

Town of Northumberland Planning Board

Minutes

Monday, November 19, 2007 7:00 pm

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*Subject to Planning Board approval*

**Present:** Patricia Bryant, Chairperson, James Heber, CJ Lofgren, Susan Martindale, Wayne Durr, Bernadette Marry

**Absent:** Brit Basinger - Vice Chairperson, Jeff King and Kevin Pumiglia

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

Chairperson, Patricia Bryant open the monthly meeting at 7:30 PM  
All in attendance stood and recited the pledge of allegiance.

**OLD BUSINESS**

**Site Plan Review - Special Use Permit**

**Application #0010-07**

**Applicant: Adam Kolasienski**

Location: Route 50

SBL#:

Zoning: Comm/Residential

Mr. Kolasienski came forward and the Board discussed County Planning's response. County Planning approved with a comment; *the town may want the applicant to contact NYS DOT to review the existing drive onto Rte. 50 subject to the change in use*, as per their letter. The Board received and reviewed the final map. Ms. Bryant asked if there was anything else on this application. Nothing was noted.

Mr. Heber made a motion to approve.

Mr. Durr 2<sup>nd</sup> the motion,

Unanimous by all members in attendance, motion passed 6-0, application approved.

**ACTION TAKEN**

Application approved by motion 6-0, Special Use Permit - Site Plan Review.

**Minor Subdivision**

**Application #: 000-07**

**Applicant: Scot Trifilo**

Location: Loudon Road

SBL#: 155-1-31

Acres: 39+

Zoning: R-3

Surveyor: ABD Engineers

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Unable to attend, will return in December.

**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:

The Board asked for the elevation maps, the clerk gave the map to the Board. Mr. Heber asked to review SEQRA. Ms. Bryant discussed this application with new alternate member, Mrs. Marry to bring her up to date.

Mr. Colozza and Mr. Mitchell reviewed the elevation certificate. Ms. Bryant asked Mr. Colozza if Mr. Ward was going to attend tonight. Mr. Colozza said he believed he was. Ms. Bryant said they should wait a few minutes for Mr. Ward and then she asked Mr. Mitchell if there were any engineering issues. Mr. Mitchell stated he didn't think so at this time. Ms. Bryant said the Board could wait a few more minutes for Mr. Ward for his legal expertise.

Mr. Martindale said he had talked to the State about SHIPO and they told him they do not send letters out anymore. They have changed their procedures and the Board can over-ride the letter. The Realtor representing Mr. & Mrs. Martindale said this Board is the lead agency and they don't have to wait for the letter from SHIPO. Ms. Bryant stated it is this Board's procedure to wait for the letter. Mr. Story insisted the State Office does not send letters anymore and the decision is up to the individual Boards. Mr. Heber said it is easier if the State sends a map showing what to protect. Mr. Story said they already know they have to protect the Church and the Canal. Mr. Mitchell stated the agency requires SHIPO to sign off and Ms. Bryant said she would like something in writing because it is the State they are dealing with. Mr. Mitchell asked if the location was within 1 mile from the Church or Canal. Mr. Story said yes, it is right across the river. Mr. Mitchell said the Board could approve this application with contingency "subject to SHIPO" and then a sign off is not required. Mr. Colozza discussed the new SHIPO form printed from the State Historic Preservation Office's web site. Mr. Colozza said Harold Burger, Mr. And Mrs. Martindale's engineer sent their form to SHIPO last week. Mr. Durr said if SHIPO was filed they should wait for the response. Ms. Bryant stated without SHIPO's response they cannot finish the SEQRA form. Mr. Colozza said this is a sensitive area according to a map the applicant submitted. Mr. Mitchell asked Mr. Colozza how long the determination usually takes from SHIPO. Mr. Story said the State

