

Town of Northumberland Planning Board  
Minutes  
Tuesday, February 20, 2007 7:00 pm  
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(Corrected and Approved - March 19, 2007)

**Present:** Patricia Bryant - Chairperson, Brit Basinger, James Heber, Kevin Pumiglia, Wayne Durr, and Susan Martindale

**Absent:** Jeff King, and Kevin Gifford, alternate.

**Town Employees Present:** Richard Colozza – Town Code Enforcement Officer, Travis Mitchell, Assistant to Jim Mitchell, Town Engineer, Debbie Colozza – Interim Planning Board Clerk and Tia Kilburn – Clerk in Training.

Patricia Bryant, chairperson opened the public hearing at 7:10pm. She asked the applicant to present the proposal to the audience so they could see the plan that is being proposed.

**Public Hearing**

**Minor Subdivision**

**Application #: 0013-06**

**Applicant: Beverly J. Hicks**

Location: 154 Pettis Road

SBL#: 116.-1-69.1

Acres: 46.91

Lots: 2

Zoning: R-3

Cathy Radner attorney for the Hicks family presented the updated minor subdivision that is being proposed for the acreage. The property has been in the Hicks family all these years and the parents, of Beverly and her sister, have left the acreage to the two sisters in their will. Her sister having passed away has many descendents and hence Beverly and her parents wants to divide the parcel so that she will have access to a portion and the remainder can then be held on to and shared by any of the descendants of her sister who has passed away. The proposed division would give Beverly 10 acres with would include the existing home. The remaining acreage approx. 35.8 acres would then be left for the heirs of her sister if they come forth.

Patricia Bryant asked for comments from anyone in the audience regarding the proposal. There were no comments made from anyone in the audience. The clerk noted that the board hasn't received comments back from Saratoga County Planning regarding this application as yet. The SEQRA application also will need to be completed.

James Heber made a motion to close the Public Hearing and Brit Basinger seconded the

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motion. Motion to close the Public Hearing was unanimous by the Board members.

February Monthly Meeting of the Town of Northumberland Planning Board began at 7:30pm.

**Old Business**

**Minor Subdivision**

**Application #: 0013-06**

**Applicant: Beverly J. Hicks**

Location: 154 Pettis Road

SBL#: 116.-1-69.1

Acres: 46.91

Lots: 2

Zoning: R-3

The Planning Board reviewed the SEQRA application. James Heber made a motion to approve a negative declaration on the SEQRA application. Brit Basinger seconded the motion. The board voted unanimously to approve the negative declaration of SEQRA.

Patricia Bryant asked for any other comments of the Board. Discussion followed as to how best to indicate that further subdivision of the property (primarily the vacant lot) would need to have an applicant wanting to subdivide further needing to come before the board with proposed plan and comply with Town subdivision regulations at the time.

Board felt it is important that not only the maps indicate this action but that it also be stated when the new deed is updated to include the language pertaining to further subdivision. Both Beverly Hicks and her attorney Cathy Radner indicated that would be included on the final plans and deeds.

James Heber made a motion to approve the two lot minor subdivision contingent upon the final language placed on the final mylar for submission by the applicant to read: "Further subdivision and /or development of the remaining lands of the Hicks property, including but not limited to, wetlands and the Right to Farm Town law, will comply with all Town subdivision regulations in place currently and/or at the time any further development is pursued." Brit Basinger seconded the motion. The motion received a unanimous vote of approval by the Planning Board.

Upon further discussion the Board was reminded that nothing had been received back from Saratoga County Planning regarding any favorable or negative comments. With that James Heber amended his prior motion. Mr. Heber noted that the above motion be approved "contingent upon approval by the Saratoga County Planning Board". Brit

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Basinger seconded the amended motion. The board voted unanimously to approve the revised motion contingent on approval by Saratoga County Planning Board. Rich Colozza will notify Patricia Bryant upon receiving any documentation back from Saratoga County with regards to the application. Patricia Bryant also noted that once final mylars are received back in the office that someone from Jim Mitchell's office will review the final maps to be sure that all information requested has been placed on the mylars before she signs off on them.

**ACTION TAKEN:**

The application was approved with contingencies dealing with language to be placed on the final mylars and also dependent upon approval of the project by Saratoga County Planning Board. A Public Hearing was held and there were no comments made for the record by the public in relation to this application. The Public Hearing was closed. SEQRA was finalized and the Planning Board approved a negative declaration. The applicant will provide two completed mylars and 3 paper copies of the final plans and pay any outstanding fees before the mylars can be released to the applicant for recording in the County offices.

**Final Review for Major Subdivision**

**Application #: 0002-06**

**Applicant: Boswell Engineering**

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

Jim Mitchell, Town Engineer issued a letter recommending a final okay on stormwater plans with revisions. Travis Mitchell spoke to the Board about the changes that were recommended to Mr. Anderson and that Boswell Engineering is in the process of making adjustments to the requested changes. The main changes included:

- 1 Maintenance of the stormwater drainage – includes what the town is responsible for
- 2 Conveyance of the easements of properties where stormwater drainage would be located on private property. [It was noted that the Town Attorney, Doug Ward, will be requested to review the easement language to ensure that it meets with Town approval]

James Heber asked for clarification on the connection of the two developments and

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where both developers stood in regards to being sure that a connection between the two parcels and developments would be made. He wants to be sure that with final approval the two developers [Boswell Engineering and Mr. Morris] are in agreement as to how much of the road connection is to be handled by each developer. His concerns included:

- 2 Road to connect the two parcels needs to be built to and meet all town standards and Neil Petteys, Town Highway Superintendent needs to be aware of the road construction as well before a final approval can be given. Doug Ward will need to review these final plans.
- 3 Right-to-farm Law needs to be placed on the final mylars. Rich colozza can address the language in regards to this law.
- 4 As noted before - there is to be no exporting of soil materials to an off site location

Patricia Bryant asked if there were any additional comments of Board members or from Mr. Anderson. There were none.

Brit Basinger made a motion to approve the major subdivision off King Rd. with the above concerns of the town engineer be addressed and completed by the applicant; that the town attorney review the needed easement language; and that all notes pertaining to this application be so noted on the final mylar. James Heber seconded the motion. The board voted unanimously to approve the application with the above concerns being addressed.

**ACTION TAKEN**

The application was approved with conditions to be reviewed by Town Attorney and Town Engineer to be assured that all plans are in compliance. Town engineer will review the submission of the final mylar and Patricia Bryant noted that once final mylars are received back in the office from Jim Mitchell's office giving the approval that all conditions have been met, she will sign off on them. Any outstanding fees accrued by Boswell Engineering owed to the Town will need to be paid before mylars can be released by the Town back to them for recording at the County offices.

**Minor Subdivision**

**Application #: 0005-05**

**Applicant: John and Blanche Zuckerman**

Location: Rte 4 & 32

SBL#: 131-1-10.12

Acres: 27 +/-

Zoning: APD

Surveyor: Greg Beswick

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Mr. Beswick noted that this application was before the Planning Board a while ago. The original application had been denied due to lack of continuation. The Zuckerman's are back with an updated application and are asking the Board to do a new review of the application. They have included new material for the Board to consider. Mr. Beswick noted that the application before the Board is for a 3-lot proposal. With the proposal and the updated subdivision regulations, he presented a proposal that will conserve roughly a parcel that is 6.5 acres as being preserved forever wild and would not have any additional dwellings built.

Lot 1 would have the house envelope placed at the edge of the property furthest away from the active farmland. The lot would preserve as much of the property for agricultural as possible. Currently this lot is not farmed but rather is pastureland for sheep to graze.

Lots 2 and 3 would have a culvert build to cross the stream on the property and the house envelopes would be built on the area deemed best use for build ability and with consideration for open space and away from the stream and natural wetland areas. The applicant will need to consult with Department of Environmental Conservation (DEC) for their requirements on culverts and driveways going through a wetland area.

Discussion by the board and the applicant followed in regards to a CDS design versus a conventional design of the 4 lots on the 27 +/- acres. The applicants needs to show the Board the plans of each type of design and explain why the CDS design would preserve much of the open space and forever wild areas of the proposal.

The South and West sides of lot 3 the 25' of shoreline overlay can also be considered as part of a natural buffer which would take into account additional open space conservation.

It was noted by the Board that as much of the landscape of this acreage should be preserved as much as possible with minimal cutting where needed.

Sue Martindale noted that the previous application showed the abandoned railcars as still on the property. It is the Board's contention that the rail cars will need to be moved if this application is to be given final approval. This was one concern of both the public and the Board at the prior Public Hearing. Mr. Beswick made note of this request. The Board asked the clerk to have comments from the prior public hearing available for review at the next meeting.

Concern arose regarding the SEQRA application. The clerk checked and the applicant had previously submitted a long form that is current and on file. The clerk will check with Town Attorney to see if this SEQRA application can be carried over to this continuing application. Patricia Bryant asked for any additional comments. The Board

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requested the applicant to submit updated maps of both a CDS and conventional plat plan. Once the updated maps are received this application will need to go to Saratoga County for their review. Mr. Beswick noted that he would get the new maps to Rich Colozza for review as quickly as possible to keep this application moving forward. Once the board has an opportunity to review the updated maps then it is their recommendation that a new public hearing be held since there were comments from the previous hearing by the public and the public should be given an opportunity to hear the updated plans of the applicant.

**ACTION TAKEN**

The applicant will return to the March meeting. He will submit new updated maps for a CDS design and conventional design to show the difference in each plat plan. The applicant and the Board are leaning towards a CDS design for the proposal however; the Board would like to see a rendering of each design. Upon receiving of the new maps, the application needs to be sent to Saratoga County Planning for their final determination of the proposal. Upon completion of the design, a 2<sup>nd</sup> public hearing will be held for public comments. The clerk is asked to have available at the next meeting any comments made from the first public hearing, written and/or from the minutes of the public hearing.

**Pre-Application Conference for a Minor Subdivision**

**Application#: 0011-06**

**Applicant: Randy Countermine**

Location: 500 Colebrook Rd.

SBL: 129.1-51.11

Acres: 24.78

Number of Lots: 4 [plus 5<sup>th</sup> lot to be designated as forever wild]

Zoning: R-3

Surveyor: Gilbert VanGuilder, PLLC

Mr. VanGuilder noted that the 4 lots are shown at the front of the property lines for building lots and that the large back lot (#5) will be left forever wild. The 24.6 acres will be preserved for open lands and not be used for any residential housing; only use would be for agriculture and/or logging, and wetland preservation. Lot #5 will remain as open and not able to be built on. The CDS design that was submitted by the applicant had minor tweaking needs. Primary concern of the Board is the driveway sightings. Neil Petteys, Town Highway superintendent will need to receive a copy of the proposed plat and give his okay for the placement of the planned driveways. None of them are shown coming out directly at the intersection of Colebrook Rd and Taylor Rd., which is a major concern of the Board.

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The Board noted that the application is lacking the following:

- 5 Natural Heritage letter
- 6 SEQRA application needs to be filled out

With these few updates to the plat design the applicant is requested to return to the Board next month.

**ACTION TAKEN**

Applicant to return to the March meeting. Application is waiting on Natural Heritage letter and completed SEQRA application. CDS updated design needs to be given to Neil Petteys for his review on driveway placement and any concerns that he may find in regards to the driveways.

**Lot Line Adjustment**

**Application: 0012-06**

**Applicant: S.T. B. Builders (Mr. Brennan)**

Location: Gates Ave (Lindsay Hill subdivision)

SBL#: 129.-1-81.2

Acres: 2.512

Zoning: R-3 Cluster

Surveyor: Gilbert Van Guilder, PLLC

Mr. Van Guilder was back to present update on this lot line adjustment.

The Board after discussion of the plat layout for the lot line need to refer the prior map language and approved plans from then to the Town Attorney so that he can review the concern of the applicant with how the lot line will impact on the property. James Heber having been on the Board back at the time of the Lindsay Hill subdivision noted that he thought there was language that pertained to non-buildable lots off of Gates Avenue. To comply with what is on file, the Board would like a review of the subdivision and this application from the Town attorney before moving forward with the application.

**ACTION TAKEN:**

The Board will have the Town Attorney review the Lindsay Hill subdivision language as it pertains to this parcel as well to see what, if any, concerns there may be with additional building lots. Applicant to return next month. Planning Board requests letter from Town Attorney regarding this proposal.

**New Business**

Pre-Application Conference [Conceptual]

Application #: 0001-07

Applicant: Scott Trifolo

Location: Louden Road

SBL#: 155-1-31

Acres: 39 +/-

Number of lots: 4

Zoning: R-3

Surveyor: ABD Engineers

The applicant came before the Board and presented a conceptual drawing of the proposed proposal to them. There would be 4 lots that would share a common private driveway. The deeds to the property would indicate that the driveway in would be done as an easement with each parcel where the homes are to be built having an offshoot shorter driveway to their home that would connect to the main driveway in. Lot #4 the owner would keep the back of the property and it would be indicated that the back acreage away from the building envelope would be noted as undisturbed and forever left as open space.

James Heber and Brit Basinger each spoke of the concern that the main portion of the driveway would need to meet all road standards for driveways. They also asked about maintenance of the private driveway.

Sue Martindale questioned the shared drive as well, noting that should a person living in one of the house leave for work and due to a storm not be able to get out of the driveway in say winter because whoever is responsible for plowing hadn't arrived yet. How could an owner be assured that there would be someone readily available to plow? She also noted that there is always the possibility at some time that neighbors may feud over things and then how would that situation be handled when it came to maintenance of the driveway. In a perfect world there is always going to be someone that may not get along with everyone.

Wayne Durr asked where the main exit point of the driveway would come out? The applicant noted that the driveway is almost directly across from the Chelsea subdivision. Discussion between the Board and the applicant followed with regards to the way the driveway is to be laid out. It was suggested that the applicant look at redrawing the driveway to be straightened out and less curving as it makes it way back, so as not to go through any of the lots or make it seem as though the road is winding through or by proposed building envelopes.

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Pat Bryant noted that this plat layout seems fine but that with this design (CDS), the applicant also needs to show the conventional layout since the acreage could in essence support 13 - 3 acre lots with a boulevard road for one way in traffic and one way out traffic. From that, as the applicant you could indicate to the Board that the CDS design of 4 lots would have more advantages with the addition of leaving more open space as a CDS design indicates than the convention layout. The Board needs to have both the CDS design and conventional design available for comparison.

The applicant – believes that from when this application was previously submitted (2005) that a conventional drawing plat is probably already in the file. The Clerk will check to see if this drawing is still on file.

**ACTION TAKEN**

The applicant will return to next months meeting to follow up on progress. A CDS and a conventional layout of the property need to be available for comparison. The clerk will check to see if the conventional layout may be in the prior file from 2005 when the applicant first presented this proposal.

**Miscellaneous business**

**Stonybrook Land – Lot Adjustment**

**Application #: 0010-06**

**Owner/Applicant: Stonybrook Land, LLC**

**Owner: David Lipinski, President**

Location: Corner of West River Rd and Mott Rd.

