

Minutes
Town of Northumberland – Planning Board
July 17, 2006
(Corrected and Approved – Sept. 18, 2006)
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Present: Brit Basinger, chairperson, James Heber, Wayne Durr, Jeff King, Kevin Pumiglia, and Sue Martindale

Absent Patricia Bryant, Ed Martin, and Kevin Gifford.

Town of Employee Present: Richard Colozza – Town Code Enforcement Officer, and Judy Taylor – Planning Board Clerk.

Brit Basinger opened the July Monthly Meeting of the town of Northumberland Planning Board at 7:10 pm.

Public Hearings:

Pre-application Conference for Minor Subdivision

Open Public Hearing

Application # 0004-06

Applicant: Andrew Stine

P.O. Box 49, 389 Beaver Street

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: Ag

Representative/Licensed Land Surveyor/Engineer: David Barrass

David Barrass, Land Surveyor, acknowledged that Andrew Stine is the owner of 84.6 acres on Beaver St. What he would like to do is subdivide off 20 acres and convey it to his neighbors. It is basically pretty straightforward. I will entertain any questions.

Chairperson asked for comments from the public. There was none. The Board moved on to the next public hearing.

Major Subdivision

Open Public Hearing

Proposed Major Subdivision

Application # 0007-05

Applicant: William Morris

Location: Plantation Rd.

SBL#: 142.-1-1.121

Acres: 15.5

Number of Lots: 6 to be subdivided

Zoning: R-1

Nothing new to present.

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Chairperson asked for comments from the public. There was none. The Board moved on to the next public hearing.

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

No one present.

Chairperson asked for comments from the public. There was none. The Board moved on to the next public hearing.

Pre-Application Conference for a Major Subdivision

Application #: 0013-05

Applicant: Gary Bordeau

Owner: Austin DiSiena

480 Wells Rd.

Pattersonville, NY

Location: Colebrook Rd.

SBL#: 129.-1-46.121

Acres 63.9 Lots: 14

Zoning: R-3

Rep: Paul Tommell

Chairperson asked for comments from the Public. Mr. Bedore advised that he had updates to present. He stated he had a workshop with the Board last Monday, at which DEC representative Kathy O'Brien spoke. She is a wetland specialist, and we had an in-depth discussion about the blue lupine/endangered butterfly issue on the property. To recap, there is a very isolated pocket of blue lupine in the wooded area between the Lots 11 and 12, which correspond with the aerial photos. A very isolated pocket of blue lupine. We have had a wildlife consultant perform butterfly studies in accordance with DEC protocol and, after three visits, we have not found anything to-date. What the applicant has offered DEC is to deed over 20 of the back 32 acres that are going to be a conservation easement to DEC for purposes of creating a butterfly habitat. In deeding over those 20 acres, the applicant agrees with DEC to clear first what is needed and will advise the Board of more clearing for future habitat. But again, the applicant would

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agree to clear the first acre at this portion of the 20 acres that is outlined in ink. We would also provide a 12-foot wide access easement for ingress/egress through a portion of Lot 8 conservation easement back to these properties. In addition to that, essentially we have come to terms with the issue with DEC. We are also offering up a 25 foot wooded buffer on both sides of the property to the neighbors as well as protecting that initial wooded area which we weren't going to disturb anyway, as we originally proposed. But now we need to maintain a wooded buffer, what you see now basically is what will remain as it is now. The lollipop, if you will, will remain the same providing a very nice green in front of each of the properties. Previously, I believe, we also addressed the effect of hydrology, the issue of concern about wells drawn down in the area, water table analysis. I believe we have addressed all the open comments that have been made to-date that were requested.

Guy Murphy questioned, with the lupine only in one location, how is it going to benefit the Town? How are we going to sell the Town? The open space is supposed to be for the good of the people of the Town. What good is it to the Town if it is going to be deeded to DEC and the State? He doesn't understand the open-space law.

Also, Guy Murphy presented a petition signed by 206 people that are neighbors of Colebrook and within a mile of the subdivision. The petition reads: "We the undersigned residents of Colebrook Road and surrounding areas, do hereby request, as petitioned, the Town Planning Board to maintain the Rural Agricultural R-3 Zone in the Town and apply the conventional design plan to proposed DiSiena subdivision." I would like to submit this for the record.

