

Town of Northumberland Planning Board
Minutes
Subject to approval by the Planning Board
Monday, May 13, 2013 7:30 pm
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Present: Susan Martindale, CJ Lofgren, James Heber, Lisa Black, John DeLisle, Melanie Eggleston and Jeff King - Vice Chairperson.

Absent: Brit Basinger and Wayne Durr, Chairperson.

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

Vice Chairperson, Jeff King opened the monthly meeting at 7:35 PM.

All in attendance stood and recited the Pledge of Allegiance

OLD BUSINESS

Application #: 0003-13 - Subdivision

Applicant: David and Cynthia Swota

SBL#: 117.17-1-20

Location: 115 Forest Lane Dr.

Zoning: Agricultural

Mr. Swota stated he had been before this Board in February and explained his proposal to subdivide 12.30 acres into 2 residential lots, because it is in the Agricultural Zone he needed to get an area variance for the 1 acre parcel. He said he was before the Zoning Board last Monday and was granted his variance and he is confused and doesn't understand what else is needed from this Board. He stated he had gone to the County to ask a friend for assistance. Mr. Heber explained he was present at the Zoning Board meeting because they held a joint public hearing with the Planning Board. He explained Mr. Swota needed the variance to legally subdivide and create a 1 acre parcel in the agricultural zone. He then stated Mr. Swota needed a map showing both proposed lots, lot 1(1 acre) and lot 2 (the remaining acreage). Mr. Swota asked who required that, the Town or the County, Mr. Heber responded both. Mr. Swota stated he visited with the head mapper of the County and she told him the current map he had was all they needed with the original subdivision map. Mr. Heber stated the Town needs it to show both lots per the Subdivision Regulations of the Town and the County will need an approved subdivision map as well because he had joined all the lots and now was re-subdividing them. Mr. Swota asked if an insert on the current map of the 2nd parcel would be sufficient, Mr. Heber said they need to ask the Board what they want. Mr. King stated he had missed the first meeting with Mr. Swota and needed to be brought up to date, Mr. Heber explained because Mr. Swota wanted to retain his current agricultural pursuits requiring 10 acres and only wanted to give 1 acre to the existing dwelling he needed an area variance because 5 acres is required for a single family resident in the agricultural zone, he was referred to the Zoning Board and then instructed to return to this Board if the variance was granted. He then stated Mr. Swota does have enough to do it and he was granted the variance for the one acre parcel. Mr. King reiterated Mr. Swota was granted the variance, Mr. Heber responded yes and now he wants to know what is required to be on the map. Mr. King stated he needs to show both proposed lots. Mr. Swota displayed the original subdivision map and stated he has lived in his house for 40 years, he stated originally the house was on its own lot and he purchased all the additional lots, he said he did not understand why the process was so tough and was confused what the Board wanted him to do. Mr. Heber stated it was not like that the reason for this process was because it was combined to one lot and what was on file with the County was the separate lots. Mr. Colozza explained the County has the original subdivision map and left all the lot lines but Mr. Swota's lots were combined and changed to one SBL#. Mr. Swota stated he gets one tax bill and it is treated as one piece of land, the deed identifies the house and then all the individual lots however for tax purposes it is one piece. Mr. King reiterated he now wanted to divide it into 2 lots. Mr. Swota responded yes. Mr. King stated he needed to have his surveyor produce a survey of the 2 parcels that includes the entire back lot with

