

Town of Northumberland Planning Board

Minutes

Monday, June 18, 2007 7:00 pm

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

Absent: Jeff King and Kevin Pumiglia

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

All in attendance stood and recited the Pledge of Allegiance

Chairperson, Patricia Bryant opened the monthly meeting at 7:33 PM.

OLD BUSINESS

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

There was a miscommunication pertaining to the field walk that was scheduled for June 11th. Mr. Trifilo was on the site at 5:30 PM until roughly 6:00 PM and two members of the Planning Board arrived for a 6:30 PM meeting. Patricia Bryant apologized to Mr. Trifilo for the inconvenience. Ms. Bryant also apologized to Mr. Trifilo for the delay in action from this Board on this subdivision. The field walk was rescheduled for Wednesday, June 20th at 6:30 PM. Mr. Trifilo offered his cell phone number if any changes arise in the date or time for the field walk. Mr. Trifilo also stated he has a small realtor type sign for his business "Terrace Home Builders" in front of the parcel as a marker.

Ms. Bryant explained to Mr. Trifilo the Board had additional legal questions for the Town's Attorney, Mr. Ward, who was not present at this meeting. Ms. Bryant also stated no decisions would be made until after the field walk and Mr. Ward's legal counsel. Ms. Bryant has requested Mr. Ward be present at next months meeting.

Paul Kudlacik, an adjacent landowner of Mr. Trifilo's proposed subdivision was present and requested to examine the application and maps. Mr. Kudlacik stated he had read minutes of previous meetings involving this subdivision. Ms. Bryant stated it is public information and if Mr. Kudlacik wants to come to the Planning Office during regular business hours he may examine the file. There will also be a public hearing, at which time Mr. Kudlacik may address the Board with any additional questions or concerns he has before the Board makes any decisions on this subdivision.

Registered letters are sent to all surrounding land owners for notification of public hearings and a notice will be published in both The Post Star Newspaper and The Saratogian Newspaper. Mr. Trifilo offered to show Mr. Kudlacik what he had with him at this meeting and address any concerns Mr. Kudlacik had.

ACTION TAKEN:

The Planning Board has rescheduled with Mr. Trifilo, a "field walk" for Wednesday, June 20, 2007 at 6:30 PM. The Planning Clerk will email the date and time to absent Board Members, Jeff King and Kevin Pumiglia.

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The Board request Mr. Ward's legal advise be in writing for the file.

Mr. Trifilo and Mr. Kudlacik stepped out into the hall to discuss the proposed subdivision.

Minor Subdivision

Application #: 0002-07

Applicant: Guy Murphy / Anne & Randall 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.

Mr. And Mrs. Decker submitted a new map with soil test results. The Town's Engineer, Mr. Mitchell reviewed with the Board and Mr. And Mrs. Decker. Patricia Bryant wanted to confirm this was Residential 3 acre zoning, and there is only 1.29 continuous acres available on one side of the road, with the additional acreage across the road. Brit Basinger stated this is a substandard nonconforming lot and he did not think it was good planning to take the remaining acreage from the opposite side of the road to reach the 3 acre zoning requirement and create a second substandard nonconforming lot.

Mrs. Decker asked if a letter was received from the Zoning Board requesting comments or concerns from this Board and notification of their scheduled public hearing. It was received.

Mr. Heber asked if Mr. Colozza, the Code Enforcement Officer, was present at the soil testing. Mr. Colozza stated he was not, however Mr. And Mrs. Decker will have an engineer plan their septic and well sites as per the Town's requirements. Ms. Bryant wanted confirmation this was sandy soil. Mr. Heber inquired if this plan meets the Town's setbacks? Mr. Colozza confirmed the setbacks were fine.

Mr. Basinger made a motion to send a Positive Recommendation to the Zoning Board of Appeals to grant the area variance.

Mr. Heber 2nd the motion, unanimously by all in attendance.

Mrs. Decker wanted clarification about the process. Mrs. Decker asked if a positive recommendation meant it was approved or would be? Ms. Bryant explained this application would go back to the Zoning Board and their Public Hearing. After which, *if the variance is approved*, it will return to the Planning Board for the subdivision application. Ms. Bryant stated she does not foresee any problems with the application however, it is NOT approved at this time and the Zoning Board still needs to review and hold their public hearing on the area variance. An additional public hearing will be held at a later time pertaining to the subdivision application.

ACTION TAKEN:

The Planning Clerk will send a Positive Recommendation to the Zoning Board. After the Zoning Board reviews and *if the area variance is approved* Mr. And Mrs. Decker will return to this Board for the subdivision application review and a public hearing.

NEW BUSINESS

Informal Discussion

Peter Marshall

Location: Blue Heron Terrace

SBL#: 116.-1-2.1

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Acres: 52.73

Zoning: R-1

Mr. Basinger asked Mr. Marshall if he wanted to make a presentation on his request. Mr. Marshall stated no, he only had some questions. Mr. Marshall is inquiring to Mr. Basinger asked Mr. Marshall where the parcel located. Mr. Marshall stated it is off Route 50, between the RV Park and Fire Pond. There is a road access through Wood Lawn Terrace. Mr. Marshall brought a map and the Board wanted the road access pointed out on the map. Mr. Basinger and Mr. Colozza reviewed the town map and determined this parcel is the 49th lot of a previous subdivision. Mr. Durr asked how old the subdivision was? Mr. Colozza stated it was from 1989.

Discussion ensued pertaining to what the number of the lot actually is. Ms. Bryant would like additional research on this lot due to the map Mr. Marshall presented stated it was lot #49 and he believed it was lot #47. Mr. Basinger pointed out procedural changes would take place if the subdivision were to pass the 50 lots. Mr. Basinger stated if this is a lot in an approved subdivision, lot #47 is ok, however if this lot is #49 Mr. Marshall cannot split again. The Board wants to research the previous subdivision.

Mr. Colozza addressed if there is a time limit on the water, however the subdivision was not built out yet.

ACTION TAKEN:

No action was taken on this file. Mr. Marshall will have to file an application and pay the applicable fees involved. This was an informal discussion requested by Mr. Marshall.

Major Subdivision

Application #: 0005-05

Applicant: Jon / Blanche Zuckerman

Location: Routes 4 & 32

SBL: 131-1-10.12

Acres: 27+

Number of Lots: 3

Zoning: APD

Surveyor: Gregg Beswick

Mr. Beswick reviewed the revised plans submitted 6/6/2007. Mr. Durr asked if the rail cars have been removed. Mr. Beswick stated they will be removed soon, fulfilling the Town's request. Ms. Martindale wanted to inquire about the shared driveways. Mr. Beswick explained that all three parcels shared a driveway, however a strip of land is left for the future option to split off a driveway.

Mr. Beswick explained the changes in his plan. It meets the CDS excess of 10 acres. The CDS plan makes sense to conserve the land and this plan was "reworked" due to the Planning Board's recommendations. The total AG Conservation acreage is 5.76, of which 5.21 acres exist on lot #1. Language will be put on the maps for the shoreline overlay. Changes also include moving the houses back closer to the septic systems. Mr. Beswick informed the Board he thought this was actually a Minor Subdivision and Ms. Bryant wanted it researched for clarification. Mr. Colozza stated he would research.

Mr. Basinger asked Mr. Colozza about the frontage. Mr. Colozza stated there is 75.03' for 2 keyholes and 300' frontage for the other.

Discussion on the culvert pipe to be installed to cross the creek. Mr. Colozza stated they would need a permit from DEC. Mr. Beswick agreed and stated it will be constructed to DEC codes. Mr. Colozza stated the Planning Clerk will request any comments or concerns on the culvert pipes installation from the County Highway Department. Ms. Bryant wanted to confirm the stream would not be redirected.

Mr. Basinger wanted to take another look at the plan before these changes were made. Mr. Beswick did not have a previous plan with him, and there was not one in the file.

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Mr. Heber asked if we still had all the information in our file and was it up to date. Mr. Colozza stated the Clerk will check the file and make a list of items needed and received.

Mr. Durr examined the SEQR (long form) that is on file. He believes it is from 2005 and we will need a new long SEQR form.

Mr. Beswick requested a Public Hearing be scheduled. Mr. Basinger stated the Board would need a formal submittal and this file was not ready for a Public Hearing. The Board will need more answers and up dated information. Ms. Bryant stated this will be treated as a "new" file. Mr. Beswick said he would bring a new SEQR next month and then would like to schedule a Public Hearing.

Ms. Bryant stated she was conceptually ok with the "new" plan, however it is not approved at this time.

ACTION TAKEN:

The Planning Clerk will inventory the file, making a list of additional information needed. Mr. Beswick will phone the Planning Office for the list of requested information. Mr. Beswick will submit a new updated SEQR form. Mr. Colozza will research previous subdivision for clarification on either major or minor subdivision. The Clerk will request information from DEC and the County Highway Department.

MISC.

None

FUTURE MEETINGS

Monday, July 16, 2007

Monday, August 20, 2007

Mr. Heber made a motion to adjourn the June monthly meeting at 7:28 PM

Ms. Bryant 2nd the motion and all in attendance unanimously agreed.

Respectfully submitted
Tia Kilburn, Planning Board Clerk