Guy Murphy also questioned the minutes of the June 19, 2006, meeting. He referenced a paragraph on page four, which indicated that Brit Basinger had made some comment about concern of the conservation design. The Board should also re-review the conventional design in order to consider the following. Then, all of a sudden, in one quick swoop, you're at this discussion of saying cluster. I thought we were going to look at the possibility of looking at the conventional plan. Mr. Murphy continued to read from the minutes.

Chairperson Basinger stated that those comments were made prior to DEC coming forward with this negotiation. So that is why those comments were made at the June meeting and subsequently a lot has transpired. Mr. Murphy said that was fine.

Mr. Murphy further stated that from his understanding of the June meeting, he read from the CDS rights all the requirements. He does not see any mention of his reading.

Mr. Pumiglia stated that we would not reiterate the zoning law in our own minutes.

Mr. Murphy just wanted it mentioned.

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Mr. Basinger stated that the Board was willing to put any of his detailed comments in writing into the record, but we cannot, as part of our functional minutes, record your testimony. The minutes are supposed to be a working summary of what is said on both sides of the conversation. Mr. Murphy agreed.

Renee Daniels stated that she has concerns of more accidents, more vehicles, more noise, losing the rural substance, and preserving the wetlands.

Roxanne Fonda stated that she does not live near this development, but her development was promised “forever wild land”. Then without permission to her knowledge, they now have a sawmill, 5 houses and a lot with 3 tractor-trailers on it.

Chairperson Basinger advised her that they wanted comments pertaining to the Disiena Subdivision.

Roxanne Fonda: That’s the whole thing you folks don’t maintain what you say. You don’t follow through with what you say. These folks are going to give up all this land and then it is going to go toward something else. They are going to build more houses on it, it’s not going to be right.” “And if you folks think you are going to get a good deal here with a housing development, you ...give people 3-acre lots. At least it will raise our tax income. Don’t give away our land where we are not going to get any tax money.”

Joseph Winney, resident of Rimbrave Estates stated they are having the same problem with the developer. He builds a duplex; he throws up houses whenever he feels like it.

Chairperson Basinger again stated that we were here for the DiSiena Subdivision.

Public continued to express concerns, all at the same time.

Mr. Pumiglia stated that he would address all of the comments by saying we are not an enforcing arm, we are a planning arm. Enforcement comes afterward. The people that have that power, as you mentioned, are the elected officials of the Town. And I would take up your complaints and concerns with them.

Frank Brownell stated that his mother lives across from the project, and due to circumstances, she had to sell some acreage. Due to zoning laws, she was forced to sell 3 acres. And because of that, she had to do it twice, now basically the rest of her land is landlocked. She can’t do anything with the other 33 acres that she owns. Now this project is coming in, and they’re being allowed to do one-acre lot

Chairperson Basinger stated that they are not allowed to have any more density than they would the other way.

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Frank Brownell continued that he is very concerned about this. I just don't see how that's fair.

Kevin Pumiglia stated that if that's true, the original creation of the 3-acre lot, which created the landlocked subdivision, wasn't good planning. Landlocked lots shouldn't have been able to be created.

Tanya Brownell again stated her concerns for traffic. Coming from one end you have two blind hills, coming from the other end, right after Mr. Murphy's, there is a blind corner. People travel at 55 – 60 mph, not obeying the speed limit. The Town needs to do something, by enforcing the speed and find out what's going on, because somebody is going to get killed. Having 28 more cars coming in and out of there, there is not going to be enough time to stop.

Mr. Pumiglia acknowledged that we have spoke about this before. We understand that this is not in direct relationship with the project.

Frank Brownell stated that if it is not addressed now, it is not going to get addressed later.

Chairperson Basinger asked Rich Colozza, Building Inspector, how do we normally address traffic issues? Mr. Colozza advised the Board that it goes through the State. It is dictated usually by the population in the area.

Tanya Brownell - So then we have to wait until this development comes in, and somebody gets hurt.

Mr. Colozza... You have to call the sheriff department. If you know there are people speeding, the ideal thing is to get the enforcement through the Sheriff's department. The Town does not have a Sheriff's department. That is the only way you can get your traffic enforced.

