

Town of Northumberland Planning Board

Minutes

Monday, August 10, 2009 7:15 pm

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Approved by Planning Board

Present: Jeff King, Acting Chairperson, Susan Martindale, Bernadette Marry, Acting Member and Lisa Black, Acting Member.

Absent: Wayne Durr – Chairperson, Brit Basinger - Vice Chairperson, James Heber, Kevin Pumiglia and CJ Lofgren.

Town Employees Present: Mr. Mitchell, Town Engineer, 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. King opened the public hearing at 7:35 PM and introduced the application for Stewarts Shops as the first public hearing to be heard.

Application #: 0004-09 – Site Plan Review – Special Use Permit

Applicant: Stewart's Shops Corp.

Location: 1917 Route 32N

SBL#: 103.12-4-3

Zoning: Hamlet

Acres: .868 +/-

Status: Public Hearing

Representatives: Brandon Meyers / Chris Potter

Mr. Myers introduced himself as a representative for Stewarts and stated the only thing new was that the Zoning Board approved 5 variances they needed to proceed. Mr. King asked if there were any questions or comments from the public in attendance, none were noted.

Mr. King stated they would move onto the second public hearing for this meeting.

Application #: 0006-09 Major 2 lot Subdivision

Applicant: Michael Guilder

Location: Colebrook Rd

SBL: 129.-1-78.11

Zoning: R-3

Acres: 6.568

Status: Public Hearing

Representative: David Barass, Surveyor

Mr. Barass stated there is 6 ½ acres the applicant wants to divide into 2 residential lots. He said this same subdivision proposal was denied in 2002 due to a temporary moratorium by the Town Board against subdivisions. He stated there are some wet lands on this parcel that have already been delineated. Mr. King asked if there were any questions or comments, none were noted.

Mr. King stated they would move onto the regular monthly meeting.

REGULAR MONTHLY MEETING

All in attendance stood and recited the Pledge of Allegiance.

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OLD BUSINESS

Application #: 0004-09 – Site Plan Review – Special Use Permit

Applicant: Stewart's Shops Corp.

Location: 1917 Route 32N

SBL#: 103.12-4-3

Zoning: Hamlet

Acres: .868 +/-

Status: Public Hearing

Representatives: Brandon Meyers / Chris Potter

There was a discussion on the five (5) variances obtained from the Zoning Board of Appeals. Mr. King asked what category they had decided this application falls under and how they reached that decision. Mr. Colozza stated it was decided to be a Quick Stop Retail with gas, it is a mixed use. Mr. Myers explained they considered it as 75% retail sales and only 25% gas sales. Mr. King asked if the Board had any questions. Ms. Martindale asked for the SEQRA form, Mr. Colozza stated there was a short form submitted because Saratoga County Planning said that was all that was needed. The Clerk said the Zoning Board has already completed the second part because they had to close their public hearing and vote on the variances enable to move forward. Mr. Colozza said this Board could either except the SEQRA the Zoning Board completed or ask for a new one.

Ms. Martindale made a motion to close the public hearing for application # 0004-09 for Stewart's Shops Corp., located at 1917 Route 32N in the Town of Northumberland.

Ms. Marry 2nd the motion,

All in attendance unanimously agreed, public hearing closed.

Ms. Martindale made a motion to accept the short form State Environmental Quality Review form that the Zoning Board of Appeals declared for application # 0004-09 for Stewart's Shops Corp. located at 1917 Route 32N in the Town of Northumberland.

Ms. Marry 2nd the motion,

All in attendance unanimously agreed, State Environmental Quality Review form submitted to the Zoning Board was accepted as declared by them, as negative declaration.

Mr. King asked Mr. Mitchell, the Towns Attorney if he had any questions or comments on this application. Mr. Mitchell said he felt this plan would be an improvement to what is already there.

Ms. Martindale made a motion to approve the Site Plan and Special Use Permit for new construction of a "Quick Stop Retail Store with Gas", as submitted by Stewarts Shops Corp., application #:0004-09.

Ms. Black 2nd the motion,

All in attendance unanimously agreed, the site plan and special use permit were approved.

ACTION TAKEN

Public hearing closed, Negative declaration declare by Zoning Board of Appeals and accepted by this Board, Site Plan and Special Use Permit approved.

Application #: 0006-09 Major 2 lot Subdivision

Applicant: Michael Guilder

Location: Colebrook Rd

SBL: 129.-1-78.11

Zoning: R-3

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Acres: 6.568

Status: Public Hearing

Representative: David Barass, Surveyor

Mr. King asked if there were any questions or comments, the Clerk gave the Board the letter they requested from Mr. Petteys, the Towns Highway Sup't. Mr. King asked if there was anything from Saratoga County Planning for this application, Mr. Colozza said this application did not have to go to County Planning. Mr. King stated it is a major subdivision therefore it should. Mr. Colozza stated it is up to the County if they feel it needs review and they said no. Mr. King asked about the sloped bank and discussed the wetlands. Mr. Barass stated there are wetlands at the bottom of the steep slope. Mr. King said the contour lines on the map didn't show it accurately. Mr. Barass stated the lines on the map are spaced at 40' if they were 10' apart they would show as being all stacked up on the map. Mr. Colozza discussed the drainage and how this parcel sits on a plateau. Mr. King asked the Board if they felt there was any need to delineate more on the top of the parcel for the buildable area. Mr. Colozza said the main set backs are from the wetlands already. Discussion ensued. Mr. King asked Mr. Barass if he could delineate from the top of the bank to show the buildable area and setbacks. Mr. Barass agreed. Mr. King asked if there was a State Environmental Quality Review form submitted and Ms. Martindale reviewed it. Mr. King asked if this was in the residential three acre zone, Mr. Colozza said yes, this parcel is but the other side of the road is different, this parcel has an existing dwelling on it. He said the dwelling use to be a duplex and was changed to a single family.

Ms. Marry made a motion to close the Public Hearing for application #: 0006-09 for Michael Guilder, location at Colebrook Rd and Lindsey Hill Rd, Town of Northumberland.

Ms. Black 2nd the motion,

All in attendance unanimously agreed, motion passed.

Ms. Martindale made a motion to accept the short form State Environmental Quality Review form as negative declaration, no significant impact for application #: 0006-09 for Michael Guilder, location at Colebrook Rd and Lindsey Hill Rd, Town of Northumberland.

Ms. Marry 2nd the motion,

All in attendance unanimously agreed, motion passed.

Ms. Martindale made a motion to approve the site plan for 2 lot subdivision, application #: 0006-09 for Michael Guilder, location at Colebrook Rd and Lindsey Hill Rd, Town of Northumberland, contingent upon the further delineation of the buildable area on the map.

Ms. Marry 2nd the motion,

All in attendance unanimously agreed, motion passed.

ACTION TAKEN

Public hearing closed, negative declaration declared on SEQRA, site plan approved with contingencies; further delineation of buildable area placed on maps.

NEW BUSINESS

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

Mailed 09/15/2009

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Approved by Planning Board

Zoning: Hamlet

Acres: Total 27.069, divide .498

Status: Preliminary

Ms. Martindale asked Mr. Colozza if he had a chance to speak with Mr. Ward, the Towns Attorney, on this application as the Board had requested last month. Mr. Colozza said Mr. Ward was on vacation for two weeks and unable to attend this meeting, he said he had talked to him and Mr. Ward said the courts gave their permission for this applicant and this Board to take action. Mr. King said he would like clarity on what the courts function was pertaining to this application, he apologized he was not at the July meeting and was unsure what the issues were. Ms. Martindale said they had shoreline overlay questions as well. Ms. Pleat said she had an agreement with Mr. Natale to purchase this piece, Mr. Natale then sold the entire parcel to Mr. Ernst, the current owner, who then decided he did not want to subdivide and let her purchase it. Mr. King asked if at the time of the sale if this was all in the agricultural zone. Mr. Colozza said yes, therefore the subdivision was denied by the Town, however after Mr. Ernst purchased and refused to let Ms. Pleat subdivide the zoning changed to hamlet, the Town had decided there were too many undersized lots in that area for it to remain agricultural zoning, the hamlet zone only needs 20,000 sq ft per lot. Ms. Pleat said this lot already has everything needed, the well, septic and house are all existing, she added people were actually living there until they were evicted during the court proceedings between her and Mr. Ernst. Mr. Colozza explained the nature of this parcel, it really has two uses, this small piece has a dwelling on it and the parent (larger) parcel across the road is a garage. Ms. Marry reiterated Ms. Pleat is interested in the .498 acre lot by the river. Mr. Mitchell said physically it is all there the well, septic and dwelling. Ms. Marry asked what happened to the gas station that used to be there, Obie's. Mr. Colozza said it is gone, that is the same building that was used as the dwelling. Mr. King questioned the Court's involvement, and wanted clarity from Mr. Ward, then he asked if the Board wanted to schedule the Public Hearing for next month. Mr. King asked if anything was missing from the file, discussion ensued on what the file contained, Mr. Colozza stated the file was complete. Mr. Colozza then asked if they wanted a letter from Mr. Ward or if they wanted him here at the meeting. Mr. King and Ms. Martindale said last month the members said they wanted him here in person incase questions came up in the Public Hearing. Mr. Colozza stated he would ask Mr. Ward to attend the next meeting.

ACTION TAKEN

Public hearing to be scheduled for September 14th, 2009, 7:15 PM. Mr. Colozza will ask Mr. Ward to attend the next meeting / public hearing.

MISCELLANEOUS

Mr. King asked if the approval for the July minutes could be postponed until next month due to members absent this month.

Mr. King made a motion to close the monthly meeting at 8:20 PM,

Ms. Marry 2nd the motion,

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

FUTURE MEETINGS:

Monday, September 14, 2009 - 7:15 PM Public Hearing – Applicant: Linda Pleat, Application#: 0007-09

Respectfully Submitted,

Tia Kilburn, Planning Board Clerk

Mailed 09/15/2009