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has changed the rules and this Board can waive SHIPO. Ms. Bryant said if information comes in from the State affecting SEQRA they need to act on it. Mr. Story stated just the Church and the canal. Ms. Bryant reiterated there were questions on the SEQRA form she and Mr. Heber felt they could not answer without SHIPO's response. Mr. Heber read from the SEQRA form, Part 2, question #12, Impact on Historical and Archaeological Resources and said he was just doing the questions the final decision is up to the Board. Ms. Bryant asked Mr. Heber if there were other areas on the SEQRA in question. Mr. Heber checked the rest of the SEQRA form. Ms. Lofgren asked where the historical marker was located. Ms. Bryant asked what the marker was for. Mr. Colozza stated it is for the Fort Miller site and it is located on this property. Ms. Bryant asked why the marker was on our side of the river. Mrs. Martindale stated it is not currently there because the State came and took it, she thinks for repairs. Mr. Heber reviewed and explained why he felt they should wait for SHIPO then read from SEQRA the questions pertaining to the Impact on Historical and Archaeological Resources as follows, ° *Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.* and ° *Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.* Mr. Story stated there should be a letter from SHIPO in the file. Ms. Bryant asked the Clerk if there was a letter. Mr. Colozza responded it was a map supplied by the applicant prepared by the New York State Parks, Recreation and Historic Preservation showing the project site is in a sensitive area. The Clerk gave the map to the Board. Ms. Bryant pointed out the gray area on the map was an agrological sensitive area and this parcel was in there. Mr. Story stated the whole river is in that area. Mr. Mitchell said if it is within 1 mile of identified sites it needs SHIPO. Discussion ensued on land disturbances that has occurred for many years due to farming. It was stated the corn fields have been tilled repeatedly, and the Board discussed the 2' above the flood plain. Mrs. Marry stated they would have found something there with all the disturbances, and Mr. Heber agreed.

Ms. Bryant asked Mr. Mitchell if he was ok with this application. Mr. Mitchell stated yes. Ms. Bryant asked the Board if they were ok with scheduling a Public Hearing for December. The Board responded in the affirmative. Mr. Heber said they should still have some answers from SHIPO. Mr. & Mrs. Martindale and Mr. Story discussed the delays with this application waiting for answers from Mr. Ward. Mr. Martindale asked if there were any problems on the SEQRA. Ms. Bryant stated they were not expecting any problems if they receive the answers to finish SEQRA. Mr. Colozza said he would let the Board know when Mr. Ward responds. Ms. Bryant said ok then, we will schedule a Public Hearing for December. A short discussion on the driveway took place and the need to wait for Mr. Ward to respond on that issue. Mr. Colozza mentioned the proximity of the cattle to the neighbors well. They have moved the fence containing cattle closer to the neighbors well/property. Mr. Colozza stated the neighbor has been in the office and calling to inquire about what they should do about it. Mr. Colozza stated

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he expected those neighbors to appear at the Public Hearing.

**ACTION TAKEN**

Public Hearing will be scheduled for December 17<sup>th</sup>, 7:00 P.M. Mr. Colozza will contact SHIPO. Ms. Bryant will contact Mr. Ward for legal answers on the driveway.

**NEW BUSINESS**

**Site Plan Review - Special Use Permit**

**Application #0011-07**

**Applicant: Elizabeth Kirkwood**

Location: 5 Wilton-Gansevoort Rd (Gansevoort Mansion)

SBL#: 103-12-4-1

Zoning: Hamlet

Ms. Bryant asked Mrs. Kirkwood about her plan. The Clerk gave the Board copies of the site plan. Mrs. Kirkwood came forward to discuss it. Mr. Heber asked if the upstairs is still in good shape. Mrs. Kirkwood said yes, currently the owners live on the first floor. Ms. Bryant asked if they wanted to complete the third floor. Mrs. Kirkwood said yes, actually they will be using the second floor for the bedrooms and eventually complete the third floor. Ms. Bryant asked if they were changing the structure. Mrs. Kirkwood said no not the structure just some up keep and improvements. Mrs. Marry asked if there was a business or something in there a while ago. Mr. Heber said no and Ms. Lofgren stated there is a hair salon in there now. Mrs. Kirkwood responded yes, the current owner uses the cellar for the hair salon and they reside on the 1<sup>st</sup> floor. Mr. Heber asked if the plan was just a bed and breakfast. Mrs. Kirkwood stated she would like a bed and breakfast with breakfast, lunch and a bakery. Ms. Lofgren asked how many rooms was she going to have. Mrs. Kirkwood said four to five bedrooms upstairs. Mr. Colozza stated this is a site plan review for a special use permit. Ms. Bryant stated it would involve things like the lighting and parking. Mr. Colozza said go through the site plan review checklist in the regulations. Mr. Heber asked Mrs. Kirkwood if she had a regulation book. Mrs. Kirkwood responded yes, she was trying to follow all the requirements as listed. The Board reviewed and discussed the plan.

Ms. Martindale asked if Mrs. Kirkwood was planning on updating the pavilion on the property. Mrs. Kirkwood said not at this time. Mr. Heber asked if she was leaving the grass around the building. Mrs. Kirkwood said they may have to bring in some gravel for parking but she planned on leaving the grass alone. Mr. Durr asked how many acres were there. Mrs. Kirkwood said 1.49 acres. Mr. Heber reviewed the regulations for the site plan review and what was required for a site plan.

Mr. Heber reviewed the *Schedule of Permitted Uses* in the Zoning Regulations and

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discussed. He stated the required minimum lot size, the frontage, setbacks and maximum lot coverage, as listed for a bed and breakfast. Mr. Heber reiterated a special use permit is needed. Ms. Bryant discussed the parking and buffer requirements. Mrs. Kirkwood said yes they had thought about that as well. Ms. Bryant said just to plant small shrubs or trees. Mrs. Kirkwood asked if some small pines were ok. Mr. Heber said just put it all on the plan. Ms. Bryant discussed the lighting and said no street lights, just some down lights, not up lights and keep the light on the property. Ms. Lofgren said subtle lights, Mrs. Marry said the plan has nice solar lighting on it.

Ms. Bryant asked if Mr. Mitchell could see any issues. Mr. Mitchell responded no. Mr. Heber said it all look good with him. Mrs. Kirkwood asked about a sign, how big could it be and what kind. Mr. Colozza discussed the requirements for signage. Ms. Bryant asked if they had a sketch of a sign and added the Board likes wooden signs with lights.

Mr. Heber and Mr. Colozza discussed this going to the State for the proposed renovations. Mr. Colozza stated it has to because it is on the State's list for Historical Preservation and Mr. Heber agreed. Mrs. Kirkwood stated she called the New York State Historical Preservation and they said it did not need to because this Board could approve it. Ms. Bryant stated that doesn't sound right. Mr. Heber added everything on the State's list has to go. Mr. Durr stated they still need the form. Mr. Colozza said he would check with the State. Mrs. Kirkwood said she would give Mr. Colozza the name of the gentleman she spoke with at the State. Mr. Heber explained the State gives this Board permission to give you permission.

Ms. Bryant said she thought this would be a short form SEQRA and asked Mr. Colozza if it had to go to the County for review. Mr. Colozza said it is on a County Road, in the agricultural district and there is a church next door. Ms. Bryant responded ok, to the County then. Mr. Heber said anything 500' from a public building needs to go and that would be the church.

Ms. Bryant asked the Board what kind of drawing they were thinking of. Mr. Heber said something similar to the last applicant's with the plants, trees and lighting. Ms. Bryant asked if that includes the neighbors. Mr. Heber responded no, just a site plan like the one on Route 50, Mr. Kolasienski. Ms. Bryant showed Mrs. Kirkwood a copy of Mr. Kolasienski's map. Mrs. Kirkwood asked if she needed a surveyor to do the map. Mr. Heber stated usually yes because it is done to scale. Ms. Bryant said the Board can waive some requirements and gave Mrs. Kirkwood a copy of Mr. Kolasienski's map for a reference. Ms. Bryant then asked the Board if they were ok with Mrs. Kirkwood drawing the map if she did it to scale. Mr. Durr stated he was willing to take a look at it. Discussion on what to include on the map.

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Mrs. Kirkwood stated she wanted to close in February with her bank but she will need the approval first. Mr. Heber said she can put a bed & breakfast there, however, it is how she does it, it is already allowed by Zoning. Mr. Mitchell stated she should contact the Health Department to see what is required. Mr. Colozza stated it can't exceed 5 bedrooms. Mr. Durr asked if the 4 or 5 planned bedrooms were for one floor. Mrs. Kirkwood stated it would be total. Ms. Bryant said the maximum rooms allowed was 5 as stated in the definition for a bed and breakfast in the Zoning Regulations and added Mrs. Kirkwood should contact the health department for additional requirements. Mr. Colozza said the health department is tougher than this Board and with the restaurant / bakery they may have other requirements. Ms. Bryant agreed it is better to know what is required before she put a lot of time and money into this project.

Ms. Bryant asked if there were any more questions for Mrs. Kirkwood. None were noted.

**ACTION TAKEN**

Mrs. Kirkwood will return with a complete map - to scale - with everything to be considered included and a sketch of the sign. Mrs. Kirkwood will give Mr. Colozza the gentleman's name she spoke with at the State.

**MISC.**

Brampton Woods - C & S Construction, Application for acceptance of Town Roads and Drainage Easements.

Mr. Colozza asked if there was a Board Member willing to go out to the location and do a "walk thru" for approval. The Town Highway Superintendent, Neil Petteys and Mr. Mitchell will need to approve as well. Mr. Heber offered to do the "walk thru". Mr. Colozza stated he would find out when.

**FUTURE MEETINGS:**

Monday, December 17<sup>th</sup> - Agenda meeting 6:30 P.M.

Public Hearing - Martindale / Story - December 17<sup>th</sup>, 7:00 P.M