

Town of Northumberland  
Planning Board  
Subject to Correction by the Planning Board  
Monday, August 14, 2017  
7:00 pm  
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**Planning Board Members Present:** Susan Martindale, Lisa Black, Jeff King, Melanie Eggleston, James Heber, Vice Chairperson and Holly Rippon-Butler

**Members Absent:** Brit Basinger, Chad Reinemann and Wayne Durr, Chairperson

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

Vice Chairman Heber opened the meeting at 7:05 pm; all in attendance stood and recited the Pledge of Allegiance.

New Business, Application #0007-17, Lot Line Adjustment Joyce Wells

Mr. John Richards, Esq. introduced himself to the Board and stated he would be representing Ms. Wells for this application along with Ms. Well's nephews Peter and Michael Wells. He explained Peter has been living on the property and his parents lived in the house up front, he then described the plan to add to Peter's existing single family parcel making it 6.59 acres, it is currently 1.59 acres. Mr. Heber asked if there were written permission from Ms. Wells to proceed on her behalf, Mr. Richards responded she signed the application, Ms. Eggleston asked if Peter had Power of Attorney for Ms. Wells, Mr. Richards stated both nephew's do, Peter and Michael. Mr. King asked if the Board could get a copy of the P.O.A for the file, Mr. Richard's agreed to submit one. Mr. King then asked how big the larger parcel was, Mr. Richards stated there are 3 parcels owned by Ms. Wells and he believed there was a total of 130 acres. He said the lot line adjustment will come from a smaller parcel of approximately 86 acres. Ms. Martindale asked if this was in the shore line overlay, Mr. Richards responded yes, Mr. Colozza interjected everything is existing and there are no proposed changes, they are adding to the existing single family residence parcel which will make it a conforming lot for the zone. Mr. Heber stated it will be a lot line adjustment and not a subdivision and reviewed the regulations pertaining to waivers allowed for lot line adjustments. Mr. King asked if there were any further residences to be built, Mr. Richard stated they are not trying to change anything; they just want the lot line adjustment to add to Peter's property. Mr. Heber suggested the Board review the Subdivision Regulations pertaining to Waivers for Lot Line Adjustments beginning on page 34.

## SECTION VII -LOT LINE ALTERATION

A. Although Section 276 of Town Law states that the term subdivision may include any alteration of lot lines or dimensions of any lots on sites shown on a plat previously approved and filed in the Office of the County Clerk "...", lot line alterations may also involve the combining of existing parcels which do not constitute a subdivision of real property. The latter lot line alterations are not subject to these regulations. The Town of Northumberland has determined that lot line alterations of lots previously subject to the Town's subdivision regulations which meet all of the following criteria are eligible for a waiver from these regulations, providing the applicant re-files a corrected subdivision map with the Office of the Saratoga County Clerk.

### B. WAIVER FOR LOT LINE ALTERATION

1. An applicant may request that the complete subdivision process be waived when a proposed subdivision meets all of the following conditions.

- a. It does not result in an additional lot being created.
- b. It is the conveyance of a portion of one parcel to an adjoining parcel.
- c. It results in lots that are equal to or exceed the minimum zoning requirements for the district.
- d. Does not require extension of roads or public utilities.

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2. To request such a waiver the applicant shall complete the subdivision application, submit a sketch plan showing the lot line alterations, a copy of the plat previously approved by the Planning Board that was filed with the County Clerk and a narrative describing the proposed alteration with an explanation why the change is required.

If the filed plat is not available, the sketch plan shall include the following:

A. All existing property lines, proposed property lines, easement lines, right-of-way lines, driveways, present zoning lines and building setback lines on the affected lots.

b Lot sizes :

c. House/building number for each loti

d. Septic system and well locations for affected and adjacent lots.

3. When such a waiver is requested, the Planning Board shall review the sketch plan and approve or deny the waiver request. Approval may be granted when it is determined that such lot line alteration would not adversely affect the site's development; adversely impact the neighborhood or negatively impact the health, safety or welfare of the town residents.

4. If the waiver is granted, the applicant shall file mylar copies of the approved subdivision survey map, with the Saratoga County Clerk and Town Planning Board. Any amendments to a previously filed map shall be referenced and identified on the survey map to be filed. The survey map shall include the following:

a. All existing property lines, revised property lines, easement lines, right-of-way lines, driveways, present zoning lines and building setback lines, with dimensions, azimuth or angle data and curve data;

b. All monuments, iron pipes and bench marks;

c. Lot sizes;

d. House/building number for each lot;

e. A title block, north arrow and scale designations;

f. A location map;

g. All federal and state regulated wetlands.

The survey map shall have an original stamp and seal of a licensed surveyor and the signature of the duly authorized official of the Town Planning Board.

5. The proposed lot line alteration shall not be subject to further SEQRA review as long as the following conditions have been met.

a. SEQRA review of the original subdivision application has resulted in the issuance of a negative declaration and

b. The proposed lot line adjustment meets all of the conditions listed in Section VII.B.1 above.

6. If the Planning Board denies the request for waiver, the applicant may initiate a full subdivision review proceeding with the submission requirements as outlined in this regulation.

C. A fee in the amount established and published by the Town Board shall be paid at the time that the application is submitted to the secretary of the Planning Board. This fee is to cover any expenses for engineering review that the Board requires and can be waived by resolution of the Board if these expenses are not required.

