

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 1 of 7

Approved by Planning Board

Present: Wayne Durr - Chairperson, Brit Basinger - Vice Chairperson, Jeff King, Kevin Pumiglia, James Heber, CJ Lofgren, Susan Martindale, , Bernadette Marry

Absent: none

Town Employees: Rich Colozza, Town Code Enforcement Officer, Jim Mitchell, Town Engineer, Doug Ward, Town Attorney and Tia Kilburn, Planning Board Clerk

Chairperson, Wayne Durr opened the Public Hearing at 7:15 PM
All in attendance stood and recited the pledge of allegiance.

PUBLIC HEARING

Site Plan Review - Special Use Permit, Bed & Breakfast

Application #0011-07

Applicant: Elizabeth Kirkwood

Location: 5 Wilton - Gansevoort Rd, Gansevoort

SBL#: 103-12-4.1

Zoning: Hamlet

Mrs. Kirkwood came forward and displayed the plan / map. She explained she wants to open a Bed and Breakfast with a bakery.

Mr. Durr asked if there were any questions or comments. None were noted. Mr. Durr stated one letter was received in support of this plan.

The public hearing would be left open until 7:30 PM, when the monthly meeting would start.

Mr. Durr opened the regular monthly meeting at 7:33 PM.

Ms. Martindale recused herself.

OLD BUSINESS

Minor 2 lot Subdivision Site Plan Review 2

Application #0009-07

Applicant: John & Donita Martindale

Location: 658 West River Rd

Acres: 32 1/4

SBL#: 118-1-9.11

Zoning: AG

Surveyor:

Mr. & Mrs. Martindale came forward with Mr. Story. Mr. Durr thanked them for conducting the phase 1 survey and submitting the letter pertaining to it. He then stated this Board needs a letter from the State of New York. Mr. Martindale asked if they could move forward. Mr. Durr said something in writing is still needed from the State of New York. Mr. Ward explained to Mr. & Mrs. Martindale this Board cannot make a decision on the survey results, New York State needs to tell this Board if they accept the

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 2 of 7

Approved by Planning Board

determination of this phase 1 survey from Mr. & Mrs. Martindale's expert. He then added this letter submitted from the phase 1 survey may be enough to convince the State the area is ok, but we need to wait for the written response from the State. Mr. Story asked what more would have to be done if it was not accepted. Mr. Ward gave an example of an area in Saratoga where the State required phase 2 and 3 surveys because they found arrow heads in the ground. Mr. Story stated they had dug 32 holes and nothing was found for this location.

Mr. Story asked if they could get an approval contingent on the State. Mr. Ward said the courts do not like that, they will not let municipalities continue without State approval. Mr. Martindale asked what will have to be done after / if the State approves. Mr. Durr said they could complete SEQR. Mr. Heber stated this subdivision needs a site plan review due to the shoreline overlay. Mrs. Martindale said she thought they had already done that. The Board looked at the house pictures, septic and the map. There was some discussion on the view from the river. Mr. Martindale said the site plan was approved. Mr. Durr said no, next month at the agenda meeting the Board will discuss the site plan. Mr. King stated they cannot approve the site plan without approving the subdivision. Ms. Lofgren said the letter from the State is all that they may need to get an approval. Mr. Heber said SEQR is still left and question # 12 *Impact on Historical and Archaeological Resources*, needs the State's response to be able to answer with certainty.

Mr. King made a motion to close the public hearing,
Mr. Heber 2nd the motion,
All in attendance unanimously agreed, motion passed public hearing closed.

ACTION TAKEN

Response needed from the State on the results of the Phase 1 survey conducted by Columbia Heritage, LTD on behalf of Mr. & Mrs. Martindale. Public Hearing closed.

Site Plan Review - Special Use Permit, Bed & Breakfast

Application #0011-07

Applicant: Elizabeth Kirkwood

Location: 5 Wilton - Gansevoort Rd, Gansevoort

Acres:

SBL#: 103-12-4.1

Zoning: Hamlet

SEQR was addressed. Mr. Colozza stated the lead agency memo for SEQR went out, however it has not been 30 days yet and agencies involved need 30 days.

Mr. Heber asked if there were any questions on the site plan. None were noted.

Mr. King made a motion to close the public hearing,
Ms. Lofgren 2nd the motion,
All in attendance unanimously agreed, motion passed public hearing closed.

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 3 of 7

Approved by Planning Board

ACTION TAKEN

Public Hearing closed. Table until next month to achieve the 30 day requirement for lead agency on SEQR.

Minor Subdivision

Application #: 000-07

Applicant: Scot Trifilo

Location: Loudon Road

SBL#: 155-1-31

Acres: 39+

Zoning: R-3

Surveyor: ABD Engineers

Mr. Trifilo came forward with a revised plan for a 2 lot subdivision. Mr. Trifilo reiterated when he and this Board had left off they were discussing if a lot line adjustment was the correct way to proceed. Mr. Ward said the lot line doesn't change the substance of the plan and they cannot do a lot line adjustment. He then explained, ultimately this Board needs to approve the 2 lot subdivision. The lot line applies only when the 2 lots have been previously subdivided. Mr. Ward then read in part from the Subdivision Regulations, page 34, SECTION VII - Lot Line Alteration, "*subdivision may include any alteration of lot lines or dimensions of any lots on sites shown on a plat previously approved and filed in the Office of the County Clerk...*" *lot line alterations may also involve the combining of existing parcels which do not constitute a subdivision of real property.*" Mr. Ward then said the Board can combine 2 lots without approval and then do a 2 lot subdivision. Mr. Heber stated, basically there is no difference.

Mr. Trifilo said he had two lots, a 20 ½ acre and a 19 ½ acre. He then explained he was trying to preserve the current driveway cut. He doesn't want to remove more trees and discussed the placements of the homes. Mr. Trifilo then stated he would preserve the greenery and the brush on Mr. Reed's side of the parcel at Mr. Reed's request. Mr. King said Mr. Trifilo should follow the conventional subdivision regulations steps. Mr. Heber agreed. Mr. Durr said he was concerned with the property line in relation to Mr. Reed's side due to the location of the driveway. Mr. Ward asked where the property line was. Mr. Trifilo pointed out the line and explained the front lot will have it's own driveway. Mr. Colozza asked if it would meet the 200' setback. Mr. Trifilo said yes. Discussion ensued on the placement of the homes. Mr. Trifilo said he would like to leave the exact placement up to the buyers. Mr. Trifilo then added he had discussed it with Mr. Ward and even though the lots are odd shaped they are plenty large enough. Mr. Durr asked if he had to show the building envelopes on the site plan. Mr. Colozza said yes and Mr. Trifilo needs to show the setbacks are all met.

Mr. Durr asked Mr. Ward if they could take away the lot line adjustment. Mr. Ward said yes and then the Board could look at the 2 lot subdivision and the site plan.

Mr. Durr asked about the public hearing, the Clerk stated there was never a formal public hearing on this application. Mr. King added they had an informational informal meeting with the neighbors only.

Mr. Heber asked if there were any questions from the Board. None were noted at this time. Mr. Durr asked Mr. Ward if he had any other issues. Mr. Ward stated this will have to go back to Saratoga

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 4 of 7

Approved by Planning Board

County Planning for the revised 2 lot subdivision. Mr. Heber asked if we have received the National Heritage letter and the SEQR. The Clerk said yes, Mr. Ward stated the SEQR should be changed along with the other paper work to indicate a 2 lot subdivision. Mr. King told Mr. Trifilo to draw in the driveway and any other changes including the buffer. Mr. Heber said the neighbors need to be identified. Mr. King then said Mr. Trifilo needs to add the potential build able area taking into consideration the 200' setback. Mr. Ward asked if this was a site plan review. Mr. Heber said no it is a subdivision, Mr. Colozza added the subdivision follows the site plan review. Mr. Ward stated he was just wondering how much information or detail the Board wants Mr. Trifilo to include. Mr. Heber asked if there has been a perk test. Mr. Trifilo asked if he could do that in the spring. Mr. Trifilo asked what kind of information the Board was looking for and asked if he could show a couple different build able areas. Mr. Durr said yes he could show all the areas that are possible building envelopes. Mr. Heber added Mr. Trifilo needs to show the setbacks for DEC wetlands and the Federal wetlands. Mr. Trifilo stated he would double check the setbacks.

SEQR was discussed. Mr. Ward asked if there were any other involved agencies. Mr. Colozza mentioned DEC because of the wetlands. Mr. Durr asked if Mr. Trifilo shows the build able areas, does he still need DEC. Mr. Colozza stated he thought it was automatic due to the wetlands. Mr. Ward said this is a major subdivision, type 1 action and he doesn't think it needs to go to DEC. Mr. Mitchell and Mr. Ward had a conversation about this application not being a coordinated review challenge because of the association with the previous subdivision. Mr. Ward asked if they have had this situation before. Mr. Heber said yes and they sent it out to all agencies just because they could. Mr. Heber asked what the threshold was. Mr. Ward stated there are a lot of thresholds.

Mr. Ward said this Board should declare themselves lead agency on SEQR, hold a public hearing, decide what stage they are in, because this Board has gone through the pre-application process and completed the field walk. The preliminary submission needs 10 copies of the drawings, Mr. Ward then asked the Board what Mr. Trifilo should include on the preliminary plat, should he show all 11 lots from the previous subdivision or just these 2 lots contained in this plan. Mr. Heber stated usually there is a small block in the corner of the map showing the original subdivision and the current proposed subdivision. Mr. Mitchell added Mr. Trifilo's engineer knows what to add. Mr. Ward asked if DOH will want it as well. Mr. Heber stated the lots are larger enough, DOH would not want to see it. Mr. Colozza added they (DOH) only want it if there is not enough soil. Mr. Ward suggested setting up everything and then taking a look at SEQR. Mr. Mitchell reiterated Mr. Trifilo should revise it to 2 lots. Mr. Ward agreed and said Mr. Trifilo should correct the description of the plan and the lot sizes on SEQR. Mr. Heber said everything else should remain the same, only the number of lots and sizes should change.

Mr. Ward stated Mr. Trifilo should go through the order of things in the subdivision requirements book, public hearing, Board approves and then the preliminary plat. Mr. Heber said give it to the engineers for approval and then this Board can waive the final plat review. Mr. Trifilo asked if he could do the perk test in the spring. Mr. Mitchell asked Mr. Colozza for his input. Mr. Colozza said that should be fine. Mr. Mitchell said just show the septic at the time of the permit. Mr. Colozza added the engineer does that. Mr. Trifilo asked if he could get approval with contingencies. Mr. Durr stated there has to be a public hearing. Mr. Heber asked Mr. Ward if he had anything else. Mr. Ward stated tonight the Board can take lead on SEQR and setup a public hearing for next month.

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 5 of 7

Approved by Planning Board

Mr. Heber made a motion to declare lead agency on SEQR and set up a public hearing for February 11th at 7:15 PM.

Ms. Martindale second the motion,

All in attendance unanimously agreed, motion passed.

ACTION TAKEN

Town of Northumberland Planning Board has declared lead on SEQR. Public Hearing will be scheduled February 11th, 2008 at 7:15 PM.

Site Plan Review

Application #0006-07

Applicant: Jim O'Donnell

Location: 1439 West River Rd

Solomon Acres

SBL#: 92-1-2

Zoning: AG

Not in attendance.

Site Plan Review - Special Use Permit

Application #0012-07

Applicant: Larry Neville

Location: 18 Leonard Street (Previously Reed's Store)

SBL#: 103.8-1-16.2

Zoning: Hamlet

Realtor: Ray Henderson, Kelleher Realty

Seller's Realtor: Bob Sears

Mr. Ward stated this was not a non conforming use, however it needs an area variance. Mr. Neville should get an application for an area variance for the Zoning Board of Appeals and this Board could do a site plan review contingent on the variance to keep things moving along. Mr. Henderson, Mr. Neville's Realtor, asked if the reason for the area variance was because it was not large enough and lacked room for parking. Mr. Ward said yes. Mr. Colozza explained this use falls under personal service establishment in special permit uses and needs 20,000 sq ft, this lot has only approximately 16,000 sq ft available there. Mr. King asked if this required a special permit. Mr. Colozza stated yes, it is a site plan review for a special permitted use. Mr. King asked if this application had to go to the County for review. Mr. Colozza stated yes, and the Clerk added it has been to County Planning for the review of the site plan. Mr. Ward suggested a coordinating review with the Zoning Board of Appeals. Mr. Heber asked who wanted the lead on SEQR. Mr. Ward suggested Planning take the lead.

Discussion on the parking ensued. Mr. Heber stated when the general store was there the parking was diagonal in front. Mr. Neville said the State D.O.T (Department of Transportation) did not want any parking in the front, and they want the driveway restricted. He stated he had asked D.O.T where the State land ended they did not know. Mr. Henderson said they could change the parking to the side of

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 6 of 7

Approved by Planning Board

the building and the employees could park out behind the building. Ms. Martindale asked if they restrict the driveway where would it be. Mr. Neville stated it would come out straight in front of the large garage to the road. Mr. Heber asked what would be blocked off. Mr. Neville stated he would do whatever it takes to satisfy D.O.T and this Board and the front of the building would be blocked off. Mr. King asked if there was adequate space to turn the delivery trucks around, D.O.T will not want trucks backing in to or out of the road. Mr. Sears, the sellers Realtor, stated there is a permanent easement with the joining lot for turning around the trucks. Mrs. Marry said that makes sense, the owners of the store have always used that area. Mr. Heber said there has to be adequate notification and advertising for a public hearing, he knows of a couple people who are concerned with the looks, maybe Mr. Neville could put up a fence. Mr. Neville stated he would not erect a fence because of the closeness to Route 32. Mrs. Marry suggested a block style planter containing plants and Mr. Neville's sign in front for the building. Mr. Neville said he didn't want anything that would take maintenance. Mr. King asked Mr. Heber what the concerns were of the people who spoke with him. Mr. Heber said people have expressed to him concerns with what it will look like.

Mr. Durr discussed what was needed. Discussion on the buffers ensued. Mr. Neville stated he only has one car a couple times a week in the parking area. The employees can park out back.

Mr. Heber said Mr. Neville needs to indicate in the site plan the hours of operation and the number of employees. Mr. Heber then explained there maybe some limitations if approved. Mr. Sears asked if they could get conceptual approval tonight. Mr. King stated they cannot because they need the public hearing. Mr. Heber added they also need the variance approval. Mr. Durr stated it is all just part of the process and they need the plan updated to show all changes, and have it to scale. Mr. Henderson asked if they could get anything in writing based on tonight's meeting. Mr. Durr said no, this needs to go to the Zoning Board of Appeals. Mr. Sears said the Zoning Board of Appeals can only approve the variance. Mr. Durr agreed, and added, but without the variance he cannot get the special permit approval. Mr. Sears said he did not want to push but they really wanted something to bring to the Zoning Board of Appeals, basically agreeing that the size of the operation and the parking is ok. Mr. King said this Board doesn't want to finish the site plan review contingent on the variance. Mr. Colozza said this Board can send this application to the Zoning Board of Appeals saying the size and type of business is ok. Mr. Heber said Mr. Neville should get the area variance contingent upon the site plan review.

Mr. Heber made a motion to send a letter to the Zoning Board of Appeals indicating the size and use of this location is appropriate for this type of business contingent upon the completion and approval of the site plan review for the special use permit.

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, motion passed informational letter will be submitted to the Zoning Board of Appeals.

Mr. Heber made a motion to declare the Planning Board of the Town of Northumberland lead on SEQR,

Mr. Durr 2nd the motion,

All in attendance unanimously agreed, motion passed this Planning Board will take lead on SEQR.

Town of Northumberland Planning Board

Minutes

Monday, January 14, 2008 7:15 pm

Page 7 of 7

Approved by Planning Board

Mr. Henderson asked if a short form SEQR was ok. Mr. Heber said yes. Mr. Neville asked what he needed. Mr. King said the Board needs a drawing of the buffer to be in the front of the building / lot. Mr. Colozza stated there needs to be a 20' area of no parking in the front per the regulations. Mr. King reiterated the hours of operation also need to be on the plan and the lighting. Mr. Henderson stated they would be using the existing lighting. Mr. King said he would still have to indicate where it is on the plan.

Mrs. Marry asked if they would be allowed to park out behind the building. Mr. King said if they plan on parking on the grass they may have to bring in some gravel.

Mr. Durr thanked Mr. Neville for his time and instructed him to add what is needed to the plan for next month.

ACTION TAKEN

An updated plan will be submitted including; location of the lighting, front buffer / sign drawing, revised parking, restricted driveway, number of employees and hours of operation. Mr. Neville needs to get an area variance from the Zoning Board of Appeals before this site plan can be approved.

MISC.

Mr. Heber made a motion to approve the December minutes.

Mr. King 2nd the motion,

All in attendance unanimously approved. December Minutes accepted and approved.

Mr. Durr said there will be an agenda meeting February 11th at 7:00 PM and the public hearing for Mr. Trifilo will be scheduled for 7:15 PM.

Mr. Durr asked the Clerk if the Saratoga County Training was all set for January 30th. The Clerk said yes.

Mr. Heber made a motion to close the monthly meeting at 9:30 PM

Ms. Lofgren 2nd the motion,

All in attendance unanimously approved, monthly meeting closed at 9:30 PM.

FUTURE MEETINGS:

Monday, February 11th, 2008 - Agenda meeting 7:00 PM