

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 1

Present: Brit Basinger, vice chair, Ed Martin, Sue Martindale, James Heber, Wayne Durr

Absent: Patricia Bryant, Jeff King, Kevin Pumiglia and Kevin Gifford.

Town of Employee Present: Howard Doster – Engineer, Richard Colozza – Town Code Enforcement Officer, Neil Petteys, Town Highway Superintendent, and Debbie Colozza – Planning Board Clerk.

In the absence of Patricia Bryant, chairperson, Brit Basinger, vice-chair opened the meeting at 7:00pm. A Public Hearing was held on:

Pre-Application Conference for a Minor Subdivision

Application #: 0007-06

Applicant: Henry E. Nichols

Location: Purinton Road

SBL #: 105.-1-29.1

Acres: 59.6

Number of Lots: 2

Zoning: Agricultural

Surveyor: William Rourke

The proposed project was presented to the public on hand. Brit Basinger asked for comments from the public.

Thomas Welch, proposed buyer of the property noted that he is anxious to get the approval for this application so he is able to move forward with building a single-family home.

There were no other comments from the public on this application.

Other Open Public Hearings:

Boswell Engineering project.

There were no new or additional comments reported. James Heber made a motion to close this Public Hearing since no new comments have been forthcoming. Wayne Durr 2nd the motion to close the public hearing. The vote to close this public hearing was unanimous by the board.

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 2

Regular Monthly Planning Board Meeting began at 7:20pm

Old Business

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The Board discussed the application with applicant. There was concern about the road as to its determination. Brit Basinger noted that the Board had received a memo from the Town Board stating that the road is now considered a year round non-paved road. Originally the road was only a “seasonal” use road.

Ed Martin asked if Howard Doster had any additional concerns. Howard noted that the only concern he had with the road was there is always a possibility it could wash out with heavy torrential rains or from an abundance of snowfall. The Board noted that if that were the case, since it is now a year round road maintained by the town – the highway department would need to make repairs.

The clerk noted that there is nothing in the file on findings or comments from Saratoga County Planning at this point.

Brit Basinger noted that was the only area of concern to the Board – what the County might make comment on. James Heber made a motion to close the Public Hearing. Sue Martindale 2nd the motion. There were no other comments from the Board regarding. The motion to close the Public Hearing was unanimous.

Ed Martin reviewed the short form of SEQRA application. Finding nothing detrimental he made a motion that a negative declaration be issued regarding any environmental impact that this application may have. James Heber 2nd the motion. The Board voted unanimous to approve the SEQRA application.

James Heber made a motion to give conditional approval to the Minor Subdivision proposal by Mr. Nichols contingent upon a favorable approval back from Saratoga County Planning. Sue Martindale 2nd the motion to approve.

Discussion followed as to what would happen if a less than favorable response came back from the county regarding the application. The board determined if that were the case

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 3

that the applicant would need to return to the Board for additional discussion on the application.

The Board voted unanimous to give conditional approval to the application barring any unfavorable comments back form Saratoga County Planning.

ACTION TAKEN

Public hearing was held, comments heard and discussion followed. The Board closed the public hearing and gave unanimous approval to the SEQRA review. The Board also gave conditional approval to the application with the contingency that a favorable response comes back from Saratoga County on this application. The applicant will need to come in with 2 mylars and also to pay any outstanding fees that are owed the Town before the mylars can be released to the applicant for filing.

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

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

Rep: Iver Anderson and Dominick Arico

There was no one present for this application. Richard Colozza noted that the applicant requests that the application be held over 1 more month, as it is his understanding that the applicant will have updated maps to present to the Board.

ACTION TAKEN

The application will be held over until the October meeting. The Board moved to close the “open” Public Hearing earlier at tonight’s meeting.

Pre-Application Conference for a 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

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 4

Rich Colozza noted that Mr. Morris would not be here tonight. He is waiting on finalized maps to present to the Board. He asked that his application be held over to the next meeting.

ACTION TAKEN

Mr. Morris' application will be held over until the October meeting as requested.

Pre-Application Conference for a Major Subdivision

Application #: 0013-05

Applicant: Gary Bordeau

Owner: Austin DiSiena

Location: Colebrook Rd.

SBL #: 129.-1-46.121

Acres: 63.9

Lots: 14

Zoning: R-3

Rep: Paul Tommell

Kurt Bedore discussed concerns raised at the agenda meeting by the Board.

- They will remove the planned street lighting from subdivision per the Town Board note as not a requirement.
- Speed limits are being addressed
- Added proposed mailing address for the subdivision
- Added right to farm language and clause concerning the back lot to be forever wild.
- Reduce the dry well numbers by creating ditches towards the loop area of the project. Some areas that dry wells will need to remain due to space limitations.

The letter addressed to Patricia Bryant was noted for the file and copy placed in applicants file.

Neil Petteys, town superintendent noted that he would like the plans of the project to go back to the original design for the road width to 20' instead of the current proposed 18'. Currently the town doesn't have equipment that would be used in repaving in years to come. The bids would possibly cost more when a repaving need arose. Neil also noted that in the Town, paving gets contracted out.

Mr. Bedore noted that for them to go back and redesign the plans the time and money cost would be greater for them at this point. Wider pavement area would affect the drainage that is currently proposed from the storm water management report they have done. They would like to have this issue resolved tonight. After discussion by the Board, town engineer, town highway superintendent, and the applicant - the Board will ask the Town Board for its input into this matter of the change of 18' versus 20' road width. The clerk will issue a letter to the Town Clerk to ask that members of the Planning

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006

(Corrected and Approved – Nov. 20, 2006)

Page 5

Board meet with Town Board to discuss the concerns the Town Board may have at their next Town Board meeting, which would be in advance of the next Planning Board meeting.

Kurt Bedore noted that the initial paving of the road (that would meet Town standards) would be done by the developer. It would probably be quite a ways into the future before the road would need repaving and at that point the Town might have changes to its paving policy.

Neil Petteys understands the concerns of the developer but he noted that in his opinion he would still stand that the roadway be the 20' as he is looking out for the best interests of the Town.

Kurt Bedore noted that the applicant Mr. DiSiena would tighten the loop area to give the extra 2' radius at the inside of the loop area if this would help appease the road issue. Mr. DiSiena has noted that the appearance of the inner circle of the loop was also to be maintained by him and taxes would be his to pay on the center of the loop area. He would be willing to shorten the radius if this would help with plowing and maintaining of the road.

It was noted that the large lot # 8 that would be retained by Mr. DiSiena would have no further subdivision done. And the plat plans should reflect that also.

James Heber brought up the issue of dry wells. His thoughts were that the Town doesn't prefer dry wells be in place in the Town. He asked Neil Petteys for his thoughts.

Neil Petteys noted that with dry wells water goes into a catch basin before it reaches the retention drains. If the drywell happens to clog up then the Town has to come out to maintain them and the Town would prefer not to. It is understood that in some areas a dry well may be the best option but he prefers they not be used overall.

Kurt Bedore noted that the dry wells would also maintain the rural character of the development much better than if they have to do catch basins, as then more tree removal would take place for drainage clearance areas. That was one of the concerns of the Board to preserve the rural character of the development.

James Heber noted that it is his understanding that the Town doesn't have maintenance crews to clear the drywells if they become blocked.

Mr. DiSiena and Mr. Bedore both noted that changes should have been discussed earlier on when the stormwater designs were originally brought up. If additional changes are now made to reflect on the stormwater design in place then considerably more cost will be reflected. Kurt noted that he would have liked comments earlier on from the Board if they had concerns about these issues.

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006

(Corrected and Approved – Nov. 20, 2006)

Page 6

Ed Martin reviewed the SEQRA application for this project. He noted that this is for a 14 lot single-family development on Colebrook Road. His findings were 3-fold:

1. Construction schedule of 60 months represents a small to moderate impact.
2. Impact on plants and animals is moderate because of the removal of a portion of wildlife habitat. The applicant has mitigated the adverse effect through creation of replacement habitat areas in concert with the NY State Department of Environmental Conservation.
3. Impact on Aesthetic Resources, as the proposed land use differs from surrounding land uses. This change is consistent with the subdivision regulations of the Town, which encourages Conservation Design subdivisions. The density of development siting is greater than the conventional R3 regulations, but the goal of open space in the Town Comprehensive Land Use is achieved.

The recommendation is that the project will not result in any large and important impacts, and therefore is one that will not have a significant negative impact on the environment. With this recommendation Ed Martin made a motion that a negative declaration be prepared for this application. James Heber 2nd the motion for a negative declaration. The Board voted unanimously.

Brit Basinger reviewed with the applicant the concerns of the Board. It was noted that the back parcel is one that is under DEC ruling. The applicant noted that DEC wants some open clearing on that parcel and they are going to clear the area for them.

Ed Martin – noted that an easement has been left for DEC to obtain access to the parcel from the development. He asked what potential there was for building on that lot.

Brit Basinger stated that the Board perception was that the lot was to remain forever wild and basically preserve the wooded area.

The applicant noted that on lot 8 which has both a buildable area outlined as well as area that is considered as “open space” it would butt up against the DEC back parcel. The applicant has indicated on the part of the open space portion of lot 8 that he might be interested in clearing some of the open space area for a pasture for a horse or two as it could be designated as use for agricultural purposes.

James Heber noted that the parcel to be designated as “open space” cannot be built on. The parcel being created as the buildable envelope can have building on but the other remains as open space – as such since the applicant owns that whole parcel lot #8 as owner he can maintain that as he best sees fit – whether woods or agricultural as they are allowable uses under “open space.” Jamie pointed out that the definition of open space is listed in our regulations on page 114.

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 7

Brit asked if the Board wants the applicant to note that with the open space/conservation easement any improvements over and above basics would need to come back to Planning Board for additional approvals.

Kurt Bedore noted that they will reference on the map that for lot 8 there be:

- A 90' buffer to each side of the lot #8
- Open space be noted to the center of the back portion and that it can be cleared for grazing, or farming
- The easement be noted for DEC for access to the back

Kurt Bedore also asked that the Board keep them apprised in advance of any additional changes before the meeting so they can address them. Rich Colozza noted that he usually is the one that is able to make the call to applicants regarding changes requested and that he would.

Brit noted that the Board will clarify with the Town Board regarding the road width and let them know when the October Board meeting is as the date has changed with the Columbus Holiday observance.

The applicant will be at the October meeting in hopes of moving the application further along.

ACTION TAKEN:

SEQRA application was reviewed and approved. The Planning Board requests a meeting with the Town Board to determine issues on the roadway being planned. The clerk will send a letter to Town Board clerk to be placed on the Town Board agenda for discussion of the 18' or 20' wide is the concern. Neil Petteys highway superintendent maintains 20' necessary – the applicant has allowed for 18'. Drywells - the applicant will make adjustments to some of the proposed dry wells but if they all have to come out then the rural character of the development will be lost as more clearing will need to be made for stormwater management design. Also the Board needs to determine any final concerns for wording for the “open space” requirements.

Pre-Application Conference for a Minor Subdivision

Application #: 0008-06

Applicant: Steven A. Sedrish

Location: Rugg Road

SBL #: 129.-1-52.1

Acres: 46.55

Number of Lots: 2

Zoning: R-3

Surveyor: David Bolster

Representative: John Carusone

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 8

The applicant is not ready to move forward at this time. Richard Colozza noted that the applicant requests that his application be placed on the October agenda.

ACTION TAKEN

The application will be held over until the October meeting as requested.

New Business

Pre-application for Lot Line adjustments (lots 8, 9, and 10)

Application #: 0009-06

Stonybrook Land LLC

Owner: David Lipinski

Location: Mott Rd.

SBL#: 92.-1-1

Zoning: Agricultural

Applicant seeks an approval from the Board to move several lines to correct irregularities primarily on lot 9 that will affect lots 8 and 10.

After discussion with the applicant and how the lines would be moved James Heber made a motion to approve the changes as noted for lots #8, 9, and 10. Ed Martin 2nd the motion. The Board voted unanimously to approve the line changes.

In addition to those changes there also is a concern with the smaller parcel that was to be deeded over to Mr. Robert Ferenze. The transfer has been completed however, notice came back that it was an illegal transfer from Saratoga County and was not able to be recorded without the changes made on the lot line. To correct this the lot lines on this parcel also needed to be moved. The Board reviewed these changes as well.

James Heber after review made a motion to merge the lot line adjustment with the two parcels in question: SBL# 92-1-2.1&9 (the prior tax parent parcel) with SBL# 92-1-8 (Robert Ferenze new parcel) so that they would come into compliance with the deed and property transfer. Ed Martin 2nd that motion. The board unanimously approved the motion.

The applicant will need to bring in 2 mylars and 3 paper copies to be reviewed and signed so that they can be recorded in Saratoga County as a legal transfer. Also any unpaid fees will need to be paid in full before mylars can be released.

ACTION TAKEN

The Board approved the lot line changes that affected parcels 8, 9 and 10. They also approved the small parcel that needed correction to make the deed transfer between Stonybrook and Robert Ferenze legal and able to be recorded. Applicant needs to bring in updated mylars showing the changes and pay any outstanding fees.

Minutes
Town of Northumberland – Planning Board
Sept. 18, 2006
(Corrected and Approved – Nov. 20, 2006)
Page 9

REPORTS

Rich Colozza – Ellen Bongard application. He received a letter from her surveyor regarding the wordage for the mylar. Rich wanted the Board to review as satisfactory to what the Planning Board requested. This was in regards to the well and septic being located on each lot before any transfers or owner changes could be made to sell to someone other than Ms. Bongard. After reviewing the language the Board is okay with the language.

CJ Laing – letter for the Board from DEC – the board reviewed and will place with the application for file. Patricia Bryant will need to review it and check with Rich for any thing out of the ordinary.

Minutes

The Board reviewed, corrected and approved the June and July 2006 minutes. The August minutes are on hold until the October meeting as too many people that were present at the August meeting are absent from tonight's meeting.

June 19, 2006 minutes: Brit Basinger made a motion to approve with corrections, Ed Martin 2nd the motion. The June minutes were approved unanimously.

July 17, 2006 minutes: James Heber made a motion to approve with corrections, Wayne Durr 2nd the motion. The July minutes were approved unanimously.

Motion to Adjourn

James Heber made a motion to adjourn the September monthly meeting. Ed Martin 2nd the motion. Motion to adjourn was unanimous.

The meeting was adjourned at 10:15pm.

Respectfully submitted,

Debbie Colozza
Planning Board Clerk of Minutes