“The Solomon Parcel”

SBL#: 92.-1-2

Acres: 25.8

Number of Lots: 2

Zoning: AG

Surveyor: Brian Holbriiter

Mr. Holbriiter and the Stonybrook application are back before the Board to amend the previously approved lot line adjustment. As was noted by Mr. Holbriiter, following the approval and recording of the deed before, the lot known as lot #1 was sold and the purchaser of that lot wanted the division of the lot to be back to the way it originally was. At first, that wasn't the case they were interested in the smaller parcel. However, after they determined having the additional property would be a good thing they asked if they could leave the way it originally was. Upon calling down to the Saratoga County records department, they found that once it was recorded it was not able to be undone without a new map to be brought down and filed amending or superceding the first filing. Hence, that is why we are back before the Board. The amended map shows that lot #1 will have 15.08 +/- acres (the original parcel) and that lot #2 would then have the remainder of the

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acreage (25 acres +/-).

Rich Colozza noted that he has the original mylar showing the first revisions. After he spoke with Anne at the Real Property office in Ballston Spa, she noted that the applicant needed to refile a new set of maps. She also recommended that to prevent any legal hassles in future years that the new map indicate all and any notes of previous filings and changes to the maps to prevent any lapse or error in the filings. The better documentation the new mylar has on it when filed will prevent any problems from occurring.

Following discussion, James Heber made a motion to approve the amended plat map of the 2 lot subdivision following the town engineers review of the two maps to be sure that all language from each of the maps is correctly recorded on the new map that will supercede any prior filings at the County offices. Brit Basinger seconded the motion. The motion to approve the amended map was unanimous.

**ACTION TAKEN**

The board members approved the amended map. The two maps of the proposal will be given to the Town engineer for final review to be sure all language from the first is included on the amended map along with the line showing the updated division of the two lots. Patricia Bryant will sign off on the new mylar following engineers review and okay. Applicant will need to pay any outstanding fees for the application, which may still be open, before the new mylars can be released for filing with the county.

**Other Business:**

Susan Martindale was appointed by the Town Board to replace Edwin Martin on the Planning Board. Sue had been an alternate. Ed Martin resigned his seat as he has moved from the Town of Northumberland. An alternate position will be filled.

Engineers Report: Travis Mitchell noted that they have been working with DiSiena project on the seepage pits. Changes will be being made to the design of them, as they are not beneficial to the Town or to the developer's plans. He also noted that some of the drywells planned would be redesigned. They do not recommend drywells for most subdivision projects – so some are being redesigned however, a few will be left as they are unable to be altered. It was noted that Neil Petteys, Highway Superintendent also prefers that they not be there as there.

One of the areas of concern with the project was that the Board didn't want a lot of vegetation to be disturbed. With drywells this would have saved a lot of the vegetation and not take out as many trees. DiSiena will be working with the Town engineers to try

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and preserve what it can – however, there may be some additional trees and vegetation that needs to be removed – it will be kept to a minimal amount to correct the changes.

**Review of January minutes**

After review of the January minutes (2007), there were no changes. Brit Basinger made a motion to approve the January minutes as they stand. James Heber seconded the motion. The motion to approve the January minutes as noted was unanimous.

**March**

The Planning Board will meet in advance of the March monthly meeting at 7:00pm for a short agenda session. The March Monthly meeting will be held on Monday, March 19, 2007 at 7:30pm.

**April**

The April monthly meeting will be held on Monday, April 16. The need for an agenda meeting will be determined at the March meeting.

**Motion to Adjourn:**

With no other business to discuss Patricia Bryant asked for a motion to adjourn. James Heber made the motion to adjourn the February meeting of the Northumberland Planning Board and Susan Martindale seconded the motion. Motion to adjourn was unanimous. The February meeting ended at 9:50pm.

Respectfully submitted

Deborah Colozza, Interim Planning Board Clerk  
Assisted by: Tia Kilburn, Clerk-in-Training.