name: P McALONEN
11. 9/30 Signature: Stephen Davison Print Name: Stephen DAVISON
12. 9/30 Signature: Sherry Davison Print Name: Sherry Davison
13. 9/30 Signature: William Cameron Print Name: William Cameron
14. 9/30 Signature: Maria Glode Print Name: Maria Glode
15. 10/2 Signature: Cassandra Abucio Print Name: Cassandra Abucio
16. 10/2 Signature: Courtney Van Voorhis Print Name: Courtney Van Voorhis
17. 10/2 Signature: Rudd Van Voorhis Print Name: Rudd Van Voorhis
18. 10-2 Signature: Rebecca Van Voorhis Print Name: Rebecca Van Voorhis
19. 10-2 Signature: Anna Yankoupe Print Name: Anna Yankoupe

20. 10/2 Signature: R J Yearl Print Name: ROGER F. YANKOUPE

#### **V-08-2017-Saratoga Chocolate Company-Tax Map # 30.-2-14**

Mr. Rose would like a use variance to allow Saratoga Chocolate Company to make its chocolates for wholesale purposes. Since his tenet ARO Rafting moved out he needs a tenet because the two apartments upstairs don't cover the taxes and insurance on the building, and Saratoga Chocolate Company needs to expand. Mr. Jones made a motion to close the public hearing at 8:23pm and open regular meeting, seconded by Mr. Skibinski all in favor.

Mr. Goodman made a motion to grant the variance, seconded by Mr. Skibinski all in favor.

10/2/17

Town of Johnsbury Zoning Board of Appeals Variance # V-08-2017 (30.-2-14)

This is a request for a use variance to allow The Saratoga Chocolate Factory located at 4527 State Route 28, North River, NY 12856 to manufacture chocolate on site.

Background:

Mr. Rose acting as agent for the Saratoga Chocolate Company is requesting a use variance to manufacture chocolate on site at 4527 State Route 28, North River, NY 12856. The site has been a business for decades. Mr. Rose's father ran a gas station/ store at this location for years starting in the 1970's where customers could purchase gas, groceries, and even guns. Most recently the property was leased by the rafting company (ARO) for 16 years. Eventually all of these business's, due to increasingly unfavorable financial conditions, fell by the wayside. Although the candy company is using onsite equipment to cook their candy for offsite sale, candy cooking is technically a manufacturing business which needs a use variance to exist at the current location.

Mr. Goodman made a motion to grant a use variance # V-08-2017 to allow The Saratoga Chocolate Company to produced (manufacture) candy for off-site sale at 4527 State Route 28, North River, NY 12856.

Rationale:

This location has housed by various businesses in the same building for more than fifty years. A few years after the store closed, the location became the base of operations for a river rafting company (on business days the site would be overflowing with both business vehicles, and customer vehicles). After 16 years that tenant moved out, and the property was vacant again. Even when rented, the two rental units on the second story do not bring in enough money to pay the upkeep or taxes. The chocolate company would like to manufacture candy and bring the location back to profitability.

The OTTO questions;

1. Although this site has supported businesses for decades, recent endeavors have struggled to be profitable. A business that can use the existing building, and be profitable would be preferable to one that would need to substantially upgrade the facility. The lot is too small

(.53 acres) to significantly upgrade the site and be as potentially profitable as the proposed new use.

2. The circumstance is unique, the lot is so small, and has been a business location for so long that it is not replicated nearby. We also do not envision candy manufacturing popping up on every street corner in North River.
3. The building has been on the lot for decades. When it housed a rafting company the vehicles, both business and customer, dominated the small lot and overwhelming the sides of the rural streets. The candy company will not have on-site sales, and only a few employees will be parking there at any given time. We don't believe that the new business will be as impactful as any of the businesses that have legally existed in the past; we think the candy company will not negatively impact the neighborhood, rather it will actually be enhanced.
4. The new business is not a hardship situation at all. It will merely exist where other businesses' have existed for years. Mr. Rose spent his youth at the location (living there throughout his teenage years), and is trying to revitalize the location and make it productive to the community once again.

We believe granting variance v-08-2017 would be a benefit for both the landowner and the community.

The motion was seconded David Skibinski.

Passed 4-0

#### **Amend V-01-2017-Noel-Tax Map# 133.8-1-48**

The variance was granted a variance of 12ft, 3ft and because of complications with the foundation, septic and well it needs to be changed to a straight 15 ft all the way back. Mr. Goodman made a motion to amend V-01-2017 from 12ft – 3ft to grant a solid straight relief of 10ft., seconded by Mrs. Allen all in favor.

Mrs. Allen made a motion to adjourn, seconded by Mr. Goodman all in favor

Joann M. Morehouse

**Next Zoning Board meeting scheduled for November 6, 2017 at Tannery Pond**