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all the setbacks shown. Mr. Swota asked what setbacks. Mr. Heber responded the setbacks to show where the house will be. Mr. Colozza interjected Mr. Swota needs to show on the map that there is proof that it is a buildable lot with the deep hole and perk test that have been performed and the proposed building site falls within the setbacks. Mr. Swota then asked if they needed the entire thing re-surveyed or just the addition of where stuff will be? Mr. Heber stated he did not need to survey the whole thing because he has the meets and bounds so what they call a paper survey should be fine. Discussion ensued on what type of survey the Board was requesting. Mr. Swota asked what he had to show on the vacant lot, Mr. King stated he needed to show the proposed house location. Mr. Heber suggested Mr. Swota get a copy of the Subdivision Regulations for a minor subdivision of what needs to be on the map, found on pages 17 through 19 in the Regulations. Mr. Swota asked where he could get a copy the Clerk stated she would give him a copy. Mr. King suggested he give a copy to his surveyor. Mr. Swota asked if he had to show the exact location of the new house on the map, because he and his wife were not sure where exactly it would be. Mr. King stated he needed to show the dotted setbacks around the lot and then the house could be anywhere within those setbacks. Mr. Heber added in the agricultural zone he would have enough for 2 dwelling lots with the 5 acre rule but if he wanted to retain his right to have animals he would have to add "no further subdivision". Ms. Lofgren stated "no further subdivision" should be put on the map because that was the whole reason he was approved for the area variance for the 1 acre lot. Ms. Eggleston asked if there were special setbacks between properties because of the other dwelling, Mr. Heber said that was what the setback line around the property would cover and added they could also waive the ground contours because the area looked pretty flat. Mr. King stated Mr. Swota should return to this Board next month with all the data needed on the map, Mr. Swota said he understood however, he stated he should have put all the lots back the way they were originally and then he would not be held to these standards. Mr. King responded everyone is held to the same standards, the Subdivision Regulations. Mr. Swota asked what made the original subdivision map go away; Mr. Heber said you did when you joined all your lots for one tax bill. Mr. Swota said he did not ask for them all to be joined. Mr. Colozza stated if they were all left as originally divided he would have to bring the road up to Town Standards if he were going to proceed with the subdivision as the original subdivision design he would need to upgrade the road. Discussion ensued on what was written in the deed. Mr. Heber explained that is what happened he converted it all to one deed which then converted it to all one lot and that was before there was any zoning so when zoning took affect it was zoned as agricultural and that is where the 5 acre dwelling lot requirement came from. Mr. Swota stated he was not disagreeing he was just confused on what happened over the years. Mr. King instructed him to come back with the map containing the information requested including "no further subdivision" and "Right to Farm" verbiage. Discussion ensued on the completion of the Public Hearing, the State Environmental Quality Review Form and the National Heritage Letter. Mr. Swota asked for a copy of the requirements for the map, Mr. Heber stated they would hold the meeting for a couple of minutes so the Clerk could retrieve a copy for him. Mr. Swota thanked the Board.

ACTION

Mr. Swota was given a copy of the Subdivision Regulations and will return next month for final review.

Application #0006-13 - Penny Gifford, not present, no new information.

Application #0005-13 - Amerigas Site Plan

Mr. Colozza gave an update on the status of this application; he stated he still has to meet with the Department of State. He said Mr. Ford, from Amerigas has spoken with the Fire Department and has agreed to purchase a gas meter for them. He discussed the desire to have a 2nd driveway on Pettis Rd. Mr. Heber stated the Town's Engineer should be involved because of the State Regulations on this type of application. Mr. Colozza stated there are codes that Amerigas has to follow, Mr. Heber stated this is actually a site plan review and they should

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have a map with all the State Regulations, but because this Board is not familiar with the State Regulations they should be approved by the Engineer. Mr. Colozza stated he would have a meeting with the Department of State, Jim Mitchell, the Town's Engineer and he would invite the Fire Department as well. Mr. Colozza then asked if this Board wanted anything specific. Mr. Heber stated as long as they follow the State Regulations it should be ok, Mr. King agreed. Mr. Heber then said they could ask for the applicant to submit a traffic pattern for the trucks, include the hours of operation and maybe even some landscaping. Ms. Martindale agreed they could make it look good. Mr. DeLisle asked if storm water management would be required, Mr. Colozza responded not really but they were going to address the surface of the lot for the trucks and it will be paved to the loading dock. Mr. Heber stated Amerigas does not own the site so how much can this Board press them. Mr. Colozza stated he talked to the Town's Attorney, Doug Ward and he had said request anything until they say it is enough to see how much they are willing to do, but the Regulations were the most important. Mr. Heber suggested again they address what roads would be travelled and the hours of operation, Ms. Lofgren stated there should not be much noise because they are only using a pumping hose; however she would like to see the coal dust cleaned out and not on the road. Mr. Colozza stated Mr. Ford inspected the site and said they would be cleaning up the coal dust. Discussion ensued on the possible need for a gate or fence. It was determined a gate and restrictions to the entrance of the site would be used however fencing would be difficult due to the Railroad.

NEW BUSINESS

None

MISCELLANEOUS

Mr. Heber made a motion to accept the April Planning Board minutes as submitted,
Ms. Lofgren 2nd the motion,
All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the May monthly meeting at 8:15 PM,
Ms. Martindale 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:

Regular Planning Board Monthly Meeting June 10, 2013, 7:30 PM, as needed.

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk