

Town of Northumberland Planning Board
Minutes
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Present: Brit Basinger - Chairperson, James Heber, Ed Martin, Wayne Durr, Susan Martindale, and Kevin Pumiglia.

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

Town Employees Present: Howard Doster – Town Engineer, Richard Colozza – Town Code Enforcement Officer, Neil Petteys – Highway Superintendent, and, and Judy Taylor –Planning Board Clerk.

Brit Basinger opened the scheduled October Public Hearing for the Town of Northumberland Planning Board at 7:30 pm. There were no public hearings. The first project was called.

Pre-Application Conference for a 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

No one was present for the Boswell project. Rich introduced a letter received from Mr. Boswell stating that they were getting some information together before they came before the Planning Board. Chairperson Basinger confirmed that the Planning Board was waiting for information and moved onto the next project.

Pre-Application Conference for a Major Subdivision

Application #: 0007-05

Applicant: William Morris

Location: Plantation Rd.

SBL#: 142.-1-121

Acres: 15.5 (change) [formerly 30.643]

Number of Lots: 5 to be subdivided

Zoning: R-1

Chairperson Basinger confirmed that Mr. Morris had met with the Town Engineer during the Agenda meeting October 10, 2006, and that he went over several issues with the engineer. Chairperson Basinger stated, assuming that those issues were addressed and

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that Mr. Morris and Mr. Doster had a few items to talk about. Mr. Morris confirmed this. Mr. Morris stated that they did address most if not all of the items that the engineer had. Mr. Doster stated that he had a chance to look over the new drawings and claimed there were some new items he picked up that he didn't see on the drawings. He found an earlier correspondence about putting perc and deep test holes on the drawings. Mr. Morris stated that that will be on for the Health Department approval. Mr. Doster noted that there was no "right to farm" notice on the drawing. In addition, Mr. Doster noted that the retention areas need to be established as to whether the landowners are going to maintain them or the Town is going to be responsible for them. Mr. Morris stated that the landowners are and that there is a note on the plans to that effect. Mr. Doster also stated that he had a concern about the drainage off the road. He stated that he would like to get the Highway Superintendent Neil Petteys involved and get his opinion on this. At this point Mr. Morris, Mr. Doster and Mr. Petteys reviewed and discussed the plans regarding the retention areas.

Chairperson Basinger asked how many items did they have to address? Are we in a position to move forward with any type of approval with this project? Mr. Doster stated that he did not believe there was a problem with that. Chairperson Basinger suggested that we make a contingency. Chairperson Basinger asked if anyone would like to make a motion on the SEQRA determination?

Ed Martin made the motion that the application # 0007-05 Major Subdivision for William Morris off of Plantation Road be issued a negative declaration based on the review of the applicant's paperwork and prior meetings. James Heber seconded the motion. Chairperson Basinger asked for any discussion. James Heber asked if all the letters were received; Mr. Martin confirmed that he had a file of all letters up to this point. Chairperson Basinger asked Building Inspector Rich Colozza if he knew of any outstanding issues other than the ones being discussed with the engineer right now. Mr. Colozza knew of none. All those in favor, Brit Basinger aye, Ed Martin aye, Kevin Pumiglia aye, Sue Martindale aye, James Heber, and Wayne Durr aye. Zero nays. Motion carried.

Chairperson Basinger stated that the Board could entertain a discussion to move the project forward to approval. James Heber made a motion to execute the final approval with contingencies of Health Department, DEC and the notes listed by the Town Engineer for the plans. The list of notes is: 1. Perc test hole. 2. Right to Farm. 3. Add two right-of-way monuments. Ed Martin seconded the motion. Chairperson Basinger asked for any discussion. Chairperson Basinger stated that we have a motion for final site plan approval for the subdivision of William Morris application 0007-05 All those in favor, Brit Basinger aye, Ed Martin aye, Kevin Pumiglia aye, Sue Martindale aye, James Heber, and Wayne Durr aye. Zero nays. Motion carried.

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ACTION TAKEN: The Board gave a unanimous approval to the SEQRA review. The Board gave final site plan approval with contingencies of the approval of the Health Department, approval of DEC and the completion of the notes listed by the Town Engineer on the plans.

Chairperson Basinger then moved to the next item on the agenda.

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

Chairperson stated that last week we had a conversation with applicant primarily engineering issues.

Tonight we received a letter from a member of the community would like to have read for the minutes developed by Guy Murphy regarding the proposed DiSiena subdivision. Chairperson Basinger proceeded to read the letter. Chairperson Basinger stated that the Board had discussed this amongst themselves and the Board realizes that there are impacts due to these projects. However, we do have a Town Ordinance on this matter, and what we would like to do is to take this request up with the Town Attorney to see how best to address this issue. Therefore, we will get in touch with our attorney and he will get in touch with you or us.

