

Town of Northumberland Planning Board

Minutes

Monday, July 13, 2009 7:15 pm

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Accepted by the Planning Board

Present: Wayne Durr – Chairperson, Brit Basinger - Vice Chairperson, Susan Martindale, Kevin Pumiglia and, CJ Lofgren and Lisa Black, acting member.

Absent: Bernadette Marry, James Heber and Jeff King

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

PUBLIC HEARING (for privacy purposes only the initials of individuals participating, not their full names will be used)

Mr. Durr opened the public hearing at 7:18 PM and invited the applicant's James and Christine McKnight to explain their application.

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

Mr. Basinger recused himself because he is a direct neighbor.

Mr. McKnight displayed his plan / map for the public to view. Mrs. McKnight stated they have 110 acres off Homestead Rd their plan was to convey approximately 1/2 of that about 60 acres to Saratoga P.L.A.N. (Preserving Land And Nature) for preservation. She stated she spoke with Saratoga P.L.A.N. and discussed the paper survey as suggested at last months' meeting and they accepted it with the new line drawn in for the subdivision. She explained the Town had a right of way with the access off Stevens CT. She discussed the National Heritage Letter received from NYS Department of Environmental Conservation, DEC, stating there have not been any actual sightings however, this location is flagged for the threatened Blanding Turtle. Mr. Durr asked what was planned for the rest of the acreage after the 60 acres is transferred to Saratoga P.L.A.N.. Mrs. McKnight stated they will retain the balance, approximately 61 acres of which the majority of 41 or 42 acres is zoned R-1(residential 1 acre) and the rest is zoned agricultural.

TH, a neighboring resident, asked what exactly was Saratoga P.L.A.N., what did they do? Mrs. McKnight said they are a non-profit organization formed to preserve land. TH asked if it was going to become a walking preserve similar to the one on RTE 50 with cars parking along the road. She then said there are tons of turtles in that area and her family is always removing them from the road. Mrs. McKnight asked if they were Blanding Turtles, and added DEC wants to know of all sightings. TH said she was unsure. Mr. Colozza stated the preserve on RTE 50 was owned by the Town of Wilton and this one will be County owned and that makes a difference on the use. Mrs. McKnight stated she was unsure what the County was going to allow and added Saratoga County would own the parcel and NYS would hold an easement.

Mr. Pumiglia asked if they planned on adding the wording for "further subdivision". Mrs. McKnight said they were adding it, however they were unsure if they would make it a deed restriction or put it on the mylars. Mr. Colozza said it should be on the mylars. Mr. McKnight said they don't want it to be further subdivided and wanted to protect especially the R-1 zone. Mrs. McKnight stated they would probably make it an addition to the deed. Mr. Colozza said if it is not on the mylars the Town will be unable to enforce it even though it is on the deed, and added it should be on the mylars to make sure the Town is aware of it. Mrs. McKnight asked if being in the mylars was better. Mr. Colozza stated they could do both the deed restriction and the mylars if that was their legacy to protect it forever.

TH stated she was going to research Saratoga P.L.A.N. and the Blanding Turtles because she was unsure what they looked like.

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Mrs. McKnight gave TH a pamphlet she had on the Blanding Turtle.

Mr. Pumiglia asked if ultimately this would be disposed of by Saratoga P.L.A.N. and joined with the Nature Conservatory's parcel. Mrs. McKnight said she was not aware of any plans like that, Saratoga P.L.A.N. has only mentioned protecting the turtles as stated in a letter (in the file) from Maria Trabka, the Executive Director of Saratoga P.L.A.N..

Mr. Durr asked if there were any other questions or concerns. None were noted. He then asked for the letter from Ms. Trabka from the file and reviewed it. Mr. Durr asked if the applicants were missing anything. The Clerk said everything was in however, part II of SEQRA needed to be completed by a Board member. Mr. Pumiglia asked for the SEQRA form. While Mr. Pumiglia completed the SEQRA the public in attendance examined the map and pamphlet on the Blanding Turtle.

Mr. Durr asked if there were any questions or comments, none were noted.

Mr. Basinger thanked Mr. & Mrs. McKnight for their extreme generosity, as part of public participation, stating he was in approval of the plan.

Mr. Durr closed the Public Hearing at 7:44 PM.

REGULAR MONTHLY MEETING

All in attendance stood and recited the Pledge of Allegiance.

OLD 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: Final

Mr. Pumiglia discussed the final mylar referencing of "no further subdivision" as it pertains to the SEQRA form stating he was responsible for the declaration. Mrs. McKnight said they would add that.

Mr. Pumiglia made a motion to accept the SEQRA for the proposed application, # 0005-09 as no impact, negative declaration declared.

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, negative declaration for SEQRA declared.

Ms. Martindale made a motion to approve application, #0005-09 contingent upon 61.07 acres, as indicated on map submitted July 13, 2009, being transferred to Saratoga P.L.A.N. for conservation.

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, Application approved with contingency.

ACTION TAKEN

SEQRA declared Negative Declaration.

Application approved contingent upon 61.07 acres, as indicated on map submitted July 13, 2009, being transferred to Saratoga P.L.A.N. for conservation.

Mailed 09/15/2009

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Mr. Basinger rejoined the Board.

NEW BUSINESS

Major 2 lot Subdivision

Application #: 0006-09

Applicant: Michael Guilder

Location: Colebrook Rd

SBL: 129.-1-78.11

Zoning: R-3

Acres: 6.568

Status: Preliminary

Representative: David Barass, Surveyor

Mr. Barrass introduced himself to the Board as Mr. Guilder's representative, and explained the application as a proposal to divide 6 ½ acres into 2 residential lots, one already has an existing dwelling on it and a dwelling is proposed for the second lot. He stated the applicant had tried to subdivide this same parcel in 2002 at that time it was considered a minor subdivision, however because it was part of a previous larger subdivision it was changed to a major subdivision. He said the subdivision proposal was denied in 2002 due to a temporary moratorium by the Town Board against subdivisions. Mr. Barrass continued and said the wetlands on this parcel have been delineated and the proposed building envelope was well within the regulations. He then asked the Board if they had any questions for him. Mr. Pumiglia asked about the soils. Mr. Barrass stated the test results are on the map and pointed them out to the Board. Mr. Durr reiterated there is one dwelling with a well and septic existing, Mr. Barrass said yes and pointed out the general area for the new dwelling. Mr. Durr asked who lives in the existing home. Mr. Guilder stated it is currently being rented. Mr. Durr asked if Mr. Guilder owned the home, he responded yes. Discussion ensued on the location of this parcel and the Clerk gave the Board the aerial photo from the file for clarification.

Mr. Basinger asked Mr. Colozza if he had any concerns or comments. Mr. Colozza said there will be additional soil testing due to the age of the original test from 2002.

Mr. Pumiglia asked about the septic location and the stream. Discussion ensued on the placement and the sand line.

Mr. Colozza stated he would like to see the testing exactly where the septic will be placed.

Mr. Pumiglia asked Mr. Colozza if this application needed to go to Saratoga County Planning because of the stream. Mr. Colozza said he was unsure because there were no farms in the area however he would check. Mr. Pumiglia then asked if Mr. Petteys, the Highway Sup't, has looked at this. Mr. Colozza said Mr. Petteys helped with the new driveway and he will address it by a letter to this Board, the Town also put in a new culvert, the only concern Mr. Petteys has expressed was the grade into the lot, he would like to see it shaved down. Mr. Guilder said the trees have been trimmed back in that area for better visibility and Mr. Petteys has agreed to submit a letter to address that as well.

Ms. Martindale asked if there was anything on the previous subdivision. Mr. Barrass said this parcel was not

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actually part of that.

Mr. Basinger asked about the flood plain. Mr. Colozza stated the flood plain was only along the creek and has already been delineated, the building envelope is not within 100'. Mr. Basinger then stated the only thing this Board needed was the letters from Mr. Petteys and the new percolation test. Mr. Colozza said there is a note on the maps indicating new percolation, deep test hole and septic location will be completed by a professional engineer at the time of construction. And added he will confirm that at the time a building permit is issued. Mr. Pumiglia reiterated this may need to go to Saratoga County Planning and receipt of the letters from Mr. Petteys is needed.

Mr. Durr asked if there were any other questions or concerns, none were noted.

Mr. Durr said they could schedule a public hearing for the next meeting, August 10, 2009 at 7:15 PM.

Mr. Barrass asked if the applicant needed to send notices to the surrounding property owners / public or if the Town did. The Clerk stated she would take care of it and bill the applicant.

ACTION TAKEN

A Public Hearing to be scheduled for August 10, 2009 at 7:15 PM. Clerk will request letters from Mr. Petteys pertaining to the visibility and the driveway. Mr. Colozza will confirm "major" or "minor" and if this application needs to go to County Planning.

Minor 2 lot Subdivision

Application #: 0007-09

Applicant: Linda Pleat

Location: 254 Route 4 and 32 (previously Obie's Garage)

SBL: 144.01-1-51

Zoning: Hamlet

Acres: Total 27.069, divide .498

Status: Preliminary

Ms. Pleat introduced herself to the Board and explained her application as a request to subdivide .498 acres from 27.069 acres. She stated the .498 acres she wanted is on the opposite side of Route 32 from a larger parcel. She described the location and the lot characteristics, saying this lot has an existing building with a well and septic. She then stated she has been working on this subdivision for approximately 5 years, she has been before both the Supreme Court and the Appellate Court.

Mr. Basinger asked Mr. Colozza the history on this parcel. Mr. Colozza stated this was previously Obie's Garage about 30 years ago. The previous owner Natalie had an agreement with Ms. Pleat, however he sold the parcel and the new owner did not want to subdivide. Mr. Colozza said it was originally zoned 5 acres when Ms. Pleat had originally requested the subdivision, the zoning has been changed to Hamlet. Discussion ensued.

Mr. Basinger asked if the Supreme Court said they could subdivide it. Mr. Colozza explained Ms. Pleat won both cases from the Supreme and Appellate Courts and the decisions were in the file. Mr. Durr asked if Doug Ward, the Towns Attorney, was involved. Mr. Colozza stated no, because it was a case between the owner and Ms. Pleat. Mr. Durr asked if they could get him involved. Mr. Colozza asked if they just wanted a letter from Mr. Ward. Mr. Durr stated no he wanted him at the meeting. Mr. Pumiglia asked if Mr. Ward has seen the decision allowing this Board to act. Mr. Colozza stated this Board needs to proceed with the subdivision, the

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Courts already settled the cases allowing the subdivision.

Mr. Basinger asked if this Board had to determine if the size requirement of the lot is met. Mr. Colozza said no, it is in the Hamlet zone and meets all the requirements, this Board only needs to look at the subdivision from the larger lot across the road.

Mr. Durr asked if this was a lot line adjustment or a subdivision. Mr. Colozza said it is a subdivision.

Mr. Basinger reiterated he would like to utilize the Town's Counsel. Mr. Colozza told the Board members to take a look at this application and make a list of questions or concerns for Mr. Ward and he would ask him to the next meeting. Mr. Pumiglia stated some issues were the old tanks in the ground, the septic, the river and because it is near the river there are shoreline overlay issues. Mr. Basinger added the shoreline overlay concerns additional items, ie; landscaping. Mr. Durr agreed, including the view from the river.

Ms. Lofgren asked if Ms. Pleat could verify the old tanks were properly removed from the ground. She responded she was unsure what paperwork she had on that.

Mr. Basinger stated this should be a Phase I Environmental Assessment, long form SEQRA. Mr. Pumiglia added it would be for Ms. Pleat protection as well. Mr. Basinger explained there maybe unknown contamination and if she purchased it she would be responsible for any remediation that is needed. Ms. Lofgren asked where the old drain in the garage drained to. Ms. Pleat stated she was unsure.

Mr. Basinger stated he would like the Board to confer with Mr. Ward and Mr. Mitchell, the Town's Engineer, and also find out what the Supreme Court gave them permission for. Mr. Colozza stated they approved the plan to proceed as a subdivision.

Ms. Lofgren asked when it was transferred from the previous owner Natalie. Ms. Pleat said she was unsure, she knew in was transferred in 2002 and then in 2004.

Discussion ensued on the chain of ownership.

Mr. Basinger stated this Board is responsible for the health and human welfare of the public and he wanted more information on the water and sewer supply and for Mr. Ward to advise. Mr. Colozza said this is an existing legal dwelling this Board cannot restrict someone from living there, the issue is that the State Highway separates the parcel. He added the dwelling meets the requirements for the hamlet zone and it just needs to be subdivided from the larger piece of the parcel across the road. Mr. Basinger asked Ms. Pleat what were her plans with this parcel. She stated she would live there. Mr. Durr asked if Ms. Pleat had an engineer look at it. Ms. Pleat responded no. Mr. Colozza interjected an engineer is not needed, only a surveyor to draw the lines. Mr. Basinger asked if this would be a single family residence. Ms. Pleat said yes. Mr. Pumiglia advised Ms. Pleat to hold off spending money on a survey or engineer until Mr. Mitchell and Mr. Ward could advise this Board what is needed. Mr. Pumiglia then asked if the septic system was indicated on the map. Mr. Colozza stated it is an existing legacy system.

Mr. Durr asked if there were any other questions or comments, none were noted. He thanked Ms. Pleat.

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ACTION

Ms. Pleat will complete a long form SEQRA, Mr. Colozza will request Mr. Ward be present at the next monthly meeting. The Board will review the application and compile a list of concerns for Mr. Ward and Mr. Mitchell.

MISCELLANEOUS

Mr. Durr asked if the Board reviewed the minutes.

Ms. Black made a motion to approve the June 8, 2009 monthly meeting minutes,

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, June minutes approved.

Mr. Basinger made a motion to approve the May 11, 2009 monthly meeting minutes with revisions as noted,

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed, May minutes approved.

Mr. Durr made a motion to close the monthly meeting at 8:45 PM,

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed, meeting closed at 8:45 PM.

FUTURE MEETINGS:

Monday, August 10, 2009 - 7:15 PM Public Hearing – Applicant: Michael Guilder, Application#: 0006-09

Respectfully Submitted,

Tia Kilburn,

Planning Board Clerk