

Town of Northumberland Planning Board

Minutes

Monday, August 11, 2008 7:00 pm

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Subject to Planning Board Approval

Present: Wayne Durr - Chairperson, James Heber, CJ Lofgren, Susan Martindale, Jeff King and Kevin Pumiglia.

Absent: Brit Basinger - Vice Chairperson, and Bernadette Marry

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

Chairperson, Mr. Durr opened the monthly meeting at 7:05 PM
All in attendance stood and recited the pledge of allegiance.

PUBLIC HEARINGS

Public Participation is encouraged, for individuals protection names and addresses will not be printed.

Minor Subdivision (2 lot)

Application #0007-08

Applicant: John Ingleston, Executor for the Estate of Floyd Rourke

Location: East and West sides of Leonard Street

SBL#: 91.-1-27

Zoning: Hamlet

Status: Preliminary

Representative: Michael Toohey, Esq.

Mr. Toohey, Esq. representing the applicant, explained to the public what is being requested on the application. Mr. Toohey stated Route 32 severs the parcel. The *late* Floyd Rourke's wish was to "will" the piece of the parcel on the West side of Route 32 to his Niece and retain the East side of the parcel within the Estate. He then stated in order to complete the conveyance this parcel needed to be "subdivided". Mr. Toohey stated there is no further intended subdivision for the future. Testing will be performed at that "possible" time if or when further development is requested and notes would be placed on the map to that extent. Mr. Toohey said additional notes will be placed on the map explaining he had a discussion with the Town's Attorney, Doug Ward. Mr. Durr asked if there was any correspondence received from Mr. Ward indicating the notes. Nothing has been received at this time. Mr. Toohey explained the additional notes would include correction of the currently "landlocked" parcel behind the parcel listed on this application. He explained there are different options to "unlock" that parcel. Mr. Durr asked if there was anything from the public. Nothing was noted.

Minor Subdivision (4 lots)

Application #0008-08

Applicant: Luisa Cirelli

Location: Corner Brownville Rd and NYS Rte 32

Acres: 39 +/-

SBL#: 104.-1-87

Zoning: R-3

Status: Preliminary

Representative: Kevin Hastings, P.E.

Jeff Mancini introduced himself to the Board as a representative of Ms. Cirelli stating Mr. Hastings was late. Mr. Mancini explained the application request to the public. He stated the request was to subdivide 39 +/- acres into

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4 single family dwelling lots within a residential 3 acre zoning district. The smallest lot would be 7.9 acres and no further subdivision will be allowed. Mr. Durr asked if there was anyone in the public that wanted to speak. A lady stood and introduced herself as the owner of a single family dwelling located in front of the parcel listed on this application. She stated it is very wet in that area and she was concerned about the drainage. She said her cellar floods every year and she felt additional "fill" and development would make it worst. She asked what the plan for drainage would be and if it would be put on the maps. Mr. Mancini stated they have conducted test on each proposed lot and would be considering the drainage. She stated she was not against the application; however she would like to see the actual plan for drainage on the maps for future reference. Mr. Mancini stated the ditches would be improved to divert the water away from the homes. Mr. Mancini said he had called the Town's Highway Superintendent, Neil Petteys, to discuss the possibilities. A gentleman who owns a neighboring parcel, came forward to examine the map and discuss the water drainage. Another neighboring parcel owner, asked where the water would drain to. He suggested draining the water to the rear of each lot into the wet lands over an existing embankment. Mr. Mancini stated the water should drain naturally away from the dwellings after the ditches are improved. She said she was concerned with the additional "fill" it would take to build the proposed dwellings and that would cause more water to go onto her parcel. Mr. Hastings, P.E., representative of Ms. Cirelli, arrived and joined the discussion, he stated the homes are going to be built further back on each parcel and should not affect her parcel up front. She said the water just sits there now because there is nothing on that parcel, she reiterated the water will have to go somewhere. One of the previous neighbors interjected stating there are alot of shallow wells of about 20'/30' deep around that parcel and questioned the new proposed septic systems and the affect the standing water would have on the existing wells and septic systems if diverted. He then questioned if horses or other animals would be allowed to be kept on any of the parcels, and said the animals could contaminate the well water. Ms. Cirelli said the parcels will not be large enough for horses nor are horses allowed in that residential zoning area. Mr. Durr asked if there was any additional questions or comments. A neighboring parcel owner stated he was not opposed to the application, however he would like to know the type of homes to be built, and in addition if there would be any clear cutting of the vegetation on Route 32. He added he was concerned with traffic issues and asked if they would be single family residences with any deed restrictions. Ms. Cirelli answered the first home on the corner of Route 32 and Brownville Rd will be approximately 2,000 sq ft, the existing barns will stay on that parcel. She explained there is a young couple looking at that particular parcel to raise their family. Ms. Cirelli said they would add a note to the maps for a no "cut buffer" on the Route 32 side. She asked if there was a limit to how much "fill" could be brought in. Mr. Colozza, the Town's Code Enforcement Officer, stated there is no set limit on the amount of "fill" and they wanted to obtain a building permit they could build a single family dwelling on that parcel now. Mr. Colozza added that the driveways have to meet Mr. Petteys specifications. She said she would appreciate it if the drainage issues are addressed on the map. Mr. Mancini said the water issues will be fixed. Mr. Durr asked for any other questions or comments. None were noted. Mr. Durr thanked everyone present for their time.

Site Plan Review / Sign Review for Special Permitted Use

Application #: 0006-08

Applicant: Steve Allen / Reeds Hydraulics

Location: 4911 Route 50

SBL#: 103.-3-24.2

Zoning: C/R

Status: Preliminary

Mr. Allen was not present. Mr. King asked if Mr. Allen had to be present to hold the public hearing and it was determined he did not. Mr. Durr asked if anyone from the public had any questions or comments on this application. None were noted.

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Mr. Durr called the monthly meeting to order at 7:30 P.M.

OLD BUSINESS

Site Plan Review / Sign Review for Special Permitted Use

Application #: 0006-08

Applicant: Steve Allen / Reeds Hydraulics

Location: 4911 Route 50

SBL#: 103.-3-24.2

Zoning: C/R

Status: Final Review

Mr. King made a motion to close the public hearing for application # 0006-08, Reed's Hydraulics / Steve Allen
Ms. Lofgren 2nd the motion,
All in attendance unanimously agreed.

Mr. King made a motion to approve the application #0006-08, for Reed's Hydraulics / Steve Allen, and issue a
Special Permitted Use Permit to erect/install a sign.
Ms. Martindale 2nd the motion,
All in attendance unanimously agreed.

ACTION TAKEN

Public Hearing closed, Application approved for Special Permitted Use, sign installation as described in
presentation and on the application #0006-08 for Reed's Hydraulics / Steve Allen.

Minor Subdivision (2 lot)

Application #0007-08

Applicant: John Ingleston, Executor for the Estate of Floyd Rourke

Location: East and West sides of Leonard Street

SBL#: 91.-1-27

Zoning: Hamlet

Status: Preliminary

Representative: Michael Toohey, Esq.

Mr. Durr asked Mr. Toohey if he had a new map. Mr. Toohey responded no he will submit one when all the
notes are completed. Mr. Heber asked if there was a copy of the notes as discussed with Mr. Ward this Board
could review. Mr. Toohey stated he had not received anything from the Town's Attorney, Mr. Ward since their
conversation. Mr. Heber asked if they needed a Short Environmental Assessment Form (SEQRA) or a Long
Form. Discussion ensued. It was determined a Short Form would be sufficient. Mr. King asked if they wanted
to declare the SEQRA now. Mr. Heber reviewed and completed the SEQRA form.

Mr. Heber made a motion to declare a negative declaration (no significant adverse environmental impacts) on the
SEQRA.
Mr. Durr 2nd the motion,
All in attendance unanimously agreed.

Mr. King made a motion to close the public hearing for application # 0007-08, Minor 2 lot Subdivision for
Applicant: John Ingleston, Executor for the Estate of Floyd Rourke
Ms. Lofgren 2nd the motion,

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All in attendance unanimously agreed.

Mr. Toohey explained the proposal options for the “landlocked” parcel behind the parcel on this application.

1. Add the “landlocked” parcel to one of the remaining 3 parcels in the Estate with current road frontage.
2. Subdivide the “landlocked” parcel and add one section to each of the two front parcels with current road frontage.
3. Make provisions for legal access to the “landlocked” parcel, ie; Right of Way.

Mr. Toohey said these options may require further action by this Board. Discussion ensued on the best way to correct the current “landlocked” situation. Mr. Colozza said this Board did not create the “landlocked” situation and did not need to address that issue at this time. Discussion ensued on the notes to be added to the map. Mr. Colozza will contact Mr. Ward for the notes he wants added in addition to the “Right to Farm Law”, wetland delineation and a note pertaining to other testing to be completed at the time, if there is further development, the disposition of the “landlocked” parcel will also be addressed in the notes on the map.

Mr. King made a motion for conditional approval for application # 0007-08, Minor 2 lot Subdivision for Applicant: John Ingleston, Executor for the Estate of Floyd Rourke contingent upon the addition of the notes to the map; “Right to Farm Law”, wetland delineation and a note pertaining to other testing to be completed at the time of any further development of the parcels, and any additional recommendation for notes received from Mr. Ward, the Town’s Attorney. The disposition of the “landlocked” parcel will be addressed in the notes on the map.

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

ACTION TAKEN

Public hearing closed. Negative declaration (no significant adverse environmental impacts) declared on the SEQRA. Mr. Colozza will obtain any recommended notes from Mr. Ward to be added to the maps. Conditional approval contingent upon the addition of notes to the map; “Right to Farm Law”, wetland delineation and a note pertaining to other testing to be completed at the time of any further development of the parcels, and any additional recommendation for notes received from Mr. Ward, the Town’s Attorney will also be added. The disposition of the “landlocked” parcel will be addressed in the notes on the map.

Minor Subdivision (4 lots)

Application #0008-08

Applicant: Luisa Cirelli

Location: Corner Brownville Rd and NYS Rte 32

Acres: 39 +/-

SBL#: 104.-1-87

Zoning: R-3

Status: Preliminary

Representative: Kevin Hastings, P.E.

The Board discussed the drainage issues discovered in the public hearing, with the Town’s Engineer, Mr. Mitchell. Mr. King asked if there were any other issues to be covered. Mr. Heber asked if the National Heritage Letter had been received. The Clerk said yes, and the response read in part, *We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.* Mr. Durr asked if a response has been received from Saratoga County Planning. The Clerk gave him the letter received from Saratoga County Planning that had a

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written decision of, *No significant County Wide or Inter Community Impact*, for this subdivision proposal. Mr. Heber asked if the Board wanted to use a long form SEQRA or if a short form would be sufficient. Mr. King said this is a residential three acre zoning and he believed the short form would be sufficient. Mr. Durr agreed. The Clerk gave Mr. Heber the short form SEQRA, submitted by the applicant, which he reviewed and completed.

Mr. Heber made a motion to declare a negative declaration (no significant adverse environmental impacts) on SEQRA.

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed.

Mr. Heber made a motion to close the public hearing for application # 0008-08, Minor 4 lot Subdivision for Luisa V. Cirelli

Mr. Durr 2nd the motion,

All in attendance unanimously agreed.

Mr. Heber made a motion for preliminary approval for application # 0008-08, Minor 4 lot Subdivision for Luisa V. Cirelli, contingent upon the addition of the notes to the map for; approved drainage, driveways must meet the specifications of Neil Petteys, the Town's Highway Superintendent, no further subdivision, and "no cut buffer zone" on Route 32.

Mr. Durr 2nd the motion,

All in attendance unanimously agreed.

ACTION TAKEN

Public hearing closed. Negative declaration (no significant adverse environmental impacts) declared on the SEQRA. Preliminary approval contingent upon the addition of the notes to the map for approved drainage, driveways meet the specifications of Neil Petteys, the Town's Highway Superintendent, No further subdivision and a note for a "no cut buffer zone" on Route 32.

NEW BUSINESS

None

MISCELLANEOUS

Mr. Heber made a motion to approve the July monthly meeting minutes as written

Mr. Durr 2nd the motion,

All in attendance unanimously agreed the July monthly meeting minutes accepted.

Mr. Heber made a motion to close the monthly meeting at 8:05 PM,

Mr. Durr 2nd the motion,

All in attendance unanimously agreed, monthly meeting closed at 8:05 PM.

FUTURE MEETINGS:

September 8th, 2008