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Mr. King stated his first impression is that there are not any major changes and by adding to the smaller lot it will become larger than the Town zoning requires, he feels they could waive the subdivision requirements as allowed. Mr. Heber agreed, stating it is not a subdivision. Mr. King said the Board would like to see a complete map of the full parcel involved. Mr. Richards responded that would be a lot of money to have the entire 250 acre farm surveyed, Mr. King said no, just the parcels involved with the lot line adjustment, not a complete survey but a map. Mr. Richards agreed just the parcel involved. Mr. Heber stated a map showing the full larger parcel then a survey of the lot receiving the land. Ms. Rippon-Butler asked if the land owners moved, Mr. Heber responded no, Mr. King stated it is fairly simple and it is up to the Board to agree to waive items. Ms. Rippon-Butler asked if it would just be a field affected or if any wells or septic would be affected, Mr. Richards responded everything is existing there are no proposed changes for wells or septic. Mr. King asked if there were any other houses to the south of the parcels, Michael Wells responded no it is all open field. Ms. Eggleston asked if a SEQRA, State Environmental Quality Review Form would be required, Mr. Heber responded no and added all the Board needs is a map of the existing parcel and the breaking out of the lot line adjustment. Mr. Richards stated they would work with Mr. Colozza on the maps and what is required. Mr. Heber asked if it was ok with the Board, no objections were made. Mr. Richards asked if they need to just submit the map or if they have to return for another meeting, Mr. Heber responded yes, they will have to return with the map for the Board to review. Mr. King agreed they should look at the map. Mr. Richards reiterated it is approved in principal the Board just needed the map, Mr. Heber responded yes.

Mr. Heber then announced the Board would address the old business, application #0006-17, Steve & Juoy Sorano. He then asked if any members of the Board attended the joint public hearing with the Zoning Board of Appeals. The Clerk stated Ms. Martindale attended the 1st meeting for the public hearing but not the last. Mr. Heber asked Mr. Colozza if there were any issues, Mr. Colozza stated the project was approved by Saratoga County Planning with no significant impact and the Zoning Board of Appeals approved the application with the contingency the applicant's acquire the property. Mr. Heber asked why this Board was now, Mr. Sorano stated they wanted to see a revised map, Mr. Colozza added yes, showing the sign, well location and parking. Ms. Eggleston asked Mr. Colozza if he had compared the two maps, he responded yes. Mr. Sorano agreed, and stated he added the sign, all surrounding neighbors, hours of operation and the plantings on the back of the greenhouses for a buffer. Ms. Eggleston asked if the sign meets dimension requirements, Ms. Martindale asked where the sign was located. Mr. Sorano responded on the corner of Stump St and Pettis Road. Ms. Eggleston asked if there will be public restrooms, Mr. Sorano said they could have port-a-potties. She then asked where the trash would go, Mr. Colozza stated they will have a dumpster. Mr. Heber asked if there were any objections or comments. Ms. Eggleston asked about lighting, Mr. Sorano responded maybe in the yard on the existing pole from dusk to dawn, Mr. Colozza asked if it would be a security light, Mr. Sorano responded yes. Ms. Martindale asked when they expect to hear from the bank and if they can take action without ownership. Mr. Colozza responded the Board can make anything contingent which is agricultural practice for the loan, the Zoning Board of Appeals made their approval contingent on ownership so the variance won't go through unless this applicant has purchased.

Ms. Martindale made a motion to accept and approve the site plan review for application #0006-17, for Steve & Juoy Sorano at 7 Pettis Road contingent upon ownership by the applicants.

Ms. Black 2nd the motion,

All in attendance unanimously agreed.

Motion passed.

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Mr. Heber announced the next application #0003-17, King Brothers Dairy and Mr. King recuse himself from the Board. Mr. Jan King approached the Board and stated the use variance was granted by the Zoning Board of Appeals. Mr. Heber stated this application was approved by the Zoning Board of Appeals and SEQRA, State Environmental Quality Review Form completed, he then asked about County Planning. Mr. Colozza explained the Zoning Board of Appeals granted the variance by a super majority without a response from County Planning. The Board reviewed the site plan map and Ms. Martindale stated basically everything is there, she then reiterated they are processing milk. Ms. Rippon-Butler stated there is a long leach field, Mr. Jan King stated the engineer said there would be a pump system. Mr. Heber asked if there would be a septic there too and not just the pump system with a holding tank. Mr. Jan King stated yes, next to the building. Ms. Rippon-Butler asked if most of the lights were back from the road by the building and where if there was a sign, Mr. Jan King responded yes and the sign is on the front of the building. Mr. Heber asked how he was doing with the Health Department, Mr. Jan King responded they have talked to the Health Department but have not submitted anything yet. Ms. Martindale asked what it is labeled as, Mr. Colozza responded a mercantile, basically groceries with no gas, similar to Stewart's or Cumberland Farms, not a restaurant and the Department of Health will regulate the water. Mr. Heber asked if Department of Health regulates it as a mercantile. Mr. Colozza responded yes, the water system and bathrooms. Mr. Heber stated they could move contingent on the Department of Health approvals for the special use permit / site plan and asked if there were any additional comments, none were noted.

Ms. Martindale made a motion to approve application #0003-17 for King Brothers Dairy contingent upon the approval of New York State Department of Health and / or all other agencies that require an approval.

Ms. Eggleston 2nd the motion,  
All in attendance unanimously agreed,  
Motion passed.

Mr. Jeff King rejoined the Board. Mr. Heber asked if there was a motion for the July minutes.

Mr. King made a motion to accept the July minutes as submitted.

Ms. Martindale 2nd the motion,  
All in attendance unanimously agreed.

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

Mr. King made a motion to adjourn the monthly meeting at 7:35 PM,

Ms. Black 2nd the motion,  
All in attendance unanimously agreed.

Respectfully Submitted,  
Tia Kilburn, Planning Board Clerk