

Town of Northumberland Planning Board

Minutes

Approved by the Planning Board

Monday, May 14, 2012 7:15 pm

Page 1 of 2

**Present:** Susan Martindale, Lisa Black, John DeLisle, Jayme Heber, Jeff King - Vice Chairperson. and Wayne Durr, Chairperson.

**Absent:** CJ Lofgren and Brit Basinger.

**Town Employees Present:** Tia Kilburn, Clerk

Mr. Durr called the room to order at 7:16 PM.

All in attendance stood and recited the Pledge of Allegiance

Mr. Durr, Chairman of the Board announced the following public hearing;

Site Plan Review / Home Occupation

Application #: 0001-12

Applicant: Bree & Jeffrey Pisacane

SBL#: 104.-1-44.2

Location: 246 Brownville Rd

Zoning: R-3

Acres: 3.87

Ms. Pisacane addressed the Board and gave a description of her qualifications as a NY State licensed physical therapist and experience with "hippotherapy", defined as a term that refers to the movement of the horse in which the horse is the tool and movement is the strategy. Ms. Pisacane explained her application as a request to open a home occupation using hippotherapy at her residence. She then discussed her current employment, volunteer work and explained she already has a Corporation with insurance. Ms. Martindale asked if there were any comments or concerns from the public, none were noted. Mr. Durr asked if the Board had any questions, none were noted, he stated the public hearing would remain open until 7:30 at which time they could open the regular monthly meeting. Mr. Heber reviewed the State Environmental Quality Review Form.

Mr. Heber made a motion to close the public hearing and declare a negative declaration, no significant adverse environmental impacts on the State Environmental Quality Review Form,

Mr. King 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr opened the regular monthly meeting at 7:30 pm, and stated they would continue with the Application for Ms. Pisacane. Mr. Heber asked Ms. Pisacane about a sign and said she would need to talk to Mr. Colozza, the Code Enforcement Administrator when she was ready to erect the sign. He then asked what the hours of operation would be. Ms. Pisacane stated she had discussed the sign with Mr. Colozza previously and the hours would be daylight hours, perhaps between 6am and 9 pm.

Mr. Heber made a motion to approve the application for Bree Pisacane, # 0001-12, Special Use Permit for a home occupation located at 246 Brownville Rd, Gansevoort.

Mr. DeLisle 2nd the motion,

All in attendance unanimously agreed.

Ms. Pisacane thanked the Board for their time.

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Page 2 of 2

**No NEW BUSINESS was noted.**

**MISCELLANEOUS**

Ms. Martindale made a motion to accept the April Planning Board Meeting Minutes as submitted,  
Mr. Durr 2nd the motion,  
All in attendance unanimously agreed.

Christine Aubin and David Danks asked if they could address the Board pertaining to a previous application they had submitted that was denied due to a deed restriction. Mr. Durr agreed to listen to any comments or concerns they had, however, he explained that when the Board feels there is grey area with information pertaining to an application, as with Mr. Dank's application, the Board will turn to the Town's Attorney, Doug Ward for legal guidance. In this situation Mr. Ward has determined they could not proceed with the application due to the deed restriction, therefore, this Board cannot re-consider the application at this time. Mr. Danks and Ms. Aubin said they understood. Mr. Danks read aloud the deed restriction from the deed and stated he feels maybe it was misinterpreted. He stated the restriction says no additional buildings can be created, then stated that is not what they are trying to do. He discussed his parcel and how a recent survey puts the property line through their building. In addition Mr. Danks stated they need to correct the problem because they will never be able to sell their house. Mr. Heber asked if they are trying to subdivide the lot, Mr. Danks responded yes, but not to build on, Mr. Heber stated it is the verbiage of the deed that makes it hard to understand. Mr. King asked how many lots were hoping to have. Mr. Danks stated 2, they have already combined two of the three lots. Discussion ensued on the current lot lines. Mr. Heber stated they are both non-conforming lots and will remain non-conforming. Mr. Danks agreed and said they are trying to fix the problems and asked what they could do about it. Mr. Heber responded just leave them the way they are, Mr. Danks reiterated they would not be able to sell like that. Mr. King stated there are lots of non-conforming lots in the Town. Mr. Durr explained the lots were created before zoning and were legal at that time they will remain legal non-conforming lots. Mr. Danks asked what they could do to be able to speak to Mr. Ward and discuss this with him directly. Mr. Durr stated he would phone Mr. Ward and request a written letter with an explanation of his determination. Mr. King said they could invite Mr. Ward to the next monthly meeting to discuss the applicant's concerns. Ms. Martindale asked if the applicants could submit a request for a written explanation. Ms. Aubin agreed. Mr. Danks and Ms. Aubin thanked the Board for their time.

Mr. Durr asked if there was any additional business for the Board, none was noted.

Mr. Heber made a motion to adjourn the monthly meeting at 7:50 PM,  
Ms. Martindale 2nd the motion,  
All in attendance unanimously agreed.

**FUTURE MEETINGS:**

Joint Public Hearing with the Zoning Board of Appeals, Wednesday, June 6, 2012, 7:00 PM.

Regular Planning Board Monthly Meeting June 11, 2011, 7:30 PM.

Respectfully Submitted,  
Tia Kilburn,  
Planning Board Clerk