

Town of Northumberland Planning Board

Minutes

Monday, October 19, 2009 7:30 pm

Page 1 of 3

Accepted by the Planning Board

Present: Wayne Durr – Chairperson, Brit Basinger - Vice Chairperson, Jeff King, Susan Martindale, James Heber, CJ Lofgren, Lisa Black and Kevin Pumiglia.

Absent: Bernadette Marry

Town Employees Present: Richard Colozza, Town's Code Administrator and Tia Kilburn, Planning Board Clerk

Mr. Durr opened the monthly meeting at 7:30 PM 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

Mr. King recapped the September meeting and asked Mr. Ward if had reviewed the Court's decisions. Mr. Ward said he ascertained as far as the Town is concerned this Board can move forward with the subdivision. Ms. Pleat stated the last appeal by Mr. Ernst was denied by the Court. Mr. Heber said there is not enough room for the septic if it needed to be replaced. Mr. King addressed the letter submitted to the Board from NYS Department of Transportation pertaining to private septic systems running under a State Highway and a letter from the Town's Engineer, Mr. Mitchell, addressing the same, both letters are in the file. Mr. Colozza stated he and Mr. Mitchell had visited the site and Mr. Mitchell determined it is reasonable to assume that the system is functioning and it is the buyers responsibility to determine if the well and septic are functioning prior to purchase. Mr. Colozza also said he had discussed the issue with Don Roberts, from NYS Department of Transportation, that is the letter Mr. Roberts sent to the Board. Mr. Colozza also stated he had contacted NYS Department of Health, DOH and they indicated they would not get involved, it wasn't their jurisdiction. Mr. Heber said even if there is a failure of the system DOH wouldn't get involved, Mr. Colozza responded no. Mr. King stated it is a small parcel and asked if it meets the regulations. Mr. Pumiglia stated as long as it does meet DOH regulations and it can be engineered it can be used. Mr. Heber said after the subdivision there won't be enough room considering the setbacks from the river, if there is room for compliance with DOH it has to be done. Mr. Colozza reiterated DOH will not get involved and NYS DOT does not recommend crossing the road. Mr. King added the current owner of the parcel is not likely to convey more land across the road so this is something this Board needs to deal with. Mr. Colozza stated it is not required to obtain more land and there are treatment systems out there that can be used in case of a failure. He added it only lacks 25 or 30' separation to meet the code as Mr. Mitchell determined when he did the site investigation. Mr. Basinger asked if DOH approved. Mr. Colozza stated DOH will not approve, they don't want to get involved. Mr. Basinger asked who would make the owner upgrade the system. Ms. Pleat asked when would she have to upgrade, when it failed, Mr. Colozza responded yes when and if it fails it will be engineered. Mr. Pumiglia asked if they could use a holding tank. Mr. Colozza stated the system would be engineered and it would be allowed along the waterway. Mr. Basinger asked if a septic system could work there. Mr. King said that was the ultimate question, can a new system be put in and work, there is an existing septic there. Mr. Durr asked how long has it been since anyone lived there. Ms. Pleat said about 5 years. Mr. King asked what does the future hold. Mr. Basinger stated that was not this Boards concern. Mr. Heber stated they don't want this subdivision coming back with problems. Mr. Basinger added they are struggling with the health, safety and welfare of the public along with the environmental impact. Ms. Lofgren asked what if it pollutes the river. Ms. Pleat responded, there is a system there now. Mr. King asked if they had located the septic tank. Mr. Heber asked if they had a survey map. Mr. Colozza stated the surveyor will not say where the septic is because it is below the ground, and he certifies everything on the map. Jeff said it is reasonable to ask for a survey map with the locations and

Town of Northumberland Planning Board

Minutes

Monday, October 19, 2009 7:30 pm

Page 2 of 3

Accepted by the Planning Board

setbacks. Mr. Heber stated it is a requirement for all subdivisions, in order to make an informed decision this Board should have a map showing the well and septic system and the size. Mr. Durr agreed it has to all be on the map, Mr. Pumiglia added the tank and well locations and the subdivision itself. Mr. Colozza said they have a map in the file. The Clerk gave the Board the map from the file, Mr. King asked if it showed the well and septic. Ms. Pleat said Morning Star told her the well was by the boat launch. Mr. Basinger asked what the separation was. Mr. Colozza said 50' and they must have that there because the well is on one side of the house and the septic is on the other. Mr. King read a letter submitted by Mr. Ernst, in the file. Mr. King said he was concerned the Board is approving something that will become hazardous in the future, Mr. Colozza responded that Mr. Mitchell said the system can be replaced adequately in case of failure. Mr. Heber said the map from the file is not a surveyed map. Mr. King stated they are going to need a survey. Mr. Basinger stated he was inclined to approve this application based on Mr. Mitchell and Mr. Ward's findings. Mr. King agreed that was good enough for him, if the Town's engineer says it can be done, then ok. Mr. Pumiglia said he would like Mr. Mitchell to address the septic in association with the river, and he would like to see the well and septic on the map, the building location and the entire parcel. Mr. Heber said everything listed in the subdivision regulations. Mr. Basinger suggested the surveyor send a map to Mr. Mitchell for his letter on the current system stating it can be replaced. Mr. Pumiglia added he would like to see more specifics on the tile field and septic, that the lot will support a system. Mr. Heber stated they didn't want this to come back against this Board with a law suit in the future, he added anything that is needed for the Hudson River Overlay has to be on the maps as well. Mr. King said that was minor stuff because it is existing. Mr. Colozza added any changes to the parcel will have to come back to this Board for approval. Mr. Heber asked if there was a copy of the deed, Mr. Colozza responded there was one already here.

ACTION TAKEN

Ms. Pleat will have the parcel surveyed, showing all requirements for subdivisions. Letter will be requested from Mr. Mitchell.

Application #: 0002-09 – Site Plan Review / Special Use Permit

Applicant: Lawrence & Donald Neville

Location: 4750 Route 50

SBL#: 116.-1-41

Zoning: C/R

Acres: .51

Status: Final

Mr. Neville approached the Board and said he needed a special use permit. Mr. King said a letter was received from the Zoning Board of Appeals, stating their determination was that the area variance was covered by the use variance issued to Mr. Neville, letter is in the file. Mr. Durr asked for the sign design from the clerk. Mr. Neville stated the gentleman he has making the sign had called the office for the regulations, the sign has not been made yet and can be changed. Mr. Heber asked where it would be located. Mr. Neville said out by the road, needs to know the setback from the road. The Board reviewed the regulations starting on page 61 of the Zoning Ordinance Book for signs. Mr. Basinger said pay special attention to #3 & 4 of the General Provisions on page 61, he also said he believed it should be 30' from the driveway. Mr. Neville said it will be placed in the middle of the lot so it can be seen from the road because of the trees and a fence. Mr. King said the proposed location has to be put on the map. Mr. Basinger asked if it would be 30' from the road. Mr. Neville but the sign location on the map.

Mr. King made a motion to approve the site plan and issue special use permit,
Mr. Basinger 2nd the motion,
All in attendance unanimously agreed, site plan approved, special use permit issued.

ACTION TAKEN

Application approved.

Town of Northumberland Planning Board

Minutes

Monday, October 19, 2009 7:30 pm

Page 3 of 3

Accepted by the Planning Board

NEW BUSINESS

Lot Line Adjustment

Application#: 0010-09

Applicant: John Tarantino

Location: 641 & 653 Colebrook Rd

SBL(s): 116.-2-39 & 116.-2-48

Zoning: R1

Acres: 2.414

Status: Conceptual

Mr. Tarantino explained he purchased a modular and a single trailer on Colebrook Rd and would like to move the lot line to make the two lots the same size, to allow for improvements. Mr. Basinger asked what the zoning was in that area. Mr. Colozza said it is R-1 and he has 150' road frontage. Mr. Basinger asked if he planned on adding anything. Mr. Colozza said everything is existing. Mr. Basinger asked if it is existing are there any subdivision issues. Mr. Colozza said no it was part of an old subdivision but it is out of that and is no problem now. Mr. Heber said the Board can waive stuff and he thinks this application is simple and Mr. Tarantino just needs to come back with a map. Mr. Basinger asked if the lot line would impact the septic systems or setbacks. Mr. Tarantino said no it would improve the manufactured home lot.

ACTION TAKEN

Mr. Tarantino will return with a final map.

MISCELLANEOUS

DiSiena /Colebrook Rd / Stafford Way – Reduction request for Letter of Credit

Mr. King made a motion to recommend the reduction to the Town Board as Requested,

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed, Clerk will prepare a letter of recommendation for the Town Board.

Mr. King made a motion to approve the September minutes,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed, September minutes approved as written.

Mr. King made a motion to adjourn the monthly meeting

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed, meeting adjourned at 8:35PM.

FUTURE MEETINGS:

Monday, December 14, 2009 - 7:30 PM

Respectfully Submitted,

Tia Kilburn, Planning Board Clerk