

Town of Northumberland Planning Board Minutes
Monday, November 20, 2006 7:00 pm
(Corrected and Approved – December 18, 2006)

Present: Patricia Bryant - Chairperson, Brit Basinger, James Heber, Ed Martin, and Susan Martindale

Absent: Wayne Durr, Jeff King and Kevin Gifford, alternate.

Town Employees Present: Howard Doster – Town Engineer, Richard Colozza – Town Code Enforcement Officer, and Judy Taylor – Planning Board Clerk.

Chairperson Bryant opened the November monthly meeting at 7:05 pm. She then recused herself due to a potential conflict of interest. Brit Basinger step in at this point and called upon the applicant.

Public Hearing:

Pre-Application Conference for a Minor Subdivision and Site Plan Review

Application #: 0008-06

Applicant: Steven A. Sedrish

Location: Rugg Road

SBL#: 129.-1-52.1

Acres: 46.55

Number of Lots: 2

Zoning: R-3

Surveyor: David Bolster

Attorney John Carusone, representing Steven Sedrish, presented the project to the Board. He stated that, at the suggestion of the Assistant Highway Superintendent, the driveway was located 10 feet from the edge of the property, so that the site distance would be extended. There is a curve here and he was fearful that if it was left at the original proposed location, it would be difficult to see to the right as you are coming out. The other affect is that it sort of hides everything from the road. So if you are driving by and look up the driveway, you will have limited sight. Mr. Carusone pointed to the map indicating where the sign was going to be located, stating that the plans submitted show the details of the sign.

Mr. Carusone introduced Dr. Sedrish and asked him to explain where the cutting is going to be now, indicating this had also been a concern. Dr. Sedrish stated that the gentleman that was with them (Bruce Hoag) is the gentleman who does the plowing. He is very concerned with the curve. He feels that it is a very blind curve and a very dangerous curve. Mr. Hoag commented that there have always been issues on that road. He suggested actually cut back a little further around the curve to open it up a little bit more, making it more visible and safer. By extending the cut back from the road, to actually 20 feet, would open the road up and make it a little more visible, and then keeping a 30 foot tree line beyond that 20 foot cut back would maintain the seclusion of the property.

Mr. Carusone stated that another change was, pointing to a location on the map, this space was labeled unoccupied. Mr. Carusone then asked Rich Colozza, the Building

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Inspector, if the surveyor had dropped off the new plans. Mr. Colozza stated he had not received the plans. Mr. Carusone then submitted one copy of the plans to the Board.

Chairperson Basinger asked if there were any further comments from the applicant? He had none. The Chairperson asked if the public had any comments; there were none.

The Board then moved on to old business.

Old Business

Pre-Application Conference for a Minor Subdivision and Site Plan Review

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Location: Rugg Road

SBL#: 129.-1-52.1

Acres: 46.55

Number of Lots: 2

Zoning: R-3

Surveyor: David Bolster

Chairperson Basinger stated that there was a list of issues from the last meeting. The first issue was with the Highway Superintendent Neil Petteys regarding the location of the driveway. After reviewing the new plans, it appears that arrangements were made and agreed upon with Mr. Petteys.

Another issue was a letter from the County stating there is “No Significant County Wide or Inter Community Impact with comments”. Therefore, it appears that they do not have issues with the project. The comment from the County included concern for the wetlands on the site and the proposed “U” shaped drive. The drive was already addressed bringing us back to the wetlands. Mr. Carusone stated that according to the County maps, there are no designated wetlands on this property. The Board requested the applicant to obtain confirmation from their engineer and issue a certified stamped map indicating there are no wetlands.

Some of the other issues from the agenda meeting are as follows:

Lights – lighting is not noted on the plans. The Board requested that the plans show the locations of the lights.

Ramp – Howard Doster asked if this was an adjustable ramp. The applicant responded that this is a set ramp, indicating that most trucks are set to use the same size ramp. Either the truck drops the tailgate and that becomes the ramp, or when the truck pulls up to the ramp, they are the same height and become the ramp. Howard Doster asked if there was going to be railings? The applicant responded that the sides were going to be solid. Chairperson Basinger asked to be shown the location of the ramp.

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Grade – Howard Doster asked about the elevation of the building in relation to the grade and the road. The principle there is to make sure that water from the road does not flow into the building. Therefore, we want to make sure that the floor of the building is higher. The Board had a short discussion about regulations stated in the Town of Northumberland Subdivision Regulations Book regarding grades. It was agreed that this could be covered with the grading plan.

Culvert -This was discussed with Mr. Hoag, the Assistant Highway Superintendent, who felt that 12 inch culverts under the drive would be sufficient. Dr. Sedrish stated that they did not do the water runoff plan yet until the site was set. Chairperson Basinger asked if this was going to directly coordinate with Highway Superintendent Neil Petteys? Howard Doster stated that this was part of the driveway permit. Rich Colozza, Building Inspector, stated that the driveway situation is not over with yet. The driveway is not flagged as of today. This new driveway needs to be flagged so they can realign themselves with what we are moving it to. The driveway and the boundary lines need to be marked so the visibility issue can be clear.

Silt Fences – Howard Doster stated that the plans show detail of silt fences, but it does not show where they are needed.

Well – Mr. Doster stated that he noticed that the well was at the back of the building and that the horses go back there. For health purposes, he wants to make sure that it is not going to be contaminated.

Township - Mr. Doster pointed out that the plans, page 3, indicate that this is in the Town of Providence. Need to change to Town of Northumberland.

Water and Septic Systems - Mr. Doster stated that with the new layout, the Board might need new test pits. Mr. Colozza and Mr. Heber both stated that this is a new plan being submitted tonight, so no one has had an opportunity to review it. Also, the lines going to the septic system are showing under the drive. His concern is the possibility of freezing. Mr. Heber asked if the septic system was still going to be out front? This was confirmed by Mr. Carusone, stating that they are trying to make use of the area. Mr. Heber acknowledged that was fine, but it was not near where the test pits are now.

Chairperson Basinger stated that what the Board is looking for at this point is for the applicant to address the comments and submit a revised plan prior to the next agenda meeting so that the Board has ample time to review it. Mr. Doster asked if the Board would have the storm water evaluation by that time too? Mr. Carusone stated that they could have it by then. Chairperson Basinger asked if this information had been sent to the Engineer, Gary Robinson. Mr. Colozza replied that the fax number given had not been working. Mr. Carusone stated that he would get them to the engineer.

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Due to the request for new plans, the public hearing was left open.

Chairperson Basinger asked that since this is a commercial use in a residential area, the Board would like to insure that there would be tree massing to effectively screen the larger nonresidential building in this district. Therefore, what the Board would like to see is up to the building edge itself a delineated line where trees would be preserved. The applicant stated that this already exists on the plans. Chairperson Basinger stated that he would like to see more of the woodland preserved at the front. And the parking lot along the side at the right was one of the primary issues with screening trucks and trailers from the roadway. Therefore, the Board is going to need to see a grading plan to make sure these trees are going to be preserved. Again, this is primarily because it is a commercial use in a residential district. The Board also requested confirmation of the hours of operations, understanding that this is an emergency hospital. The applicant stated that he is considering the hours of 8 am to 6 pm, noting they are a 24-hour emergency clinic. Dr. Sedrish stated that if at 2 o'clock in the morning, if a horse needs emergency surgery, there will be a truck pulling into the parking lot. He anticipates approximately 1 to 2 colic surgeries per week.

ACTION TAKEN: Issues and concerns were addressed, and the applicant was asked to revise the plans prior to the next agenda meeting. In addition, the Board would like the storm water evaluation and grading plan prior to the next agenda meeting.

Chairperson Bryant returned and the Board moved onto the next project.

Preliminary Review for Major Subdivision

Application #: 0002-06

Applicant: Boswell Engineering

Location: King Rd, adjacent to Plantation Rd.

SBL#: 142.-1-2.11, 142.-1-2.2, 142.-1-2.3, 142.-1-2.4

Acres: 32.76

Number of Lots: 16 single-family residences

Zoning: R-1

Representative: Iver Anderson

Iver Anderson introduced himself and stated that they are still advancing our SWPPP (storm water pollution prevention plan) and storm water management report with this project, so we have delayed submitting to EDP for consulting review. They wanted to submit a complete site-drawing package to Jim Mitchell so that he only has to review it one time. They anticipate making a complete submittal to him this week coming up.

