

Town of Northumberland Planning Board  
Minutes  
Subject to Planning Board approval  
Monday, January 10, 2011 7:30 pm  
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**Present:** James Heber , Susan Martindale, Jeff King, CJ Lofgren, Lisa Black ,alternate, John DeLisle, alternate, Brit Basinger - Vice Chairperson and Wayne Durr, Chairperson

**Absent:** Kevin Pumiglia

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

Mr. Durr called the room to order at 7:30 PM,

**PUBLIC HEARING** - remains open from December

**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 stated he had gone before the Zoning Board of Appeals for an interpretation and they determined the entire lot in question was in the Hamlet Zone. The Clerk presented the letter from the ZBA. Mr. King asked if there was anything new to add, Mr. Cox said no, the interpretation was not determined in time to get onto the "topo" map. Mr. King asked if they were ready to move forward and asked for the long form SEQRA. Mr. Cox asked why a long form was required. Mr. Heber stated there are certain things that trigger the long form including the agricultural zone. Mr. King stated the area on this application is environmentally sensitive. Mr. Cox stated he did not know he needed a long form SEQRA.

Mr. King made a motion to close the public hearing at 7:40,

Ms. Lofgren 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr opened the regular monthly meeting at 7:40 PM, all in attendance stood and recited the Pledge of Allegiance.

**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: Final

Mr. King asked if a National Heritage Letter and long form SEQRA were received. Mr. Cox stated he did not know he needed a National Heritage Letter and did not know who to request it from, he stated he had just received the long form SEQRA this afternoon from the Town Clerk. Mr. King said the National Heritage letter, for endangered species is needed to complete the long SEQRA form. Discussion ensued on the National Heritage letter. Mr. Durr asked Mr. Colozza if he could assist Mr. Cox with the information for the National Heritage letter, and Mr. Colozza said yes he would .

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**ACTION TAKEN**

Mr. Cox will request a National Heritage Letter that is needed to complete the long form SEQRA. The public hearing is closed.

**NEW 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: Preliminary

Mr. Durr announced the application and Mr. Powell came forward. Mr. King asked what Mr. Powell was proposing. Mr. Powell stated he was notified the Board wanted a site plan review. Mr. Durr asked if he needed a permit. Mr. Powell said no, he already had an D.E.C permit he was into the closure mode now to cover it up. Mr. Colozza stated he had received a complaint in the office and had sent Mr. Powell a letter to come to this Board for a site plan review because he is over the original acreage aloud for the soil disturbance. Mr. DeLisle added that the truck traffic was not in compliance with the D.E.C permit and Mr. Powell is closer to his property line than the 50' restriction D.E.C had originally required. Mr. King asked who wanted the review. Mr. Colozza stated he issued a "stop work" order because Mr. Powell exceeded the allowed 1 acre soil disturbance. Mr. Powell stated he had a meeting on site with Mr. Colozza, Dave Mt Pleasant from D.E.C, and John Hamilton from Saratoga County Soil & Water Conservation District. Mr. King asked if that was since the stop work order was sent. Mr. Powell said yes, Mr. Colozza said D.E.C just wanted a closure plan and there is a letter from Saratoga County Soil & Water however, D.E.C has not sent a report yet. Mr. Powell stated he is trying to follow D.E.C guidelines required, he has been trying for 13 years since he requested the permit to deal with the erosion, he does not want to cause any problems with D.E.C or the neighbors. Mr. Durr asked if we had a copy of the original plan. Mr. Colozza said no. Mr. King asked if the area was filled but not finished. Mr. Colozza said yes, D.E.C wants it to be closed and capped now. Mr. Durr asked if Mr. Powell was all done. Mr. Powell said he is finished bringing in the stumps, now he needs to deal with the erosion control so he can build a house. Mr. King asked what the original plan was and if the project was in compliance with D.E.C. Mr. Colozza stated we did not have a report from D.E.C as of yet. Mr. Powell discussed his idea for retention ponds however Mr. Hamilton was unsure if that was the right thing to do here. Mr. King stated Mr. Powell should get a professional to draw up a plan for the closure. Mr. Durr stated he should get something from D.E.C with their requirements or guidelines. Mr. Colozza said we can request a letter from D.E.C. Mr. Basinger stated this Board needed to be concerned with three areas; the neighbors, D.E.C, and Soil & Water for compliance. Mr. DeLisle stated he would like to see a new survey because Mr. Powell has buried the survey marker pin on his side of the property and he was not suppose to come within 50' of the property line, he then added the grade of the property is not right either, it was not suppose to exceed 25% and it does. Mr. Powell agreed to a survey to fix the pin and asked if that was the only pin in question. Mr. DeLisle stated it was the only pin he was aware was buried, however, he may want to check the other side of the property. Mr. Durr asked if there was something this Board could see as a plan. Ms. Lofgren asked Mr. Powell if he had an engineer take a look at it and design a plan. Mr. Powell said no just Mr. Colozza, Mr. Hamilton and Mr. Mt. Pleasant. Mr. Heber stated Mr. Powell should have a closure plan and give it to the Town's Engineer to review. Mr. Colozza stated neither Soil & Water nor D.E.C. will commit to specifying a specific plan and Mr. Powell added they just wanted clean fill. Mr. Durr said this Board needs something from D.E.C and a Licensed Engineer to design a plan for the closure. Mr. King stated this warrants a public hearing and Mr. Powell should work on stopping future erosion as soon as possible. Mr. Heber agreed Mr. Powell needs to have a Licensed Engineer design a plan for the Town Engineer to review. Mr. Durr discussed the need for review of the engineered closure plan and the possible need for this Board to do a site visit with Mr. Powell's engineer. Mr. Colozza discussed the volume of water and the drainage and how it has changed because of the material Mr. Powell has dumped there. Mr. Basinger stated if the property line is in question that will also need to be worked out prior to any final decision.

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**ACTION TAKEN**

Property line pin will be located by surveyor, Mr. Colozza request a letter of findings from D.E.C, closure plan from licensed engineer and public hearing to be scheduled for February.

**Lot Line Adjustment**

**Application #0003-11**

**Applicant: Ed Varnam**

**Owner: Ed Varnam & Welcome Stock Farm, LLP**

Location: 32 Gates Ave North

SBL#: 130.9- 2-7 & 130.-1-41.2

Zoning: AG/R3

Acres: 1.2

Mr. Varnam explained his application as a lot line adjustment for him to be able to build a garage. Discussion ensued on the location and the Board reviewed the maps.

Mr. Heber made a motion to exempt this application, #0003-11, from further Subdivision review.

Mr. King 2nd the motion,

All in attendance unanimously agreed, motion passed.

Mr. King made a motion to approve the application # 0003-11 for a lot line adjustment, applicant: Ed Varnam,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

**ACTION TAKEN**

Lot line adjustment approved.

**MISCELLAOUS**

**Smith / Reid / Beck Possible "illegal subdivision"** - Mr. Colozza explained this was another "lot line adjustment" notification received from Saratoga County Real Property Tax Services as a possible illegal subdivision. James and Andrea Becker were present and Mrs. Becker explained she would be representing her sister Thelma Reid, owner of the 2nd parcel being expanded and also her Mother whom she has "power of attorney" for, Janet Smith, the owner of the parcel conveying the land. Mrs. Becker stated her mother is conveying land to her and her sister; basically they are increasing their 2 lots to be at least 5 acres and to conform to zoning. Discussion ensued on the location. Mr. Basinger asked if there were two separate applications. Mr. Colozza said yes.

Mr. King made a motion to exempt these applications, #0004-11 & 0005-11, from further Subdivision review.

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed, motion passed.

Mr. King made a motion to approve the applications # 0004-11 & 0005-11 for lot line adjustments,

Mr. Basinger 2nd the motion,

All in attendance unanimously agreed.

**ACTION TAKEN**

Lot line adjustment approved.

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Mr. King made a motion to recommend Mr. Durr remain Planning Board Chairperson,  
Mr. Basinger 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Mr. Durr made a motion to recommend Mr. King remain Planning Board Vice Chairperson,  
Mr. Basinger 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the monthly meeting at 8:25pm,  
Mr. Basinger 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed, meeting adjourned at 8:25 pm.

**FUTURE MEETINGS:**

Public Hearing Monday, February 14, 2011 - 7:00 PM followed by the Regular monthly Meeting  
Public Hearing for application 0002-11, applicant Timothy Powell, Site Plan - Soil Disturbance.

**\*\*\*\*\*Saratoga County Planning and Zoning Conference Wednesday, January 26 \*\*\*\*\***

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Respectfully Submitted,  
Tia Kilburn,  
Planning Board Clerk