Mr. Bordeau stated that the traffic study was just done. The study was well under what the State and DOT and traffic engineers consider heavily utilized road.

Mr. Bedore stated that he appreciated their concerns, as he has small children as well. The speed issue is purely an enforcement issue. We have done analysis on the sight distance in that area. It is adequate for the posted speed limit. What we can offer, and what we have already shown in plan, is proper signage, each way, showing that an intersection is coming up. The actual speeding out there, again, is an enforcement issue.

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Frank Brownell asked if it was possible, with a development like that with that number houses, I don't know if it is justified, probably not, to install a couple of speed bumps on main Colebrook Road.

James Heber described the procedure for re-designating the speed limit.

Chairperson Basinger asked the public, since there has been more than one comment, to summarize the rest of their statements with their turns, it would be appreciated.

Roxanne Fonda Stated that this Town, when her parents subdivided property to my sister and me, I had to give my sister 30 foot of my property so that she could get an easement down there. "Now that money was money out of my pocket. Why doesn't a developer have to pay for the road condition changing?" Chairperson Basinger asked what changes. She stated the changes in the road and all of that. If they are going to affect us that much, they've got money.

Chairperson Basinger stated that what he was trying to say before was that the traffic-studies in this area were done last year for just that reason. If the engineers had come back and said there was going to be additional burdens for that road, or improvements needed to be made, or that that road needed to be changed, it would have been encumbered on those developers to make those changes, or the project would have been canceled.

Guy Murphy made a comparison of Homestead Estates. He was advised that they are an R-1 district.

Tanya Brownell asked if the homes were going to be built and then sold? Mr. Bedore explained there would be a model house, but the homes would be built to order.

Renee Daniels stated that she believes that the Board should give more consideration to cluster versus conventional 3-acre lot.

Mr. Bedore asked if the Board had made any decision on SEQRA. Chairperson Basinger advised that the SEQRA Officer was not here. Mr. Bedore stated that since the comments from the public seem to be repetitive, and extending the public hearing another month, can we look forward to any resolution next month? At this point, the issues that have been raised, I believe are beyond the scope of the project. I believe that everything we have provided is in your hands now.

Chairperson Basinger stated that we would come back to the public hearing, but I believe we are in general agreement. Once we close the public hearing, you have 60 days and the clock will be ticking and I don't know where you are at currently. Chairperson Basinger

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stated we would move on to the next public hearing and comeback to what the Board needs to do.

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0002-06

Applicant: Boswell Engineering

799 Madison Avenue

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

Rich Colozza, Building Inspector stated a letter was received from the Engineer requesting to continue public hearing. They are working on more for the Board.

Chairperson Basinger asked for comments from the public advising that the Board had received a letter asking to keep the public hearing open.

John Weber stated that he wanted to remind the Board that they are still under petition with signatures of voting people of the Town. We have some changes that have to be made. Chairperson asked if they were submitted. Mr. Weber stated that the Board has them.

Chairperson Basinger asked for any additional comments. There were none. Chairperson Basinger stated we would keep that public hearing open and move on to the next public hearing.

Major Subdivision Open Public Hearing – Ext. granted to Aug 2006)

Application # 0008-05

Applicant: Estate of Blanch Zuckerman

Harris and West River Rd

Gansevoort, NY 12831

Location: Harris and West River Rd.

SBL#: 131.-1-10.12

Acres: 28

Number of Lots: 3

Zoning: Agriculture

Representative: John Zuckerman for the Estate

Surveyor: Paul Tommell

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Paul Tommell asked that it be postponed until next month.

Chairperson Basinger stated that we will keep the hearing open and that concludes all the public hearings. We will now move onto the Regular Business Meeting. Just for the public's information, this is the regular business part of our meeting; there will be no further public comment on any of these projects as we move forward.

John Weber inquired as the status of the Morris public hearing. He was not present at the beginning of the meeting and wished to make a comment. The Board granted him this opportunity. Mr. Weber stated that he wanted to advise the Board that they do have a petition against this by the voters in our Town of Northumberland. We have several problems with both of them: hydrology study might as well be rubber stamped as water levels are on top of the ground. Again, who is going to be responsible if the wells go dry? The builder, the Town, or new homeowners. This is not a good year to do hydrology studies. The Blanding turtles, again we are going to come back to that. That is not settled. I have been speaking with DEC, higher than Robin. In discussion, our feeling is the Town needs to do something here as well. We conserve agricultural land, but when comes to anything else, we don't conserve it. That's where it needs to be, not broke up in two lots. We do not want this broke up in two lots. He is still going to get his lots that he wants in the front. Just take the property in the back and conserve it. You've got herbicides and pesticides from homeowners, fertilizer, all sorts of stuff and it leaks down into the water and kills the turtles. These ponds are not in certain areas; they are all over the place.

Chairperson Basinger asked Mr. Weber if he was there for the presentation by DEC. Mr. Weber said he was but he did not get to speak to Robin. Furthermore, that day she was supposed to have talked to her boss and Mike Kowaji who works with endangered species, but they couldn't make contact. They are still working on making contact. Another guy contacted me today and he is in the process of talking with them further. We might get a letter from them in future; I'm not sure yet.

Chairperson Basinger stated that is the Board's impression, based on their presentation. Mr. Weber interrupted and stated that it would not hurt Mr. Morris at all by conserving that lot. Chairperson Basinger asked if Mr. Weber had seen the reduction in lots that he has provided. Mr. Weber stated he had, as well as the additional buffer zones. Mr. Weber stated that the problem is not today, it is the future and who owns those lots and as to whether they cut the buffer-zone down. You can put all kinds of deed restrictions in, but who is going to enforce the deed restrictions. Who is going to help us deal with this? Are you guys? Nobody! For deed restrictions on all the other developments, they are not enforced. Is the Building Inspector going to enforce them? No! The thing is, the people that are going to own the property are going to do what they want to do.

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Mr. Weber continued, second of all, we know the other development; Boswell needs some changes on that. It has a pond on it as well. We do not want that roadway connecting. There are other ways without that roadway connecting. We want a peaceful neighborhood, and that's it. There is a possibility, I hate to tell you this, if you guys don't want to do something, there is a possibility, there is more than one group here, we file an Article 78. We have talked a lawyer, the whole works. This is voters, this is not just me and a couple of the neighborhood guys. You've got over a hundred signatures on there and it could have been a lot more. I think you guys need to look at and think about it very seriously. We are not asking for that much; we are just asking that you conserve that, take that road out, and hydrology studies. We have to try to understand what's going to happen in the future for us. We all have points. The water table is right there right now. It is not down there, right there. If you drive down the road, you can see the swamps. They are right up to the top. Every day we have flash thunderstorms, the water is coming up. The hydrology study isn't telling anything. I am not saying anything specifically about Mr. Morris. I know Billy and I know he does a good job. All we are asking for, is we want this stuff done our way. We live there and we want it taken care of.

Chairperson Basinger asked if there was anyone else that did not get a chance to speak?

Joseph Winney from Rimbrave Drive stated they had the same situation back 7 to 8 years ago. The builder came in and built all his houses, and now he owns 7 houses on a buffer zone in my development. So now he thinks he wants to put strawberry fields in re-divert our water. I have been on the phone with DEC, I have been on the phone with him (Rich Colozza, Building Inspector) and on the phone with Bill Peck for months now and you guys have been sidetracking issues over there. The same thing is going to happen to this guy. You guys are doing nothing about it.

James Heber stated that the Board has no control over that.

Chairperson Basinger brought the meeting back to order and advised the public that the Planning Board is not elected officials, and that he doesn't want any confusion. We are not the Town Board.

Louis Koulos regarding the Morris and Boswell project. Before you people act, it would be nice to know, if there is going to be a problem with water, who the hell is going to be responsible? If I have no water in my well, who do I sue? I would like to know before this gets to the rubber stamp.

Chairperson Basinger stated this will be the last comment, so summarize it all.

Joseph Winney stated that they did have two wells go dry in their development last summer.

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Chairperson Basinger then advised that they were going to wrap up the Public Hearing portion and move on to regular business. We are going back to the Andrew Stine application.

Regular Business:

Pre-application Conference for Minor Subdivision

Application # 0004-06

Applicant: Andrew Stine

P.O. Box 49, 389 Beaver Street

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 Land Surveyor/Engineer: David Barrass

Chairperson Basinger asked what outstanding issues we had with this project. All we had is a note about the deed, which was received.

David Barrass, Land Surveyor stated that another concern was a percolation test being done at the time of the application approval, which I he had new drawings trying to cover everything for the Board to review.

The Board discussed the documents.

Action Taken:

Chairperson Basinger stated he would like to entertain the motion to close the public hearing on Andrew Stine. Kevin Pumiglia made the motion and James Heber seconded.

The Board voted 6 ayes to close the public hearing.

Chairperson Basinger stated he would like to entertain a motion to declare negative declaration on short form SEQRA. Seconded by Jeff King.

The Board voted 6 ayes and 0 nays.

James Heber made a motion to approve, Jeff King seconded. Rich Colozza asked if this was final and this was confirmed.

The Board voted 6 ayes and 0 nays.

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Mylars were left with the Building Inspector.

Major Subdivision

Proposed Major Subdivision

Application # 0007-05

Applicant: William Morris

Location: Plantation Rd.

SBL#: 142.-1-1.121

Acres: 30.643

Number of Lots: 6 to be subdivided

Zoning: R-1

William Morris updated the Board. At the last meeting, there were two questions. To see if we could increase the buffer zones here and make that part of the conservation area, which we have done. So we have increased the conservation area from 51% to 55% by doing that. Since the meeting we have completed our two wells that we started. One well is 500 feet and the other is 510 feet. We have finished our pump tests, all our samplings have been done, and our hydrology reports have been prepared and hand delivered last Friday to DEC, Environmental and Design Partnership and the Town. We have response at this time, but having talked with everyone, we can expect comments before the next meeting. We had good wells and they are that deep. The report should speak for itself.

Chairperson Basinger stated that a number of the community brought up issues about DEC. Have you had any correspondence with them? Mr. Morris stated that he had talked to Robin and there have been no more issues since her presentation. I have got two years of dialog, quite a long paper trail that we have with DEC right now. We have done everything that has been asked of us, plus. All indications are that they are extremely happy with what we have right now with this plan. The only thing they were waiting for was the hydrology report. They addressed in the report how the wells might affect the wetlands. That was the last outstanding issue with DEC.

Chairperson Basinger asked if we had a letter from DEC. Robin on how they feel about the project? Mr. Morris stated they were waiting for this report and then she would definitely be following through with a letter.

There was some discussion among the Board regarding the report. Mr. Morris stated their water source was through 300 feet of solid rock. Mr. Morris stated that his wells were approximately 480 feet deeper than the average house in the area. Most everyone else's is as little as 10 feet to, at the most, 20 feet deep. Chairperson Basinger noted that

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Mr. Morris was tapping a completely different aquifer than the neighbors. Mr. Morris acknowledged that they weren't even close.

Chairperson Basinger questioned whether the road drainage had been discussed with Howard Doster, Town Engineer. Mr. Morris confirmed that he had already addressed the road drainage with Howard.

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

Chairperson Basinger noted that Stuart Thomas was not present and there was no new information.

Pre-Application Conference for a Major Subdivision

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

Rep: Paul Tommell

There was some discussion among the Board regarding this applicant's position. Chairperson Basinger stated that the Board was expecting a letter from Kathy O'Brien from DEC on their commitment for the 20 acres parcel in the back. Were you able to provide us with that. Mr. Bedore stated that she (Ms. O'Brien) has been extremely busy individual this time of year. She is out in the field every day. Just getting her to come to last Monday's meeting was nothing short of a miracle. It was quite an effort to pull that off, to get her in. Mr. Bedore stated that he would hope that the Board would consider her testimony in good faith and what we presented was mutually agreed upon on by all parties. By testifying here, you would consider it in lieu of the letter at this point. The

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letter will be forthcoming. Details will have to be worked out, but that is the general scope of what has been agreed upon.

Chairperson Basinger stated that as far as the traffic concerns, Kevin Pumiglia brought up a study that was previously done on this project. Based on the data provided in that traffic study, that this additional traffic would not impact that area. Then I guess we can somehow make a connection with the enforcement officials on ...

James Heber states that what we could do is ask what is the speed limit there? An answer of 40 was given. Mr. Colozza made a comment that Neil Petteys, Highway Supt. Thinks that any other signage that could be placed would be helpful. Chairperson Basinger asked if Mr. Petteys had reviewed this plan. Mr. Colozza stated that Mr. Petteys has looked at the plans/plots, but I don't know how much to say he has reviewed it. Chairperson Basinger stated that maybe as courtesy for the community, if there was some correspondence to the enforcement included with the application by the applicant to possibility investigate any study in the area. That way, therefore, address and make note of the traffic concerns of that area. Mr. Bedore asked if the Board wanted the applicant to call enforcement? Chairperson Basinger and James Heber stated they want a letter to law enforcement sharing the concerns and thoughts of the community regarding traffic. It was agreed upon and the letter will be sent to the Town, Sheriff and State Police.

Gary Bordeau stated that he would not have any problem getting a couple of speed signs and working with the Highway Dept. Either giving them to them and letting them post them where they want them, or meeting them out there and letting them show me where they want them and we can put them in. We can't reduce the speed, but we can post it a little bit better. In addition, we already call for the left turn and intersection signs, black and yellow.

Chairperson Basinger stated that he believed if there was some correspondence on that, that at least the issue was raised, and then maybe the speed limit can be dropped accordingly. That can be coordinated with the additional signage that you are going to put on adjacent to the intersection.

Chairperson Basinger asked if all wanted to have a discussion about the value of the preservation area and about how it relates to the R-3, based on the petition that was received this evening? Allow me to say that I think the DEC offer to purchase the land for habitat, in my opinion, is a benefit for the wildlife in the area. And I see that as a preservation area, beneficial whether you have access to it or not. So that is my general position on the preservation of the property. Kevin Pumiglia stated he would address that as well by saying that, because it is in the hands of DEC, and because it is contiguous with County owned land, that it does now enhance the County owned holdings that are publicly accessible to everyone. And, while Kathy O'Brien, if I understood her, said that she is not going to do anything to encourage public access. However, because it is State

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owned land, there is nothing DEC can do to prevent public access. So that is certainly a benefit to the Town's residents who like wildlife and vegetation.

Chairperson Basinger stated that it reminds him of the R-3 discussion that was heard early this evening, my feeling is that if we do a standard R-3 and we don't do a cluster, there is no preservation. That every lot will be developed to its full extent, and the land will be cleared with the same number of lots.

Jeff King wanted to point that from 63 acres has a potential for 21 lots R-3 development and he is using 14. So we have reduction and I'm happy with that. Chairperson Basinger stated that we have reduced road length and I think it is more beneficial going with cluster option than going with the standard R-3. I think the R-3 would have greater impact all the way around.

Chairperson Basinger then asked if they have information on wells? Mr. Bedore stated there was nothing new to add and the report was already submitted. Chairperson Basinger asked if it had been copied to Jim Mitchell? Mr. Bedore stated that they had not, but they would.

Chairperson Basinger stated he would like to entertain the motion to close the public hearing on DiSiena. James Heber made the motion and Jeff King seconded.

The Board voted 5 ayes and 1 nay to close the public hearing.

At this point the public was extremely upset and voiced their opinions.

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0002-06

Applicant: Boswell Engineering

799 Madison Avenue

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

Chairperson Basinger stated that we had past on this earlier. Rich Colozza stated that there was nothing new. Per Rich, Mr. Anderson just asked if he could keep his application left at the current status. The public hearing remains open. Mr. Anderson will be at the next meeting.

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Major Subdivision Open Public Hearing – Ext. granted to Aug 2006)

Application # 0008-05

Applicant: Estate of Blanch Zuckerman
Harris and West River Rd
Gansevoort, NY 12831

Location: Harris and West River Rd.

SBL#: 131.-1-10.12

Acres: 28

Number of Lots: 3

Zoning: Agriculture

Representative: John Zuckerman for the Estate

Surveyor: Paul Tommell

Chairperson Basinger asked for any thing new on the project. Rich Colozza reminded the Board that Mr. Tommell had asked for an extension. Chairperson Basinger moved on to new business.

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)

Chairperson Basinger stated that we have a new pre-application conference on Ellen Bongard.

Robert MacFarlane, Land Surveyor, stated he was representing Ellen. First of all, I believe you have this misrepresented. It is not a major subdivision according to these regulations. Board advised him that previous lots had been subdivided previously. Mr. MacFarlane asked what that had to do with anything after five years? The Board stated they don't have a time limit. Mr. MacFarlane stated there was a State law. He said you should follow through on that, this is a minor subdivision. It is a 2 lot minor subdivision.

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Mr. MacFarlane asked if the Board had a chance to read his correspondence? The Board responded they had not. I think I need to read it to you. Chairperson Basinger asked if he had a copy for the Board. Mr. MacFarlane continued that the first letter was addressed March 31st. Just briefly, what it did tell you was, what we were submitting so that everyone was aware of it. It was sent to the Clerk and it said it was a 2-lot subdivision. Mr. MacFarlane continued to read the letter to the Board. He then proceeded to read his letter dated June 20th. Mr. MacFarlane reiterated the fact that both letters asked that he be contacted with any questions. He stated that nobody has contacted him since March 31st. He stated that he does, since he stopped on his way home from camp today, information that he should have had a long time ago. This was addressed to the Board, apparently, from the Town Engineer. It indicated that the drawings were incomplete due to a print malfunction. Mr. MacFarlane stated this could have been corrected a long time ago if he had been made aware of it. "I need to insist that in the future, this Board reply...." The Board stated that the applicant was aware of everything. Mr. MacFarlane stated that he is the representative, I want copies of everything. I was doing the work. Chairperson Basinger stated it is Mr. MacFarlane's project to oversee. It is not our project to oversee. Mr. MacFarlane then respectfully requested, that on this project, he get a copy of any correspondence in a timely fashion.

Rich Colozza stated that this is a conceptual. He is supposed to come in here and present it to you. All the letters in the world don't mean anything to you until you look at this. Howard Doster, Town Engineer review this and sent an e-mail.

Mr. MacFarlane went back to the March 31st letter, it is the applicant's They can decide if they don't want to accept it. They can bypass conceptual, is that correct? The Board answered no.

Chairperson Basinger stated that this is the first time he has seen Mr. MacFarlane, and in my opinion, if your not here and this is your application, then I can't feel any empathy for you. Mr. MacFarlane stated that they are going to go along with conceptual. But I wish to tell you that this letter suggested due to the non-complexity of this project, what I would like to do at the next meeting is move on to a final approval, assuming that we don't have any problems here. With that, I am going to show the project we have here is the subdivision of land of Bongard into two parcels; one containing the present residence and the other containing the barns, etc. that she has the horses on. The residential will have 11 ½ acres and ... Chairperson Basinger asked for more copies of the drawing.

Chairperson Basinger made a suggestion; there has obviously been some break in the conversation and correspondence. This is the first time I've seen you, and I would like to proceed in a more amicable fashion to help you through the development. Let's all take a deep breath and figure out where we stand and we'll help you go forward.

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Mrs. Bongard stated it is the last piece on the Signor property. She has been there ten years. She built the home two years ago. Given my age, etc., I would like to take my house so she can keep it, in case anything ever happens in the horse business. It is all open, it all farmland, and it is all agricultural.

The Board asked why she wanted to split it. She stated, basically because it is a business versus a private residence. At my age, my lawyer suggested that I keep my house to myself so that, to be blunt, I could die there.

Chairperson Basinger stated that last week was the first time that we saw this map at the agenda meeting. Howard Doster was not here; he just mailed the one correspondence.

Rich Colozza asked the Board to remember that this is a keyhole lot. The Town required 300 foot of road frontage. Now the law has changed back to the keyhole lot. Unfortunately, they did not understand this and they had switched and now they are in the process of switching back. It is now approved to go ahead with a keyhole lot. All that meant was that he had to take his easement off and push it to the big lot to give the house the actual size necessary. I think he gave them 50 foot of road frontage to the house, which makes it a legal keyhole, and Town only requires 25.

James Heber asked for comments about having the well on one lot...Kevin Pumiglia stated he is very uncomfortable approving a subdivision putting the residence and well on two separate lots.

Mr. MacFarlane asked why the Board was concerned with this. Kevin Pumiglia stated it was understood through state law that every approved lot should have a septic source and a water source. Right off the bat, by creation, we are basically separating the water source for a house that is not just an unimproved but is a dwelling. Mr. MacFarlane stated that the well is there and is going to be used by the house. The Board expressed concern as to when the lot changes hands. Mr. MacFarlane stated that in the deed we are going to convey an easement to that well. Prior the approval, we will guarantee you that language will be in the deed. You can see the deed prior to filing if you wish.

Kevin Pumiglia asked, what if the next owners decide instead of horses they like cows. Coli gets into the water system and the well spoils. Where does that go? That would come back at the Board. Mr. MacFarlane stated that if you haven't been out there, you need to go out and look at where the well is there. It is up on top of a rise. He then questioned the Board's prudence. Kevin Pumiglia stated that was fine and he would feel comfortable if the applicant could get some sort of approval from DOH saying they are comfortable with the idea of a well on different lots.

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Ellen Bongard stated a new well could be built after, because right now she owns all of it. It has nothing to do with it except liability wise, business wise and it makes sense at my age to take the house out.

James Heber asked Ms. Bongard if she would have a problem stating something on this subdivision that at the time of sale, you are going to put a new well on your property. Is that a problem? She responded, "I would think not."

Conversation continued among all parties about the well.

Jeff King stated that when the day comes that it is going to be owned by somebody else, it will be their responsibility. The deed will make it the responsibility of the new owner of the small lot containing the house.

Mr. MacFarlane offers verbiage: Prior to the transfer of ownership of either lot, a well for lot #1 shall be installed within lot #1.

Chairperson Basinger commented on the easement for the drive. There is an easement of 50 foot for the use of lot 2.

There was a discussion about the previous subdivision of this property. Mr. MacFarlane stated that he would like the opportunity to look at the applications for these two past subdivisions. He was advised to FOIL the Town Clerk. The discussion continued about the determination of major or minor. Rich Colozza stated it is a major subdivision according to law.

Ms. Bongard asked the Board if they were interested in waiving the escrow fee of \$500 to \$100 in respect to the major/minor factor.

James Heber made a motion to waive the escrow fee down from \$500 to \$100. The Board voted. There were 6 ayes.

Mr. MacFarlane requested that the Board waive the preliminary and the middle and go to the final. The Board stated they have more requirements. James Heber stated that he had to have the public hearing, the preliminary and then the SEQRA. You can do them all at the same time. The Board advised him that they would not be dragging their feet. The Board recommended that he move forward with the checklist for a major subdivision.

Pre-Application for a Minor Subdivision

Application #: 0006-06

Applicant: William A. Sherman, Jr.

753 West River Rd.

Gansevoort, NY 12831

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Location: Austin Rd.

SBL#: 118.-1-4.111

Acres: 71 Acres

Number of lots: Taking 5 Acres to make a separate lot (66- acre lot remains)

Zoning: Agricultural

Mr. Sherman stated that this is simply a 5-acre lot that he wants to give to his granddaughter Laura, right next door to her sister's lot - adjacent to it. There will be 157 feet to my house, between the two of us. The same characteristics as the one done three years ago.

The Board reviewed and discussed the map. The Board advised the applicant that the application needs to be sent to Saratoga County Planning, schedule a public hearing, get the National Heritage letter and fill out the short-form SEQRA.

Rich Colozza stated that there is already a statement on the map about the soils because they already know that there is going to be a designed engineering system through the Department of Health. James Heber noted that the map was not stamped "right to farm". This needs to be on the final map.

Chairperson Basinger made a motion to close the meeting. All those in favor, 6 ayes; all those opposed, 0 nays. Chairperson Basinger made a motion to go under executive session. Jeff King seconded. The Board voted 6 ayes and 0 nays.

Chairperson Basinger made a motion to close the executive session. All those in favor, 6 ayes, all those opposed, 0 nays.

Jeff King made a motion to close the monthly meeting. All those in favor, 6 ayes; all those opposed, 0 nays.

The Board made the decision to suspend the corrections of the June minutes.

Submitted by Judy Taylor.

Substitute Planning Board Clerk