

Town of Northumberland Planning Board
Minutes
Subject to approval by the Planning Board
Monday, December 10, 2012 7:30 pm
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Present: Susan Martindale, John DeLisle, Jayme Heber, Lisa Black, Melanie Eggleston, Brit Basinger and Wayne Durr, Chairperson.

Absent: CJ Lofgren, and Jeff King - Vice Chairperson.

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

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

All in attendance stood and recited the Pledge of Allegiance

OLD BUSINESS

None

NEW BUSINESS

Application # 0009-12, Lot Line Adjustment;

Mr. Gougler addressed the Board and stated he and Mr. Merrill are neighbors, and there is an undeveloped lot between their two parcels they would like to purchase and split in half to add to each of their current parcels. Mr. Heber asked if there was anything on the lot, Mr. Gougler responded no it is vacant. Mr. Heber stated because this parcel is part of an approved subdivision a survey and mylars will be needed. Mr. Gougler said he has contracted a surveyor and as soon as they get the ok from this Board they will move ahead with the survey. Mr. Durr asked what the mylars were that were on the table, Mr. Colozza said they are the original subdivision map and the newest map the Town has on file, he added one showed a lot line adjustment that has already been done. Mr. Merrill stated he purchased 2 lots originally, one has his house on it and the other is vacant, he has two tax bills, Mr. Colozza added they dissolved the line. Mr. Heber said he should not be receiving 2 tax bills, Mr. Merrill responded he has not completed that yet. Mr. Heber asked him if he wanted to combine them now, he could save money doing it all at once, Mr. Merrill responded he was unsure if they wanted to because he may sell it. Mr. Colozza said he would have to do some research on the latest mylar because appears to have an extra lot on it. Discussion ensued on the ownership of the parcels on the map, Mr. Colozza reiterated he would have to look it up but it doesn't affect this application now. Mr. Heber agreed something else went on that may not be reflected on the mylars. Mr. DeLisle stated it appears the Right of Way has changed, Discussion ensued on the differences between the two maps. Mr. Heber said the changes on the maps have nothing to do with the current application, and reminded Mr. Merrill that he can do both lot line adjustments now but he doesn't have to, they are proposing to dissolve a lot which is no problem. Mr. Durr asked Ms. Martindale if there was anything on the mylars they should be concerned with, Ms. Martindale responded not that she could see. Mr. Durr asked if there were any issues with the proposed changes, none were noted. Mr. Durr then asked Mr. Merrill if they had purchased the parcel yet, Mr. Gougler responded no, they have a contract with the seller. Mr. Durr asked if they could approve this without the transfer of ownership, Mr. Colozza stated they can approve it contingent upon the sale. Mr. Heber said they can waive the public hearing, discussion ensued on waiving some steps.

Mr. Heber made a motion to waive the public hearing for application 0009-12, lot line adjustment for Mr. Dave Gougler and Mr. Chris Merrill.

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed, motion passed.

Mr. Heber made a motion to approve the combination of lots 118.-1-30, 31 and 29 as proposed on the application contingent on the sale of parcel 118.-1-30 and the lots be surveyed and a new mylar reflecting the adjustment be signed by the Planning Board Chairperson.

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed, motion passed.

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Mr. Heber reminded the applicants that these lots are part of an approved subdivision and the County has the original on file, they will need the new mylars as well. Mr. Basinger asked if there were any certain period of time to complete the lot line adjustment, Mr. Colozza responded no, it is just contingent on the sale of the parcel, if they want they can put a time limit on the approval, Mr. Basinger declined to do so.

PUBLIC PARTICIPATION

Mr. Jack Trainer introduced himself to the Board and stated his address was 348 Grange Hall Rd in Northumberland. He said he would like to discuss the soil disturbance taking place on the lot next to his belonging to Timothy Powell, he said there was a stop work order issued until a closure plan could be approved. A permit was applied for 2 years ago and still has not been completed, he stated the Town allows 1 year as written in Local Law #2 of 1991, he added they are no closer to issuing a permit, the plans weren't accepted by this Board and the plan submitted to Department of Environmental Conservation has not been accepted.

Mr. Durr stated that the closure plan has been accepted. Mr. Trainer said he still wanted to discuss this issue with the Board. He said areas A,B,C and D on the map still are not in compliance with the plan. He then stated the watercourse and topography that were originally shown on the map have completely vanished off the 2nd map submitted to D.E.C. He said the Town Law states he should have all watercourses and culverts on the map, he then added work is taking place on the old part not on sections A,B,C or D, he said there is ponding water that is not represented on this latest drawing.

Mr. Trainer then stated D.E.C doesn't care where the water course drains because that is at the Town Level, also any soil disturbance above 1 acre is the Town's problem and this is 2 acres of disturbance. Mr. DeLisle recused himself stating he is also a neighboring property owner of the parcel in question. He stated Mr. Powell has done nothing and the plan is not accurate, he added there are issues it is a mess and there has not been any activity to resolve it. Mr. Trainer stated there is no design or inspections on the culvert or where it drains. Mr. Trainer said it is at least 200' long and there is ponding water on top of the landfill and out front of the parcel. Mr. DeLisle asked what course of action the Town has. Mr. Trainer asked why the Town hasn't completed the plan for the soil disturbance, and added Mr. Powell is out of compliance, he is not working in the proper area, he is digging a large hole. Mr. Trainer then stated D.E.C doesn't even mention the cap or cover for vegetation. Mr. Durr asked Mr. Colozza when he was last out there, Mr. Colozza responded last year with Jeb representing Saratoga County, D.E.C and himself, then one other time with Jim Mitchell, the Town's Engineer. Mr. Colozza then stated he can go back out there and take pictures. Mr. Heber stated he felt this Board washed their hands of this when they referred it to the Town Board, then he added D.E.C got the plan for closure and approved it. Discussion ensued on the lack of a permit from the Town. Mr. Colozza stated the Zoning Board of Appeals had given Mr. Powell permission to fill the ravine quite a while back without any restrictions. Mr. Basinger said that Mr. Powell was in non-compliance when they referred it to the Town Board and he thought they took care of it, he feels it should go back to the Town Board if after Mr. Colozza inspects it he finds it is still in non-compliance. Mr. Durr stated he appreciates Mr. Trainer informing this Board of the non-compliance, however they issued a stop work order until the Town Board received the plan approved by D.E.C, he added this Planning Board doesn't know what transpired between D.E.C, the Town Board and the owner of the property. Mr. Trainer stated he wanted to clarify that he has been involved with this for 14 years at the Town Level, if the Town Laws are tougher than D.E.C's it is up to the Town to enforce; it has nothing to do with D.E.C. He then stated Mr. Powell still has not done what the Town Law says has to be done. Mr. Basinger asked Mr. Trainer if he has spoken to the Town Board, Mr. Trainer responded no, he did speak to George Hodgson, Councilman. Mr. Basinger recommended Mr. Trainer go to the Town Board to express his concerns. Mr. Trainer stated he would be out of town for the next meeting however, he wants the soil disturbance plan to go to the Towns Engineer and then Mr. Colozza can check on the status. Mr. Basinger stated this Planning Board may not have the authority to act on this because it has gone to the Town Board and they need Mr. Colozza to give them a status report. Mr. Trainer agreed the Town Board needs to enforce the Town Law. Mr. Durr stated he will go to the Town Board Meeting to explain tonight's meeting and Mr. Trainer's concerns. Discussion ensued on the course of action; inspections, pictures, Town Engineer, Mr. Colozza's report and non-compliance. Mr. Durr stated this discussion will be in the minutes and they can refer it to the Town Board again, making a motion for non-compliance.

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Mr. Heber stated they do not have any correspondence from the Town Board, pertaining to their action on it therefore he does not think this Board can take any action on this.

MISCELLANEOUS

Mr. Durr asked if there were any minutes to be accepted; the Board reviewed the minutes from the last meeting in October.

Mr. Heber made a motion to accept the October meeting minutes as written.

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr asked if there were any additional business for this Board, none was noted.

Mr. Heber made a motion to adjourn the meeting at 8:34 PM,

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed.

FUTURE MEETINGS:

Regular Planning Board Monthly Meeting January 14
, 2013, 7:30 PM, as needed.

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk