

Town of Northumberland Planning Board
Minutes
Monday, July 16, 2007 7:00 pm
Page 1 of 6
Approved by Planning Board with corrections

Present: Patricia Bryant, Chairperson, James Heber, Susan Martindale, Kevin Pumiglia, Joseph Kowalewski and CJ Lofgren

Absent: Brit Basinger, Vice-Chairperson, Jeff King and Wayne Durr

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

Beginning time

was amended All in attendance stood and recited the Pledge of Allegiance

To 7:30 PM

by order of a

motion on Chairperson, Patricia Bryant opened the monthly meeting at 7:00 PM.

August 20, 2007

(page 11) **OLD BUSINESS**

Major Subdivision Preliminary Stage

Application #: 0001-07

Applicant: Scot Trifilo

Location: Loudon Road

SBL#: 155-1-31

Acres: 39+

Zoning: R-3

Surveyor: Joe Bianchine, ABD Engineers

Mr. Trifilo produced maps to review with the Board.

Ms. Bryant asked if anything was found that restricted a re-subdivision of these lands from the original subdivision. Ms. Bryant read aloud questions she had e-mailed to Town Attorney Mr. Ward pertaining to Mr. Trifilo's proposed subdivision. As follows;

Can an original subdivision be broken or is the assumption of the purchasers that the lots they bought and the neighboring lots will remain intact valid?

If we let Scot Trifilo put two houses on the front parcel, which was a lot in the original subdivision, do we open the door for all the owners of lots in that original subdivision? *The assumption is that we can do flag lots, if there is a defined benefit to the town.*

The Trifilo subdivision was originally two parcels, which were made into one lot by a lot line adjustment that did not come to the Planning board. The one parcel was originally in the previously approved subdivision. What impact does this have on our review?

Mr. Ward responded, there is nothing in the subdivision approval with any restrictions. There is no real instruction from the previous subdivision. People who purchased parcels from the previous subdivision probably assumed that was as far as the division would go. If the Board lets Mr. Trifilo subdivide it will be difficult to restrict the others from subdividing as well. Some guidance can be found in the Town of Northumberland Subdivision and Regulations book. Mr. Ward suggested looking at the Comprehensive Plan, Section I - Declaration of Policy. One thing contained in the Declaration is "*that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of neighboring properties..*" The community characteristics include a requirement of 3 acre parcels, larger lots maybe required.

One of the next steps will be the SEQR (*State Environmental Quality Review*) form. Mr. Ward explained the impact of a possible positive declaration on the SEQR. A negative declaration declared on SEQR by the Board would mean there is no impact on the

community and could allow the subdivision. A positive declaration declared on the SEQR by the Board would mean there is

Town of Northumberland Planning Board

Minutes

Monday, July 16, 2007 7:00 pm

Page 2 of 6

Approved by Planning Board with corrections

an impact on the community and could result in a possible decline in the approval of the subdivision. The key is to make it clear what the Board is saying on the SEQR form and why.

Ms. Bryant wanted to address the keyhole lots. Mr. Ward stated the Board can allow the keyhole lots, however, it is not required and are discouraged in the Subdivision Regulations and by the Town Board. This Board should not allow keyhole lots unless there is a benefit to the Town.

Ms. Bryant wanted to discuss the two separate parcels. Mr. Trifilo stated he never joined the two lots but he has only one tax bill for both. Mr. Ward said it is still two parcels and the tax bill is not relevant, tax status is separate from the issues this Board has, this situation needs a lot line adjustment approved by this Board.

Mr. Trifilo wanted to make sure the Board understood Mr. Kudlacik, a neighboring land owner, who was standing up examining the maps and information was not with Mr. Trifilo and did not represent him in any way. This is a public meeting and the public is allowed to examine information before the Board.

Mr. Trifilo wanted to discuss the surrounding parcels and some of the landowners have offered to sell to Mr. Trifilo. If this Board takes away Mr. Trifilo's rights to Subdivide they are taking all of the other neighbors' rights away as well. Ms. Bryant stated that is why this Board is being careful with their decision and no decision has been made at this time.

Ms. Bryant wanted to know what the legal options are. Mr. Ward stated once the Board articulates what they are doing and why he can help them. One focus for the Board should be what is being said about the community characteristics and try to preserve and keep it in harmony. Once it is decided how to go the Board should talk to him before SEQR is completed. The Board should also consider transportation within the parcel for the fire company and emergency squad.

Mr. Pumiglia asked about the wetlands. Mr. Ward asked if they have been delineated? Mr. Trifilo stated yes they have.

Ms. Bryant asked if there were any more questions for Mr. Ward. None were noted.

Mr. Trifilo had a couple of different maps, Ms. Bryant asked which plan he wanted the Board to review. Mr. Trifilo stated they were the same except they had different configurations for the driveways in an attempt to keep the community characteristic the same. Ms. Bryant asked about the distance from the road of the first home. Mr. Trifilo said it would be in character with the neighboring homes so he would keep it the same distance as those. Mr. Trifilo stated he wanted to keep as much of the green space as he can. Ms. Bryant asked if the parcel drops off in the back. Mr. Trifilo responded, no.

Discussion ensued on the driveways and the concept of one driveway with three right of ways.

Mr. Colozza stated the first home would have to be moved back 700' to achieve the road frontage of 25' per each home. For the four homes Mr. Trifilo would need 200' road frontage and there is only 125' road frontage available. Mr. Trifilo stated he would like a letter from the Board with all the requirements he can give to his attorney.

Discussion ensued on if this is a conventional plan.

Mr. Trifilo said this plan is conventional, and Mr. Colozza disagreed. Mr. Heber explained the Zoning concept of the road frontage. Mr. Trifilo stated if he got a variance he could do this plan. Ms. Bryant stated this Board does not control the variance. Mr. Colozza reminded the Board and Mr. Trifilo he would not need a variance if he moved the first home back.

Mr. Pumiglia asked about the large parcel in the back and why didn't Mr. Trifilo want more lots?

Mr. Trifilo stated he is not a quantity builder. Mr. Trifilo asked what if he built a Town Road?

Mr. Colozza responded with it would have to be 60' wide and it would tear up the subdivision. A Town road is not needed if he

moves the first house back and used 2 keyhole lots. Mr. Pumiglia stated he did not see the benefit of leaving the large parcel in the back vacant. Mr. Trifilo could place at least five houses back there which would make up for having to build a Town road. Mr. Trifilo stated he sees keyhole lots all over the Town of Northumberland. Mr. Colozza asked if the Town was prepared to tear up the subdivision. Mr. Heber stated in his opinion that community has houses with long driveways.

Town of Northumberland Planning Board

Minutes

Monday, July 16, 2007 7:00 pm

Page 3 of 6

Approved by Planning Board with corrections

Ms. Bryant asked the Board for their thoughts on 4 flag lots. Mr. Heber stated he was ok with the shared driveways as long as the language was put on the maps. Mr. Trifilo said he would have to look into the road and 4 houses in the back, maybe he would have to add more homes and have a total of 7 or 8 to cover his cost of the road construction. Ms. Bryant stated that was an option for Mr. Trifilo. Mr. Heber said he did not believe that would be what the Board wants because it would affect the character of the neighborhood. Ms. Bryant asked how 3 houses and 1 up in the front does not change the character and 7 houses in back does. Mr. Heber responded with a Boulevard would have to go in and that changes the character. Mr. Colozza stated it would have to go through a traffic survey and DOH. Mr. Trifilo said he did not want to go through a survey for 6 homes. Mr. Heber stated he could still have 4 lots in the back. Ms. Bryant wanted an idea of where the Board was going on this subdivision.

Mr. Trifilo inquired about a 60 stall horse barn. Ms. Bryant stated there was not enough room there for a 60 stall horse barn. Mr. Trifilo asked if barns are acceptable. Mr. Ward explained the Board is trying to give him options but, if he wants something different he needs to present the plans to the Board. Mr. Trifilo asked if someone wants horses does that change the character. Mr. Heber stated if someone buys it and it meets the Town regulations they can do what they want. Mr. Ward stated it horses will not change the character but a subdivision would. Mr. Trifilo wanted a definite answer if horse barns were allowed. Mr. Ward checked the book and did not see anything about barns in R-3 zoning. Ms. Bryant explained an agricultural use structure in R-3 was 10 acres with 300' frontage and 25' side and rear setbacks. Mr. Colozza explained it use to be 5 acre zoning, however it was changed. Mr. Trifilo asked about one horse farm on 40 acres could they put the stables wherever they wanted? Mr. Heber and Mr. Colozza responded it still depends on the setbacks. Mr. Heber suggested Mr. Trifilo purchase a Zoning Ordinance book. Mr. Trifilo stated he had one. Mr. Trifilo asked about accessory buildings in 3 acre zoning. Mr. Colozza said he could have accessory buildings but a horse barn was not an accessory building. Mr. Ward stated agricultural use is not for accessory buildings it is a Principal Use. Accessory use is sheds and etc.. taken from the book. Mr. Ward said you cannot have 2 principal uses on 1 parcel that would need a special use permit. Ms. Bryant said it would have to be either a farm or a dwelling. Mr. Trifilo asked what if someone wanted one house and a couple of horses? Mr. Ward stated that would require a special use permit. Mr. Ward asked Mr. Colozza is a special use permit a principal? Mr. Colozza responded is says its under a secondary principal use. Mr. Heber stated he still needs 10 acres for agricultural pursuits. Mr. Ward said the thing to do would be have a dwelling and accessory use. Mr. Trifilo said before he spends more money he wants to discuss his options a kennel or vineyard. Mr. Trifilo asked about a 40 acre working organic farm. Mr. Colozza asked if it had anything to do with the subdivision? Ms. Bryant said it could be if sold as 1 parcel. Mr. Trifilo stated he wanted to clarify allowed uses due to marketing for sale. Discussion ensued on allowed uses in that area. . Mr. Colozza asked Mr. Trifilo if he wanted to continue with the subdivision? Mr. Trifilo said he still needs a direction to go into. Mr. Pumiglia stated the best plan in his opinion was three flag hole lots and one non-conforming lot.

The Board re-examined the maps and discussed.

Mr. Colozza stated it still needs to meet the road frontage. Ms. Bryant asked if the Board was ok with four flag lots? Mr. Heber stated ok with a shared driveway but the language must be very clear. Mr. Ward said if the Board is going to allow the shared drives there should be a conveyance on the mylars so everyone understands the rules and the Town will not be stuck with liability. Additional discussion . Ms. Bryant agreed there needs to be extensive documentation .

Mr. Ward suggested moving onto the Preliminary Stage. Mr. Heber stated he wanted to see a good map showing everything. Mr. Colozza said Mr. Trifilo needs to do the deep hole and percolation test and show the building envelopes.

Mr. Heber also said this needs a lot line adjustment for the back lot. Mr. Trifilo stated he needs to go to his engineer and see if it will work before he spends more money. Mr. Colozza stated it is not complete until everything is in the office. The back section of the SEQR long form still needs to be submitted. Mr. Ward stated the Board only has 60 days from the date a negative declaration is declared (meaning without significant impact).

ACTION TAKEN:

No action was taken at this time. Mr. Trifilo needs to bring good maps with a plan showing everything, including the building envelopes, perk and deep hole test, wet land delineation and setbacks. Mr. Trifilo will return August 20th.

Town of Northumberland Planning Board

Minutes

Monday, July 16, 2007 7:00 pm

Page 4 of 6

Approved by Planning Board with corrections

Minor Subdivision

Application #: 0002-07

Applicant: Guy Murphy / Anne & Randall Decker

Location: 401 Coldbrook Road

SBL: 129.-1-20

Acres: 1.29

Number of Lots:

Zoning: R-3

Denial of Building permit due to area variance is needed from Zoning Board of Appeals and subdivision review is needed, zoning is residential 3 acres and there is only 1.29 acres available to build.

Mrs. Decker presented the septic plans to the Board and they reviewed.

Ms. Bryant discussed with Mr. Mitchell to bring him up to date on the status of this file.

Mr. Pumiglia asked if the well has been drawn? Mrs. Decker stated there is water there.

Ms. Martindale asked what is in the barn at this time. Mrs. Decker said it was only storage and there were no animals, and they are still waiting for a response from the County Historian on the age of the barn.

Ms. Martindale asked if they were planning on using the existing well. Mrs. Decker stated they were not sure yet.

Mr. Heber asked if this was the final plat or if this is just the septic design. Mrs. Decker responded these plans are only for the septic.

Discussion ensued on what was required to be on the final plat.

Mr. Heber stated all neighboring parcels needed to be shown and labeled Ms. Bryant suggested buying a Subdivision Regulation Book for the complete list of requirements. Mrs. Decker stated she had some pages from the book. Ms. Bryant asked if they were pages 15 - 19? Mrs. Decker said yes.

Ms. Bryant stated Mr. And Mrs. Decker have the area variance approval from the Zoning Board and it makes no sense to take the additional acreage from across the road.

Ms. Bryant asked Mr. Colozza if there were any more questions on this subdivision, Mr. Colozza stated no, looks like we have all the setbacks and the building envelope is there.

Mr. Heber stated the final plat can go to Mr. Mitchell for review.

Ms. Bryant suggested Mr. And Mrs. Decker bring everything needed for final review next meeting and the SEQR form has already been completed by the Zoning Board.

Mr. Heber made a motion to schedule a Public Hearing August 20th, 2007 at 7:00 PM.

Mr. Pumiglia 2nd the motion.

Unanimous by all in attendance.

ACTION TAKEN:

The Planning Clerk will schedule a Public Hearing for August 20th at 7:00 PM. Mr. And Mrs. Decker will have the final plat and all other necessary information available at the next meeting.

Major Subdivision

Application #: 0005-05

Applicant: Jon / Blanche Zuckerman

Town of Northumberland Planning Board

Minutes

Monday, July 16, 2007 7:00 pm

Page 5 of 6

Approved by Planning Board with corrections

Location: Routes 4 & 32

SBL: 131-1-10.12

Acres: 27+

Number of Lots: 3

Zoning: APD

Surveyor: Gregg Beswick

The Board reviewed the map with Mr. Beswick.

Ms. Bryant asked about a Conventional Design. Mr. Colozza stated this is an Agricultural District and it needs to be a Conservation Design.

Mr. Beswick language to the effect of no further subdivision with be put on the final plat. Ms. Bryant agreed that was a good idea.

Mr. Pumiglia suggested language for the shared drives be put on the final plat as well. Mr. Colozza stated all language should be put on the final plat and mylars and then sent to Mr. Ward.

Mr. Mitchell asked about the specifications for the driveways. Mr. Colozza said it would have to be reviewed for the width of the shared drives.

Mr. Colozza discussed the culvert / crossing the stream. Mr. Beswick said it will be sent to DEC.

Discussion about agencies to contact for SEQR lead agency coordination. DEC and the County. Shipo has already been completed.

Mr. Heber made a motion to schedule a Public Hearing August 20th, 2007.

Ms. Martindale 2nd the motion.

Unanimous by all in attendance.

ACTION TAKEN:

The Planning Clerk will submit information for Lead Agency Coordination to; New York State Department of Law, New York State DEC, Saratoga County Planning Board, and the Town of Northumberland Highway Department. Public Hearing will be scheduled for August 20th.

NEW BUSINESS

None

MISC.

Road Bond for DiSiena Subdivision / Colebrook Road in the amount of \$327,000.00.

Mr. Heber made a motion to approve.

Mr. Pumiglia 2nd the motion.

Unanimous by all in attendance.

Road Bond for Boswell / The Preserve at King Road in the amount of \$447,611.00.

Mr. Heber made a motion to approve.

Ms. Lofgren 2nd the motion.

Unanimous by all in attendance.

Town of Northumberland Planning Board
Minutes
Monday, July 16, 2007 7:00 pm
Page 6 of 6
Approved by Planning Board with corrections

Minutes

Mr. Heber made a motion to approve the May Planning Board minutes.

Ms. Lofgren 2nd the motion.

Unanimous by all in attendance.

Mr. Heber made a motion to approve the June Planning Board minutes with a correction.

Strike "Mr. Heber stated that if this parcel was part of the previous subdivision the water and septic should be ok." located on page 3, the last comment for Peter Marshalls' informal discussion, before the **Action Taken** segment.

Ms. Lofgren 2nd the motion.

Unanimous by all in attendance.

FUTURE MEETINGS

Monday, August 20th, 2007 Agenda meeting at 6:30 PM, Public Hearing at 7:00 PM

Mr. Heber made a motion to adjourn the July monthly meeting at 9:40 PM

Ms. Lofgren 2nd the motion and all in attendance unanimously agreed.

Respectfully submitted

Tia Kilburn, Planning Board Clerk