

Town of Northumberland Planning Board

Minutes

Monday, April 12, 2010 7:30 pm

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*Subject to Planning Board Approval*

**Present:** James Heber, CJ Lofgren, Jeff King, Susan Martindale, Brit Basinger - Vice Chairperson, Lisa Black – alternate, John DeLisle – alternate and Wayne Durr – Chairperson

**Absent:** Kevin Pumiglia

**Town Employees Present:** Willard Peck, Town Supervisor, Doug Ward, Town Attorney, Richard Colozza, Code Enforcement Officer and Tia Kilburn, Planning Board Clerk

Chairperson, Mr. Durr opened the monthly meeting at 7:31 PM, all in attendance stood and recited the Pledge of Allegiance.

**OLD BUSINESS**

**Site Plan Review - Special Use Permit (Lot Line Adjustment)**

**Application #0001-10**

**Applicant: Pember Dupras**

Location: 167 Wall St

SBL#: 156.-1-11 & 156.-1-12 A & B

Zoning: Agricultural

Owner: Lynwood & Phyllis Thomas

Status: Final

Mr. Dupras sent a letter to the Board apologizing for his absent and introducing Dennis Hodgson and Mike Thomas as his representatives for tonight's meeting. Mr. Hodgson recapped the application and stated the trailer will be removed by January 1, 2011 as a contingency for the Zoning Board of Appeals approval granted April 7, 2010. He added there will not be many other changes, the loading area may be improved and additional shrubs planted for a screen. Mr. Thomas said the previous meetings there was a concern about a sign and lighting, he explained they will use the existing lighting and no sign will be installed. Mr. Hodgson agreed there will be no signage and added this is not a customer site, the typical hours are 7am to 6 pm mostly through the summer. Mr. Durr asked the Board if they had any questions or comments, he reiterated the Zoning Board approved the use variance contingent upon the removal of the rental trailer by January 1, 2011. Ms. Lofgren asked if they operated 7 days a week, Mr. Hodgson responded Saturdays are usually event days and they are off site. Mr. King asked what would happen to the special use permit if the property was sold if it went with the land. Mr. Ward, the towns Attorney stated it will stay with the land. Mr. Colozza added if there were any major changes to the project they would have to come back to this Board for a site plan review. Mr. King stated there were no major issues and he had been operating out of there with no complaints. Discussion ensued.

**ACTION TAKEN**

Mr. Heber made a motion to approve the Site Plan application and Special Use Permit for application #0001-10, Mr. Dupras Dupras for SBL#(s): 146.-1-11 & 156.-1-12 A&B contingent upon the rental trailer be removed by January 1, 2010.

Mr. King 2<sup>nd</sup> the motion,

All in attendance unanimously approved.

**NEW BUSINESS**

None

**MISCELLANEOUS**

**Special Use Permit / AG Field Reconstruction**

DEC Mining Permit

Location: Route 32

Mailed 4/15/2010

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SBL#: 104.-1-61.111

Zoning: R-3

Owner: Frank Shaw

Status: Review / Extension

Mr. Shaw addressed the Board stating he has just returned from vacation and received notification to come to the Board with his intentions. He stated he wanted to come to the Board tonight however did not have any paperwork at this time. The Approval from 1999 he received still stands, the limitations and restrictions imposed at that time are all the same. He explained the reason for the DEC Permit renewal / modification was because the mining operation had to be done in increments and needs to be bonded, he has a \$50,000 bond for the reclamation and he has reached the limit therefore needs to extend it. Mr. Shaw stated he will provide a map and all the information that has been approved. Mr. Durr asked if he had a map, Mr. Shaw said he had to get a copy for the Board. Mr. Durr asked if there were any questions for Mr. Shaw. Mr. Basinger asked if there have been any complaints from neighbors in the past and inquired about the pond on the property. Mr. Shaw said the pond was there and Mr. Colozza added he has not had any complaints in the office from anyone. Mr. Heber stated this was just procedural, and they should go through the motions including a public hearing. Mr. Shaw said nothing has changed and he would like not to have to return to this Board for months until it is determined, he stated DEC already advertised and held a public hearing it would be redundant to hold another one, he also had a 30 day waiting period in acted by DEC. Discussion ensued on what was required. Mr. Basinger discussed lead for the State Environmental Quality Review Form. The clerk said she had notification from Dec they were lead. Mr. Durr asked the Board if they needed a public hearing. Mr. King said he believed DEC held one and there are no changes. Ms. Black asked if they were all the same neighbors from the time of the original approval. Mr. Shaw said there are no changes at all even in the neighbors. Discussion ensued. The Board determined to waive the public hearing.

**ACTION TAKEN**

Mr. King made a motion to waive the public hearing due to the fact DEC already held one and completed the State Environmental Quality Review Form.

Mr. Basinger 2<sup>nd</sup> the motion,

All in attendance unanimously agreed.

Mr. King made a motion to approve the extension of the special use permit for AG Field Reconstruction based on the provisions of the NYS DEC Mining Permit and conditions set.

Mr. Basinger 2<sup>nd</sup> the motion,

All in attendance unanimously agreed.

**Local Law Siting of Telecommunications Towers, Antennae and related Facilities**

Willard Peck, the Town Supervisor cordially thanked the Board members for their work on the Board. Then he said he wanted to give an overview on the Local Law the Town Board has been working on siting Telecommunication Towers, approximately one year ago he had received a phone call asking if cell towers would be allowed on municipal property and that is when the Town Board and the Town's Attorney, Doug Ward started to review Telecommunications Towers and related facilities. The Town wants to be able to control where they are placed and what they look like. Currently it is a special permitted use in the Industrial Zone, and that is limited. Mr. Peck then said he would have Mr. Ward explain the law further. Mr. Ward said it looks complicated however, it is fairly simple, he tried to base it on Malta's Town Law, it works to have the Town Board and the Planning Board both involved. He explained the Planning Board has control in the Industrial zone similar to a PUD, they are calling this a TDD, Telecommunications Development District, the TDD can be anywhere in Town as long as they meet the criteria, there will be an application submitted to the Town Board 1<sup>st</sup> then if the that Board is comfortable with the plan they will refer the applicant to the Planning Board for review. The application will have requirements that have to be met such as location and concealment, if the plan is a good one there can be incentives to the applicant. Mr. Basinger asked if it would be considered a Special Use Permit. Mr. Heber said it would be a little different; the Planning Board would be advisory to the Town Board, the Town Board cannot do the State Environmental

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Quality Review Form, the permeating Board would do SEQRA. Mr. Wood explained they can hold a joint Public Hearing with the Town Board, he then said they wanted the Planning Board to review the "draft" for the law and make a list of requirements then the Town Board could put them into the "TDD". Mr. Peck said the moratorium has expired on this so time wise they want to address it at the May Town Board meeting and hold the Public Hearing in June for the adoption of the TDD. He asked this Board to review the information and make a list of items to be reviewed / considered by the Town Board. Mr. Ward stated the verbiage was not set in stone so if there is something this Board wants changed or added they would discuss that as well. Mr. Peck explained he attended the meetings in Schuylerville for the tower(s) over there, he stated he would like the application to be fair, however it could be a tough process or an easy process. He added they would like to see stealth towers. Discussion ensued. In closing Mr. Peck asked the Board members to please make a list of any concerns for the Town Boards review. Mr. Ward reiterated the Town Board and the Planning Board will be working jointly on this new Town Law for the TDD, the Town Board would be responsible for the Zoning and the Planning Board will be responsible for the site review and approval of the permit.

**Chairperson Recommendations**

Discussion for suggestions for recommendations of Chair and Vice Chair.

Mr. Heber made a motion to recommend to the Town Board Mr. Durr remain Chairperson,  
Mr. Basinger 2nd the motion,  
All in attendance unanimously agreed.

Mr. Basinger asked if anyone else was interested in becoming Vice-Chair. Discussion.

Mr. Basinger made a motion to recommend to the town Board Mr. King be appointed Vice-Chairperson.  
Ms. Martindale 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

**Review of March Minutes**

Mr. Heber made a motion to accept the March meeting minutes,  
Ms. Lofgren 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the monthly meeting at 8:30pm,  
Ms. Lofgren 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

**FUTURE MEETINGS:**

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

Respectfully Submitted,  
Tia Kilburn,  
Planning Board Clerk