

Town of Northumberland Planning Board
Minutes
Subject to approval by the Planning Board
Monday, January 09, 2012 7:30 pm
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Present: Wayne Durr, Chairperson, Brit Basinger, Susan Martindale, Jeff King - Vice Chairperson, and John DeLisle.

Absent: Lisa Black ,CJ Lofgren, Jayme Heber , and Kevin Pumiglia.

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

Mr. Durr, Chairperson called the room to order at 7:34 PM.

All in attendance stood and recited the Pledge of Allegiance

NEW BUSINESS

None

OLD BUSINESS

Major Subdivision

Application #: 00013-11

Applicant: Edward Diehl

SBL#: 155.-1-12.111

Location: 109 Homestead Rd

Zoning: Agricultural

Acres: 31.32

Mr. Diehl was not present. Discussion ensued on the National Heritage Letter, the 60 day extension that was granted in November for this application expires January 13, 2012. Discussion ensued on an additional extension. Mr. Basinger stated he was comfortable with the Board granting a additional 30 day extension, to allow the applicant to time to obtain a response for National Heritage so the original extension will not expire and the application be approved by default.

Mr. Basinger made a motion to deny Application #00013-11 unless an extension request is received from the Applicant by January 13th, 2012, additionally if a request is received by January 13th, 2012 motion to grant an extension until the next monthly meeting, February 13th, 2012 for Applicant Edward Diehl.

Mr. King 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr asked if anything showed up at the time of the original subdivision, Mr. Colozza stated there was an endangered fish that showed as being in Fish Creek which is within a mile of the subdivision. Mr. Durr then asked if we have a copy of the request the applicant sent for the National Heritage Letter, Mr. Colozza responded no, we do not receive copies of that stuff it is up to the applicant to obtain the information. Mr. Basinger asked who we usually talk to at that office, Mr. Colozza said it could be a different person for each topic.

ACTION

Extension conditionally granted until February 13th, 2012, to allow the applicant time to obtain National Heritage Letter.

MISCELLAOUS

Frank Litterer - Site Plan / Special Use Permit, 4737 Route 50

Mr. Litterer stated he is interested in starting his own business at the above location to repair boats and in the winter months store boats and small to medium equipment repair. Mr. King asked if the current zoning was C/R for that site. Mr. Colozza said yes. Mr. Durr asked if this application has been reviewed by the Zoning Board of

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Appeals. Mr. Litterer stated no, this was the first meeting he has attended. Mr. King reviewed and read the permitted uses aloud and asked what the property is currently being used for. Ms. Wilber, the owner of the property, stated currently it is vacant; previously it was leased to T.N.T for big truck storage and automotive repair. Mr. King stated he believes the proposal would be changing the use slightly and was unsure if that would fit in with the permitted uses. Mr. Durr stated if it is determined it does not fit with the permitted uses it will automatically have to go to the Zoning Board of Appeals. Mr. King stated he did not believe it fit under the permitted uses. Ms. Wilber stated it was previously approved for auto repair and an automobile inspection station. Mr. Basinger read the approval letter for a site plan and special use permit dated 8/4/1997 from the Planning Board, for T.N.T Water Systems jointly for automobile repair and to sell cars. Mr. Durr asked if that was approved before zoning, Mr. Colozza stated yes, however they could bring in the license issued if it is still in effect and it would cover that use. Mr. Basinger stated it would be a change in use and asked if a change in occupancy would change a special use permit, and the use would not stay. Mr. King asked if there was a permit issued for those people. Discussion ensued on the use for a new applicant. Mr. Basinger stated he felt Doug Ward, the Town's Attorney, would have to interpret if this was allowed, if it doesn't apply it will need to fit in with the zoning. Mr. Litterer reiterated that Boat Repair is not allowed, however if he submitted his application as "Research and Development" and then simply told people the boat is broke it would be allowed at that location. Mr. Basinger responded yes. Mr. Durr reiterated that an interpretation is needed from the Town's Attorney, Doug Ward because of the change in zoning since the last occupants, and then it will go to the Zoning Board of Appeals. Mr. King said they will have to talk to Mr. Ward to see if the use is still there or if it is gone when the previous occupants left, then it will have to go to the Zoning Board for a Use variance because the use is not allowed in that zone. Discussion ensued on who would communicate with Mr. Ward. Mr. Basinger asked if Mr. Litterer was changing the building to suit the needs of his business, Mr. Litterer said no. Mr. Durr stated they would look at the site plan and changes if Mr. Litterer saw them again. Mr. Basinger asked what the view from the neighbors and the street would be as far as the storage was concerned. Mr. Litterer stated he had thought of that and there is considerable lawn on both sides of the building. Ms. Weber stated when the last tenants were in there they had an agreement with the neighbors that there would be no storage behind the building. Mr. Durr stated they would have to have a public hearing and Mr. Litterer should be prepared to answer questions from the neighbors. Mr. Basinger suggested Mr. Litterer try to think like the neighbors. Mr. Durr thanked Mr. Litterer and stated they would have an answer from the Town's Attorney as soon as possible.

Mr. Basinger said he would like to discuss this more, he stated he was concerned with the Use, and the amount of storage, with any repair shop there will be stuff in all kinds of condition, he felt it would need screening to hide the vehicles and protect the visual appeal of the neighborhood. Mr. Colozza stated that is why it is a Commercial Residential Zone, because there are residents as well as businesses in that area, and the original thought was to make the commercial use blend with the neighborhood. Mr. Durr stated it was a 3 bay garage and some stuff would have to be outside. Mr. King stated he did not have anything against the business he just did not like that type in that location. Mr. Colozza stated if they can come up with a license for the previous occupants than it will be legal and show it was approved. Mr. King stated that Use was gone when the occupants left and auto and marine repair is different, apples and oranges.

Mr. Basinger made a motion to send a letter to the Zoning Board of Appeals requesting this Planning Board be consulted before the Zoning Board makes a final decision on Mr. Litterer's application.

Mr. DeLisle 2nd the motion,
All in attendance unanimously agreed.

Discussion ensued on the fees to be incurred and the interpretation by Mr. Ward, the Town's Attorney.

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Mr. Durr discussed the problems and concerns with conceptional approvals. Mr. Durr stated Mr. Colozza would contact Mr. Ward on Mr. Litterer's proposal, and he would contact Mr. Ward on Mr. Danks and Mr. Powell's applications. Mr. Colozza referred the Board to the back of the Zoning Regulation Book, for answers.

Mr. Durr asked if there were any corrections for the November Meeting Minutes, none were noted.
Mr. King made a motion to accept the November Meeting Minutes as submitted,
Mr. DeLisle 2nd the motion,
All in attendance unanimously agreed.

Mr. Durr asked if there was any additional business for the Board,

Mr. Basinger made a motion to recommend Mr. Durr remain Chairman of the Board and Mr. King remain Vice-Chair of the Board.

Ms. Martindale 2nd the motion,
All in attendance unanimously agreed.

Mr. Basinger then stated he would like to discuss the positions of members vs. alternates. Discussion ensued on attendance of members.

Mr. Durr made a motion to recommend Ms. Black's appointment be changed from alternate member to full member and Mr. Pumiglia's appointment be changed from full member to alternate member.

Mr. Basinger 2nd the motion,
All in attendance unanimously agreed.

Mr. King made a motion to adjourn the monthly meeting at 8:15PM,

Mr. Durr 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS: Monday, February 13th, 2012 at 7:30 PM

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk