

Town of Northumberland Planning Board

Minutes

Monday, June 08, 2009 7:15 pm

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Accepted by the Planning Board

Present: James Heber, CJ Lofgren, Jeff King and Lisa Black, acting member.

Absent: Wayne Durr – Chairperson, Brit Basinger - Vice Chairperson, Susan Martindale, Kevin Pumiglia and Bernadette Marry

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

The public hearing scheduled for 7:15 pm was delayed until a quorum could be achieved. Mr. Heber, acting as Chairperson, opened the public hearing at 7:50 pm.

PUBLIC HEARING

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: Public Hearing

Mr. Myers introduced 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 the in ground fuel tanks will not be changed as they were redone approximately 3 years ago, parking will double, currently there are 10 spaces, 20 to 26 are proposed with the new plan. He said the gas island will be increased to 6 pumping stations increased from the current 3 stations. The new construction will be 34' behind the existing store and one third (1/3) of the lot will remain green space. He explained they had a new well drilled because regardless of the direction of the store, new or an addition, they will still have to install a new septic system and they had to drill a new well to achieve the separation distance. He continued to explain the entrances to the parking lot will be reduced to 2 instead of the current 3.

Public participation;

Ms. Pepper asked what would happen to the utility access boarding the property. Mr. Myers responded, nothing. Ms. Pepper then asked how close to her parcel would the new store be. Mr. Myers pointed out the new location. She then asked if they had planned on erecting a fence between the properties. Mr. Myers stated that was not in the proposal. Mrs. McKnight asked how much bigger percentage the new store would be. Mr. Myers stated it would be 22 – 32% or 1/3 larger. Discussion ensued on the drainage, crosswalk and stop signs. Ms. Pepper asked why a crosswalk was needed and added there is only one house on the end of Pettis Rd. Mr. Colozza said there is evidence of walkers in the area. Mr. Bemis asked if there would be just one large entrance on Stump St. Mr. Myers stated yes there will be 2, one on Stump St and one on RTE 32. Mr. Bemis stated the shrubbery on RTE 32 blocks the view. Mr. Myers agreed and stated they would be removing all the over grown brush and a dead tree then planting small shrubs that will not grown any larger than 18 ". Mr. Bemis asked if they installed the well in the same location where the kerosene tanks were. Mr. Myers stated the well is 15' off the property line and the kerosene tanks will be put back in the same place. Mr. Bemis asked if they were concerned about contamination. Mr. Myers responded, no they are double tanks and it is a sealed well. Ms. Pepper remarked about the vehicles parking by the railroad tracks and along Stump St. stating is it difficult to see traffic coming off Stump St. Mr. Myers stated Stewart's Corp. had no control over the parking across the street, however, the proposed additional parking spaces should help. Ms. Pepper stated there is not enough room there for them to expand, she added people drive to fast down Stump St to try to beat the traffic from RTE 32 and cut people off, there already is a 20 mph speed limit sign for the corner and that doesn't slow them down. Mr. Bemis said the speed limit on the straight part is 40

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mph and there is a children playing sign that doesn't slow people down. Ms. Pepper asked how long the construction will take because it will be a mess and the trucks will create a bigger hazard for the corner. Mr. Myers stated they will try to keep away from the corner and maybe they could get permission to park the trucks on the railroads property. Mr. Heber asked if there were any other questions? None were noted. He then stated the public hearing would be left open for the time being.

Mr. Heber opened the Regular Monthly meeting at 8:07 pm, all in attendance stood and recited the Pledge of Allegiance.

REGULAR MONTHLY MEETING

OLD BUSINESS

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SBL#: 103.12-4-3

Zoning: Hamlet

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Status: Public Hearing

Mr. Myers gave the Board new copies of the proposed plan. Mr. Heber stated he believes this plan is for the betterment of the property however the Town's regulations still have to be followed and within the Hamlet Zone the maximum lot coverage is 60% even for a retail operation according to the schedule for the Hamlet, attachment A in the back of the Zoning Regulations Book. Mr. King asked what page Mr. Heber was looking at. Mr. Heber stated it was on the attachment A for the hamlet under maximum lot coverage and then under the definitions in the front of the book, under building coverage. Mr. King read out loud the definition for building coverage from the regulations as follows; (pg 5, item 25) **Building Coverage:** *The amount of land covered or permitted to be covered by building(s), walkways, driveways, parking lots and accessory uses, measured in terms of a percentage of total lot area. Such measurement shall exclude uncovered porches, terraces, and steps.* Mr. Myers stated the pavement will cover 8% and the building will cover 52% for a total of 60%. Mr. Heber said 60% is the maximum they are aloud. Mr. King added there is 10% concrete, and asked if they included the concrete walkways and accessory uses in their figure. Mr. Potter stated no they did not include it in the total. Mr. Heber stated they will need a variance for the maximum coverage, and added he is not trying to be an adversary, but wanted to make sure they are within regulations. Mr. King agreed. Mr. Myers said the maximum coverage does not include the access. Mr. Heber stated it does according to the definition. Mr. King added it includes everything except the green space. Ms. Lofgren asked if that included the patio, Mr. Heber responded no. Mr. Myers asked Mr. Potter if the concrete gas island was included in the total. Mr. Potter responded yes that was. Mr. King asked Mr. Myers if he had a copy of the regulations and he responded no, Mr. King also said they needed to add the concrete and walkway which puts them up to 70% coverage. Mr. King said asked if there was a consensus from the Board, and added they are over 10% the coverage so they can either re-design the plan or go to the Zoning Board for a variance. Mr. Heber said they could reduce the parking area, however that would create a problem. Mr. Myers asked if this was the Board where they get their Special Use permit. Mr. Heber stated, no, it starts with this Board and then it could go to the Zoning Board if there is something they need to look into, and added this proposal does better the area. Mr. Myers stated they like this plan as proposed and wanted to know what was next. Mr. King stated the Zoning Board, Mr. Heber added the regulations deal with the area under the Zoning part and this Board can't change zoning. The Board reviewed and discussed the regulations and the total area of coverage. Mr. King said he was thinking Mr. Heber was correct and this application would also need an area

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variance, this board does not have that power. Mr. Myers asked if there was anything additional they would need. Mr. King stated it was up to the applicant if they wanted to re-design or go to the Zoning Board of Appeals. Mr. Myers said they would go to the Zoning Board and asked if they could get an approval contingent upon the Zoning Board's approval. Mr. Heber stated this Board cannot vote tonight, he felt more Board members should be present. Mr. King asked if there was anything else. Mr. Myers stated they added the lighting to the plan layout. Mr. Heber said the plan is better than the current use, however they are adding a crosswalk to nowhere, the 3 way stop may slow traffic and the addition of the greenery is good. Mr. Colozza said one yield sign and two stop signs would be confusing, that is why they thought of three stop signs. Mr. King asked about a fence, stating it would be positive with the increased foot traffic. Mr. Heber agreed. Ms. Lofgren asked what kind of fence. Mr. Myers stated yes they could erect a fence, it would probably be a 6' stockade stained fence with shrubs on Stewart's side. Mr. King stated he was pleased with the plan, especially the improvements to drainage and the parking. Mr. Heber agreed. Mr. Myers asked if they could get a positive recommendation for the Zoning Board of Appeals. Mr. Heber stated when the Zoning Board asks for a recommendation this Board will vote and send them one, he added this application still needs to complete the site plan review and obtain a special use permit when or if the area variance is granted. Mr. Myers asked if there were any other questions, none were noted, he then thanked the Board for their time.

ACTION TAKEN

Public Hearing left open, Application needs to go to the Zoning Board of Appeals for a use variance.

NEW BUSINESS

Site Plan Review - Special Use Permit

Application #0005-09

Applicant: James & Christine McKnight

Location: 3 Homestead Rd

SBL#: 142.-1-36

Zoning: Agricultural & R-1

Acres: 110 / 60

Status: Preliminary

Mr. and Mrs. McKnight gave maps to the Board to review. Mrs. McKnight explained they seek to subdivide 110 acres and dedicate approximately 60 +/- acres to remain forever wild and protect the Blanding Turtles. She explained the letters from "Saratoga Plan" and Willard Peck, the Town Supervisor as being in support of the project. She stated the State and the County have both put money in reserve to purchase this property. Mr. Heber asked if it was to be conveyed to the Nature Conservancy. Mrs. McKnight said they are two different entities, The Nature Conservancy which currently owns adjoining property and Saratoga Plan, she said in the future the two may decide to join and create a larger nature trail or something similar however, currently she is only dealing with Saratoga Plan, either way it will be protected. Mr. Heber stated any trail system would need permission from both entities. Mrs. McKnight stated it would be an inter-county or inter-town system, and added Saratoga Plan would own the parcel but NY State would hold an easement. Ms. Lofgren asked what that meant. Mr. King said that it would remain forever wild. Mr. Heber added you cannot not build on the property. Discussion on the zoning. Mr. McKnight stated it was zoned R-1, Mrs. McKnight said most of it is R-1 but some is agricultural. She pointed out the stream on the parcel and said they were thinking the stream on the parcel could be the line for the transfer to Saratoga Plan, but they were looking for this Boards opinion on where to draw the line. Mr. King stated that looked good. The Board reviewed and decided where the property widens just before the stream would be a good place to draw the line. Mr. Heber said they should not need a full survey, a "paper map" should be sufficient, the surveyor should not have to place actual pipes in the ground as long as Saratoga Plan agreed. Mrs. McKnight said she would talk to them about it. Mr. Heber then stated he did not see any problem with this Board, they would need to draw the line and return with the map, he said this would have to go to Saratoga County Planning because of the agricultural zone. Mr. King added a short State Environmental Quality Review form, SEQR should also be sufficient. Mr. Colozza said the long form

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SEQR would cover the streams. Mr. King said there should not be any impacts. Mr. Heber stated he had no problem with the long form. Mr. Colozza added this parcel abuts County land and has a stream it should be a long form. The Right of Way for Stevens CT was discussed. Mr. Heber told Mr & Mrs. McKnight they could also elect to add the wordage "no further Subdivision" to the maps if that was their wish to protect it forever in their name, but it was not a requirement. Mrs. McKnight stated she would discuss that with Saratoga Plan but asked if that would affect their remaining lot, and stated not that they have plans to subdivide further. Mrs. McKnight said ok, next month we need a new map with the line drawn, a long form SEQR and she will speak to Saratoga Plan on the "paper map", is that correct. Mr. King asked the Board if there was anything else they needed, nothing was noted. Mr. Heber stated they could schedule the Public Hearing for next month. Mr. King asked if the Board could waive the Public Hearing. Mrs. McKnight stated Saratoga Plan was anxious and didn't want to delay. Mr. Heber suggested scheduling the Public Hearing for July 13, 2009, at 7:15 PM, all in attendance agreed.

ACTION TAKEN

Applicant will submit a long form SEQR and check with Saratoga Plan for the approval for a "paper map". They will return with a division line on the map. Public Hearing will be scheduled for July 13, 2009, 7:15 pm.

Mr. Heber asked the Board if there was any other business, none was noted.

Mr. King made a motion to close the monthly meeting at 9:50 PM,
Ms. Black 2nd the motion,
All in attendance unanimously agreed, monthly meeting closed at 9:50 PM.

FUTURE MEETINGS:

Monday, July 13, 2009 - 7:15 PM Public Hearing

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk