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Town of Northumberland – Planning Board
June 19, 2006
(Corrected and Approved – September 18, 2006)

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Present: Patricia Bryant, chairperson, James Heber, Ed Martin, Wayne Durr, Susan Martindale, Jeff King, and Brit Basinger

Absent: Kevin Pumiglia and Kevin Gifford, alternate

Town Employees Present: Howard Doster – Town Engineer, Richard Colozza – Town Code Enforcement Officer, Deborah Colozza - (Interim) Planning Board Clerk, Judy Taylor, Town Bookkeeper and observer to the clerk

Patricia Bryant opened the June Monthly Meeting of the Town of Northumberland Planning Board at 7:10pm.

Pre-Application Conference for a Major Subdivision

(Open Public Hearing)

Application # 0007-05

Applicant: William Morris

10 Mystic Lane

Saratoga Springs, NY 12866

Location: Plantation Rd.

SBL#: 142.-1-1-121

Acres: 15.5

Number of Lots: 6 to be subdivided (now changed to 5 lots)

Zoning: R-1

The meeting began with an introduction of Robin Hovenhouer from the Department of Environmental Conservation (DEC). Ms. Hovenhouer was invited to attend this meeting to discuss the issue of the blandings turtle whose habitat has been found and is under study in our Town. The background that she presented to the Board on the habitat of the turtle was a general overview and also in regards to Mr. William Morris' subdivision in which blandings turtles habitats have been observed included:

- How threatened of a species they are
- Documentation on the citings that have been observed within the town
- The travel pattern of the turtles (prevalent in Dutchess County and now they seem to have found a home in our area)
- With the primary application of Mr. Morris ways to protect the habitat around the southern portion of the proposed development
- The proposed buffer that has been discussed with Mr. Morris and DEC – to which both parties are agreeable in the protection being offered by the development.

Concerns of the Board included:

- Official documentation from DEC would be forthcoming to Mr. Morris as well as copied to the Planning Board.
- Mapping identifying probably areas of concern within the Town

Ms. Hovenhouer indicated that she is waiting for final report back from the engineers and then a notice will be forwarded to both parties with any findings. They are two years into the study – and to get knowledge of the

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habitat it is being done using transmitters on captured turtles. She stated that DEC is aware that development will continue to occur – their Department is primarily interested in seeing that the development around the areas that need protecting is done in a minimal amount with limited traffic and a secure buffer to the nesting areas.

Ed Martin asked if she (DEC) is comfortable with the way Mr. Morris is proceeding? She said they have both been in contact with one another and DEC is pleased with the additional efforts Mr. Morris has taken to make the habitat and the nesting areas of the turtle protected.

Ms. Hovenhouer noted that the minimal or recommended amount of an expected buffer is 50' and not disturbing the vegetation that is there. As with any threatened species more is always better. Mr. Morris has made concessions to see that the area is protected.

Ed Martin asked if there were any guidelines for board that they could use when this type of endangered/threatened instances came about in our Town.

Ms. Hovenhouer noted that Massachusetts has guidelines readily available and that these could be formatted to be worked into what thoughts the Town had to protect species of wildlife.

Patricia Bryant thanked Ms. Hovenhouer for coming in to discuss this species with us. Mr. Morris noted that he had nothing else to add to his proposed subdivision at this time and that he would be back next month to move forward.

ACTION TAKEN

DEC representative, Robin Hovenhouer attended this meeting at the request of the Board and Mr. William Morris to discuss the Blandings Turtle. Mr. Morris indicated that he would be back next month with additional information on moving forward.

Pre-Application Conference for a Major Subdivision

Application #: 0006-05

Applicant: Stephen and Kelly Fortin

10 Bear Cub Crossing
Saratoga Springs, NY 12866

Location: Duncan Rd.

SBL#: 129.-1-83.11

Acres: 30.64

Lots: 10

Zoning: R-3

Representative: Stuart Thomas

Patricia Bryant noted to Mr. Thomas that the Board would like to have him follow up with several reports in order for the Board to make any decisions in order to have him move forward with his proposal. These include:

- “Stamped engineered” copies of the site survey plat. The board noted that currently there is no stamped copy of the plans within the file.

