

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board
Monday, October 19, 2015 7:00 pm
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Present: James Heber, Lisa Black, Melanie Eggleston, Chad Reinemann, Susan Martindale, and Wayne Durr, Chairperson

Absent: Holly Rippon-Rippon-Butler, Brit Basinger and Jeff King - Vice Chairperson

Town Employees Present: Tia Kilburn, Clerk, Richard Colozza, Code Enforcement Officer, Justin Grassi, Esq., the Towns Legal Representation for application #0006-15.

Wayne Durr, Chairperson, opened the Public Hearing at 7:05 PM.
All in attendance stood and recited the Pledge of Allegiance

Application#: 0006-15 - Site Plan - Special Use Permit

Applicant: Cellco D/B/A Verizon

Mr. Lusk, Esq. re-introduced himself to the Board; he explained the proposed application to the public in attendance, none was noted for this application, is for a 120' mono pole at a new location, 5 Blue Heron Terrace, which is behind the previous location at the Travel Trailer Park. He then displayed poster boards with enlarged photos from the "visual resource evaluation" that took place on Sunday October 4th. Mr. Durr asked if there were any location it was visible, Mr. Lusk stated the only location the tower would be visible was the property owners back yard, he referenced photo # S-24 and said they added a rendition of the tower to the photo. He then explained they used 3 balloons as before, the lowest balloon would be the height of the tower and the other two balloons were used as tracers to identify the location. Mr. Durr asked how far from the tower was that picture taken; Mr. Lusk stated from the camera to the balloons on photo #24 is 900', he then added the only other site it may be visible once all the leaves are off the trees would be at 38 Robins Rd, photo #S-23 as indicated by the red arrow. Mr. Heber reiterated it was partially visible from the home at that location on the corner of the subdivision, Mr. Lusk responded yes. Mr. Durr asked if there were any other questions about the balloon fly, and he asked if the owners of the property are aware of the results from the balloon fly. Ms. Coleman said yes. Mr. Durr asked how tall they had to go for the tower, Mr. Lusk said 120', Mr. Reinemann asked if they contacted the FAA and if they need a light on the tower, Mr. Lusk responded not as of yet. Discussion ensued on the requirements for a light on the tower. Mr. Lusk stated that will have to be analyzed by the FAA, Mr. Reinemann then stated they want this board to made a decision without the results, Mr. Lusk stated hopefully by November 9th they will have answers. Mr. Colozza said even if a light is required all the neighbors will see would be a slight flash of light.

Mr. Heber asked if the insurance / indemnification clause from the Local Law has been satisfied. Mr. Grassi, Towns Legal Representation, stated it will need to be settled, Mr. Heber said it should be up to the Town Board, Mr. Grassi stated the Planning Board and the Town Board need to be comfortable with the decision. Mr. Lusk said they still maintain their belief the Town cannot mandate Verizon / Cellco to full fill that clause he added they have a contract with the property owner not the Town. Mr. Durr asked if there is insurance / indemnification clause in the contract with the homeowner, Mr. Lusk said yes, Mr. Grassi interjected the clause can be waived. Mr. Durr stated that would have to be determined with a discussion with the Town Board, he then asked if there were any other questions or concerns, none were noted. A town resident Mr. Kurr asked where this location was, Mr. Lusk explained it was at 5 Blue Heron off of Route 50 behind the Saratoga RV Travel Park. Mr. Heber interjected it was actually in the back of the subdivision off of Route 50. Mr. Kurr then asked if anyone had considered the radiation from the tower, Mr. Reinemann stated that is all determined by the FAA and Ms. Eggleston added it falls within what has been determined a safe level.

Mr. Reinemann asked if there was any liability on the Town, Mr. Durr stated the property owner is listed on the insurance as an additional insured, Mr. Grassi added they can waive it and the Town Law allows for a removal bond to be held, the Town can require a higher bond if necessary. Discussion ensued on how to determine what amount would be sufficient for a bond.

Mr. Durr stated the Public Hearing will remain open.

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ACTION

Public Hearing remains open,

Application #: 0008-15 Minor 2 Subdivision

Applicant: Jason Clark / Kelly Powhida

Mr. Durr introduced the public hearing for application #0008-15, applicants Jason Clark and Kelly Powhida and stated they will hear comments and or concerns from the public until 7:45 pm - he then asked the applicant to explain the proposal.

