

Town of Northumberland Planning Board

Minutes

Monday, September 14, 2009 7:15 pm

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Accepted by Planning Board

Present: Jeff King, Acting Chairperson, Susan Martindale, James Heber, CJ Lofgren and Lisa Black, Acting Member.

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

Town Employees Present: Doug Ward, Town Attorney 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 7:15 PM and introduced the application for Linda Pleat as the first public hearing to be addressed.

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

Ms. Pleat explained her desire to subdivide .498 acres from a total of 27 +/- acres at 254 Rute4 and 32. She explained that this has been a long process for her, she had to go through two different courts to obtain the right to subdivide. She said she won both cases and now would like to proceed. Mr. King asked if there were any comments or concerns from the public. Mr. E stated his name and address for the record and asked how the Town could let someone subdivide without enough room for a well and septic system. He then added there was a "stay" on the subdivision because his attorneys had filed an appeal. Mr. King asked if there was anything else from the public in attendance or any correspondence. MS. T stated her name and address for the record and said she and her husband were interested in purchasing this parcel and they were concerned about the old fuel tanks in the ground from the gas station and they had called DEC in Warrensburg to see if there was any proof they were removed. She also stated she was concerned with the drain in the garage and where it drained because the river is so close. Mr. King asked if there were any other comments or concerns. Mr. Ward stated the subject of litigation was between Mr. Natale, Mr. Ernst and Ms. Pleat and was settled with a decision dated April 10, 2008, this decision was also affirmed by the Appellate Division June 18, 2009. Mr. E reiterated there is a current motion filed for a "stay" on this subject. Mr. Ward stated he knew nothing of a court ordered restraint and even if there were one it does not bind this Board, their job is to review the subdivision and if it meets the criteria, apply State Environmental Quality Review form, SEQRA, and additionally there is nothing in the Court decisions that tells this Board what to do.

Mr. Heber asked who was requesting the subdivision. Mr. Ward said it would have to be either Mr. Ernst or Ms. Pleat with Mr. Ernst permission, the approval would go to Mr. Ernst by the Court decision. Mr. King asked if they should look at approving with contingencies. Mr. Ward stated no, if Mr. Ernst wants to take it and not subdivide Ms. Pleat has other remedies as long as she has the authorization. Ms. Pleat said she did have a signed authorization from Mr. Ernst. Mr. King asked if there were any other comments or concerns, none were noted.

Mr. King made a motion to close the public hearing,

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, public hearing for application # 0007-09, Linda Pleat closed.

REGULAR MONTHLY MEETING

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All in attendance stood and recited the Pledge of Allegiance.

OLD 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

Zoning: Hamlet

Acres: Total 27.069, divide .498

The Clerk gave Mr. Ward the authorization from Mr. Ernst. Mr. Ward read it aloud and said this Board can complete the application and go forward. Mr. Heber asked if there was a decision made on the septic system and allowing an area on the other side of the road for any future use. Mr. Ward said that was not on the table, it was pre-existing. Mr. King added across the road was not an option, it may be in a different situation. Mr. King asked if they could redesign the plan to include something across the road and asked Ms. Pleat if she wanted to wait until next months meeting. Ms. Pleat said yes she would wait. Mr. Heber requested additional information on the septic.

ACTION TAKEN

Tabled. Additional information requested on the septic system.

Application #: 0002-09 – Use Variance

Applicant: Lawrence & Donald Neville

Location: 4750 Route 50

SBL#: 116.-1-41

Zoning: C/R

Acres: .51

Status: Preliminary

Mr. Neville addressed the Board and stated his variance was approved by the Zoning Board of Appeals and he was ready to proceed. Mr. Heber asked if an area variance was approved as well as the use variance. Mr. Neville said no, he did not know he needed the area variance. Mr. Heber stated he was short from the required acreage needed in the C/R zone and he needed the area variance to proceed. Mr. King advised Mr. Neville to return to the Zoning Board and ask for an area variance. Mr. Neville said he would do whatever it would take and he was unaware he needed the area variance.

ACTION TAKEN

Mr. Neville will return to the Zoning Board of Appeals to request an Area Variance.

NEW BUSINESS

NONE

MISCELLANEOUS

Mr. Zuckerman asked if the Board could sign the mylars submitted from his August, 2007 subdivision approval. Discussion ensued on why it has taken so long to have them signed. Mr. Zuckerman explained he had to wait for the permit from DEC for the stream crossing and other paperwork. Mr. Heber reviewed the subdivision book for the regulations on a time period to sign the mylars. Mr. King asked if there was any other discussion on this

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application. Mr. King also looked up the time limit in the regulations and read aloud.

Mr. Heber made a motion to request Mr. Colozza, the Code Enforcement Officer, and Mr. Durr, the Chairperson to review all the minutes, make sure all requirements have been met and all necessary information is on the mylars, and then the Chairperson could sign if complete, or if deemed necessary deny signing and bring it back to this Board for further review.

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed.

Donna Richard submitted the following letter to the Zoning Board of Appeals and was referred by them to this Board for clarification of building envelopes for the "Solomon's Meadow Subdivision", application #0011-05.

August 21, 2009

*Town of Northumberland
17 Catherine Street
Gansevoort, NY 12831
Attn: Members of the Zoning Board*

RE: Lot 9, 338 Matt Road, Northumberland

Dear Members of the Zoning Board:

I am the current owner of 25 acres at 338 Matt Road, Northumberland. The lot is known as lot 9 Solomon's Meadows.

Recently, I listed the property for sale and had an interested party. They called the town and were told that this lot contains a building envelope. I met with Richard Colazo, building inspector, on July 2, 2009 to try and find out what they were speaking about, since I was not aware of any building envelope. I reviewed the subdivision map dated June 19, 2006 with Mr. Colazza and did not see any specific building envelope on my lot.

In reviewing your Zoning Ordinance book, dated February 15, 2006, I did find on page 40, some criteria for placement of residential structures. No where on the subdivision map, or any maps that were recorded at sale, does it show a specific building envelope on my property. It would certainly appear to me that a home could be built several different places on the lot. I do not see where the building is restricted to the back right corner of the open field.

*I would appreciate clarification from you on this matter. Also, I would like to know how to obtain a copy of the subdivision resolutions that were done when Stonybrook Land Company was granted the subdivision. I have read and reviewed the 16 deed restrictions once again, with my attorney and there is **no fisted building envelope. Unfortunately this has prevented the interested buyers in pursuing the property and I have lost the sale. Like myself, they wanted to place their home where they could enjoy the view of the surrounding mountains.***

A prompt response to this matter would be appreciated.

Mr. Heber reviewed the Mylar from the final approval dated, June 19, 2006 and stated the building envelopes are on the Mylar. Discussion ensued, Mr. Heber said they do not specifically state it in the notes on the Mylar, he added it says recommended building envelope on lot #1. Ms. Lofgren said recommended doesn't mean it is etched in stone, people could interpret it differently. Mr. Heber continued to review the Mylar, he said one says recommended and a different one says typical building envelope, when it says typical that makes it suggestive. Mr. Heber stated they would have to go back and look at the minutes, and Mr. King agreed without reviewing all

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the minutes there is not much this Board can do. The Clerk gave the Board the final minutes with the subdivision approval. Mr. Heber said they did not put anything in the approval about the building envelopes. Mr. King stated he remembered a conversation about preserving the agricultural nature of the area and at that time the Board agreed to preserve as much as they could. The Clerk asked the Board what the consensus was and the Board said the recommended or typical building envelopes on the Mylar were the actual envelopes on each lot because the subdivision was designed to preserve agricultural. Mr. Heber added it did not have to be specifically written on each separate lot, they were all marked with envelopes.

Ms. Lofgren made a motion to approve the July minutes,
Ms. Black 2nd the motion,
All in attendance unanimously agreed, July minutes approved as written.

Ms. Martindale made a motion to approve the August minutes,
Ms. Black 2nd the motion,
All in attendance unanimously agreed, August minutes approved as written.

Ms. Lofgren made a motion to adjourn the monthly meeting
Mr. Heber 2nd the motion,
All in attendance unanimously agreed, meeting adjourned at 8:20PM.

FUTURE MEETINGS:

Monday, *October 19, 2009* - 7:15 PM

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk