

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board

Monday, May 9, 2016 7:00 pm

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**Present:** Susan Martindale, Lisa Black, Melanie Eggleston James Heber, Vice Chairperson and Wayne Durr, Chairperson

**Absent:** Brit Basinger, Holly Rippon-Butler, Chad Reinemann and Jeff King

**Town Employees Present:** Tia Kilburn, Clerk and Richard Colozza, Code Enforcement Officer.

Wayne Durr, Chairperson, opened the public hearing at 7:03 PM.

All in attendance stood and recited the Pledge of Allegiance

Mr. Durr invited the applicant for application #0004-16, John Gallup to address the public for the public hearing, Mr. Gallup was not present and was represented by his wife Linda Gallup. Mrs. Gallup apologized because they did not have the map from the surveyor as of yet, apparently the surveyor is having trouble because the deeds are so old and there are not many accessible post or rods to go by. Mr. Heber stated they can continue with the public hearing in case anyone has questions for Mrs. Gallup. Mr. Durr directed Mrs. Gallup to explain to the public what they proposed. Mrs. Gallup stated they own 69 +/- acres on Thomas Road as one parcel on one deed, they are not changing any of the use however they would like to subdivide into 3 separate lots for better options in the future in case the need to sell one of them arises. She stated there is a creek that runs around her existing single family residence and a steep bank that act as a natural property line on for approximately 8 acres, there is an approximate 16 acres in the back behind her dwelling and another 45 acres on the other side of the road as the three lots they are proposing. Mr. Durr asked if there was any discussion from the public, none was noted, he then stated they would leave the public hearing open and Mrs. Gallup can return June 13th.

Mr. Durr then introduced the second public hearing for the meeting, application #0006-16, applicant Lisa Breen, Tisa Development, LLC. for a 2 lot subdivision. Mr. Kevin Weed, surveyor, displayed the survey map and stated he would be representing the applicant. Mr. Durr asked Mr. Weed to give an overview of the proposal. Mr. Weed proceeded to explain they propose to subdivide 4.28 acres from approximately 7.96 acres to build a single family residence in the future in a 1 acre residential zone, currently there is a single family residence being constructed on the parcel that will still contain 3.76 acres in a 1 acre zone if the subdivision is complete. Mr. Weed said both the single family being constructed now and one to be constructed will have their own private well and septic. He added what they are calling Lot A is for the future single family residence has road frontage on both King Road and Caitlin Court, they will be using Caitlin Court as access with the driveway so they do not disturb the wetlands on the parcel on the King Road side, He added the 2nd parcel he will refer to as Lot B with the current construction of a single family residence was granted an area variance by the Zoning Board because of an error with setbacks and the garage foundation. He added Lot B had an existing private well and septic. Mr. Durr asked if there were any discussion from the public in attendance. A neighbor stated he was concerned with the cut for the driveway, Mr. Weed explained they were not changing the lot lines it would be as it is currently. Mr. Irish stated his address and that he was concerned with the water supply, although they all have private wells the water supply is already not very good. He added he has been dealing with wet areas on his parcel and now he is concerned he will be getting more water on his property, he then asked Ms. Breen to tell him more about the size of the future single family dwelling that will be built there. Ms. Breen stated they do not have any plans as of yet, she is just trying to subdivide for the option of building there. Mr. Irish then stated he would like more information before a decision was made, and asked if he had any say in the project. He added he already has issues on his property and wanted to know the reason the dwelling would be built so close to his property. Mr. Weed stated they need to abide by the set back requirements for everything including for the well and septic, he also said they cannot move any further back because there is a slope and they need to stay 100 ft away from the wet lands. Mr. Irish stated he had to build on the existing grade and was concerned when they graded that lot or backfilled they would be creating more water to move to his property, Mr. Weed stated there should not be much grade work. Ms. Breen asked Mr. Weed if they could move it at all, Mr. Weed stated they can go back another 50' to keep a buffer. Mr. Irish stated he has always had a wet lands and a low spot to the right of his driveway. Mr. Weed said New York State Department of Conservation did a site visit and did say that was the wet lands, Mr. Irish stated they told him it was wetlands so they must have changed the maps again. Mr. Herrica stated that was DEC, what about Army Corps of Engineers, he added across the street is all under the control of the Army Corps of Engineers. Mr. Irish stated he just did not want the new house that close to his, and asked if they couldn't flip it to the other side and put the driveway over there. Ms. Breen stated she will work with it to satisfy the neighbors. Ms. Eggleston asked if they had deep wells or point wells, Mr. Irish responded his was a deep well, he explained he was the first to build in the neighborhood and when they drilled his well they stopped at 260' but had nothing but grey water so they had to go further to 320', he added it has been a struggle and he still does not have the best water. Another neighbor stated any disturbance and they have trouble with the wells, he stated he has already had to

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spend \$12,000 and his water still is not right. Mr. Irish asked if they have tested for the well location yet, Mr. Weed stated they will do that at the time they apply for the building permit. Mr. Colozza stated the subdivision meets New York State Department of Health's code as approved wells; they just have to drill until they get water. Mr. Heber asked if the contours shown on the map were the old or existing contours. Mr. Weed stated they are the existing at 5' intervals. Mr. Heber then told Mr. Irish by that his lot is higher than the lot to be subdivided so the water should not go onto his property. Mr. Irish stated they built up his lot, they spent a lot of money to cure the wet spots and the position of the new house could change all that and create more wet spots. Mr. Durr asked Mr. Heber if there was any other discussion, Mr. Heber reiterated the maps show Mr. Irish's lot is higher. Mr. Irish said if they are planning on a walkout foundation they will have to build it up. Ms. Eggleston stated the variance was granted and asked if they would refresh her memory. Mr. Weed said the variance was a 13' front yard variance for the dwelling currently under construction because the road cut changed and the excavator followed the old maps for the foundation. Mr. Irish asked if anything will be changing on the part of the lot located behind him going out to King Road. Mr. Colozza stated there is no need to make changes because they are using Caitlin Court as the access. Mr. Durr asked if there were any other concerns, Mr. Irish asked what they accomplished voicing their concerns, Mr. Durr explained they appreciate the public comments and they will be considered prior to issuing a building permit. Mr. Heber stated they have proven they can meet the setbacks and subdivision requirements where they propose to put the house, Ms. Breen can move the house however, she doesn't have to. Mr. Durr agreed as long as she follows the laws and regulations for the placement of the home then he said she did say she would work with the neighbors. Mr. Irish asked if there would be another public hearing with more information on the dwelling to be built, Mr. Durr responded no. Mr. Irish asked Ms. Breen to please consider a left side driveway, Ms. Breen said yes, she will consider that and she will stay as far away from his property as possible. Mr. Irish asked if she would move it make more into the lot, Ms. Breen said she would consider however, that will be more money in the cost of the driveway and she has to watch the setbacks from the wetlands. Mr. Weed said yes they could go a little bit further depending on the size of the home. Ms. Breen said the current one she is building is 2500 sq ft and she anticipated this next one to be a little larger. Mr. Irish stated he was asking because of the affect on property values, Ms. Breen asked if he felt the current one being built diminished his property value, Mr. Irish responded no. Mr. Durr stated they appreciate the public comments.

Mr. Heber made a motion to close the public hearing for application #0006-16,  
Ms. Martindale 2nd the motion,  
All in attendance unanimously agreed.

Mr. Durr stated they would now continue with the regular monthly meeting and introduced the first application #0001-16 for Joyce Cole, minor subdivision, Ms. Cole addressed the Board and stated she is the 2nd farm from Wilton Gansevoort Road on Thomas Road; she is proposing a 2 lot subdivision. She explained the 6.2 acre area variance she needed to retain her agricultural pursuits was approved by the Zoning Board of Appeals, the Zoning Board also completed the SEQRA, State Environmental Quality Review Long Form, she added the joint public hearing was closed and now she needed to complete the subdivision process. Ms. Cole explained the variance was approved with restrictions, she can only have 1 large animal defined as 50 lbs and over per acre and only 20 small animals for the entire parcel. She said Mr. Smith will purchase the larger lot for continued agricultural pursuits, approximately 44 acres. Ms. Cole stated she is very intent on keeping the character of the road with the old farms therefore there are no changes planned. Mr. Durr asked if there were any additional questions or concerns from the Board, none were noted.

Mr. Heber made a motion to approve application #0006-16 for a 2 lot subdivision as proposed by Joyce Cole,  
Ms. Martindale 2nd the motion,  
All in attendance unanimously agreed.

ACTION

Application approved as revised.

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Application #: 0006-16 - Subdivision

Mr. Durr asked Mr. Weed to approach the Board. Mr. Heber asked if SEQRA, State Environmental Quality Review Form was completed, Mr. Weed stated yes a Negative Declaration was declared by the Zoning Board of Appeals. Mr. Durr asked what else they needed to review for this application. Nothing was noted.

Mr. Heber made a motion to approve application #0006-16 for a major 2 lot subdivision as submitted.

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed.

ACTION

Application approved.

Application #: 0005-16 - Site Plan, Dollar General

Ms. Caryn Mlodzianowski introduced herself and approached the Board, she stated she would be representing the applicant Primax Properties, LLC tonight, she added previously Chris Boyea had attended. Mr. Durr noted there were a few neighbors in attendance tonight and stated this was not an official public hearing however, he would allow reasonable public participation. Mr. Bombard introduced himself and stated he is a neighbor to the parcel they are proposing to build the Dollar General, he stated he was concerned because people knew nothing of this application / proposal before this Board, they were not notified and he has spoken to several people and they do not want this Dollar General. Mr. Bombard then asked who makes the final decision to allow the construction of the Dollar General at this location, Mr. Durr responded this Planning Board will review and rule based on the laws of the Town of Northumberland, he then explained notices will be mailed out via registered mail to all the surrounding neighbors and a notice will be published in two newspapers. Mr. Durr then added the Town Board oversees this Board and he is always welcome to discuss it with them. Mr. Bombard asked who he would present a petition too, Mr. Heber responded it is up to the Town Board because they would have to change the Town Laws / Zoning because this use is allowed in that area. Mr. Bombard stated he did not have any time to prepare because he just found out over the weekend the Dollar General is being proposed at that location. Mr. Durr stated this Board appreciates his concern. Ms. Mlodzianowski explained the location as 51 New York State Route 32, within the Hamlet of Gansevoort, she added Mr. Boyea 1st presented the application to this Board and was then directed to go to the Zoning Board of Appeals for an interpretation due to the two zones involved, the front parcel where the building will be placed is in the hamlet zone and the part they are proposing a lot line adjustment is in the agricultural zone, the Zoning Board determined for this application and the proposed lot line adjustment it would be entirely in the hamlet zone. Mr. Durr asked if there were any issues with the number of parking or the parking in the agricultural, Mr. Colozza responded they determined it was all hamlet therefore parking is allowed, the "ghost parking" would be in the agricultural zone it needed. Ms. Martindale asked if they determined there is enough green space, Ms. Mlodzianowski stated they are proposing 65% green space and 17 land bank parking spaces, they meet all the setbacks and they have the approval for the access (driveway). Mr. Durr asked if the approval is in the file, Ms. Mlodzianowski said they do not have it in writing as of yet. She then added they recently submitted additional site plan showing natural trees, a 6' fence, the utility design, landscaping, the lighting and a full SEQRA, State Environmental Quality Review Form, in addition they are hoping to get this submitted to Saratoga County Planning Board, determine the lead on SEQRA and schedule the public hearing. Mr. Durr stated they are not ready to send this to the County yet, Mr. Heber interjected the road view needs improvement. Ms. Mlodzianowski responded she will take back the architectural design, maybe put false shutters on the side of the building but they cannot place actual windows there. Discussion ensued on the design of the building. Mr. Heber suggested landscaping in the front and neighboring sides to blend and for a better view in a residential district, he added the big square building is not good. Discussion then ensued on the lot line and site plan. Ms. Mlodzianowski stated New York State Department of Conservation regulates the storm water area. Mr. Durr stated they had to address the lot line adjustment first, and then the site plan. Ms. Mlodzianowski asked if they could schedule a public hearing for next month, Mr. Durr responded no, Ms. Mlodzianowski asked what

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they needed, Mr. Durr responded show improvement to the road view. Mr. Durr then asked Mr. Colozza if he could contact New York State Department of Transportation and get an opinion on the ingress / egress for this proposed plan. Mr. Colozza agreed. Mr. Heber asked where the landscape plan was, Ms. Mlodzianowski stated it was the 3rd sheet in the packet, Mr. Heber then added he would like to see the location of the neighbors houses on the map, Ms. Mlodzianowski responded ok. Mr. Durr asked if there were any additional public participation, Ms. Parzych stated she and her husband just purchased the house right next door and was not aware of this proposal, she said if they had known they would not have bought the house. She then added they have two small children and was concerned about the traffic and lighting. Mr. Heber asked her to show the Board where she lived, She indicated on the map where her house was in reference to the proposed Dollar General. Mr. Heber suggested the applicant can create a buffer maybe of shrubs between them, Mr. Durr interjected there will be a stockade fence on the other side and Ms. Mlodzianowski said it will be on both sides. Mr. Bombard asked who did the studies for the lighting and environmental studies, Mr. Heber responded this Board does. Mr. Durr then reiterated the Board appreciates public participation and they would like to see a better plan for the road side view, a thicker landscape plan between the neighbors on both sides and the opinion from the local dpw, he added they will then put them on the agenda for next month to continue with the lot line adjustment review, Ms. Mlodzianowski agreed, Mr. Heber added to show the 6' fence on the lot line with trees bigger than the fences, discussion then ensued on the proposed sign for the location. It was determined the Board would like to see a different design than the large sign in the air, the Town Ordinance does not allow for that type of lighted sign.

ACTION

Lead SEQRA, State Environmental Quality Review notices to be sent, applicant will return with revised plan, architectural design, landscaping and the sign. Mr. Colozza will contact NYS DOT.

MISCELLANEOUS

Mr. Heber made a motion to accept the April Planning Board minutes as submitted,  
Ms. Martindale 2nd the motion,  
All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the meeting at 8:40 PM,  
Ms. Martindale 2nd the motion,  
All in attendance unanimously agreed.

FUTURE MEETINGS:

Continuation of Public Hearing June 13, 2016, for application #0004-16, regular monthly meeting to follow

Respectfully Submitted,  
Tia Kilburn, Planning Board Clerk