

Town of Northumberland Planning Board
Minutes
Subject to Planning Board
Monday, December 13, 2010 7:00 pm
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Present: James Heber , Susan Martindale, Kevin Pumiglia, Jeff King, CJ Lofgren, Lisa Black ,alternate, John DeLisle, alternate and Wayne Durr, Chairperson

Absent: Brit Basinger - Vice Chairperson

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

Mr. Durr opened the Public Hearing meeting at 7:10 PM, all in attendance stood and recited the Pledge of Allegiance.

PUBLIC HEARING

Lot Line Adjustment / Subdivision

Application #0006-10

Applicant: Dale Cox

Owner: Carol Cox

Location: Starks Knob Rd

SBL#: 144.-1-(8), (9), (10), (11)

Zoning: AG / Hamlet

Acres: 75 acres

Mr. Cox explained this application as a request to subdivide 2 lots from the farm. Then he stated actually it was only to subdivide one lot because the State had already subdivided one years ago. Mr. Cox discussed the map with the Board and public in attendance. Mr. DeLisle asked if the lots across the road would also be joined, Mr. Cox responded no, not at this time, his sister could do that if she wanted. Mr. Durr asked if there were any questions or comments from the public in attendance.

Mr. Daryl Dumas introduced himself as a neighbor residing at 176 Route 4 and an owner of a parcel located on Starks Knob Rd. He stated he is associated with both Hudson Crossing and the University of the State of New York, "Museum". He asked if the State has said anything about protecting the north side of the property as far as the shale being removed from there. He then added a deed has not been recorded as of yet for this parcel the State owns. Mr. Cox stated there is no legal deed. Mr. Colozza stated there was correspondence received from the State of New York and it contained a deed. The Board reviewed the correspondence received from the State.

Mr. Dumas stated the old cars have been removed and the area is looking better however he is concerned with the tractor trailers being parked there. Mr. Cox stated he has a letter from the Town's Attorney, Doug Ward, that states he can have as many tractor trailers as he wants as long as they are at least 25' from Starks Knob Rd. Mr. Cox reiterated the States land does not have a legal deed, it was never executed. Ms. Lofgren asked what the deed was in the file and Mr. DeLisle asked what part of the lot line is in dispute with the State. Mr. Cox said the whole thing is in dispute because the people never signed off, the same person signed all the names, he added he was not aware of a deed in the file or any correspondence from the State. Mr. Cox then asked for a copy of the correspondence, Mr. Colozza said he could get a copy from the Clerk. Mr. Cox then stated he has been paying taxes on all this land and nothing has ever been done with it until the last 10 years. He then stated the problem was between Mr. Dumas and himself. Ms. Lofgren stated that had nothing to do with this application. Mr. King stated the Board was getting ahead of themselves, this is a public hearing. Mr. Durr asked if there were any other questions or concerns from the public in attendance. None were noted, Mr. Durr stated the public hearing would be left open until 7:30 PM.

Mr. Pumiglia suggested leaving the public hearing open due to new information received and the need for potential contact with the Doug Ward, the Town's Attorney. The Board agreed, public hearing left open.

Mr. Durr opened the regular monthly meeting at 7:31 PM.

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OLD BUSINESS

Lot Line Adjustment / Subdivision

Application #0006-10

Applicant: Dale Cox

Owner: Carol Cox

Location: Starks Knob Rd

SBL#: 144.-1-(8), (9), (10), (11)

Zoning: AG / Hamlet

Acres: 75 acres

Status: Public Hearing

Mr. Durr stated due to new questions from the Public Hearing they will contact Mr. Ward. Mr. King requested the zoning boundaries be put on the map. The Board discussed the dual zoning for this application; there is a parcel(s) in both the Hamlet zone and Agricultural zone. Mr. Colozza stated the Town Board had made a determination in a situation like this that explains the specific footage to the road in the Hamlet zone. Mr. Colozza asked if the Town Board minutes would be sufficient to determine the footage for the zoning purpose. Mr. King said yes that would satisfy him. Mr. Heber asked what the question was about zoning. Mr. King stated the property is some in the Agricultural zone and some in Hamlet zone. Mr. Heber stated the Town's Ordinance addresses this and uses percentages. Mr. King reiterated that the Regulations say the Board can ask for the zoning boundaries to be put on the map. Mr. Cox stated the survey map has the zoning on it. Mr. Pumiglia stated it would be easy to add it to the final map. Mr. Durr asked what else the Board would like to see on the map. Mr. Pumiglia stated the results for deep hole and perk test prior to construction are needed therefore something should be added to the map requiring it. Mr. Pumiglia asked if the parcels were flat, Mr. Cox asked if he wanted the topography on the map. Mr. Pumiglia and Mr. King said yes. Mr. Durr asked if there were any other questions or comments. Mr. Heber wanted to clarify what Mr. Cox needs to add to the map; 1.) Topography, 2.) Boundary Zones and 3.) Verbiage for perk and deep hole test prior to building permit. Mr. Colozza stated this is also in the shoreline overlay. Mr. King asked if all of lot #2 was in the Hamlet zone. Mr. Heber stated that lot falls into two zones the zone is determined by the larger percentage, as determined by the regulations. Mr. King stated he was concerned with commercial vehicles in the Hamlet zone, Mr. Colozza said that is regulated, and there are no more than 2 vehicles in excess of 20 foot allowed, the same as for storage. Mr. Cox stated he has a letter from Mr. Ward, the Town's Attorney that only says the trucks cannot be within 25 foot of Starks Knob Rd. Mr. Durr asked the Clerk if she had a copy of that letter and she said no. Mr. King said they will have to ask Mr. Ward for a copy. The Board discussed the State Environmental Quality Review Form, SEQRA and determined this application will need a long form due to the historic character of the neighborhood. Mr. King asked if a National Heritage letter is needed. Mr. Heber stated a National Heritage Letter is needed in order to be able to complete the Long form SEQRA. Mr. Cox asked if they could determine the zones to be put on the map. Mr. King agreed and said he wants it on the map to see what is being created and where. Mr. Heber said the parcel runs parallel with the road and they will need to scale it out to determine the correct zone. Mr. Colozza said the Town Board determined a method of measurement because of the amount of businesses and residences in that area. Mr. DeLisle stated that lot #2 doesn't have road frontage on Route 4. Mr. Heber said it has to have road frontage on "A" road so they will need to scale it out to determine. Mr. Colozza said he would research it. Mr. Cox asked if Mr. Colozza could let him know what is determined. Mr. Colozza said he would send a letter with what is required.

ACTION TAKEN

Mr. Cox will add; 1.) Topography, 2.) Zone Boundaries , 3.) Verbiage for perk and deep hole test prior to building permit. Mr. Colozza will research the dual zone issue. Mr. Durr will contact Mr. Ward for questions arising from the Public Hearing.

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Lot Line Adjustment

Application #0004-10

Applicant: David Danks & Christine Aubin

Location: Corner of Duncan Rd & Little Oaks Terrace

SBL#: 129.6-1-29 & 129.6-1-69.1

Zoning: R-3

Acres: .69 acres & .32 acres

Status:

Ms. Aubin presented new maps for the Board to review. She said the "blue" line drawn on the map is the proposed lot line change, they are trying to make two lots out of 3 and save the tree line. Mr. Pumiglia questioned the angle of the lot line. Ms. Aubin said they are trying to save the tree line and retain the proper footage for the zone. Ms. Martindale asked if there was 200' of road frontage on Duncan Road. Mr. Heber responded there currently is 200' but that is changing to 125' frontage on Duncan Rd. Mr. King asked if there were any other issues that had to be addressed. Mr. Pumiglia said it should be ok as long as the footage is ok. Ms. Martindale stated she was concerned about the road frontage. Mr. Pumiglia stated they will have enough at the front of the house where it is suppose to be measured. Mr. Heber agreed with Mr. Pumiglia and added that rule was created mainly for use in a cal-de-sac. Ms. Aubin stated they are having the survey done and asked if it does not have enough acreage can they have the surveyor move the lot line to comply. Mr. Heber said yes he could adjust the angle. Mr. Colozza said this is in the R-1 zone so they can go one acre but can't go any less or they will need a variance, they can't alter that, it is on page 119 in the Zoning Book. Ms. Aubin asked if they could make a recommendation to the Zoning Board for them. Mr. Durr stated yes, they could say the recommend approval because it is an improvement. Mr. Durr thanked the applicants.

ACTION TAKEN

Applicants will have a survey completed, and if needed apply to the Zoning Board of Appeals.

NEW BUSINESS

Lot Line Adjustment

Application #0007-10

Applicant: Adam Kolasienski

Location: 4727 Route 50

SBL#: 116.-2-25.11

Zoning: C/R

Acres: 13.8 acres

Status: Preliminary

Mr. Durr asked Mr. Kolasienski if anything had changed from last month's informal discussion. Mr. Kolasienski said they changed the proposed road frontage. Mr. Heber asked if he gave the buyer additional road frontage. Mr. Colozza said they "unlocked" the neighbors parcel and was able to retain 300' road frontage needed for Mr. Kolasienskis' business. The Board reviewed the new survey map. Ms. Martindale asked if there was an existing dwelling on the second lot. Mr. Kolasienski said yes, but he only had a right of way for a driveway because he did not have any road frontage at all. Mr. Heber said the concept was good. Mr. Kolasienski asked what he had to do next. Mr. King said he would like to see all the new boundary lines on the map for both lots.

Mr. Heber made a motion to exempt this application, #0007-10, from further Subdivision review.

Mr. King 2nd the motion,

All in attendance unanimously agreed, motion passed.

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Mr. Heber make a motion to approve the application #0007-10, for a lot line adjustment for Adam Kolasienski contingent upon boundary lines and lot frontage being added to the final maps.

Mr. Pumiglia 2nd the motion,

All in attendance unanimously agreed, motion passed.

ACTION TAKEN

Further Sub division review waived. Application approved with contingencies.

MISCELLAOUS

Heber - Possible "illegal subdivision" , Mr. Heber recused himself.

Mr. Heber explained he would be representing his parents, Antoinette and Herman Heber, he stated his parents are eliminating a lot. Mr. Heber said he parents have conveyed a portion of the lot to Airway Meadows and a portion to Jacob Heber, both are adjoining lot owners. Ms. Martindale reiterated the lot will "melt" into the other two lots, and Mr. Heber said yes. Mr. Colozza stated this does not need review, and explained the letter received from Saratoga County Real Property notifying the Town of a possible illegal subdivision. Mr. Heber explained there was an error in filing the deeds the first time and the lawyer was fixing it. Mr. Durr asked if this Board had to take action, Mr. Colozza responded no, just send a letter to Saratoga County explaining this is legal and not in need of review from this Board.

Mr. King made a motion to notify Saratoga County this situation involving tax map #s; 104.-1-114, 104.-1-114.1 and 104.-1-114.2 is legal and does not need any further review from this Board.

Ms. Black 2nd the motion,

All in attendance unanimously agreed, motion passed, Clerk will send notification to Saratoga County Real Property Tax Services.

Mr. Heber re-joined the Board.

Mr. Durr aksed the board members if they are unable to attend a meeting please call either the Clerk or himself to make them aware in case there is a quorum issue or as not to delay the beginning of the meeting. He then asked for any other business, none was noted.

Mr. Heber made a motion to adjourn the monthly meeting at 8:45pm,

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed, meeting adjourned at 8:45 pm.

FUTURE MEETINGS:

Regular Monthly Meeting, Monday, *January 10*, 2010 - 7:30 PM

Public Hearing for application 0006-10, applicant Dale Cox, left opened.

Respectfully Submitted,

Tia Kilburn,

Planning Board Clerk