

Town of Northumberland Planning Board

Minutes

Monday, May 21, 2007 7:00 pm

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Present: Brit Basinger, Vice-Chairperson, James Heber, Jeff King, Susan Martindale and Kevin Pumiglia

Absent: Patricia Bryant, Chairperson, CJ Lofgren - alternate.

Town Employees Present: Jim Mitchell – Town Engineer, Doug Ward - Town Attorney, Richard Colozza – Town Code Enforcement Officer, and Tia Kilburn - Planning Board Clerk.

Vice - Chairperson, Brit Basinger opened the Public Hearing for Randy Countermine at 7:00 PM.

PUBLIC HEARING

Minor Subdivision

Application #: 0011-06

Applicant: Randy Countermine

Location: 500 Colebrook Rd

SBL# 129.1-51.11

Acres: 24.78

Number of Lots: 4

Zoning: R-3

Surveyor: Gilbert Van Guilder, PLLC

Gilbert Van Guilder represented Mr. Countermine. Brit Basinger asked for any public comments or concerns. No public was present

Vice-Chairperson, Brit Basinger opened the monthly meeting at 7:30 PM. The public hearing was left opened for additional comments. Brit Basinger made a motion to closed the public hearing at 7:40 PM, unanimous by all in attendance without any comments from the public.

OLD BUSINESS

Minor Subdivision

Application #: 0011-06

Applicant: Randy Countermine

Location: 500 Colebrook Rd

SBL# 129.1-51.11

Acres: 24.78

Number of Lots: 4

Zoning: R-3

Surveyor: Gilbert Van Guilder, PLLC

Mr. Countermine was represented by Gilbert Van Guilder. Brit Basinger wanted to verify the driveways have been adjusted and everything else was in compliance with the Town's regulations. Mr. Van Guilder confirmed, driveway on lot #4 has been moved as far south as it could be and the remaining 3 driveways were shifted to the north side of the subdivision, to satisfy Neil Petteys, Highway Superintendent's, concerns. Access is available for the 5th permanently restricted lot. Mr. Van Guilder stated 7.81 acres is DEC wetlands, 5.76 acres available for the Colebrook Stream setback. There is a total of 24.61 acres. Mr. Van Guilder stated the smallest lot is 32,178 sq feet per the boards request to achieve a conservation plan. Brit Basinger inquired about the largest lot size and Mr. Van Guilder stated the remaining 3 lots are roughly ¾ of an acre each. All lots are 175' deep and 200' wide. The percolation and deep hole test were performed and passed May 24th. The wells will be placed in the front of the lots and the septic will be placed in the rear of each lot to achieve zoning requirements. Brit Basinger wanted to confirm Rich Colozza was present at the testing, he was. Brit asked for any additional comments or concerns from the

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board. There were none noted.

ACTION TAKEN

The Planning Clerk will obtain an approval letter from Neil Petteys, Highway Superintendent, for the file on the driveways.

Jamie Heber made a motion to approve subdivision contingent upon the aforementioned letter from Neil Petteys, Kevin Pumiglia 2nd the motion, Unanimous by all in attendance.

Motion Passed

Major Subdivision

Application #: 0001-07

Applicant: Scot Trifilo

Location: Loudon Road

SBL#: 155-1-31

Acres: 39+

Zoning: R-3

Surveyor: Joe Bianchine, ABD Engineers

Mr. Bianchine was not present. Mr. Trifilo represented himself. Scot presented a recap from last months meeting, 4 proposed lots, front lot 3 acres, remaining lots are 3 acres, 26 acres and 6 acres with a shared private driveway. Due to the fire department's concerns on the private drive construction the drive was widen and easements will be issued in writing to clarify driveway usage.

The Town's Attorney, Doug Ward reviewed the maps and suggested the Board decide whether or not to make a lot line adjustment to the single front lot from a previous subdivision and the single rear lot, to join the two lots. Mr. Ward discussed the Conservation design and what was the point if this is not an agricultural zone, this was not a mandatory subdivision and it is at the Board's discretion to grant. Mr. Ward questioned if a single drive with the CDS design would accomplish anything. He stated the Board needs to ask themselves if they are achieving the goals of a CDS design and keep in mind the following;

First, when creating keyhole lots, the general rule in the law is, you should NOT create driveways for keyhole lots on a road that isn't part of the subdivision. The Board can waive this, however, if it is waived it should achieve at least one of the goals of the conservation design.

Second, CDS designs can have roads with rural character, keeping with the previous plan.

Third, consider the "bowling alley" effect of lined up homes.

Lastly, consider how to incorporate all the property into a CDS design, open space is usually part of the design and not just placed "out there".

Mr. Ward explained with a conservation design you are protecting the rural character of an existing subdivision and the neighbors interest. There are a number of points the law considers, is it a flexible design and what is the result? There also is a number of cautions to consider. There is open space, but consider the rear open space lot.

Mr. Trifilo stated he wants 4 homes on 40 acres in a residential 3 acre zone. He would like the easiest way

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to achieve the Boards approval. Mr. Trifilo has moved 2 lots all the way back with a shared drive meandering through heavy pines, which will block the view of the homes from Loudon Road, only 1 home will be seen from Loudon Road. Mr. Trifilo has proposed a new design with 2 lots having separate drives and 2 lots with a shared drive. Mr. Trifilo stated these parcels are one lot, with only one tax bill. Mr. Ward stated it is not a legal joining of lots, this Board has not approved a lot line adjustment. Richard Colozza pointed out the back lot could be land locked, contingent on the front lot and an easement if sold. Mr. Trifilo disagreed. Discussion ensued on land locked issues and the need for a lot line adjustment. Mr. Colozza suggested the Board try to prevent land locked parcels. Kevin Pumiglia stated the Board doesn't have the authority to prevent the sale of lands in land locked situations. Mr. Ward pointed out access to the rear lot is necessary. The lot line adjustment needs this Boards approval and Mr. Trifilo needs to go back to the previous subdivision, that included the front parcel and have it amended to include the back parcel. Brit Basinger would like Mr. Ward to review the pre-existing subdivision for any specific language.

Discussion ensued on keyhole lots and road frontage;

Mr. Colozza pointed out in the Town of Northumberland's Subdivision Regulations keyhole lots are discussed on page 51. *"The width of the entrance to a keyhole lot shall not be narrower than 25'. No more than two entrances to keyhole lots shall be adjacent."* Mr. Colozza discussed the front lot is not wide enough for a legal lot, as a result it would be a keyhole lot, a building lot needs to have 200' road frontage. Mr. Ward reviewed the plan and did clarify the frontage is not sufficient and Mr. Trifilo needs to move the front house back to make it to the 200'. Jeff King stated per the Subdivisions Regulations Book, Mr. Trifilo cannot use this plan. Brit Basinger asked Mr. Ward to review the requirements of the previous subdivision and if any language restricts the flag lots.

Brit Basinger asked Mr. Trifilo for any additional comments. He had none. Kevin Pumiglia asked Scot about moving the 4 lots all the way to the back lot and constructing one long shared drive. Mr. Ward inquired who would own and be responsible for the maintenance of the shared drive? Mr. Trifilo stated language could be put in the deeds creating easements. Mr. Heber asked if something could be put in writing to relieve the Town of any liability. Mr. Ward stated the legalities of shared drives should be investigated.

Mr. Trifilo asked the Board to take a "field walk" to get a better understanding of the layout of the parcels. He stated it is not as narrow as it may look on the maps.

ACTION TAKEN:

The Planning Board would like to take a "field walk" with Mr. Trifilo, June 11, 2007 at 6:30 PM.

The Planning Clerk will forward all minutes pertaining to the previous subdivision and this proposed subdivision to the Town's Attorney, Mr. Ward at his request for his review.

NEW BUSINESS

Daycare Sign Installation

Application #: 0003-07

Applicant: Megan Lant

Location: 216 Blackbird Ln

SBL: 103.16-1-11

Zoning: Hamlet

Sign will be 25' from the center of the road, double post, one sided and no light. Ms. Lant is NYS

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Registered. Mr. Heber wanted clarification of the Town's Daycare law. Is this a Home Daycare or a Daycare Center? Mr. Pumiglia also wanted the definition of a Daycare. Mr. Colozza stated this is explained on page 59, Day Care Centers and Facilities in the Town of Northumberland's Zoning Ordinance.

Discussion on whether or not Ms. Lant needs a Special Use Permit for her daycare. Mr. Colozza explained the following, and Mr. Ward reviewed.

Pursuant to Social Services Law §390.12 "Local zoning or codes CANNOT prohibit an in home daycare, under ANY circumstance", which partially reads;

"Notwithstanding any other provision of Law..... no village, town, city of county shall adopt or enact any law, ordinance, rule or regulation which would impose Standards for sanitation, health, fire safety, or building construction on a 1 or 2 family dwelling or a multiple dwelling used to provide family or group family day care than would be applicable where such child care not provided...."

ACTION TAKEN:

Mr. Heber made a motion to approve the sign contingent on Mr. Ward's approval of use without the need for a special use permit.

Mr. King 2nd the motion, Unanimous by all in attendance.

**Special note: Ms. Lant would like the Town's website updated to include additional Home Daycare Information.

Minor Subdivision

Application #: 0002-07

Applicant: Guy Murphy / Anne Decker

Location: 401 Coldbrook Road

SBL: 129.-1-20

Acres: 1.29

Number of Lots:

Zoning: R-3

Denial of Building permit due to area variance is needed from Zoning Board of Appeals and subdivision review is needed, zoning is residential 3 acres and there is only 1.29 acres available to build.

Mrs. Decker submitted a copy of the original deed to Mr. Murphy to the Board. Mr. Heber stated this deed predates 1977 zoning. Mr. Ward reviewed the deed.

ACTION TAKEN:

This Board would like Mr. Ward to submit a letter to the Zoning Board reiterating this is a pre-existing parcel separated by the road.

MISC.

Mr. Heber made a motion to approve the April minutes, Mr. King 2nd the motion, Unanimous by all in attendance.

FUTURE MEETINGS

Monday, June 18, 2007

Monday, July 16, 2007

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Mr. Basinger motioned to adjourn meeting at 9 PM, Mr. Heber 2nd the motion, Unanimous by all in attendance.

Respectfully submitted
Tia Kilburn, Planning Board Clerk