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- Prepared wetland map
- Soils map of the area
- Topo mapping of the plat
- Indication of the property boundaries.

Mr. Thomas noted that he thought those were all included within his file and if not he will get them for the Board. He asked to present changes made to his project.

Patricia Bryant noted that at this time the Board would not act upon his application until the stamped engineer design is presented to the Board. New materials can be left and the Board will review them at the July agenda meeting.

Mr. Thomas insisted on making a short presentation so the Board understood his plan. He stated that Jim Mitchell the independent engineer has the material but in order to proceed must know the number of lots that the Board will allow for him to precede.

Patricia Bryant noted that the Board would not make a decision on how many lots could be built without information back from Mr. Mitchell. She noted that she would call Jim Mitchell to outline the Boards requests of him and what he need to review from Mr. Thomas so that all 3 have the same understanding. She would follow that up with a call back to Mr. Thomas to let him know precisely what Mr. Mitchell will need from him.

Ed Martin noted that until we have the necessary information that the Board is looking for the application could not be discussed further.

Patricia Bryant again reiterated that no action would be taken tonight on this proposal before the Board.

Mr. Thomas wanted it known that he was staying pro-active with the application and keeping the Board up to date with progress that he has made. He asked if there was anything else the Board needed.

Howard Doster noted that the Board needed assurance that the soils would hold up to the building of the lots on the proposal.

Richard Colozza also noted that the Board needed to have assurance that any roadways built would be stabile and have stability to their base as well as for any planned houses on the property.

Patricia Bryant again told Mr. Thomas she would be in touch with Jim Mitchell to go over the Board's requirements in order for Mr. Thomas to proceed.

ACTION TAKEN

The Board presented a list of necessary needs from Mr. Thomas before he could move this proposal forward. She told Mr. Thomas that she will be in touch to clear up any confusion on the part of Jim Mitchell and Mr. Thomas on what each of them needs to get to one another in order for the Board to act upon any findings. A stamped engineered plan needs to be presented by Mr. Thomas for the Board to consider any additional action.

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Pre-Application Conference for a Major Subdivision

(Open Public Hearing)

Application #: 0013-05

Applicant: Gary Bordeau

Owner: Austin DiSiena

481 Wells Rd.

Pattersonville, NY

Location: Colebrook Rd.

SBL#: 129.-1-46.121

Acres: 63.9

Lots: 14

Zoning: R-3

Representative: Paul Tommell

Engineer: Kurt Bedore (speaking on behalf of the project)

Mr. Bedore presented a conservation design development. Most of the lots vary in size from 1-3 acres with one larger lot. All lots will have individual septic systems and drilled wells. They have had DEC on site to do 2 test wells and the yield has been very good with 5 gallons per minute from each well. The minimum amount required by DEC is just 3 gallons per minute. Mr. Bedore presented to the Board a preliminary letter of the findings and full report will be forthcoming.

It is noted by the applicant that with these results the wells needed for the homes will not adversely impact the adjoining neighbor's wells. Also, it is noted that there are several pockets of possible habitats for the Blue Karner and Elf butterflies. Ms. O'Brien of DEC has a biologist (Mr. Singer) on site to study the habitats of the two species. The month of July is the typical breeding time and DEC will study the area to confirm the amount of flora necessary to protect the species. After the study is complete DEC will send a letter to support any findings. At this time the primary concerns to the habitat is on the large parcel of land in the back.

Brit Basinger noted that the Board had concerns with the conservation design. After review by the Board it is thought that the Board should also re-review the conventional design in order to consider the following:

- It may not be in the best interest to have the majority of the "open space" of the project out in the back where no one would benefit from use of it.
- Look at the possibility of creating more "buffer areas" within the development
- Mix of the 2 plans to keep a more rural effect of the project
- Is there any flexibility to the plan that can be worked on?

Mr. Tommell interjected that from the initial presentations made to the Board – it was thought that all were in agreement to the plan and that considerable time and expense has been put into the preliminary plans to indicate building envelopes for homes, septic systems, wells etc. If the Board is asking for changes to the design now then you are looking at tremendous amounts of additional money. Mr. Bedore has considerable time already in these plans and designs that the Board had noted they were fine with previously.

Mr. Bedore noted that the "open space" at the back is the natural preserve space of where any wildlife might habit.

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Mr. Tommell noted that an overlay shows the lots to be within the “woods” since a minimal amount of trees would be removed in order to preserve the rural character.

Kathy O’Brien has been in touch with this project and is in the midst of talks to find ways to protect the travel area of the butterfly population. Once her findings are complete in July – DEC and her office will issue a report on the findings.

Mr. Tommell noted that to make a better buffer area it probably is possible for the design to remain as it but that some concessions could be made on the plans. One such area that they can look at is leaving a 100’ no-cut buffer north of the entry road. That would also keep the area more rural in the location.

Brit Basinger also noted that the Board might also require a traffic study to determine the impact of more traffic traveling on Colebrook to get to Rte 50 from the development.

Ed Martin noted that for the future the Board would need to be more sensitive to the concept of cul-de-sac designs.

Guy Murphy of Colebrook Rd. addressed the Board and was concerned that the Board seemed to be choosing the cul-de-sac plans vs. more thorough investigation of a conventional concept. He understood that the Board was to keep the rural nature of the town preserved and with this plan he didn’t see how this preserved a “rural effect.” He would like to see the project be more of the 3 acres conventional proposal in order to maintain a better rural effect. He asked also with the large lot and the open space being part of that lot would it be a dedicated lot owned by one person or would others have access to the open space area.

The Board and Mr. Bedore noted that 1 person would own it.

Mr. Bedore asked the Board about taking action as was suggested by audience in the past on reducing the speed limit on Colebrook Rd.

James Heber stated that in order to reduce the speed limit on a road it must be presented to the Town Board and they address the concerns to the Department of transportation.

Gary Bordeau, property owner, noted that in reviewing the concept of this plan it might also be feasible for the deeds and the maps to show a 15’ no-clear line at the back line of each of the properties of adjacent owners so that there would be a noise buffer on each lot as well.

Ed Martin noted

- The Board should not penalize what’s been done already but mitigate some give and take yet with the final design
- The plans show that there is still additional room for more creativity to protect the rural effect.

Brit Basinger noted that concessions might be made to extend all long the road in order to tweak the plan just a bit and move the design back from the main road.

Wayne Durr understandably noted that the plan is still in the working stages and if other ideas need to be

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brought forth this is the time that they need to be addressed while the Public Hearing remains open.

Patricia Bryant noted that the SEQRA application would wait until the Board has received findings back from DEC on the Karner Blue and Elf butterflies. With the Board giving thought to changes she will also consult legal advice on direction that the Board can follow.

Brit Basinger noted that with the project discussions as presented tonight – it seems as though if back borders can be given a buffer and also out front a buffer be given then even with buffers in place this could achieve a better rural character aspect to the project.

Patricia Bryant thanks Mr. Tommell, Mr. Bedore, and Mr. Bordeau for working with the Board to incorporate additional ideas into the plans to keep the rural effect in place as much as possible.

ACTION TAKEN

Waiting on findings back from DEC regarding habitat for Blue Karner and Elf Butterflies. Applicant will work to incorporate more rural characteristics to keep the cul-de-sac plan as rural as possible. Look at buffers to put in place and indicate on deeds language regarding no-clear areas on each lot. Patricia Bryant to speak to legal counsel on direction to proceed if Board requests changes.

Board member James Heber excused himself from the remainder of the meeting due to family obligations.

Pre-Application conference for a Major Subdivision

(Open Public Hearing)

Application # 0011-05

Owner/Applicant: Stonybrook Land, LLC (David Lipinski, President of Company)

41 Park St.

Adams, MA 01220

Location: Mott Rd. and West River Rd.

SBL#: 92.-1-1 and 92.-1-2

Acres: 253.56 (to be subdivided)

Number of Lots: 10

Zoning: Agriculture

Representative: Peter Coseo

Mr. Coseo indicated the changes that the Board requested previously. Mr. Lipinski sent a letter that okays the changes to be made by Mr. Coseo on his behalf, which was added to the file. He also received a letter from Mr. Bonafide at the NY State Office of Parks and Recreation on the Historical preservation requested for the Colonel Barry home indicating the language requested by SHPO; this adhere to the requests of the SHPO letter they will make sure that the lot not being included in the subdivision where the Colonel Barry home (historical) is located will have deed restriction placed so as not to be touched due to the historical nature of that parcel of land. The other 10 lots will be marketed as parcels that could envelop horse farms and/or agricultural lands preservation on parts of each parcel.

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Patricia Bryant thanks Mr. Coseo for the updated information and since at the previous meeting many of the Board members seemed in agreement to the plan, she asked if anyone else had any additional concerns since last month. There were none.

Patricia Bryant asked for a motion to close the Public Hearing. Jeff King made a motion to close the Public Hearing on this application # 0011-05. Brit Basinger 2nd the motion. The Board voted unanimously to close the Public Hearing 6 ayes and 0nays.

With the Public Hearing closed, Ed Martin review SEQRA and made a motion for a negative declaration under SEQRA as provided to the Board by the applicant. Brit Basinger 2nd the motion on the SEQRA application. The board voted unanimously 6 ayes and 0 nays.

Patricia Bryant asked the Board if they had any additional concerns for this application. There were none. She asked for a motion to approve the application. Jeff King made a motion for final approval to application #0011-05. Brit Basinger 2nd the motion for approval. The Board voted unanimously to approve the application 6 ayes and 0 nays.

ACTION TAKEN

Public hearing was closed. SEQRA received a negative declaration and the Board accepted the application for approval. The applicant will need to submit for review 2 mylars, final copies of the plat for the file and before the mylars can be released the applicant will need to pay any outstanding fees from the application process.

Pre-Application Conference for a Major Subdivision

(Open Public Hearing)

Application #: 0002-06

Applicant: Boswell Engineering

799 Madison Ave

Albany, NY 12208

Location: King Rd. adjacent to Plantation Rd.

SBL#: 142.-1-2.11, 142.-1-2.2, 142.-1-2.3, 142.-1-2.4

Acres: 32.76

Number of lots: 16 single family residences

Zoning: R-1

Representative: Iver Anderson and Dominick Arico

ACTION TAKEN

Mr. Anderson informed the Board that they were waiting on additional materials to be received and would not be in attendance at this evenings meeting. They will return to the Board for the July meeting.

Major Subdivision

(Open Public Hearing – extension granted to Aug. 2006)

Application # 0008-05

Applicant: Estate of Blanche Zuckerman

Harris and West River Rd

Gansevoort, NY 12831

Location: Harris and West River Rd.

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SBL#: 131.-1-10.12
Acres: 28
Number of lots: 3
Zoning: Agriculture
Representative: John Zuckerman for the Estate
Surveyor: Paul Tommell

ACTION TAKEN:

No action taken on this application this evening.

NEW BUSINESS

Pre-application Conference for a Major Subdivision

Application#: 0003-06

Applicant: Ellen Bongard

169 Beaver St.
Schuylerville, NY 12871

Location: same as above

SBL#: 156.-1-17

Acres: 87.78

Lots: 2 (formerly subdivided under Signor)

This application was tabled once again as no representative on hand to discuss the proposal.

Pre-application Conference for Minor Subdivision

Application #: 0004-06

Applicant: Andrew Stine

P.O. Box 49, 389 Beaver St.
Schuylerville, NY 12871

Location: 389 Beaver St.

SBL#: 143.-2-30.11

Acres: 84.6 (20 acres to be subdivided into a separate lot from the remaining acres)

Zoning: Rural Residence

Representative/Licensed surveyor/Engineer: David Barrass. Land Surveyor

Mr. Barrass presented the plan to the Board for consideration.

- The plan calls to break off 20 acres of the 84.6 acre parcel to make 1 lot (this would then leave a 20 acre lot and the remaining acreage of 64.6 acres)
- The Board is able to waive the perk test as water is already present on the site
- The ground intervals that need to be shown the Board can also waive

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The Board took under consideration the plans as presented. Seeing nothing out of the ordinary the Board recommended to send the application to the County Planning Board for their review as it is considered in an agricultural district. They also requested that a Public Hearing be set for the July meeting in order to hear any comments from the surrounding neighbors to his planned proposal.

ACTION TAKEN

Application looks to be in order. Application will be sent to Saratoga County Planning for their review. Clerk will stamp copies of plans as received from Mr. Stine and set a public hearing for the July 19th meeting to begin at 7:00pm.

Pre-Application Conference for Shoreline Overlay

Application #: 0005-06

Applicant: Richard Walton

123 Harris Rd.

Schuylerville, NY 12871

Location: 123 Harris Rd.

SBL#: 131.-1-3

Acres: 3.65

Mr. Walton presented his proposal to the Board. He is looking to replace a pole barn on his property with a new pole barn. Because the placement falls within 500' for the shoreline he requests a special permit to build a new barn.

The Board asked what he is doing to preserve the limited visibility of the barn from the river?

He noted that this barn would have a lower profile to the side facing the river. It will have lapboard siding so as to blend in with the woods of the property and not stand out from the river. The barn that was on the property is old and outdated and he is mainly tearing down and rebuilding to improve the structure that existed already on the property.

Jeff King noted that since this is a reconstruction of an existing barn that he could see no reason to deny this proposal. Brit Basinger agreed.

Patricia Bryant asked the Board if they were comfortable with approving this proposal or needed more information. Board members were in agreement that this was more a formality by Mr. Walton to have the Board know what his plans were.

Jeff King made a motion to approve application # 0005-06 for the reconstruction of a pole barn that falls within the shoreline district of the Town. Ed Martin 2nd the motion to approve the application. With no further discussion the Board unanimously to approve the application. 6 ayes and 0 nays.

ACTION TAKEN

Mr. Walton needs to see Richard Colozza to secure a building permit for the project. He also needs to pay the required fees involved and any outstanding application fees for the Planning Board.

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Town Engineer: Howard Doster nothing new to report

Town Zoning Administrator: Richard Colozza noted that the Town Board approved the change of Zoning Regulation for a “lot line” definition. The Board is waiting for NY State final approval in order to enact it.

MINUTES: The minutes from the May 15, 2006 were approved at the beginning of tonight’s meeting with corrections. James Heber made a motion to approve the minutes with corrections and Ed Martin seconded the motion for approval. Motion by the Board to approve the May minutes with corrections carried - 7 ayes to 0 nays.

Corrections to May 15, 2006 minutes

Page 2, 2nd paragraph

[change]: He is **now** sure how to handle making people slow down.

[to read]: He is **not** sure how to handle making people slow down.

Page 2, 3rd paragraph

[change]: ...they come off the **state** owned lands from the Terrell Hills area.....

[to read]: ...they come off the **county** owned lands from the Terrell Hills area.....

Note: for the Gary Bordeau application the corrected spelling of Mr. Bedoir should be Mr. Bedore.

(all references to the spelling of his name were changed)

Page 5, 4th bullet item

[change]: That with the **development overlapping** two school districts **both** said.....

[to read]: That **within the town overlap** two school districts **each district** said.....

Page11, Stephen and Kelly Fortin application

[change]: **Stewart** Thomas

[to read]: **Stuart** Thomas (all references to Mr. Thomas name have been corrected)

July Meeting dates:

The agenda meeting will be held on Monday, July 10, 2006 at 7:30pm.

The monthly meeting of the Planning Board will be held on Monday, July 17, 2006 at 7:30pm with a Public Hearing to be held beginning at 7:00pm.

Patricia Bryant asked if there was any other business to present tonight. There was none.

Ed Martin made the motion to adjourn the meeting. Wayne Durr seconded the motion. The vote to adjourn was unanimous. The June Planning Board meeting was adjourned at 10:45pm.

Respectfully submitted,

Deborah Colozza
(Interim) Planning Board clerk