Donald Pidgeon, Jr., DLP Surveying, LLC introduced himself as representation and stated this application is for a proposed 2 lot minor subdivision, one lot will be for the existing single family dwelling and the new lot will be for a single family dwelling to be built. He then stated they are still waiting for a response from the State for the National Heritage Letter due to the Cemetery, he added it has been surveyed and everything needed will fit.

Mr. Durr asked if there were any questions or comments from the public, Mr. Kurr stated it looks like the "stones" are closer to the property line in person than on the piece of paper. Mr. Pidgeon stated the "stones" are all within the cemetery and it is hard to tell because of the trees however, there are no "stones" on this property, everything was located with the survey, Mr. Kurr asked if he was 100% sure. Mr. Durr asked for clarification on the concern, Mr. Kurr stated he felt the "stones" were on the property where the new home will be built. Mr. Durr asked Mr. Pidgeon where the closest stone was to the property, Mr. Pidgeon pointed out the closest stone and stated it is at least 20' off the property line. Mr. Durr then asked who maintained the cemetery, Mr. Colozza said nobody really, years back the Boy scouts use to care for it but they haven't been in there in a while. He then added historical people visit occasionally because apparently George Washington's Body Guard is buried in there and they confirm the stone is still intact. Mr. Kurr asked who placed the stakes Mr. Pidgeon used as a guide, Mr. Pidgeon stated he assumed it was the previous surveyor Mr. Bruce Hawk. Mr. Durr asked if the applicant owed the Board any more items, Mr. Pidgeon said just the response for the National Heritage. Ms. Black asked if any of the grave sites were noted on the applicant's property, Mr. Kurr stated he felt there was. Discussion ensued on the property lines and location of the graves and head stones. Mr. Kurr then stated the property line is not marked out. Mr. Pidgeon said he can run a ribbon or strings for the entire line but it will be a little off because of the trees on the line. Ms. Eggleston asked what was the purpose, Mr. Pidgeon said to show there are no graves or stones on the applicant's property. Mr. Colozza stated if the Board was not comfortable they could require a "no cut" or "do not disturb" buffer. Mr. Durr suggested they wait for the response from the National Heritage letter before any further action is taken. Mr. Kurr asked what came first the Cemetery or the property line, Mr. Heber responded the property line. Mr. Colozza stated he would go out with Mr. Pidgeon and take another look at the survey line, Mr. Heber suggested he also verify the setbacks are ok, Mr. Reinemann asked if any test pits have been performed, Mr. Pidgeon responded no, but they have pretty good soils over there and they will be done before construction. Mr. Durr asked if there were any additional comments for this application, none were noted.

Mr. Heber made a motion to close the public hearing at 7:50 pm,

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed, public hearing closed.

ACTION

Public hearing closed / application tabled until response from National Heritage is received.

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Mr. Heber recused himself, for the purpose of the next application.

Application #: 0010-15 Minor 2 Lot Subdivision
Applicant: Antoinette Heber - Represented by James Heber

Mr. Heber explained the application as a request for a minor 2 lot subdivision of property, one lot will contain the existing dwelling, nothing new being added and the 2nd lot will remain vacant field. He stated it is located in the area of Brownville and Putnam Road intersection. Mr. Durr asked if the Cemetery that borders the property is maintained, Mr. Heber responded no, Mr. Reinemann asked if there was a R.O.W. to the Cemetery, Mr. Heber stated there was an entrance however, it is over grown, usually if anyone wants to go in there they use their property. Ms. Eggleston asked if he has written permission from the owner of the property to request this subdivision, Mr. Heber said no however, he can get one, Ms. Eggleston then asked if he could have it notarized, he responded yes that was not a problem. She then asked if Mr. Heber has requested a National Heritage Letter because of the location of Cemetery, He responded no but he will request one.

ACTION

National Heritage review will be requested and notarized permission will be obtained.

Mr. Heber rejoined the Board, Mr. Durr stated this Board should think about the Cellco / Verizon application and if they want the Town named or if they are fine with the property owner being named as additional insured or if they would waive the requirement. And consideration of the removal bond and an amount.

Mr. Heber made a motion to adjourn the meeting at 8:25 PM,
Mr. Reinemann 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETING: November 9, 2015, directly following joint public hearing with the Town Board.

Respectfully Submitted, Tia Kilburn, Planning Board Clerk