

Town of Northumberland Planning Board

Minutes

Monday, May 10, 2010 7:30 pm

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Subject to Planning Board Approval

Present: James Heber, CJ Lofgren, Jeff King, Susan Martindale, Kevin Pumiglia, Brit Basinger - Vice Chairperson, Lisa Black – alternate , John DeLisle – alternate and Wayne Durr – Chairperson

Absent:

Town Employees Present: Richard Colozza, Code Enforcement Officer and Tia Kilburn, Planning Board Clerk

Chairperson, Mr. Durr opened the monthly meeting at 7:30 PM, all in attendance stood and recited the Pledge of Allegiance.

OLD BUSINESS

None

NEW BUSINESS

Lot Line Adjustment

Application #0002-10

Applicant: Danielle Crosse

Location: 4649 Route 50

SBL#: 129.6-1-2 & 129.6-1-3

Zoning: R-1

Status: Preliminary

Danielle Crosse presented a survey of her lot to the Board and explained the dotted line on the map was the existing lot. She stated she was unaware her wood shed, a fence, raised flower beds and shrubs she had planted with her Grandfather were not on her parcel. The purpose of this application is to trade land so she would not lose these items. She stated her lot is currently 1.25 acres and after the adjustment it would be approximately 1.31 acres. Ms. Crosse stated at the time of Rimbrave Estates Subdivision land was dedicated to the Karner Blue Butterfly and it would not be affected by this action. Mr. Basinger asked to see the subdivision map; Mr. Pumiglia asked where the land for the butterfly was located. Ms. Crosse indicated the location. Mr. Pumiglia asked if the only lots to be affected were these two, Ms. Crosse confirmed. Mr. Basinger asked if there were any notes on the original approval for the subdivision to prevent this action, Mr. Colozza said he doesn't know of anything, however, he hasn't checked the subdivision maps yet. Discussion ensued, the newly created setbacks were discussed and the zoning.

Mr. Heber made a motion to waive the Public Hearing,

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed, motion passed.

Mr. Heber made a motion to approve the Lot Line Adjustment for Danielle Crosse, application # 0002-10, with the stipulation it is contingent upon the property line closest to the garage of survey map dated May 3, 2010, labeled E-1 meet or exceed the Town of Northumberland's' setback requirements.

Ms. Martindale 2n the motion,

All in attendance unanimously agreed, motion passed.

ACTION TAKEN

Public Hearing waived. Application approved by motion, Resolution will be prepared by the Clerk.

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MISCELLANEOUS

Local Law Siting of Telecommunications Towers, Antennae and related Facilities

Mr. Heber stated he would call Doug Ward, the Town's Attorney about clarifying some of the verbiage used. Mr. Colozza stated the Town Board is currently putting together a preliminary plan for their public hearing in June and if there were anything to be added or changed the Board should be contacted now.

Letter Submitted by Melvin and Beverly Petteys pertaining to the renewal of the Mining Operation permit owned by Frank Shaw, (in file) addressing some concerns. – The Board read over the letter. Mr. Petteys said when Mr. Shaw originally received his mining permit he was not to come within 200' of the boarder for Mr. Petteys property, Mr. Petteys stated Mr. Shaw went behind his back and made changes to be allowed to come within 25' of the property line. He then added there was never a public hearing as per Mr. Koenig at DEC, Department of Conservation. Mr. Petteys stated he objects to the stump and brush dump Mr. Shaw has. Mr. Petteys then stated changes have occurred since the original permit was issued, the hours for example, Mr. Shaw is working there from 7 am – 7 pm and on the weekends, and he added originally they were supposed to be 8 am – 5 pm, M-F and 8 am – 3 pm on Saturday, he then said the hours should be restricted. Mr. Petteys said Mr. Shaw has told him to stay off the property, he added he does not trust Mr. Shaw and he doesn't know what he is doing out there. Mr. Petteys said he was not the person who initiated the DEC inspection this week, however, Mr. Shaw found out somehow and spent the week cleaning up the area. Mr. Petteys stated Mr. Shaw said there were no new neighbors at the last meeting, however, he added there are new neighbors and proceeded to name them. Mr. Durr asked what the hours were listed as on the approval. The Clerk read what was in the original approval because Mr. Shaw said nothing has changed therefore the original hours were used.

Mr. Richard Worth introduced himself to the Board as a neighbor and asked if he could address the Board. He stated he contacted DEC about the digging 5' off the water table, he added they all have point wells in that area and are worried about their water. Mr. Worth then added Mr. Koenig from DEC said it was ok for Mr. Shaw to dig into the water table. Mr. Worth then continued to say information given to this Board by Mr. Shaw was incorrect, Mr. Shaw said there were no new neighbors and in fact he himself is a new neighbor, and named other new neighbors. Mr. Worth said when he talked to DEC they said it depends on what the Town allows him to do, however, Mr. Shaw has given a lot of misleading information and this permit is NOT an extension it is actually a NEW permit with all the changes. Mr. Worth added he can mine into the water table, Mr. Petteys said that is not normally permitted in mining, however, according to DEC in this region they have not had any problem with it in the past, but it does specifically say in the permit it is not allowed. Mr. Petteys stated his water has to go through reverse osmosis and there is a lot of salt in it and it causes a lot of problems with his boiler. He stated he is 425' down but is considering going to a point well and then he will be using the 25' water table. He said he plans on building in the back near where Mr. Shaw is digging. Mr. Worth added he would like to build a new house in a couple of years himself on his property. He then added Mr. Shaw brings manure from horse farms in to make top soil and who knows what else is in it, that is all washing into the water table. Mr. Worth then said there never was a public hearing held by DEC. Mr. Heber questioned if there were a public hearing with DEC as Mr. Shaw had stated last month. Mr. Colozza said at the time of the original permit there was, at renewal there was just a notice put out for the renewal. Mr. Petteys stated DEC, specifically Mr. Koenig, told him due to the size of the project no public hearing was required. Mr. Colozza reiterated in the beginning there was a public hearing. Mr. Heber stated he didn't understand that if there have been changes there should be a public hearing. Mr. Colozza said there have been no changes. Mr. Petteys stated they are going by what Mr. Shaw told them, he asked Mr. Koenig if he read the minutes he sent him along with his concerns and Mr. Koenig said he did not have time. Mr. Basinger stated he is violating the permit not changing the permit. Mr. Colozza stated DEC does inspections. Mr. Worth said he talked to DEC for two hours on April 28th, then he noted there were more activities on Mr. Shaw's property for the next couple days with heavy equipment, Mr. Worth stated he suspected Mr. Shaw received a "tip off" about an inspection and used that time to "clean" up the area. May 6th DEC did an inspection of the area. Mr. Worth stated he expressed this concern to DEC and they suggested he contact the Attorney General's office. Mr. Worth added they did not enter Mr. Shaw's property but they had used Google's sky cam to view the property. Mr. Petteys added the stump dump was never approved and should not be allowed. Mr. Colozza stated all Mr. Shaw was doing was screening soil. Mr. Petteys stated he wanted all his comments and concerns to be documented in the minutes of this meeting. Mr. Worth added the water in the area is junk or will be and that he did not have a problem with what Mr. Shaw is doing, he was only concerned with the size of the operation. Mr. Petteys asked if the trailer was allowed

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out there on Mr. Shaw's property. Mr. Colozza stated Mr. Shaw will be moving the trailer. Mr. Petteys asked about the propane tanks on the property. Mr. Colozza said he was not aware of any tanks, he had not been out there. Mr. Petteys asked if he was allowed to drive out there to purchase sand so he could see for himself what is going on, Mr. Colozza said he was unsure. Mr. Basinger stated this Board needs to check on what he is doing and then hold a public hearing. Mr. Colozza recommended all the minutes from previous meetings be pulled and all information including the concerns be sent to Doug Ward, the Towns Counsel. Discussion ensued, if Mr. Shaw is violating his permit or if this should be considered a new permit because of changes. Mr. Worth said Mr. Shaw is misleading the people of the Town and the Boards of this Town. Mr. Durr stated he would talk to Mr. Ward to discuss Mr. Shaw's permit, he then asked Mr. Worth to put his concerns in writing. Mr. Worth thanked the Board for their time. Mr. Durr stated the Board will research this to see what the Board can do, he then added this Board can do a site visit as well. Mr. Heber stated if the hours have changed that is a violation of the permit and this Board can address that. Mr. Basinger explained they needed all concerns in writing because this Board only has control of certain things and then they can notify DEC of the rest of the concerns. Mr. Basinger thanked Mr. Worth and Mr. and Mrs. Petteys for their time.

Ms. Lofgren asked how they could get the information from Mr. Shaw, Mr. Colozza said the Clerk will send a letter requesting information from Mr. Shaw and DEC.

Mr. Heber made a motion to adjourn the monthly meeting at 8:30PM,
Mr. DeLisle 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:

Regular Monthly Meeting, Monday, *June 14*, 2010 - 7:30 PM

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk