

Town of Northumberland Planning Board
Minutes
Subject to Planning Board approval
Monday, February 14, 2011 7:00 pm
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Present: James Heber , Jeff King, CJ Lofgren, Lisa Black ,alternate, John DeLisle, alternate, Brit Basinger - Vice Chairperson and Wayne Durr, Chairperson

Absent: Kevin Pumiglia and Susan Martindale

Town Employees Present: Richard Colozza, Code Enforcement Officer

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

PUBLIC HEARING

Site Plan - Soil Disturbance

Application #0002-11

Applicant: Timothy Powell

Location: 346 Grange Hall Rd

SBL#: 144.-1-6.3

Zoning: AG

Acres: 6.62 acres

Status: Public Hearing

Mr. Durr announced the application and asked if there was anyone in attendance to speak regarding this application. Planning Board alternate Mr. DeLisle recused himself.

John Trainor introduced himself and stated he resides at 348 Grange Hall Rd, he stated his property borders Mr. Powell's parcel. Mr. Trainor said the activity at Mr. Powell's property has flooded his property for at least the last 14 years. Mr. Durr asked if there was a site map available. Mr. Trainor submitted to the Board photos of Mr. Powell's property randomly taken from 2007 until the present (copies are retained in the file). He then pointed out to the Board the flooding in the photos, stating some of the photos were taken in the fall and some in the winter and he said it has been that way for the last 14 years. Mr. Trainor said he has asked Mr. Powell if he was going to do anything to get the water off his property and Mr. Powell installed a culvert. Mr. Trainor said Mr. Powell's parcel is probably 300 foot wide and he himself doesn't want to rely on a culvert 500 plus feet. Mr. Trainor added there use to be an open swale there and there still needs to be an open swale because the culvert would have to be about 600 feet. Ms. Lofgren asked if the flooding of the water has increased since Mr. Powell started. Mr. Trainor said it takes longer and longer to drain and it virtually never drains completely. Mr. Powell said it does drain and there is no water there right now. Mr. Trainor said it has not rained in a couple of months, it has been frozen precipitation so it just percolates through the property. Mr. Powell added Mr. Colozza was out there and he said there was no water, so it does drain. Mr. Trainor said he has pictures of what it looks like, it usually rains every 3 or 4 weeks but lately it has been cold precipitation, he said most of the time there is a layer of ice on that pond and then it slowly percolates until it collapses. Mr. Durr asked Mr. Trainor where his house was located, Mr. Trainor showed the Board where his house and yard were located in the pictures he had. Mr. King asked how deep the pond was, Mr. Trainor said it was about 12 ft because and it floods Mr. Powell's driveway and then pointed out where the driveway was in the photos. Discussion on the photos ensued.

Mr. Trainor said he could not maintain or even walk his property line because of the water, there is a wall of stumps and the water is suppose to drain through it but doesn't, it is about 600'. He then said it creates a hardship for him because it is not on his property and he does not have the money or equipment to correct the problem. He said Mr. Powell does not have a hardship because it is on his property and he has the equipment to move it around, it is Mr. Trainor 's project design. Mr. Powell then said Mr. Trainor has fell trees there and is filling in the ravine with stumps and stopping the water flow. Mr. King stated the Board needs to listen to Mr. Trainor 's concerns and then they can go to the next step. Mr. Trainor said if he himself did fell a tree in a hole it would not flood, if it is flooding it is because someone has cut off the ravine completely and utterly cut it off. Mr. Powell said there is sediment going down there and clogging the pipe. Mr. Trainor

