

Town of Northumberland Planning Board
Minutes
Corrected by The Planning Board
Monday, September 12, 2011 7:15 pm
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Present: Brit Basinger , Jayme Heber, Susan Martindale, Lisa Black , CJ Lofgren, John DeLisle, and Wayne Durr, Chairperson

Absent: Jeff King - Vice Chairperson, and Kevin Pumiglia

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

Mr. Durr, Chairperson called the room to order and opened the Public Hearing at 7:16 PM, he then explained the procedure of a public hearing and requested anyone wanting to speak for or against an application to stand and state their name and address for the record before speaking.

All in attendance stood and recited the Pledge of Allegiance

PUBLIC HEARINGS

Site Plan Review / Special Use Permit

Application #0012-11

Applicant: Dave Dutra

Owner: DMD Land Holdings LLC

SBL: 104.-1-54.2

Location: 450 Brownville Rd (Tankard's Tavern)

Zoning: R-3

Acres: 3

Mr. Durr announced the first public hearing as a site plan review for a special use permit for application #0012-11, Mr. Dutra stepped forward and addressed the public in attendance. Mr. Dutra explained the purpose of his application to expand his establishment to use the outside area for patrons during the summer, he stated during the winter months the area would not be used except for outside smoking. He stated they would like to have a band play outside a couple of times in the summer between the hours of 2 and 6PM, and the fence would be shut and it would be much like it is now with smokers using the front of the building by the door after dark. Mr. Dutra stated in order to satisfy the liquor authority there needs to be boundaries, he will install a fence that will run 12' off the building which will probably be a split rail fence that will run 58' for containment of the recreation area, on the other side a fence will run 12' off the building down the length of the property line and a third fence will be installed 38' from the building to the tree line, most likely these will be privacy fences for safety and 6' tall. He stated they would like to have picnic tables, horseshoe pits and maybe a volley ball area. He then stated they have found in the summer months it is hard to get patrons because they are mostly enjoying their own yards and barbeques. Mr. Dutra described the sign proposed in the application, it will be similar to the fire departments sign and have room for announcements. He then discussed the proposed placement of the sign as being on the end of the property on the Brownville Road side. He stated he had driven his vehicle to Brownville Rd and Rte 32 when he took pictures to be sure the sign would not interfere with the site distance. Ms. Jamie Lemnotis stated she lived at 1 Cedar Run and her daughter lives across the road from the Tavern. She stated she had reviewed the file and asked if the lights on the sign would be lit all night, Mr. Dutra stated they would be turned off when the Tavern was closed. Ms. Lemnotis then asked where he came up with the dimensions for the sign because she felt it was a little large. Mr. Dutra said it will contain announcements and needs to be large enough to be read from the road and 1/3rd of it will contain the logo. Ms. Lemnotis then asked if they were going to keep all the banners, Mr. Dutra said no the banners will come down except for special events such as the Toys for Tots fund raiser coming up, then he will let them display what they want just for that event. Mr. Dutra then added the plan was to make it look nice, eventually the white siding will be removed from the building and it will become more rustic. Ms. Lemnotis asked if there would be lights shining on the sign, Mr. Dutra stated no the lighting would be internal of the sign. Ms. Lemnotis stated she was confused about the open area being closed at night, she asked where the smoking area would be until it was closed if it would be in the picnic area and then stated when they sit on her daughters deck they can hear a lot of vulgar language coming from the current area. Mr. Dutra said he understood however, he cannot control what people say outside of his establishment, he cannot be outside all the time. He then added

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most of his patrons do not come and hang out all day, most of them come and go. Ms. Lemnotis stated the time changes each day when it will be dark outside, the plan listed the recreation area closing at dark, she asked if they could be more specific on a cut off time for outdoor use. Mr. Dutra agreed and said they could specify a time. Ms. Lemnotis then asked if there would be outside lighting in the recreation area and if the bands would use amplifiers or if they would be acoustic? Mr. Dutra said they would be regular bands and it would be rare they would not have them all the time. Ms. Lemnotis stated she was a former owner of a bar and she just wanted clarification on these things. Edward Diehl, 109 Homestead Rd, stated the band playing from 2 to 6 PM sounded reasonable. Theane Filkins, 451 Brownville Rd, stated she and her husband want to start a family someday and she did not realize the noise level when they built their home, however, the bands have gotten better. She added she was concerned when they have children and keeping them up. Mr. Diehl stated the bar was there first before the homeowners and it is understandable a bar would have noise. Sharon Auman, stated she lived at 432 Brownville Rd next to the bar, she was the prior owner and the bar has been there since 1974. Mr. Dutra stated he understands the neighbors' concerns about the noise and he will do the best he can. Ms. Lemnotis asked where the band would set up. Mr. Dutra stated back behind the building to block the noise. Ms. Lemnotis asked what kind of fence was going in there. Mr. Dutra said it would be a stockade fence because it is affordable and eventually it would all be rustic Adirondack and blend with the building. Ted Palmasciano, of 431 Brownville Rd, stated he appreciates what they have done with the business and the noise level has gotten better, he is also concerned with his children sleeping, however, if the bands are only outside in the summer, done by 6 PM and the area is closed by 9 PM it should be ok. Robert Rehm, of 1752 Route 32N, asked which way the band would face, Mr. Dutra showed it facing back toward Brownville Rd. Richard Worth, of 1778 Route 32N, stated he also appreciated what the new owners have done with the place; they have made lots of improvements and cleaned it up. Ms. Auman stated she use to own the bar, she lives next door, Mr. Dutra has done a great job with the place and she has no objections. She then added her daughter lives behind the bar and also has no objections. Mr. Palmasciano stated he was also concerned with the smoking area and the late night vulgar language. Mr. Dutra stated the changes would be an improvement because right now the patrons smoke by their cars and he is always picking up the cigarette butts all over the yard. Ms. Lemnotis said she appreciates the time spent to explain, she said she likes the plan better now it has been explained and added she loves this community. Mr. Durr asked if there were any additional questions or comments, none were noted.

Mr. Durr announced the 2nd public hearing; Application number 00013-11, Edward Diehl for a 2 lot subdivision.

Application #: 00013-11 - Major Subdivision

Applicant: Edward Diehl

SBL#: 155.-1-12.111

Location: 109 Homestead Rd

Zoning: Agricultural

Acres: 31.32

Mr. Diehl addressed the room stating he proposed to subdivide roughly 31 acres at 106 Homestead Road into 2 single family dwelling lots. He stated they will add "no further subdivision" to the final maps if approved. Christopher Swenson, of 106 Virginia Pl, stated he lived adjoining the property and wanted to confirm there would only be 2 lots no further subdivision of them and asked where the dwellings would be placed. Mr. Diehl responded and confirmed only 2 lots, and showed the general location of the dwellings. He stated the testing has already been completed for the well and septic. Mr. Durr asked if there were any other questions or comments, none were noted.

Mr. Durr stated they would be opening the regular monthly meeting and announced Application #0002-11, Timothy Powell, site plan review.

OLD BUSINESS

Site Plan - Soil Disturbance

Application #0002-11

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Applicant: Timothy Powell

Location: 346 Grange Hall Rd

SBL#: 144.-1-6.3

Zoning: AG

Acres: 6.62 acres

Status: Public Hearing - remains open

Mr. Powell submitted maps containing a closure plan to the Board. Mr. Durr asked if Jim Mitchell, the Town's Engineer has seen this plan. Mr. Colozza, the Code Enforcement Officer said no tonight is the first we have seen them, adding Mr. Powell called the office Friday afternoon. The Board reviewed the maps and discussed the details of the plan. Mr. Powell stated he did have the money into his engineer early in March, however he just received the maps. Mr. Basinger asked the Board if there were any questions, Mr. Heber stated if the Town's Engineer and NYS Department of Environmental Conservation approve the plan it should be ok. Mr. Durr asked if D.E.C had a copy of this plan, Mr. Powell stated he would get one to them tomorrow. Mr. Basinger asked if they would get a confirmation from D.E.C and a time line for completion to keep the Town updated. Mr. Heber stated it should be up to Mr. Mitchell and this Board should stay out of the engineer plan now. Mr. Powell requested the Board to instruct John Trainor, his neighbor to dump the debris he has been dumping somewhere other than the culvert because it is plugging his drainage. Mr. Heber asked Mr. Powell for clarification. Mr. Powell said he is putting up a fence but he doesn't want the shrub, leaves and cuttings Mr. Trainor is dumping in the ravine to clog his pipe because it backs up the water and he will have to keep digging it up. Mr. Heber stated Mr. Powell would have to talk to the engineer. Mr. Durr said this Board cannot do anything more on this for now, they can get advice from the Engineer and D.E.C. Mr. Basinger explained the process of the Engineer and D.E.C approving and thanked Mr. Powell for his time. Mr. Colozza stated they will need more maps for the file. Mr. Heber asked if this project would be completed this year. Mr. Powell stated he was in the process of purchasing larger equipment so it won't take so long to complete. Mr. Basinger asked Mr. Powell if he was needed anything else from this Board. Mr. Powell asked how much time he had to complete. Mr. Colozza said that was up to the Engineer. Mr. Basinger reiterated Mr. Mitchell will have to give the Board an estimate of time. Mr. Colozza stated he would send Mr. Mitchell a letter, however, he is on vacation for two weeks. Mr. Heber stated if Mr. Powell co-ordinates with D.E.C, he felt Mr. Powell could start the work as it is engineered to save time.

ACTION

Mr. Powell will submit the plan to D.E.C, Mr. Colozza will send Mr. Mitchell, the Town's Engineer, a copy of the plan / maps and a letter requesting a time frame for completion.

Mr. Durr announced Mr. Dutra's application #0012-11, site plan review - special use permit.

Site Plan Review / Special Use Permit

Application #0012-11

Applicant: Dave Dutra

Owner: DMD Land Holdings LLC

SBL: 104.-1-54.2

Location: 450 Brownville Rd (Tankard's Tavern)

Zoning: R-3

Acres: 3

Ms. Martindale made a motion to close the public hearing,
Mr. Basinger 2nd the motion,
All in attendance unanimously agreed, public hearing closed.

Mr. Durr asked if there were any correspondence for this application, the Clerk stated only the "approval" with comments from Saratoga County Planning. Mr. Basinger asked if they could set a "cut-off" time for the outdoor

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use. Mr. Colozza stated the noise ordinance is until 11PM. Mr. Basinger stated he would like to regulate the band and late night noise, he commended Mr. Dutra for being willing to an earlier time to shut down the recreation area than what the Town regulates. Discussion ensued on the frequency of the bands. Mr. Colozza stated they can limit how many occasions on the Special Use Permit. Ms. Lofgren suggested limiting the number of times each year. Mr. Basinger said it is nice Mr. Dutra is willing to be more restrictive, perhaps even 9PM, and asked about the winter use and how to include that in the permit language. Mr. Dutra stated the area will not be open in the winter. Mr. Basinger suggested they add the details of the entertainment in the summer, Mr. Heber said the bands play from 2 to 6 PM, Mr. Dutra agreed. Ms. Lofgren suggested an April 1st to October 31st, during the hours of 2 - 6 pm for the bands outside, Mr. Basinger asked if there was anything else to include, Mr. DeLisle suggested the lighting. Mr. Basinger asked if there would be any light spillage, Mr. Dutra stated the only new lighting would be the interior down lights in the sign. Mr. Basinger asked if Department of Transportation was concerned about the traffic. Mr. Heber said the driveway is only on Brownville Road, Mr. Basinger asked what was in the area on Route 32 now. Mr. Dutra stated it is currently blocked off and he had no problem with D.O.T installing guard rails there, it would actually help him. Mr. Heber stated they could still add language to restrict access to Brownville Road only. Mr. Basinger asked if the sign met the regulations. Mr. Colozza said yes. Mr. Basinger asked if Neil Petteys, the Highway Superintendent, has looked at the sign location for site distance. Mr. Colozza stated Mr. Petteys conveyed he was more concerned with the plow truck parked by the road. Mr. Dutra said that was for sale. Mr. Colozza said he would get something in writing from Mr. Petteys. Mr. Basinger asked Mr. Colozza if the fences are within regulation, Mr. Colozza said yes.

Mr. Basinger made a motion to approve application #0012-11, for site plan review for Special Use Permit with the following conditions;

1. The use of outside bands will be restricted to the time period of April 1st through October 31st each year between the hours of 2 and 6 pm only.
2. Vehicle access to the property will be restricted to Brownville Road only.
3. The proposed sign will have internal illumination only and will be approved by the Highway Superintendent, Neil Petteys.
4. There will be no outside use of the recreation after 9 pm.

Ms. Lofgren second the motion,

All in attendance unanimously agreed, application approved with conditions.

ACTION

Public Hearing Closed. Mr. Colozza will get approval / comments from Neil Petteys, on the site distance for the sign. Application approved with conditions.

Application #: 00013-11 - Major Subdivision

Applicant: Edward Diehl

SBL#: 155.-1-12.111

Location: 109 Homestead Rd

Zoning: Agricultural

Acres: 31.32

Ms. Martindale made a motion to close the public hearing,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed, public hearing closed.

Mr. Basinger asked if there was a response for the National Heritage, Mr. Diehl said no, he will call them tomorrow. Mr.

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Heber asked if there was a long form State Environmental Quality Review Form, SEQRA completed. The Clerk gave it to him. Mr. Basinger asked if there were any additional correspondence. The Clerk said only the "approval" from Saratoga County Planning. Mr. Heber stated he cannot complete the SEQRA without the National Heritage response. Discussion ensued. Mr. Diehl asked if he could have the surveyor come out and place the pins. Mr. Basinger stated only at his own risk, because they don't know if the National Heritage will alter the building lots in any way. Mr. Diehl asked if everything else was ok on the maps and reiterated he would have "no further subdivision" added. Discussion ensued on what impact the National Heritage may have on the maps. Mr. Diehl stated he would have the final maps after the letter is received from the National Heritage.

ACTION

Public hearing closed, long form State Environmental Quality Review Form tabled until the National Heritage response is received.

MISCELLAOUS

Discussion ensued on the next meeting due to it falling on a holiday in October, the Board unanimously agreed on Wednesday, October 12th at 7:30 PM for the next monthly meeting.

Mr. Durr asked if there were any meeting minutes to review, Mr. Heber stated he had one correction to the August 9th, meeting minutes; Change "Lot Line Adjustment" to "Site Plan Review / Special Use Permit" on page 3 for Application #0012-11, Applicant Dave Dutra.

Mr. Basinger made a motion to approve the July meeting minutes with correction.
Mr. Heber 2nd the motion,
All in attendance unanimously agreed.

Ms. Martindale made a motion to adjourn the monthly meeting at 8:22 PM,
Ms. Lofgren 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:

Wednesday, October 12th, 2011 at 7:30 PM

Respectfully Submitted,
Tia Kilburn,
Planning Board Clerk