Chairperson Basinger then stated the Board was moving onto the conference for the application. Chairperson Basinger stated that it seems as though we are into engineering issues, that most of the planning components have been addressed. It seems that Mr. Bedore had a conversation with Mr. Doster, and Mr. Doster is going to update the Board on the new submittal. Chairperson Basinger asked Mr. Bedore if he had any comment he would like to start out with. Mr. Bedore stated that he would like to address Mr. Murphy's matter. After conferring with the applicant, we would be interested in a 7 am to 7 pm work schedule. Of course that would not take place this time of year. That would only be in the summer time. That is what we would propose from our end. James Heber stated that there is a noise ordinance and that we will need to adhere to that. That is way we are going to the Attorney.

Mr. Bedore stated that he would like to go through a summary of the changes made. He thanked Mr. Doster for providing his comments by e-mail last week, which allowed them

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a little bit of time to address them. Basically, the exhibit before the Board shows what has transpired through discussion over the last two or three meetings and work sessions, as well as the meeting with the Town Board. The wild life management area in the back that is going to DEC remains unchanged and is outlined in pink. From the meeting two months ago, the Board preserved buffer areas along lot 8, parcel 2 now reflects approximately 9 feet. Chairperson Basinger asked what the buffer was along the remainder of the perimeter? Mr. Bedore responded that there was quite a lengthy discussion about that at last month's meeting and we got to the point that we were almost defining what the permitted uses would be. The area is intended to be green space, but there will be permitted uses, as I understand, per the Town Zoning code. If there is anything that would be proposed beyond what is allowed, the owner of that lot would be obligated to come back before the Town Board.

Mr. Bedore then moved on to technical comments, stating that many of them have all ready been resolved, as he and Mr. Doster have discussed over the past few months. There were a couple of them still outstanding. On sheet six, they talked about adding a note about maintaining access to the Burlingame property. Mr. Bedore spoke with the Highway Superintendent Neil Petteys last week about where to put concrete monuments along the right-of-way. There were some on the plans, there was a discussion prior to the meeting. They had proposed one in the middle of the cul-de-sac, which will be removed. There will be four more added for discussion; One at the drain easement, two near the future sub-road, and another one by the access easement going back to the DEC wild management. They added a catch basin to the dry well in the middle of the cul-de-sac consistent with the rest of the plans. Also to put a solid cover on the dry well to protect filtration; something on the catch basin to protect filtration consistent with everything else they have done on the property. The determination was that they would stay with 9' travel lanes, 18' wide roadway. This has been reflected in the plans. The dry well is still reflected as previously proposed. Mr. Doster and Mr. Bedore had some discussion about the applicant wanting to reduce the sub-base depth, either with a dry well or a subsequent a shallow depth. They looked at that internally and decided to go with what was proposed, so they are not asking for any changes to that. Then they revised, finally, the storm water management report. Mainly, it was to change the revision dates and make sure all the plans are the same. It was very minor. They did not change the final number of storages.

James Heber asked Mr. Bedore to show him where the note was on the plan stating no further subdivision. Mr. Bedore pointed it out stating it covered the parcel, the loop and the DEC wild management as well as the buffers. It reads "No further subdivisions without coming before the Board". Upon some further discussion among the Board and Mr. Bedore, it was decided that the plans should read, "No further subdivisions". Kevin Pumiglia asked about the piece behind the actual building envelope, whether or not it is going to be under a formal conservation easement? Mr. Bedore stated that they have not

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developed language on that. Mr. Pumiglia stated, then it is just sort of a proposed no further subdivision, but there is no specific language as to what can and cannot happen. Mr. Bedore stated that it was decided at the last meeting that there would not be specific restrictions. The note summarizes that all the green areas including the conservation easement parcel to lot 8. Paraphrasing, these areas are indeed restricted from further subdivision in perfect duty without review and approval of the Town. Mr. Heber again stated that the last line could be taken out. Mr. Heber stated that when they looked at the parcel, they looked at the whole parcel all at once. That is how conservation does not. You cannot revisit it ten years down the road. That is what all the people in the community are worried about. So the last line has to be stricken. Mr. Pumiglia stated that there is a label of a conservation easement, but there really is not a legal easement on that piece of property. Essentially, as he understands it, it is the owner's backyard and he can do with it what he wants under Northumberland regulations. Potentially, these areas are a buffer. Mr. Pumiglia stated that he is concerned that the use of the word "easement" will send people out looking for an easement file that does not exist. The suggestion of using the word "area" was made. Mr. Bedore stated that the area would be properly described in the final deed for that property.

Chairperson Basinger asked Mr. Doster where he was on the revisions that were made. Mr. Doster responded, except for the monuments, which we added on tonight, he believes Mr. Bedore has covered everything that was on his list.

The Board had a discussion as to what direction they wanted to go. It was noted that a negative declaration of the SEQRA was made last month on this project. Mr. Doster stated that he has not looked at the new plans brought in, he is just going by Mr. Bedore's word. Mr. Doster would like to confirm the information. Chairperson Basinger commented that he would entertain any motions to move on with conditions, or we could wait until Mr. Doster has an opportunity to confirm the information.

Ed Martin suggested that the Board make a conditional approval of the subdivision application before us pending the final review of drawings by the Town Engineer and legal determination from the Town Attorney on the residence noise concern brought to the Board tonight. In addition, approval is needed from DOH and DEC.

Ed Martin made a motion that the Board conditionally approves the DiSiena subdivision proposal in front of them conditional upon regulatory authority approval and confirmation with the Town Engineer of plans being mark as agreed to by the applicant and the Town Engineer. Finally, determination from the Town Attorney on a resident request related to hours of operation by the applicant. Sue Martindale seconded the motion. All those in favor, Brit Basinger aye, Ed Martin aye, Kevin Pumiglia aye, Sue Martindale aye, James Heber, and Wayne Durr aye. Zero nays. Motion carried.

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Mr. Bedore confirmed that the approval was for preliminary and final. The Board confirmed this.

ACTION TAKEN: Conditional approval upon approval from DOH and DEC and confirmation from the Town Engineer. Also need determination from the Town Attorney on hours of operation.

Chairperson Basinger moved to the next project.

Pre-Application Conference for a Minor Subdivision and Site Plan Review

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

Chairperson Basinger asked the applicant to walk the Board through what is being proposed. Mr. Sedrish stated that what he is proposing is to subdivide 10 acres off his own lot and put in a large animal hospital. That would be an approximately 6,000 sq ft facility with surgical facilities for horses. The Board confirmed this conference for minor subdivision, site plan review and special use permit.

Chairperson Basinger asked if there were any questions? Chairperson Basinger stated that based on the conversation at the Agenda meeting, the primary issue for the Board was the location of the parking. Parking is located in the front and side, which is an issue based on the fact this is a residential district. So, the Board was hoping to see the parking moved so it is not so visible from the road. The Board would like to see, as you are driving along the street, the project more like a single-family residence than a commercial operation. Mr. Sedrish stated that part of his rationale for putting the parking lot to the side of the building rather than behind the building is because behind the building they will be working with horses. He continued that horses and cars do not mix very well. Mr. Sedrish suggested that they put some form of buffer in front of the parking lot, such as trees. That would maintain the back of the property safe for horses. Chairperson Basinger asked if the buffer could be done on both sides, and the applicant confirmed this.

Chairperson Basinger then stated that the Board had a question about sight distance on this project. Chairperson Basinger confirmed that the Highway Superintendent Neil Petteys had been at the site. He asked the applicant if there was really a need for two

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driveways. Mr. Petteys stated that there is a sight distance problem heading east, from Colebrook. He asked the applicant if the driveway was going to be where the new cut into the property is? The applicant stated no. That cut was made for the perc test. Mr. Sedrish stated that the driveways would be roughly 100' either side of the cut. That would put the driveway closer to the bend. The applicant pointed out which driveway would be the in driveway and which would be the out driveway. Chairperson Basinger asked if there was a need for two? The applicant stated yes sir. Because they have horse trailers coming in and out, it is hard to maneuver them. Chairperson Basinger stated that what he would like the applicant to understand is that the Board is putting a commercial use in a residential district and the Board is trying to buffer that to the greatest extent possible. That way we can maintain character and value of the homes in the neighborhood.

Chairperson Basinger confirmed that Mr. Petteys approved the dry well locations. Mr. Petteys stated that usually he take a tour of where the driveways are, the speed limit and sight distance. The Chairperson asked if Mr. Petteys could do this prior to the next meeting. The Board decided to make a site visit to this project. The visit was scheduled for Saturday, October 21, 2006 at 8:00 am.

Chairperson Basinger asked if there were any other comments. James Heber pointed out the lot size and road frontage was wrong. Brian Fear – Engineer stated that those were typos. Mr. Fear continued that the Board had requested some notes with concern of disposal of waste and whatnot. Mr. Fear presented the Board with letters regarding disposal of manure, dead animals and medical waste. This will be put on the map. The applicant confirmed that nothing would be spread on the property.

The Board then brought up the discussion regarding the sign. Mr. Sedrish stated that the size that they chose for the sign was out of the ordinance book. He stated that he could make it smaller if the Board wanted it. Chairperson Basinger stated that that was fine, however, he would like a residential character rather than commercial character. The applicant stated that they could reduce the base of the sign and that could be a flowerbed. The Board liked that idea. Total height should be under 6'. There is a square footage requirement, which should be followed.

Mr. Sedrish asked if they could be placed on the Agenda for a public hearing next month. The Board agreed to this.

ACTION TAKEN Asked applicant to redesign parking area. Place notes of disposal of waste and animals on the plans. Schedules a site visit to review issue of driveway and sight distance. Create design of sign. Schedule a public hearing for November meeting.

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Chairperson Basinger asked if there were any other issues. There were none. Chairperson Basinger made a motion to close the monthly meeting. It was brought to the Board's attention that corrections were not made for the August and September minutes. The Board decided to wait until next month as some of the members had not yet reviewed them. Wayne Durr seconded the motion to adjourn. Motion to adjourn was unanimous.

Respectfully submitted,

Judy Taylor
Planning Board Clerk