

Minutes
Warrensburg Zoning Board of Appeals
June 20, 2021

Board Members Present: Mark Morey, Theresa Coughlin, William Oehler, Matt Oliver

Others Present: Karl Krulls, John Hitchcock, Joe Bianchine, Dani Oliver, Patti Corlew (Zoning Administrator)

Meeting Commenced at 7:00 p.m.

Mr. Morey - This is the June 10 meeting of the Town of Warrensburg Zoning Board of Appeals. Let the record reflect that members present are Mr. Oehler, Ms. Coughlin, Mr. Oliver and myself.

Mrs. Corlew - Hi. Do you want me to tell you how it comes before you?

Mr. Morey - No, we've got to... We've got little things to do after the roll call. First order of business is approval of the previous meeting minutes. And those are... We held over the minutes from October 22nd because there was a page that was not there. That's been provided to us. I guess Theresa and I were the only ones that were here when they were... did you find anything, Theresa, in those minutes, that needed correction?

Ms. Coughlin - No, just the pages that I was missing.

Mrs. Corlew - No, October 22nd, I think he's talking.
(Tape inaudible).

Mr. Morey - October 22nd.

Mr. Coughlin - No. I'm sorry.

Mr. Morey - I did on page 88 and it would be the 6th line down. Let's see, the word in should be "it". I was apologizing for the delay the lack of quorum caused to the applicants. And other than that, I don't find anything else. Make a motion that the minutes of October 22, 2020 be approved. All those...

Mr. Oliver - I second.

Mr. Morey - All those in favor.

RESOLUTION #2021-6

Motion by: Mark Morey

Second by: Matt Oliver

RESOLVED, to approve Zoning Board minutes of October 22, 2020 with the above correction.

DULY ADOPTED ON THIS 10TH DAY OF JUNE 2021 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Mark Morey, Matt Oliver, William Oehler

Nays: None

Mr. Morey - Next order of business is the minutes of May 13, 2021. I don't have any corrections. Anything from anyone else?

Mr. Oliver - I'm good (inaudible).

Mr. Morey - Okay. I make a motion the minutes be approved by consensus. All those, or second?

Ms. Coughlin - Second.

Mr. Morey - All those favor, say aye.

RESOLUTION #2021-7

Motion by: Mark Morey

Second by: Theresa Coughlin

RESOLVED, to approve Zoning Board minutes of May 13, 2021 (without correction).

DULY ADOPTED ON THIS 10TH DAY OF JUNE 2021 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Mark Morey, Matt Oliver, William Oehler

Nays: None

Mr. Morey - Next order of business is use variance ZBA #2021-2. Patti, can you tell us how that comes before us?

Mrs. Corlew - Sure. The Warrensburg Travel Park, which is owned by Michelle Brown, LLC, would like to expand their campsites. They'd like to add 76 more campsites. 8 of them are in the front, which is the Business Industrial zone, which does not allow campgrounds. So they need a variance to be able to expand.

Mr. Morey - Okay, but they are... I understood from reading, that it's being used as the campsite now?

Mrs. Corlew - Oh it has been for as long as I can remember.

Mr. Morey - So what changes that from a pre-existing, non-conforming use if it already was a campsite prior to zoning?

Mrs. Corlew - Well, it is a pre-existing, nonconforming use, but it needs a variance to expand. I can't allow them to expand without a variance.

Mr. Morey - No, not to expand a pre-existing use but were... Well, I guess we'll ask that when we get to that. We'll ask the applicant.

Mrs. Corlew - Oh and before we go any further, SEQRA is being done by the Planning Board for the whole project.

Mr. Morey - Great.

Mrs. Corlew - So...

Mr. Morey - That's welcome news. Okay, who would like to start asking questions?

Mr. Bianchine - I'll give a little presentation.

Mr. Morey - If you would, that'd probably be helpful, I'm sure.

Mr. Bianchine - Okay. I'm Joe Bianchine with ABD Engineers. (Inaudible) engineers for the project. John Hitchcock is here. He is the project engineer on this. Karl Krulls is here. He is the Managing Partner for Michelle Brown, LLC, the owner of the Warrensburg Campground. They've owned it for, I think you said 12 years or so that they've owned it and it's been here a number of years before that. So yeah, it is a pre-existing non-conforming use for your zoning. The black line here all the way around, there's about 200 acres altogether. It runs from Schroon River Road here where the entrance is all the way east to the Schroon River, and north and south a couple thousand feet. (Inaudible). 100, okay. 100 acres, I'm sorry. I said 200.

Mr. Oehler - I thought it was (inaudible).

Mr. Bianchine - But anyhow the entrance is here. It's kind of unique because the zoning line cuts right through the parcel, right through here where the front portion of the site is Business Industrial zone, which doesn't allow campgrounds, but recreational uses. Okay. The other side is a recreational use and that's in the Adirondack Park Agency here. So the existing campground has 140 campsites now. We had 34 that were approved through the Adirondack Park Agency, DOH and the Town had previously them, and that area's here. We're asking and going through the review process now for another 76 units. 68 here in this location and 8 here at this location here. This location here being within the hamlet area and within the area of the Business & Industrial zone so that's why we need the use variance. As I say, you can see that it's been used as a campsite for a number of years. We're expanding it. It's a pre-existing use. We're not changing the use in any way. It's just using this area right here for campsites, 8 of them. The site has existing... There's a store there. There's miniature golf, there's recreation there with a couple playgrounds, a

basketball court, a swimming pool. Everything is there. The site has water. Each of the sites have water. It's municipal water from the town. There are several bath facilities on the site. There's several sewer hookups and dumping stations for the site. So all of that is being dealt with through the Health Department, through DEC and through the Adirondack Park Agency. We're going to be doing a walk-through with them next Friday to talk it through. To use the site for any of purpose really isn't conducive to the, to the site. I mean, there are other uses there that are listed in your zoning, but to try to put a, like a gas station there or an office building or a motel or things like that, it, you can see, it just doesn't, it's behind an existing house, ya know. It's not conducive to that and you already have your entrance established, which would have to, you'd have to come in through that. So the use as a campground kind of just fits with the natural uses of the property. This area here where those 8 campsites is I believe was previously used as a solar facility because there was a power hookup there for that and now it's vacant.

Mr. Krulls - It was used as a cell tower.

Mr. Bianchine - Cell tower. Yeah. And so it's pretty much already cleared and it's an easy fit to put camps, campsites in there. If you've got questions, I'd be happy to answer them or Karl can answer them if I can't.

Mr. Oehler - Has there been any objections from the people in the front, the people that own the house in front of this, where the new sites are going to be?

Mr. Bianchine - We heard no objections from them. The only thing we had was one lady that is down river from us.

Mr. Oehler - Hm hm.

Mr. Bianchine - Had just a concern of people going on her property from the campground and..

Mr. Oehler - Okay.

Mr. Bianchine - ..posted signs are there, so.

Mrs. Corlew - Which the Planning Board's aware of.

Mr. Oehler - Okay.

Mrs. Corlew - I'm sure they'll address whatever concerns.

Mr. Morey - Okay.

Mr. Krulls - I had talked to the neighbor (inaudible) amicable conversation and everything's good and they're good.

Mr. Oehler - Okay.

Mr. Krulls - And they've already put up their own posted signs (inaudible) property, so I told her we, they shouldn't be coming on her property and I don't know why they would. We have enough

property for them to stay on our property. So I'm making all the emails and whatever to all the campers to make sure they stay off anybody else's property period.

Mr. Oehler - Okay.

Mr. Morey - Okay, well I think our biggest hurdle here is the, you started to explain the other uses.

Mr. Bianchine - Right.

Mr. Morey - And I do agree with you that that's, because of the isolation and the location, it probably, with the wetland behind it, you wouldn't have easy access to put any kind of, the amenities that are required by the campground (inaudible). Am I correct with that or?

Mr. Bianchine - Yep.

Mr. Morey - That's been...

Mr. Bianchine - There is a small wetlands (inaudible) back here.

Mr. Morey - Hm hm. That's what I was referring to.

Mr. Bianchine - Yeah.

Mr. Morey - The area that's delineated...

Mr. Bianchine - That makes it difficult to try to use that piece of land right there for anything but like a campground.

Mr. Morey - Patti, do you know if Mrs. Smith still lives in that house in front?

Mrs. Corlew - Oh no.

Mr. Oehler - No, no, she doesn't live there.

Mrs. Corlew - No.

Mr. Oehler - I know the guy that lives there.

Mrs. Corlew - I know...

(Tape inaudible).

Mr. Oehler - He runs a lot. He runs by my house all the time.

Mrs. Corlew - Yeah. She moved out of there years ago.

Mr. Oehler - Many years ago.

Mrs. Corlew - Many.

Mr. Morey - Is there any...

Mr. Krulls - Just to point out that our swimming pool's right there also.

Mr. Oehler - Yep.

Mr. Krulls - So if there's any noise problems or this or that, and I know the neighbors very well, if they had any problems, they'd come over and talk to me or whatever and they never once had a problem and, and we make great efforts to make sure there are no problems.

Mr. Oehler - I wouldn't think they'd have a problem to begin with because the campground was there before they bought it and they just bought this a few years ago, so...

(Tape inaudible).

Mr. Oehler - They knew what they were getting into when they bought the house.

Mrs. Corlew - I did send notice to 14... I sent 14 notices to all the neighbors that were across the street or touched the property and one across the river, so, and I only heard from the one neighbor.

Mr. Morey - And County... This went to the County. Was there any impact from them?

Mrs. Corlew - Yeah, I thought I put it in your packets, but... I'll read it. I'll read it to you. It says... This says they approve but it says, "please discuss with the applicant these observations for the area with the 68 proposed new campsites, discuss issues of permeable and the design of the campsite expansion area". But this, a lot of this is geared towards the Planning Board.

Mr. Morey - Right.

Mrs. Corlew - But this was on the use variance so I have to mention it. And..

Mr. Krulls - Can I ask a question?

Mrs. Corlew - Not until I'm finished.

Mr. Krulls - "Campsite design configuration resembles an urban neighborhood with minimal open space and minimal green relief. Maximizing the number of 32 by 50 or 60 foot lots does not appear to maximize the camping experience observing that the quad created by the intersection of the paper streets (Northwoods Lane and Birchwood Boulevard) would provide an opportunity to create pods with unique identities through better design. The new expansion area with eight units are a part of the overall campground design and will not significantly impact the remaining business industrial zone". So like I said, a lot of that's geared towards what the Planning Board has to review.

Mr. Morey - So we don't need a super majority because there was no denial?

Mrs. Corlew - Right. There's no denial. They approve.

Mr. Morey - I should've said the public hearing is open, ZBA 2021-2, and can we... I can...?

Mrs. Corlew - Yeah, you can start it now. Dani, is there anyone watching?

Mrs. Oliver - Yes.

Mrs. Corlew - Okay. Is there...? You might want to ask if there's anyone that wants to speak 'cause there are people on You Tube watching.

Mr. Morey - Okay. If any of the people that are viewing this electronically would like to give us some input, now would be your time.

Mrs. Corlew - So you can carry on until, until she has something 'cause there's a delay.

Mr. Morey - Okay.

Mrs. Oliver - Yeah, there's a delay.

Mr. Morey - Censorship.

(Laughter).

Mrs. Krulls - Could I just add one thing? That is... All the sites are designed in accordance to the New York State Health Department's regulations (inaudible) what size we have to have, minimum for the sites and all of our sites there are approximately a third larger than what is required by the Health Department.

Mr. Morey - This board can only look at the, the 8 sites..

Mr. Krulls - Right.

Mr. Morey - And you're asking... The Planning Board would look at the overall project, so (inaudible) brought up by the County, as Patti said, isn't, doesn't pertain to us. We can't, we can't consider it.

Mr. Krulls - Thank you.

Mr. Morey - Any questions?

Mr. Oehler - No.

Mr. Morey - Theresa?

Ms. Coughlin - No.

Mr. Morey - Matt?

Mr. Oliver - Nope.

Mr. Morey - Okay. Do you have anything to add or any (inaudible)? Once we..

Mr. Bianchine - No, we'll be processing, as I indicated, through the Planning Board, DEC and the Health Department and Adirondack Park Agency, we know we've got more work to do on it. This is one of the steps we have to go through (inaudible) variance for the use, for these 8 sites.

Mr. Morey - The way our board works, we'll close the public hearing, but from that point on, we have, as questions came up, asked the people their opinions, but really we're not supposed to have any more questions of the public. So anybody out there?

Mrs. Oliver - No.

Mr. Morey - Nobody out there.

Mrs. Oliver - They're out there, but they didn't say anything.

Mr. Morey - Okay, at this time, we'll close the public hearing and I'll make a motion... We always make it in the affirmative.

...for the applicant that the variance for ZBA 2021-2 is approved. We'll proceed to... Is there a second to that motion?

Mr. Oehler - Second.

Mr. Morey - Okay. We'll proceed to discussion and we'll go down through the... You can have a seat, if you'd like.

Mr. Bianchine - Okay. Thank you.

Mr. Morey - I don't want you to be uncomfortable. Any worse than we're making you.

(Laughter).

Mr. Morey - Okay. The use variance is a little higher, a lot higher standard than an area variance in that you have to satisfy all the conditions to grant it; whereas with the area variance you only need to satisfy the majority of the questions. So we'll start with question number 1, under the applicable zoning regulations, the applicant cannot realize a reasonable return provided the lack of return is substantial as demonstrated by competent financial evidence. You answer, "yes. The existing site is used as a campsite today. It is considered an existing non-conforming use. In order to meet current demand for campsites, the applicant needs to expand his operation on the existing land he owns. It is most feasible to locate the 8 new lots in the BI zone area of the parcel". I think what they're, what normally when we go over this, it's not usually about pre-existing non-conforming use and it, and it requires that, usually the questions are, have you tried to market the property, have you thought of any other uses. We discussed that some and that doesn't, the other uses are feasible, at least permitted in the zone to me don't appear feasible. I'm not... I can't speak for the other board members, but that's my opinion. So I guess that would eliminate the reasonable return on the property. Someone else may have other ideas.

Mr. Oehler - No. No, there's nothing else you could put there.

Mr. Oliver - Not with the wetlands and stuff.

Mr. Oehler - That would be feasible for them.

Mr. Morey - Because it isn't just about, we can't just consider that... Everybody would like to maximize the use of the property but there has to be something a little bit extenuating and in my eyes, it's the pre-existing use and so it's not... I don't actually see that as a change in the use.

Mr. Oehler - No.

Mr. Morey - Okay. Number two, the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. You answer, "yes. The alleged hardship is unique as a majority of

the site is zoned APA which allows campgrounds and a portion of the site is in the BI zone which does not permit campgrounds". Patti, is this one of those arbitrary lines that so many feet from the center of the road, is that how they created that for the zone? It's what it looks like. It's just that...

Mrs. Corlew - I'm not sure...

(Tape inaudible).

Mrs. Corlew - Yeah, it is long.

Mr. Oehler - They wouldn't go that far, I don't think.

Mr. Morey - Yes, they would. (Inaudible). That's what it is on Main Street.

Mr. Oehler - Really?

Mr. Morey - Yup. Yep, so... It's a pretty common...

Mrs. Corlew - Yeah, I don't know why the APA stopped there. I don't have...

Mr. Morey - The APA stopped there?

Mrs. Corlew - Yeah. It's...

Mr. Morey - Well, maybe they... Well, it's outside the hamlet, right?

Mrs. Corlew - Yeah, the, that's where the camp, that's where most, all of the campsites are is in the OH zone, which is also APA. I have no idea where, why the APA didn't go all the way to the front.

Mr. Morey - I was wondering why we went that way. So I guess it doesn't answer anything.

Mrs. Corlew - No. It's up to the APA how, how much they wanted back in 1973.

Mr. Morey - Okay. We got any questions on number two, any observations?

Mr. Oehler - No.

Mr. Morey - Number three, the requested variance, if granted, will not alter the essential character of the neighborhood. You answer, "no. If granted, this request will not alter the essential character of the neighborhood, as it has existed and operates today as a campground". That's...

(Tape inaudible).

Mr. Morey - Not much to go on with that. We'll go to number four. The alleged hardship has not been self-created. You answer, "yes. The alleged hardship was self-created as the property was purchased by being designed BI and the APA zone". But it was an existing campground and it was being used, the whole place, the whole entire property.

Mrs. Corlew - The back portion has always been APA. The front portion, I think used to be SFR-40 maybe, if I can remember

correctly, but, but the back has always been APA. It's the front that they need the variance for so.

Mr. Morey - I'd like to sneak in a question. You wouldn't have not bought the land if, because that portion there was in, in the town's Business Industrial portion, right? I mean you, when you bought the campground, that wasn't a consideration or it's something that you bought, saying well down the road, I'll get a variance be able to use it. It was already being used.

Correct?

Mr. Krulls - Correct.

Mr. Morey - Okay. But really the hardship's... Anybody that comes in here is...

Mr. Oehler - Self-created hardship.

Mr. Morey - Self-created hardship.

(Tape inaudible).

Mrs. Corlew - That's a good point. The zoning changed for the front part. But I don't know when they bought it. I, the zoning changed in 2012.

Mr. Krulls - 2012 (inaudible).

Mrs. Corlew - Yep. So the zoning changed the year...

(Tape inaudible).

Mr. Morey - Yes, we've already had people say they were victimized by the town...

(Tape inaudible).

Mr. Bianchine - I wouldn't go that far.

(Tape inaudible).

Mr. Morey - Okay. And Planning Board's taking care of SEQRA.

Mrs. Corlew - Yeah, they have to for the whole thing anyway, so.

Mr. Morey - If you don't have anything else or anyone else, we'll proceed to a vote. A yes vote grants the variance. Mr. Oehler?

Mr. Oehler - Yes.

Mr. Morey - Ms. Coughlin?

Ms. Coughlin - Yes.

Mr. Morey - Mr. Oliver?

Mr. Oliver - Yes.

Mr. Morey - And I vote yes as well, so.

Mr. Bianchine - Okay. Thank you very much.

RESOLUTION #2021-8

Motion by: Mark Morey

Second by: William Oehler

RESOLVED, to approve ZBA 2021-2 by Michelle Brown, LLC, tax map 211.10-1-5, located at 136 Schroon River Road for a use variance to allow expansion of existing campground by adding 8 sites in the Business Industrial zone.

DULY ADOPTED ON THIS 10TH DAY OF JUNE 2021 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Mark Morey, Matt Oliver, William Oehler

Nays: None

Mr. Bianchine - Thank you very much.

Mr. Morey - I'm glad we could help you.

Mr. Krulls - Appreciate it.

Mr. Hitchcock - Appreciate it.

Mr. Morey - Patti, is there any new business?

Mrs. Corlew - No, there isn't.

Mr. Morey - I make a motion to adjourn.

Mr. Oliver - I'll second.

Mr. Morey - All those in favor.

Motion by Mark Morey, second by Matthew Oliver and carried to adjourn the Zoning Board meeting at 7:27 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Zb06102021

RESOLUTION #2021-6

Motion by: Mark Morey
Second by: Matt Oliver

RESOLVED, to approve Zoning Board minutes of October 22, 2020 with the above correction.

DULY ADOPTED ON THIS 10TH DAY OF JUNE 2021 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Mark Morey, Matt Oliver, William Oehler
Nays: None

RESOLUTION #2021-7

Motion by: Mark Morey
Second by: Theresa Coughlin

RESOLVED, to approve Zoning Board minutes of May 13, 2021 (without correction).

DULY ADOPTED ON THIS 10TH DAY OF JUNE 2021 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Mark Morey, Matt Oliver, William Oehler
Nays: None

RESOLUTION #2021-8

Motion by: Mark Morey
Second by: William Oehler

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DULY ADOPTED ON THIS 10TH DAY OF JUNE 2021 BY THE FOLLOWING VOTE:

Ayes: Theresa Coughlin, Mark Morey, Matt Oliver, William Oehler
Nays: None