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said there is no sediment clogging the pipe, there is no pipe there, Mr. Trainor stated he had said Mr. Powell installed a culvert but then Mr. Powell buried it, so he (Mr. Powell) put in another one and then buried that one as well. Mr. Trainor said the second culvert pipe, by the time you get to the end of the lot is about 65 foot down I the bottom of a ravine and virtually in accessible anymore, it is about 400' short of having any opening at the end. Ms. Lofgren asked Mr. Trainor if there is anything he himself can do to keep the water from going onto his property, if there is anything he has tried. Mr. Trainor said it is absolutely impossible for him to do anything, it is runoff from his property, its rain and the dam is not on his property. Mr. Basinger asked Mr. Trainor if it was creating a new problem and if Mr. Trainor was saying his property doesn't have anywhere to drain. Mr. Trainor said exactly, the dam is made from the project and is not on his property, he said his trees are dying because they are drowning, it is clay there and he has some big trees there and he hopes they don't blow over with the wind. Mr. Durr asked if Mr. Colozza has seen the situation Mr. Trainor is talking about. Mr. Colozza said yes and it is one of the issues brought up with Dave Mt Pleasant from DEC, he added Mr. Powell does have a tentative engineer and they talked about how to correct the problem. Mr. Durr asked if there were any other questions or comments on this application. Ms. Lofgren asked Mr. Trainor if this has flooded every since he owned it. Mr. Trainor said since Mr. Powell installed the driveway, he elaborated that he and Mr. Powell had purchased the parcels at the same time in 1994 and then he said probably 1995 Mr. Powell installed the driveway and started to have his friends bring in stumps and it has been a truck highway for the last 14 years. Mr. Durr thanked Mr. Trainor and asked if there were any other questions or comments. Mr. DeLisle came forward and Mr. Durr stated the Board had received a letter from Mr. DeLisle. Mr. Powell asked for a copy of the letter. Mr. DeLisle stated he believed he expressed his concerns pretty well in the letter and the pictures submitted by Mr. Trainor showed his concerns. Mr. DeLisle stated the property line is now buried and the rod is no longer in position as when he bought his property in 2004. He said this was an existing condition when he bought his property. He said his concern is that it was suppose to be a 25% grade or less and with the amount of material he has in there he does not see how Mr. Powell can do that. Mr. DeLisle added Mr. Powell has to stay at least 50 foot off the property line as per his DEC permit, and there is a wall of stumps there 15 foot from the property line, and he added if the Town gets the engineered plan he thinks the elevations should be on it to make sure the grade is done correctly. Mr. DeLisle stated Mr. Powell had an agreement with the previous owner of his property. He added that Mr. Powell said in the last meeting that he had top soiled and seeded that section and in fact Mr. DeLisle stated it had not been, it was all rocky and rutty and there is actually ponding water on that property, which causes some concerns that Mr. DeLisle had put in his letter. Mr. Durr asked if there were any additional questions or concerns. Mr. Basinger asked if the water was making its way into Mr. DeLisle's well, the drinking water, or if it is just ponding across the property. Mr. DeLisle stated it never dries up completely, there is a stream there year round and he can see material such as glass, crushed concrete and debris in it. Mr. DeLisle stated there used to be two drainage swells there, one Mr. Powell filled in and it has an orange color, Mr. DeLisle said he was unsure if it was bacteria or not, however they join now and make one swell. Mr. Heber asked what area Mr. DeLisle was talking about and Mr. DeLisle pointed it out to the Board. Mr. DeLisle said according to the DEC permit Mr. Powell was suppose to record what the material was that came in and when it was delivered, however he stated when he checked with DEC they did not have any record of that information and he knows there is stuff there that is not suppose to be there not just stumps, like tires and treated lumber. Mr. DeLisle then added the pile is the photo marked November 2010 is what he looks at from his living room, he said the more Mr. Powell bulldozes the more he has to look at as he knocks down the trees. Mr. Durr asked if there were any questions for Mr. DeLisle, none were noted, Mr. King thanked Mr. DeLisle for the letter he submitted and after Mr. King reviewed the DEC permit he stated stumps are permitted. Public Hearing left open.

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

Public Hearing was closed at the January Meeting. Mr. Durr asked if there was anyone present for this application. Mr.

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Colozza stated Mr. Cox was not here because he had called the office and said he was still waiting for the National Heritage letter and therefore he had nothing new. Mr. Colozza then reminded the Board at the March meeting the public hearing for this application would be closed for 62 days and will need action. Discussion ensued. Mr. Heber stated they would probably have to deny the application or ask for an extension of the 62 day rule. Mr. Colozza said he would check with Doug Ward, the Town's Attorney to see if an extension was possible.

OLD BUSINESS

Site Plan - Soil Disturbance

Application #0002-11

Applicant: Timothy Powell

Location: 346 Grange Hall Rd

SBL#: 144.-1-6.3

Zoning: AG

Acres: 6.62 acres

Status: Public Hearing

Mr. Powell said his engineer had stated there wasn't much he could do in the winter months they would have to wait until spring, and his surveyor was suppose to call him back to make arrangements to get the pin replaced however, he hasn't as of yet. Mr. Heber asked if Mr. Powell understood this Board needed the closure plan to move forward and Mr. Powell said yes, and added he had screened topsoil at the site waiting to see what needed to be done. Mr. Durr asked if anything has been received from DEC. Mr. Colozza said no, not from Mr. Mt Pleasant and then he explained Mr. Powell had said he called and DEC said the Town needed to call to request the report. Mr. Heber reiterated there is nothing this Board can do until a closure plan is received from his engineer. Mr. King said it is important to talk to Mr. Powell's engineer to express the concerns noted in the Public Hearing and by this Board. Mr. Durr agreed Mr. Powell should have his engineer at a meeting of this Board. Mr. Powell stated he tried to hire Jim Mitchell, the Town's Engineer, however, Mr. Mitchell said it was a conflict of interest. Mr. Durr pointed out the Board asked for his engineer to be present at last month's meeting. Mr. Powell stated it was kind of short notice and he was unable to get him here for this meeting and he apologized. Mr. King asked if Mr. Powell has hired an engineer. Mr. Powell said he has not given him a price yet or called back, but, he was pretty sure he would be hiring the engineer he has been talking to; he added he is trying to get things to move along. Mr. Basinger said maybe they need the drainage and runoff addressed now, Ms. Lofgren added they wanted to make sure it was all done correctly by the closure plan and not have to be redone. Mr. King asked if the Board wanted to talk to Mr. Powell engineer or if they wanted Mr. Mitchell to. Mr. Durr stated if Mr. Powell could have his engineer at the next meeting the Board would also have Mr. Mitchell present. Mr. Basinger added and the survey. Mr. Powell reiterated his engineer wanted to be able to see the ground and there was too much snow at the present time, if the snow melts and they are able to get out there that is fine, he added he is not trying to lead the Board on it was the engineer that wanted to wait until spring. Mr. Colozza said he spoke with Mr. Powell's engineer and they agreed they would see what DEC wanted or were going to require and address that the Board wanted. Mr. Hamilton of Saratoga County Soil and Water told Mr. Colozza he would help but he was not going to design the closure plan for Mr. Powell. Mr. Colozza stated communication with DEC is important because they said it had to be closed this year. Mr. King stated he wanted to see a plan at next month's meeting and did not want to keep waiting for DEC, the engineer or the surveyor, he said he wanted a firm plan for the next meeting. Mr. Heber told Mr. Powell all he had to do was contact the engineer, have the surveyor out there and contact DEC to go by their specifications. Mr. Basinger stated the closure plan should be in the original DEC permit with all the issues addressed. Mr. King asked if they could have a plan for March. Mr. Powell said if the snow is gone, he said he would keep in touch with Mr. Colozza. Mr. Heber said by April meeting he should have the survey and the engineer at this Board with the plan. Mr. King asked Mr. Colozza if he could follow up with Mr. Powell in three weeks, Mr. Basinger asked if there was anything they could do now to keep things going, at least help the neighbors with the natural drainage. Mr. Powell said he could try. Mr. King suggested they wait for the engineer plan, so there is no question of having to re-do it or upset the neighbors. Mr. Durr said they would shoot for the April meeting and asked Mr. Powell if he could call Mr. Colozza before the March 14th meeting to update him. Mr. Powell agreed. Mr. Durr asked if there was any other questions or comments for Mr. Powell, none were noted. Mr. Durr thanked Mr. Powell for his time. Mr. Powell asked Mr. Colozza for copies of the photos and letter submitted during the public hearing, Mr. Colozza said yes he could get them.

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ACTION TAKEN

Public Hearing left open. Mr. Powell needs to have the property pin(s) replaced by his surveyor and his engineer create a closure plan. Mr. Powell will contact Mr. Colozza before the March 14th meeting to update the Board and a closure report is needed from DEC.

NEW BUSINESS

Minor Subdivision 2 - Lot

Application #0001-11

Applicant: Susan Shults

Owner: Welcome Stock Farm, LP

Location: Wall Street, Northumberland / Saratoga Town Line

SBL#: 156.-1-2.1

Zoning: AG

Acres: 30.81 acres

Status: Preliminary

Susan Shults explained her proposed plan for a 2 lot subdivision. She stated Mr. Peck is here to express his permission for her to proceed, he also has signed a letter for the file. She explained the property is on Wall Street in the Agricultural District, she added there is a survey of the property in the file and the total acreage is 30.81, she proposes to subdivide 5 acres in the southwest corner that contains a hill and build a 1 bedroom single family residence with a walkout basement. She stated she was attracted to this particular parcel because of the hill she can build into and the southern exposure, she added she is also interested in passive solar. She stated once the house is built Mr. Peck will continue to farm as much of it as he wants because she doesn't want to have to mow. The proposed driveway is also on the survey, she stated she contacted Mr. Serbalik of Saratoga County Department of Public Works, he came out to the site and he expressed he agreed the location was the safest place it could be because of the traffic coming up the hill on Wall Street. Ms. Shults stated all of her applications are in with the County and Mr. Serbalik is waiting for this Boards approval and then he can put them all through for the driveway permit. The survey also indicates the proposed location of the septic, Ken Martin, Ms. Shults engineer has already performed the deep hole and perk test and found no fill was needed but she will need a little larger septic than what the State requires because on top of the hill it is sand and at the bottom it is clay. She stated there are no designated wetlands. She added if you stand on Wall Street and look towards the lot, the hill is 3' above elevation, she wants to leave the berm there because there is wind from the West, they will dig down for the walkout basement, leaving the berm and then she wants to plant pine trees on the East side. Ms. Shults then discussed the characteristics of the neighborhood. Mr. Heber reiterated she had a perk test, Ms. Shults said yes. Mr. Durr asked Mr. Colozza if this had to go to Saratoga County. Mr. Colozza said yes. Mr. Heber asked about the State Environmental Quality Review Form, SEQR. Mr. Colozza said they already have the long form. Mr. Heber stated it could be sent to County Planning and schedule the Public Hearing. Ms. Shults stated it is on the town line and asked if she needed anything else. Mr. Colozza stated the Clerk will send a letter to the Town of Saratoga for notification it is within 500' of the property line. Mr. King asked about National Heritage letter, Ms. Shults said she already had one and she heard back from NYS DEC. Mr. King said they could waive the SEQRA and Mr. Colozza said no it is a subdivision and needs a public hearing. Mr. Heber agreed and added they need the long form because it is in the Agricultural zone it needs County referral. Ms. Shults asked if the elevation lines were ok, Mr. Heber stated they could waive all of them because on this lot the map would be all lines. Ms. Shults asked if she needed to contact anyone else, Mr. Heber responded no, this Board just had to complete the SEQRA. Mr. Durr stated the public hearing would be scheduled for March 14th at 7:15 PM. Ms. Shults asked if anything else was needed on the survey. Mr. Heber reviewed the survey and stated it looked good. Mr. Durr asked if there was any other questions or comments for Ms. Shults, none were noted, he thanked Ms. Shults and said the Public Hearing will be March 14th at 7:15 PM.

ACTION TAKEN

Public Hearing to be scheduled for March 14th, 7:15 PM.

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MISCELLAOUS

Mr. Durr asked if there was any other business for the Board, Mr. Daryl Dumas asked if any action was taken on Mr. Cox application for subdivision #0006-10. Mr. Durr stated the public hearing for Mr. Cox's application is closed. Mr. Dumas asked if National Parks had submitted anything to this Board. Mr. Colozza stated they had submitted a letter that is in the file and then asked Mr. Dumas for clarification, if he was talking about the University. Mr. Dumas said no, he was referring to Saratoga National Parks. Mr. Colozza said no, the National Heritage letter was what they were waiting for. Mr. Durr thanked Mr. Dumas.

Jeff made a motion to adjourn the monthly,
Mr. Basinger 2nd the motion,
All in attendance unanimously agreed, meeting adjourned.

FUTURE MEETINGS:

Public Hearing Monday, March 14, 2011 - 7:15 PM followed by the Regular monthly Meeting
Public Hearing for application 0001-11, applicant Susan Shults, Minor Subdivision

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk