

Town of Northumberland Planning Board

Minutes

Monday, May 11, 2009 7:00 pm

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Accepted by the Planning Board

Present: Brit Basinger - Vice Chairperson, James Heber, CJ Lofgren, Susan Martindale, Kevin Pumiglia and Bernadette Marry, Lisa Black, Jeff King (entered at 7:10 pm)

Absent: Wayne Durr - Chairperson

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

Vice Chairperson, Mr. Basinger recuse himself, Mr. Heber opened the Public Hearing at 7:04 PM

PUBLIC HEARING

Site Plan Review – Ag Field Reconstruction Special Use Permit

Application #0003-09

Applicant: Brit Basinger

Location: Homestead Rd

SBL#: 142.-1-87

Zoning: AG

Mr. Basinger come forward and explained his plan for this project. He stated the King's Ransom Farm has been farming this parcel which is approximately 19 acres, and is comprised of woodlands and open fields.. The intent of this application is to obtain approval and a special use permit for improvements to one of the fields located in the south-central portion of the parcel. The intent is to reduce a steep slope in the field to allow for agricultural operations. King's Ransom Farm went to Saratoga County as an agent of Mr. Basinger's. John Hamilton, of Saratoga County Soil and Water prepared a plan for Mr. Basinger to remove the hump. The plan prepared by Saratoga County Soil & Water was initially more extensive however, he said he did not necessarily want to go to the full extent of the plan. He stated he only wanted to level one field and add small culverts to help the water flow. The culvert in the back of the parcel, in a low spot, will improve the drainage in the spring, that area is usually dry by July. He said that he had also been working with New York State Department of Conservation (DEC). He then further discussed the plan and explained to the *public* in attendance, he was not changing the outside grade of the field its self, he was only removing the hump for agricultural purposes. Mr. Pumiglia asked where the soil would go that is removed from the site. Mr. Basinger stated he hired a private company to remove it. Mr. Pumiglia then asked what hours would the work take place. Mr. Basinger said it would be over a period of approximately 18 months. The hours of operation would be 7 am to 5 pm and not necessarily every day, the work would be performed at the companies leisure. Mr. Pumiglia asked when he planned on starting the work. Mr. Basinger stated they would start work as soon as he received his approval from this Board, he already had the approval of DEC, however was waiting for this Board's approval to actually obtain the dated permit from them due to the time frame he has to work in. Mr. Pumiglia reiterated the soil removed would be taken off site. Mr. Basinger confirmed it would be, and said dump trucks would exit onto Homestead Rd to King Rd. He then added he was not enlarging the field although some small trees will be removed.

Mr. King entered the meeting at 7:10 pm., and joined the Board.

Mr. Carr, during public participation, asked if he was disturbing the back field. Mr. Basinger said no, only the one field and they would be keeping with the existing lines of the field. Mr. Pumiglia asked about the wetlands. Mr. Basinger said this plan was designed by Saratoga County Soil & Water to prevent the water from flowing off site and added DEC will monitor the work. He then stated the wetlands will not be impacted. Mr. Pumiglia asked what was going to happen to the wetlands after the project is complete. Mr. Basinger stated they would be the same as now. Mr. Heber asked if there were any other questions or comments. None were noted. Mr. Basinger thanked the public and the Board for their time.

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MISCELLANEOUS

Mr. Basinger rejoined the Board at 7:11 pm and resumed as Vice-Chairperson, he asked the Board to review the April minutes for corrections since the regular monthly meeting doesn't open until 7:30 pm.

Mr. Heber made a motion to approved the April minutes as corrected.

Ms. Lofgren 2nd the motion.

All in attendance unanimously agreed, April minutes approved.

Mr. Basinger asked about the application submitted for Mr. Neville on Rte 50. The Clerk stated there was nothing new submitted and she had not heard from him, therefore was unsure of the status. Mr. Heber said the *use* for that application did not fit in the zoning for the parcel and was located on less than an acre, which is also required in that zone for commercial. Ms. Marry asked what the previous business was listed as that was at that location, *Just Service*. Mr. Heber said it was labeled a *Home Occupation*, because they also lived there. Mr. Colozza stated this business in the commercial zone needs a use variance from the Zoning Board of Appeals. Mr. Heber added it also needs one (1) acre minimum.

Discussion ensued on changing the time allotted for Public Hearings.

Mr. King proposed changing the Public Hearings to 15 minutes in total length and Mr. Heber suggested scheduling them for a start time of 7:15 pm. Jeff then added if there is a greater public interest they could also extend the allowed time to accommodate everyone. The Board agreed, public hearings would not be limited to 15 minutes unless more time is warranted, and they would be scheduled to begin at 7:15 pm.

REGULAR MONTHLY MEETING

Mr. Basinger opened the regular monthly at 7:26 pm, all in attendance stood and recited the All in attendance stood and recited the pledge of allegiance. Mr. Basinger suggested taking the new business before they continue with his application for the best interest of the other applicant.

NEW BUSINESS

Site Plan Review - Special Use Permit

Application #0004-09

Applicant: Stewart's Shops Corp

Location: 1917 Route 32N (corner of Rte 32 and Stump St)

SBL#: 103.12-4-3

Zoning: Hamlet

Representative: Mr. Brandon Myers & Mr. Chris Potter

Surveyor: Santo Assoc.

Status: Preliminary

Mr. Myers introduced Mr. Potter and himself as the representatives for the applicant. He explained the proposed plan to the Board as new construction of a new building, new septic system and drainage. He stated all drawings are self created within the Stewart's Corp. He explained the septic system had failed this past spring and they had performed temporary fixes, until the redevelopment. Mr. Myers stated the building will be 1/3 or 36 % larger than the existing building, there will be 3 times the pumps, totaling 6 pumping points for gas, 50% more black top and parking, the underground storage for the fuel will not be changed as they were redone approximately 3 years ago. He added the drainage is poor in that area and the plan calls for a new subsurface and raising the new building 1' 11", the existing pipe will drop 11" under Stump St.

Mailed 07/15/2009

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Mr. Heber asked if they had talked to the Highway Sup't, Mr. Petteys. Mr. Myers said yes and Mr. Petteys was pleased with the improvements. Mr. Myers continued to explain the access to the parking lot will be reduced to 2 points, eliminating the middle entrance on Rte 32 creating more open space on the Stump St corner. He stated there will be a pedestrian crosswalk, a paved walkway up to the building on the back side and a new colored stamped patio. Mr. Myers said they will do additional landscaping including a large shade tree. He said there will be a new LED sign the same size as the current sign. The building will consist of split face block with a bronze roof which Mr. Myers said is standard in most Stewart's construction. He said the new gas island will be 73' x 20' with architectural details, the grading will crown in the middle of the parcel and slope to the back. Mr. Myers added they were working with the New York State Department of Health, DOH and the highway department on all requirements and asked the Board if they had any questions for him. Mr. Pumiglia asked where the flow of water would go, if there were filters available and if there was a plan in case of a gas spillage. Mr. Myers said there are no filters because there is natural treatment, the threshold is measured by project size and there is a catch basin if a spill occurs and it can be pumped. He added the ditch is currently gravel and the current underground piping now exceeds NY State codes, in addition the Stewart's Corp. monitors spills and sediment control. Mr. Basinger reiterated they are raising the building. Mr. Myers said they would build behind the current store and then demolish it, they have done this process at several locations and it works well, the store only has to be closed a day or so in order to demolish the old building. Mr. Basinger then asked where the information on the pedestrian traffic came from. Mr. Colozza stated it was obvious, currently there is a foot path and the crosswalk would be safer. Mr. Basinger added they just wanted to make sure it was safe. Mr. Colozza added Mr. Petteys, the Highway Sup't, was looking for additional stop signs to be installed behind the store at Gurnsprings Rd and Stump St. Mr. Basinger stated it is a good idea for the traffic safety to be addressed before the walkway is installed. Mr. Myers said they will provide all the information on that. Mr. Basinger stated the town's engineer, Mr. Mitchell should also look at that plan. Mr. Colozza stated he had a copy and indicated no problem with it but the parking and drainage would be discussed with Mr. Myers. Mr. Myers stated Mr. Mitchell gave him a conceptual approval. Mr. Colozza said Mr. Mitchell will continue to work with Mr. Myers and then send a letter to this Board. Mr. Myers said he will continue to work with Mr. Mitchell on the drainage, gas tanks and pumps and with Mr. Petteys on the coordination of the signs and walkway. Mr. Basinger asked if Mr. Petteys was intending to extend the sidewalk. Mr. Colozza stated no, just the crossing. Mr. Basinger asked if there was any concerned about the ditch across the road. Additional discuss incurred on the drainage and how it would be improved. Ms. Martindale asked who owned the adjoining parcel. Mr. Colozza responded Marie Pepper. Ms. Marry pointed it out on the map. Ms. Martindale asked if they were changing the entrance. Mr. Myers stated they are moving it away from the corner and creating a bigger wing, curb. Ms. Martindale asked if they were going to install a split rail fence to prevent people from cutting through the corner. Mr. Myers explained the wing curb and said they wouldn't be able to drive across it. Mr. Heber asked if there would be landscaping around the parking lot and the curve because it was a mess now and asked if there would be more defined entrances. Mr. Myers said absolutely. Mr. Heber remarked on how poor the Town's drainage on Stump St. was currently. Ms. Lofgren wanted Mr. Myers to point out the lighting. She then asked if there was any lighting near the walkway. Mr. Basinger asked if they had the complete lighting detail. Ms. Marry asked if there were lights to be installed on the walkway. Mr. Myers stated there was nothing was proposed right now. Ms. Marry asked how many feet the walkway would be. Mr. Potter stated it would be approximately 150'. Mr. Myers said there is a light on back of the building in the loading area. Mr. Basinger asked if there were any street lights. Discussion ensued on lighting and one street light was determined to be at the intersection of Gurnsprings Rd and Stump St. Mr. Basinger asked if they were going to be mowing behind the building. Mr. Myers said yes. Ms. Martindale asked if the entire back side of the parcel was going to be maintained. Mr. Myers said they planned on elevating the leach field completely. Ms. Marry asked if there would be a light anywhere in between the building in the back and the crosswalk noting it could be dangerous for walkers in the dark. Ms. Martindale asked why the side walk was opposite from the patio and why it was not going to the patio. Mr. Myers said they would look at that.

Mr. Basinger asked if there were any other questions. Mr. King asked if all the setbacks were met including the fuel pumps. Mr. Myers stated he was not clear on that. Mr. King said Mr. Mitchell should look at it and see if it needs the required 50' setback for the pumps. Mr. Colozza stated they are improving the site. Mr. Heber asked if it was a 25' setback. Mr. Myers said per the regulations the setbacks were ok, but he would make sure they are ok. Mr. Heber stated

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they have to follow the Town's regulations and the front setback is 25'. Discussion ensued. Mr. Pumiglia reviewed the regulations and stated the front setback is 25'. Mr. King said he was not surprised there is no specific setbacks for gas tanks. Mr. Colozza reiterated this site is existing. Mr. King said it makes sense to want to better the setbacks and he was not trying to make a big deal. The Board reviewed the Regulations further. Mr. Pumiglia stated the Regs. say the setbacks are 25' to the curb and 50' to the property line. Ms. Martindale agreed and read it is written on page 55 in the Zoning Ordinance Book. *(b.) No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line;*. Mr. King asked Mr. Colozza if he could get a comment from Mr. Mitchell and Mr. Basinger agreed. Mr. Colozza reiterated the Stewart's Corp. is trying to improve or at least meet the codes. Mr. Pumiglia also requested Mr. Mitchell submit a letter to the Board with his opinion on the setbacks. Mr. Basinger said there are 4 questions for Mr. Mitchell to address; the setbacks, drainage, walkway and pumps. Mr. Heber said this application has to go to County Planning. Mr. Basinger asked if they wanted to schedule a public hearing for next month. Mr. Heber asked if they had a short form SEQRA, Short Environmental Assessment Form. The Clerk responded yes. Mr. Basinger asked if they wanted to schedule the public hearing for 7:15 pm. The Board agreed.

ACTION TAKEN

Clerk will send application to Saratoga County Planning and schedule a public hearing for June 8, 2009 7:15 pm. The Clerk will request a letter from Mr. Mitchell addressing, 1) Drainage, 2) Walkway, 3) Setbacks, and 4) pumps.

OLD BUSINESS

Mr. Basinger recuse himself, Mr. Heber assumed Vice-chairperson.

Site Plan Review – Ag Field Reconstruction Special Use Permit

Application #0003-09

Applicant: Brit Basinger

Location: Homestead Rd

SBL#: 142.-1-87

Zoning: AG

Mr. Basinger reiterated the plan was to level up farm land and add a culvert in a low spot to improve the parcel for agricultural purposes. Mr. King said it would be a big one time project. Mr. Basinger stated he would have a full 18 months to complete, one week they may be working there and then they may not return for several weeks. Mr. Basinger said he would be putting up a Bond until it is complete. Mr. Heber asked about SEQRA. Mr. Basinger said no, Soil & Water in conjunction with DEC are working on this plan and they will not be working in the wetlands, only the field. Discussion ensued on the wetlands, DEC and Army Corp of Engineers. Mr. Basinger read the letter submitted by DEC that is in the file. Mr. King asked if Soil & Water has put in flag markings. Mr. Basinger said they came out looked at the parcel and they created the plan, he then added if a farmer was going to complete the excavating this plan would be exempt and he would not have to come to this Board. Ms. Marry asked what was going to be done with the field after the project is complete. Mr. Basinger responded agricultural planting. Mr. Colozza stated this Board could give a approval contingent upon DEC permit being issued. Mr. King asked what this Board would be issuing. Mr. Basinger stated this is a site plan to issue a special use permit. Mr. Colozza said there are 5 items this Board should look at in the Zoning Ordinance, page 54, section 2. Mining and Excavation Under State Jurisdiction, sub-sections (a- e).

Mr. Heber asked about the SEQRA, Mr. Pumiglia said they could waive it. Mr. King asked if there were any other requirements for a special use permit. None were noted.

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Mr. Heber made a motion to waive SEQRA.

Mr. King 2nd the motion,

All in attendance unanimously agreed, SEQRA waived.

Mr. King made a motion to close the Public Hearing.

Mr. Heber 2nd the motion,

All in attendance unanimously agreed, Public Hearing closed.

Mr. King made a motion to issue a Special Use Permit for field reconstruction contingent on DEC issuing a mining permit.

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, Special Use Permit for field reconstruction approved with contingencies.

Mr. Heber made a motion to close the monthly meeting at 8:28 PM,

Mr. King 2nd the motion,

All in attendance unanimously agreed, monthly meeting closed at 8:28 PM.

FUTURE MEETINGS:

Monday, June 8th, 2008 - 7:15 PM Public Hearing

Respectfully Submitted,

Tia Kilburn,

Planning Board Clerk