

Town of Northumberland Planning Board

Minutes

Monday, March 10, 2008 7:15 pm

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Final accepted by the Planning Board

Present: Wayne Durr - Chairperson, Brit Basinger - Vice Chairperson, James Heber, CJ Lofgren, Kevin Pumiglia and Susan Martindale

Absent: Jeff King and Bernadette Marry

Town Employees Present: Richard Colozza, Code Enforcement Officer 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

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

The applicant was not present or represented. Mr. Durr asked if there were any comments or concerns from the public. Mr. Harsha an adjoining parcel owner stated the building Mr. Neville is proposing to buy is on his property. Mr. Harsha explained he had a survey of his property and the old store is partially on his property. Mr. Harsha stated he wanted to open a kitchen and bath design business in the house and he already has an apartment upstairs. He said he is worried about the setbacks and the Town has conveyed the "paper" portion of Hill Street to him and his adjoining neighbor, Mr. Roberts. Mr. Harsha said he is still short footage for commercial use. Mr. Heber stated the Zoning Board of Appeals would have to look at that. Mr. Harsha stated he is also worried about his parking and deliveries. Mr. Durr asked if Mr. Harsha had his plan to show to the Board. Mr. Harsha explained to the Board he wanted to put up a garage for storage and he will have tenants upstairs. Ms. Martindale asked where the business was going to be located. Mr. Harsha responded downstairs. Mr. Durr stated this Board will have to wait for the Zoning Board of Appeals to make a decision. Mr. Heber agreed. Mr. Durr said they would leave this public hearing open. Mr. Colozza said Mr. Neville might have more property on the other side, Mrs. Reed's side. The Board reviewed a letter submitted by Ms. Denise Murphy, another adjoin parcel owner of Mr. Neville. Mr. Heber asked if Ms. Murphy's letter / comments could be put into the record / file.

ACTION TAKEN

Public Hearing left opened.

Minor Subdivision

Application #: 000-07

Applicant: Scot Trifilo

Location: Loudon Road

SBL#: 155-1-31

Acres: 39+

Zoning: R-3

Surveyor: ABD Engineers

This public hearing is open from February. Mr. Paul Kudlacik of 79 Loudon Road, an adjoin parcel owner, came forward to address the Board. He stated last month not all the Board members were present and he had presented the Board with a handout. Mr. Kudlacik asked to review with the Board. The Clerk gave the Board copies of Mr. Kudlacik's handout, from the file and a map for their review. Mr. Kudlacik stated the previous subdivision of Mr. VanAlstine showed the original plan was to have one house per lot and the driveway locations that would be a benefit to the subdivision. Mr. Kudlacik

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stated he thought he knew what would be there when he bought into it. Mr. Kudlacik said he feels it is being taken away, this plan of Mr. Trifilo will increase the density and have an additional driveway. The Board reviewed.

Mr. Basinger asked if there were anything else, he would like to add. Mr. Kudlacik stated no. Mr. Basinger thanked him for his time.

Mr. Leone Reed of 69 Loudon Rd, another adjoin parcel owner stated he was trying to help with a solution and not be a problem. He said there was a previous request by Mr. Trifilo with four houses and that was denied. Mr. Reed stated Mr. Trifilo came back with this current plan of two houses and he believes this plan is the worst of the two. Mr. Reed explained this current plan makes the driveway tight, the lot lines are screwy and from his point of view, there should be one shared driveway with up to 3 houses. Mr. Reed stated he has talked to other builders and an architect and they suggested four lots, one up front and three in the back with tenants in common for the driveway. They could share in the cost and taxes of the vacant land and it would not be a shared driveway over any one person's lot. The owners could share the 4th piece of property. He then added he does not know if Mr. Trifilo had gotten himself in a tight spot because of the economy. Mr. Trifilo stated it was not a financial issue for him. Mr. Reed stated he was just trying to get around the shared driveway and get Mr. Trifilo another house, he added he would like to find a solution with 3 houses with a road in the middle, a shared lot is better than the owner's looking into each others' windows. Mr. Trifilo stated he had his plan and did not want Mr. Reed to design it for him.

Mr. Durr asked if there was anything else from the public. Nothing was noted. Mr. Durr thanked the public for participation.

REGULAR MONTHLY MEETING

OLD BUSINESS

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

Not Present, no representation.

ACTION TAKEN

Tabled

Minor Subdivision

Application #: 000-07

Applicant: Scot Trifilo

Location: Loudon Road

SBL#: 155-1-31

Acres: 39+

Zoning: R-3

Surveyor: ABD Engineers

Mr. Durr asked the Board if they had any questions or thoughts. Mr. Pumiglia stated it was not the Boards' job to design this. Mr. Trifilo explained his changes as suggested by Mr. Ward, the Towns' Attorney, for 2 lots without it being a lot line adjustment and the Board agreed to treat it as a subdivision. Mr. Trifilo said he and Mr. Ward discussed how to improve on the original subdivision. He said 2 houses on 40 acres and two 12' driveways will be an improvement. He stated the reason to keep the original drive cut is to improve off the original subdivision and not to disturb the neighborhood. He

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stated this plan is big on green space and he doesn't see a negative, the lots are larger than what is already there and he will work with the neighbors to keep the driveway away from their parcels. Mr. Trifilo then stated Mr. Reeds' driveway is already on top of his land and the original subdivision map shows houses up front. He said with 20 acres per lot the buyer should have a choice where to put their house. Mr. Trifilo said the reason for the two driveways is because the Town doesn't want shared driveways. Mr. Durr asked if Mr. Trifilo would show the Board the proposed driveways. Mr. Trifilo explained his plan to keep the existing driveway cut and be less disruptive.

Mr. Pumiglia said there are 3 principals to address.

1. The position of the driveways
2. The use of the lots
3. The effect on the previous subdivision .

He stated, addressing the character of the subdivision, the property owner has the right to use a front lot for access to the rear lot, two houses on or within 7 acres would alter the character. Mr. Heber suggested making a covenant on the rest of the lots. Mr. Pumiglia said what he got from Mr. Wards' comments was this was a precedent and was not designed for further subdivision. Mr. Trifilo said he wishes Mr. Ward was present, because it was not explained to him that way.

Mr. Pumiglia said this plan is increasing the density and changing the character with a big back yard. Then he added, he doesn't see how the Board can mandate where the driveway goes. Mr. Pumiglia then stated he was not opposed to three lots with one driveway on the front lot for access and use the back lot for the houses. Mr. Trifilo said he had that plan and was told no. Mr. Pumiglia said it was just his opinion. Mr. Heber stated it was declined because the regulations state no more than 2 adjacent lots. Mr. Trifilo stated after coming in front of this Board for 14 or 15 months he is comfortable submitting this current plan. Mr. Pumiglia said once it is approved, this Board cannot regulate it and there could be a change in a builder. Mr. Basinger stated the reputation of the builder does not apply, this Board should work it into the language of the approval the relative circumstances. Mr. Colozza stated Mr. Trifilo has gone through lengthy process and interpretation with 2 lots on 40 acres, he has addressed plowing issues and emergency vehicles, he has also gone over the subdivision with Mr. Ward, the Town's Attorney. Mr. Basinger said the driveway locations are relative to the neighbors and personally, he would vote to move forward if addressed. Mr. Trifilo stated he would keep the driveways a minimum of 10' from the property line and he could even move them to the center and widen them for emergency vehicles if required. Mr. Reed stated he was not concerned with the driveways he just doesn't want 2 houses on the front 7 acres. Mr. Pumiglia suggested having either / or put into the language, not to have both houses placed in the envelopes in the front. Mr. Trifilo stated he did not understand the problem and thought they were just splitting hairs. Mr. Basinger explained the neighbors don't want both houses placed in the front. Mr. Durr stated it was the consensus of everyone so far. Mr. Trifilo said that if they make him do this with one house up front, the neighbors are giving up their right as well. Mr. Durr reiterated the opinion is 1 house up front and 1 in the back. Mr. Pumiglia stated Mr. Trifilo doesn't have to be so rigid, if could be one or the other but only 1 up front, he could put both in the back. Mr. Colozza said the Board could approve with conditions. Mr. Heber suggested adding "no further subdivision" to the language, Mr. Heber said the Board tells him what to add and Mr. Trifilo could bring in the map for approval.

Mr. Heber made a motion to declare a negative SEQRA,

Mr. Durr 2nd the motion

All in attendance unanimously agreed, Negative SEQRA, no significant impact.

Mr. Basinger made a motion to close the Public Hearing,

Mr. Durr 2nd the motion

All in attendance unanimously agreed, Public Hearing Closed.

Mr. Pumiglia made a motion for preliminary approval of the 2 lot subdivision, application number 0001-07, from Terrace Homebuilders (Scott Trifilo) on the plan dated 1/15/2008, subject to the following additions to the map:

1. Final building envelopes must be placed in a recognized building area, furthermore not more than a single principle residence should be built within the buildable areas that fall within the boundaries of the approximately seven acre parcel originally described in the subdivision of the lands of Ronald & Kathleen VanAlstine, Map dated (Subdivision Approved) August 20, 1990.

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2. A note stating that no further subdivision of these lands is permitted.
3. The language of the Northumberland Right to farm law should be added
4. The language for the use of keyhole driveways should be added.
5. The final placement of drives should remain at least 10 feet from the boundaries of adjacent property owners.""

Ms. Martindale 2nd the motion,

All in attendance unanimously approved, preliminary approval of the 2 lot subdivision, application number 0001-07 with contingencies granted.

ACTION TAKEN

Public Hearing Closed. Negative SEQRA declared no significant impact, preliminary approval with the above contingencies.

Minor Subdivision (2 lot) - Lot Line Adjustment

Application #0001-08

Applicant: Clint Barber

Location: State Route 32N (North of Lindsay Hill Rd)

SBL#: 117-1-32 to 117-1-31

Zoning: AG

Status: Preliminary

Applicant was not present, information and maps from the file to review.

Discussion among the Board if this is a lot line adjustment or a subdivision. Mr. Heber said it is a lot line adjustment. Mr. Colozza stated it should be a subdivision; however the Board could exempt some items. Mr. Pumiglia stated they are not creating a new lot and believed it should be a lot line adjustment.

Mr. Durr stated he would like a map showing the existing house, well and septic. Mr. Colozza said the message would get conveyed to the applicant for the next meeting.

ACTION TAKEN

Tabled, applicant to submit maps showing the existing house(s), well(s) and septic(s).

NEW BUSINESS

None

Mr. Heber made a motion to approve the January monthly meeting minutes

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed the January monthly meeting minutes accepted.

Mr. Basinger made a motion to close the monthly meeting at 8:55 PM,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed, monthly meeting closed at 8:55 PM.

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Mr. Basinger made a motion to re-open the monthly meeting, application # 0009-07, John & Donita Martindale needs to be addressed.

Mr. Heber 2nd the motion,

All in attendance unanimously approved, monthly meeting re-opened

Minor Subdivision (2 lot) - site plan review

Application #0009-07

Applicant: John & Donita Martindale

Location: 658 West River Rd

Acres: 32 1/4

SBL#: 118-1-9.11

Zoning: AG

Status:

Ms. Martindale reclude herself.

Mr. Basinger made a motion to deny application # 0009-07, John and Donita Martindale due to lack of information

Mr. Heber 2nd the motion,

All in attendance unanimously agreed, application denied.

Mr. Basinger made a motion to close the monthly meeting at 9:05 PM,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed, monthly meeting closed at 9:05 PM.

FUTURE MEETINGS:

Monday, May 12th, 2008 - Agenda meeting 7:00 PM