

Town of Northumberland Planning Board

Minutes

Monday, October 15, 2007 7:00 pm

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*Subject to Planning Board approval*

**Present:** Patricia Bryant, Chairperson, Brit Basinger, Vice Chairperson, CJ Lofgren, Susan Martindale, Jeff King, Wayne Durr, Kevin Pumiglia

**Absent:** James Heber

**Town Employees:** Rich Colozza, Town Code Enforcement Officer, Travis Mitchell, Town Engineer, Doug Ward, Town Attorney and Tia Kilburn, Planning Board Clerk

Chairperson, Patricia Bryant opened the Public Hearing at 7:03 PM for Adam Kolasienski, application #0010-07.

**PUBLIC HEARING**

**Site Plan Review**

**Application #0010-07**

**Applicant: Adam Kolasienski**

Location: Route 50

SBL#:

Zoning: C/R

Mr. Kolasienski came forward and explained his proposed plan. He stated they will shorten the driveway from the original 200', clean up the area and plant shrubs and grass.

Mr. Mitchell asked if they had obtained a curb cut permit from the County. Mr. Kolasienski explained they cannot get one until they receive an approval from this Board. He also added the County wanted him to widen the driveway to 20'. Mr. Mitchell responded ok, that sounds right.

Mr. Basinger thanked Mr. Kolasienski for his co-operation with changes the Board had requested, then he asked about the sidewalk and if there was a door out front. Mr. Kolasienski stated there is not a door for public use out front and the sidewalk could be removed, that was not a problem, it may even help with the drainage.

Ms. Bryant asked Mr. Mitchell, the Town Engineer, if the driveway and turn around was ok for the trucks. Mr. Mitchell asked Mr. Kolasienski if he had measured it and if the trucks could make the turn around. Mr. Kolasienski stated yes they did measure it and it could be widened more.

Ms. Bryant asked for any further questions or concerns from the public. None

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were noted. Ms. Bryant then stated they can't start the monthly meeting until 7:30 PM.

The Board had some discussion on the public hearing time frames and changing to a 15 minute hearing if no public was in attendance or if no public concerns were received.

Ms. Bryant suggested changing the monthly meeting night due to the timing with County Planning cut offs for their meeting. Currently this Board meets the 3<sup>rd</sup> Monday of the month, County Planning meets the 3<sup>rd</sup> Thursday of the month and the County's cutoff for items to be reviewed is the Friday before their meeting. Therefore anything submitted to County Planning for review will not be put on their agenda until the following month delaying their response to this Board for another month. Ms. Bryant suggested changing the Town of Northumberland Planning Board meetings to the 2<sup>nd</sup> Monday of the month starting in December due to the November holiday. All members were in agreement.

Ms. Bryant stated there is a need for a new Chairperson for this Board, her term expires in November and she is on the ballot for Councilperson. She then added she has a recommendation however, the members may select any person they would like.

Mr. Colozza discussed training for the Board and asked what topics they would be interested in. Ms. Martindale asked what the GPS system was. Mr. Colozza stated it is a GPS system for /or from the County to train for the use on the internet for researching parcels. Mr. Pumiglia asked about wetland training, who needs permits to do what and the difference between Army wetlands and DEC wetlands. Mr. Colozza stated there is a wetland training coming in January, it is a good conference and it is an all day event. Mr. Pumiglia asked if there was a signup sheet yet. Mr. Colozza stated not yet, however he would get it to them when it comes into the office.

Ms. Bryant called the monthly meeting to order at 7:30 PM.

Those in attendance stood and recited the Pledge of Allegiance.

**OLD BUSINESS**

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**Site Plan Review**

**Application #0010-07**

**Applicant: Adam Kolasienski**

Location: Route 50

SBL#:

Zoning: Comm/Residential

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Mr. Kolasienski came forward, Ms. Bryant stated the Board had to wait for a response from County Planning before a vote could be taken. The Clerk stated County Planning has it on their agenda for October 18<sup>th</sup>.

Mr. King made a motion to close the public hearing.

Ms. Bryant 2<sup>nd</sup> the motion,

Unanimous by all members in attendance, motion passed, hearing closed.

**ACTION TAKEN**

Awaiting a response from County Planning before a vote can be taken. Public hearing closed. Mr. Kolasienski will return in November.

**Minor Subdivision**

**Application #: 000-07**

**Applicant: Scot Trifilo**

Location: Loudon Road

SBL#: 155-1-31

Acres: 39<sub>+</sub>

Zoning: R-3

Surveyor: ABD Engineers

National Heritage received, SEQR long form received 8/8, petition from residents of Loudon Rd. Field walk taken June 20<sup>th</sup>.

Ms. Bryant stated Mr. Ward is here to discuss the issue of the lot line adjustment and the previous subdivision. Mr. Ward asked to see the map. Mr. Trifilo stated it doesn't show changes he made from last month.

Mr. Ward said this is in need of a lot line adjustment and the Regulations are not clear in the "Lot Line Alteration" in section 7, page 34. He stated he did not believe this would be a lot line alteration because basically a lot line alteration has to be within the subdivision. Knocking out lot lines would have to satisfy certain criteria and this is an add on to a subdivision, it should be looked at as a phase 2 and usually the Board has already looked at phase 1 and 2 together. However, the Board did not look at it that way back when the original subdivision was approved. This Board should look at how this conforms to the original subdivision, it is very general and there is not much guidance on this subject in the Regulations. The Board should want an orderly division to be in harmony and have proper accommodation for traffic for the Board to approve or disapprove. Mr. Ward stated he would counsel the Board and ask them does this fit with the overall pattern of this subdivision, would you be prepared if others said they wanted to do this as well. If you don't think this fits with the overall pattern, you can deny it, if you believe it does fit you can move onto SEQR and declare a negative or positive

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declaration.

Mr. Trifilo stated under section 11, "Variances and Modifications" in the subdivision book, it discusses the odd shape of the parcel and hardships and the Board can waive some requirements. Mr. Trifilo said he believes this falls into that and the Planning Board could waive stuff. Mr. Trifilo added with the 3 keyhole lots in the back and 1 house up front the drawing would change only by the driveway moving.

Mr. Ward stated he did not disagree with Mr. Trifilo the Board can , they have the ability to waive requirements if they believe it fits into the present subdivision and the character of the neighborhood. However, any hardship of the back lot was not created due to the previous subdivision but they could relieve a self created hardship and change the lot line for the back lot.

Ms. Bryant said speaking for herself, personally, she doesn't think this is a unique problem with the 3 keyholes, she doesn't want to break up the subdivision and doesn't want the neighbors to all break up their land. Mr. Trifilo stated it is their right. Ms. Bryant responded not if the Board declines this subdivision.

Mr. Ward and Mr. King both said they disagree with the idea of the land owners having the right to subdivide. Ms. Bryant stated nothing was written on the original subdivision from the County pertaining to further subdivision. Mr. Ward said he would have to advise this is a new subdivision. Mr. Pumiglia stated the issue is adding variances and substandard lots to the original subdivision without a compelling reason. Mr. Trifilo said he has 7 acre parcels in 3 acre zoning, and he would go before the Zoning Board. Mr. Ward stated it is not a right to subdivide property. Mr. Trifilo said maybe he was using the wrong language. Mr. Ward stated it has to meet all the requirements and the Board will not be compelled to approve it just because it meets the requirements.

Mr. Trifilo then stated he would like to request all the meeting minutes. Mr. Ward said he needed to make a foil request. Mr. Trifilo said he has done everything this Board wanted him to do for 10 months. Mr. Pumiglia stated this Board has not seen a Conventional Plan, Mr. Trifilo could put in a road and a number of houses on the back parcel. Ms. Bryant said from her perspective, Mr. Trifilo should not spend more money to design more houses in the back then be denied. Mr. Ward stated at the pre-application conference the Board should have decided if the design works or not. Then Mr. Ward said the Board can take an informal vote to see the direction this plan is going in and to be fair to Mr. Trifilo where the Board stands. Mr. Basinger agreed, it would be good to give Mr. Trifilo guidance, the Board can waive stuff but he believed this subdivision is not what they want to move into and he believes the Board is not interested in the flag lots. Mr. King stated he has trouble dealing with the shared drive. Mr. Pumiglia said the front lot would have access from the road and he thought it would not distract from the

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character, however the homes in the back may. Mr. Trifilo said then Board doesn't want a shared driveway or a shared public driveway. Ms. Bryant said no, but there are still problems. Mr. Basinger stated they are still breaking up a subdivision. Mr. Trifilo said he did not understand. Mr. Ward said "breaking" is not a good word to use, it's modifying, then he added a lot line alteration is a subdivision and without a waiver, he will need to do everything he would have to do for a subdivision approval. It would have to qualify for a waiver and meet all the conditions. Mr. Trifilo disagreed, he stated it is 2 adjacent lots. Mr. Ward added in a subdivision. Mr. Pumiglia said with 1 parcel in the previous subdivision and 1 out. Mr. Trifilo repeated, it's 2 adjacent lots, and the acreage meets the zoning requirements, he then added he thinks he meets the waiver requirements for the lot line adjustment. Mr. Ward said it is not something you have a right to do, the Board can deny the waiver to avoid a totally new subdivision.

Mr. Trifilo asked how the Board defines character. Ms. Bryant stated it's an opinion, the other surrounding parcels from the previous subdivision are only one dwelling per parcel.

Mr. King told Mr. Trifilo to put everything he is requesting into the plan. Mr. Trifilo stated he wanted an explanation on the meaning of breaking up the subdivision.

Mr. Ward explained what was meant by breaking up the subdivision. Mr. Ward said the front lot was part of a previous subdivision and all the other parcels from that division have one dwelling on each, Mr. Trifilo wants to add the back lot and create 4 lots. Mr. Pumiglia said he didn't see the breaking up of the subdivision he saw it as adding to it. Mr. Basinger added that would be setting a precedent. Ms. Bryant said it would not just set a precedent for this subdivision but for the whole town. Mr. Trifilo asked what precedent. Mr. Basinger stated modifying a subdivision sets a precedent. Mr. Pumiglia said the Board approved it on Colebrook Rd. Mr. Colozza stated that was all in the original plan for the subdivision. Ms. Bryant agreed and added yes that was planned in that subdivision.

Mr. Trifilo said if the Board is saying they only want one house he needs to hear that and go from there. Ms. Bryant agreed, the Board needs to give him something to work with. Mr. Ward stated the Board can vote informally to give him some direction. Mr. Trifilo said one house on 40 acres minimum, it should be at least 2 houses. Mr. Basinger said that was not the only issue. Mr. Pumiglia said practically and as a land owner he couldn't see anything saying Mr. Trifilo could not use the 1<sup>st</sup> parcel for access to the rear parcel. Mr. Trifilo said he has done 1 acre lots before in 1/2 acre zoning without a problem.

Mr. Basinger asked if anyone wanted to make a motion or did the Board want to discuss further. Further discussion ensued.

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Mr. King said he was not opposed to looking at 2 lots, he is not saying he approves it, but would look at it. Mr. Basinger said he thought 2 lots were ok, but only one house on the front parcel.

Mr. Durr asked if that was still modifying the subdivision. Mr. Ward stated yes it would be. Mr. Pumiglia wanted clarification because every time someone comes for subdivision approval it is a subdivision modification.

Mr. Durr asked the Board if they were willing to let Mr. Trifilo modify the subdivision. Ms. Bryant asked if someone wanted to make a motion. Mr. King stated he did not want to make a motion but he would like a consensus. Mr. Ward stated he believes the Board did not like the 4 lots, however, maybe 1 big lot in the front and 1 lot in the back. Mr. Durr said unless the Board agrees to modify the subdivision there is no reason to do another plan. Mr. Pumiglia said it was how you draw the line to determine if it's adding or modifying. Mr. Basinger asked if they were going to modify it and he would like to get opinions and specifics. Ms. Bryant said before that is done she wanted to ask Mr. Mitchell if there were any engineering issues. Mr. Mitchell stated they will have separations with 40 acres and 2 houses and then asked Mr. Colozza what kind of soil was there. Mr. Colozza responded it was sand. Mr. Basinger said those are all details to be worked out. Mr. Mitchell stated nothing else stood out for engineering at this time.

The Board took a general (unofficial) vote to see if they wanted to modify the subdivision.

Result as follows;

Ms. Bryant did not like it, Ms. Martindale stated she was unsure, 1 house and 1 drive or 2 homes with 1 in the front and 1 in the back, Mr. Pumiglia stated yes it was ok with contingencies, Ms. Lofgren did not like it, Mr. King said he was willing to look at the plan, Mr. Basinger stated yes he would consider with modifications and preservation for the Vision of the Master Plan for the Town, Mr. Durr stated he was opposed to modifying.

The (unofficial) result was; 4-0 in favor of looking at a new plan in more depth.

Mr. Trifilo asked if they wanted 2 homes with 20 acres each or 1 with 30+ and the other with 7 acres. Mr. Basinger stated there were details to be discussed later. Ms. Bryant asked Mr. Trifilo if he wanted to come back with a plan for 2 lots. Mr. Trifilo said if that was what he had to do, but he was still unsure if he would keep the parcels or sell.

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8:25 PM, power loss in the building, all in attendance vacated the building.

8:40 PM, power restored to building and meeting resumed.

Mr. Basinger asked what the final result of the (unofficial) vote was. Mr. Ward said he believed 4 members were ok with 2 homes on 2 lots.

Mr. Trifilo asked if the Board would look at a road through the 7 acres to however many houses he can get on the back parcel. Mr. Basinger said they would have to look at the significance of that plan and that would also be a modification of the subdivision. Mr. Trifilo asked if it was a modification if the front parcel was only used for a road to the rear parcel. Mr. Ward stated yes it was a modification, however the Board can waive some stuff. Mr. Pumiglia stated he was not saying he was in favor, but he had a hard time agreeing with only using the front lot for a road. Mr. Basinger stated he would not throw that plan out but would like to look at the significance of it. Ms. Bryant said he could come back with a road through the front. Mr. Basinger said it would need a Boulevard. Mr. King said not if it is a Town Road.

Mr. Trifilo stated all he wanted was a direction to go in. Mr. Basinger asked if 2 lots and a shared driveway was ok with the Board or did they want 2 separate driveways. He then added they will have to recount the neighbors concerns. The Board discussed. The opinion of the Board was 2 drives were good, but 1 was less of an impact and the less impact on the land the better. Mr. King stated he favors 2 drives. Mr. Trifilo stated he would keep the character with the neighborhood, protect the sides of the parcels and then put 1 home in the back. Mr. Basinger stated if Mr. Trifilo wanted to pursue that plan they would bring the public back. Ms. Bryant stated yes, they only had an informational meeting with the public and a public hearing is required. Mr. Basinger stated the Board wants the neighbors satisfied with the plan. Mr. Basinger then told the Board to give Mr. Trifilo a recommendation, did they want 2 drives side by side. Mr. Colozza stated the Board needed to let Mr. Trifilo do the design. Ms. Bryant stated Mr. Trifilo should draw it the way he wanted to submit it and return. Ms. Bryant asked for any additional comments, none were noted and thanked Mr. Trifilo.

**ACTION TAKEN**

Mr. Trifilo will return in November with a final plan to submit. Application was sent to County Planning with scheme 7 map, any new plan will have to be submitted as well.

Mr. Ward excused himself for the remainder of the meeting.

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**Minor Subdivision**

**Application #0009-07**

**Applicant: John & Donita Martindale**

Location: 658 West River Rd

Acres: 32 1/4

SBL#: 118-1-9.11

Zoning: AG

Surveyor:

Member Susan Martindale recused herself.

Ms. Bryant asked if this application has gone to the County for review. The Clerk stated it was sent October 10<sup>th</sup> to the County, no response yet. Ms. Bryant asked if the Board wanted to have a “walk through” on the parcel. Mr. Basinger stated they needed the legal issues answered from Mr. Ward. Mr. Basinger said they could schedule a “walk through”, but they need to wait for Mr. Ward to respond on legal issues before any decisions are made.

Ms. Bryant asked if they needed to actually use the required 25’ “Right of Way” R.O.W. Mr. King stated Mr. Ward said that needed more research. Mr. Mitchell said they need the viability of access across the other parcel. Mr. Martindale stated that has nothing to do with this project. Mr. Story said it shows 25’ on the River Rd for frontage. Ms. Bryant said that is temporary access. Mr. Martindale said that area is dry in the summer. Ms. Lofgren asked if it was wet in the spring. Ms. Bryant asked if the water was classified. Mr. Mitchell stated it is labeled as “*Tuttle Brook*” on the map.

Mr. Colozza stated they need emergency vehicle access. Mr. Martindale said they were only using the 25’ R.O.W until the road is built. Mr. Story asked what the Board would be looking for on the “walk”. Ms. Bryant stated the visuals. Mr. Martindale stated the Board had all the paperwork. Ms. Lofgren said it is normal for the Board to take “field walks”. Ms. Bryant agreed that “field walks” were done regularly. Mr. Basinger asked what the grade of the parcel was. Mr. Martindale stated it is all hills. Mr. Basinger said they need to see the access and the grades. Mr. Story said ok, he was willing to do a “field walk” with the Board. Ms. Bryant stated the Board needed permission from the landowner. Mr. Martindale said if that is what you have to do, they could have saved all the engineer work and the Board could have walked out there before.

Mr. King stated the Board needs the “topo” lines for the entire parcel. Mr. Martindale said he believed that was not needed. Ms. Bryant stated you (Mr. Martindale) said it was hilly. Mr. Basinger stated they could waive the need for “topo” lines. Ms.

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Bryant asked if it is hilly does the Board want to waive it. Mr. King agreed they needed a "site walk". Ms. Bryant asked about Saturday afternoon, at 1:00 PM (October 20<sup>th</sup>). The Board agreed.

Mr. Story asked if they had to buy a 50' R.O.W. Ms. Bryant said you need the road frontage. Mr. Story asked if he could buy an easement to satisfy that requirement. Ms. Bryant stated it needs to be a 25' usable driveway. Mr. Story asked even if they don't really use it, is it written that it has to be usable. Mr. King stated that it must be written in the regulations. Ms. Bryant said they would need clarification from Mr. Ward on that. Mr. Basinger said it would be reasonable to build an accessible driveway.

Ms. Bryant stated the "field walk" will be Saturday, October 20<sup>th</sup> at 1:00 PM and asked the Clerk to send notification out to all the members.

Mr. King asked if SEQR has been completed. Mr. Story said yes the long form.

Ms. Bryant asked if there was anything else to discuss on this application at this time. She then asked Mr. Colozza if it there was a classified stream. Mr. Colozza responded yes the County classified it, "Tuttle Brook".

Mr. King stated a driveway longer than 200' needs a turn around. Mr. Colozza added yes and it has to be big enough for emergency vehicles and for them to turn around by the house. Mr. Martindale said there would be a circle drive by the house. Mr. Basinger reiterated it needs to support the emergency vehicles. Ms. Bryant said she would send something to Mr. Ward on the driveway question, if it had to be useable. Mr. Basinger said it has to meet all the subdivision requirements and the site distances.

Mr. Story asked if there was anything else the Board needed. Mr. Colozza stated a response from SHIPO was needed and certification for the elevations even though they are on the map they still need the certification. Mr. Story asked why they needed the certificate if it was on the map. Mr. Colozza stated the surveyor will give them a flood certification and it is separate from the map. Mr. Colozza said there is a separate required form from FEMA the surveyor gets, he fills it out, stamps it then it gets filed with FEMA.

Ms. Bryant asked if there were any other questions. None were noted.

**ACTION TAKEN**

Need SHIPO response and flood certificate. Ms. Bryant will contact Mr. Ward for clarification on the driveway. The Board will take a "field walk" at the site Saturday, October 20<sup>th</sup> at 1:00 PM.

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**NEW BUSINESS**

NONE

**FUTURE MEETINGS:**

Monday, November 19, 2007 - Monthly Meeting

Mr. King motioned to adjourn at 9:25 PM.

Ms. Bryant 2<sup>nd</sup> the motion,

Unanimous by all members in attendance, motion passed, monthly meeting closed

Respectfully submitted

Tia Kilburn, Planning Board Clerk