Mr. Anderson stated that the one update on this project was that he had a conversation with Town Attorney Doug Ward regarding the connector piece to the rear 101-acre parcel. As Mr. Anderson explained it to Mr. Ward, he seem to think that it did make sense to show it as a Town right-of-way that would be part of the town road when that is offered by deed to the Town. Chairperson Bryant stated that Mr. Ward did call her and Mr. Ward's recommendation is that it be deeded to the Town with the understanding that

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it will provide access to the back parcel. If the State does take that back parcel, the Town can deed it to the State if we want to. Mr. Anderson stated that there would be some grading there, including the connector piece. His understanding of the 101-acre parcel is that it is to be habitat protected for endangered species. Chairperson Bryant stated that Attorney Ward commented that even if it is left forever wild, scientist are going to want to get in there to look at the blanding turtles, etc.

Mr. Heber asked about the other road connecting to Plantation Road. Mr. Heber stated that the Board had always discussed that whoever got in first or whoever got out first would build the road. Mr. Morris is out. Mr. Colozza stated that Mr. Doster already has Mr. Morris' grading plan for the hammerhead to make his connection. Mr. Heber asked if they were going with closed ditches? The applicant stated that they had originally planned to go with a closed system so they could take all their drainage and convey it to the blue circle area (the storm basin). Looking at that again, they lowered their drainage such that the existing low point is still the low point, and they are just about at grade at the culvert crossing. What we have here is explained in the storm water management report and the SWPPP that we are preparing. There would be a series of stone check dams periodically spaced so that they would temporarily hold a little bit of the rain flow and let it filter its way through before it gets to the collection. Mr. Heber asked if this would be open-ditches? The applicant confirmed that it would be open-ditches and those would be a permanent structure. Rich Colozza asked if this came from Jim Mitchell? Mr. Anderson stated that Mr. Mitchell has not been involved with this. He stated that this has just been on their end as far as the water quality. Chairperson Bryant asked if Mr. Mitchell is doing the storm water? It was discussed amongst the Board that he had done the hydrology report, and therefore would probably do the storm water. The applicant agreed to forward it to Mr. Mitchell. Mr. Heber continued that the rest would be catch basins? Mr. Anderson agreed that it would be all open, open swails, with the exception of draining to a low point here (pointing to the map), draining this portion of the road (again pointing), and this portion of the road will go a culvert pipe there. So they are coming down, this is a crossing point, and will intersect this flow at that point and take it off of this. But it would be two structures, one on either side of the road here (pointing to the map) and also this cul-de-sac is going down and would have intersect drainage from this swale, and convey to the side of the roadway and out to that pond. They are working through the details of that right now.

Mr. Basinger stated that what the Board would like to see is a no cut buffer at least in the setback area up to the building line along King Road. He also asked that they put a no clear zone within the setback area off the building envelope for lot 1. Clarifying, Mr. Basinger again stated that the tree line coming up King Road is going to be left as is and is to be established a no cut zone. Chairperson Bryant asked about having a buffer zone here (pointing to the map) too. The would ask for a no cut zone in the cutback areas along the back of the lots to protect the houses along Plantation Road, outside the building envelope. Essentially what the Board is asking for is a no cut zone for the piece along King Road and the setback area outside the building envelope, as well as, the backs of the envelope of all the lots along the perimeter of the project. The applicant stated that they were fine with that.

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Ed Martin stated that he remembers that two test wells had been done, and one had worked and one was questionable. The applicant responded that they had done three: they had done a deep well on lot 2, and depth of it had some concern because it was 600 feet. There was a deep well on lot 4, which was about 400 feet that pump tested out in the 5-6 gallon per minute range and the water quality passed everything the Department of Health required. They went back to lot 2 and did a shallow well which was approximately 35 feet and that was 7-8 gallons per minute pump tested. All 13 tests required by the Department of Health passed for that well. Ed Martin asked if their intent was to go shallow wells? The applicant stated that it would depend upon each individual lot.

In accordance with the Engineer hired to oversee this project, it was confirmed that they could have a mix of deep and shallow wells, all being approved by the Department of Health. In addition, the hydrology report supports what is shown on the map.

Mr. Anderson stated that the first comment that Howard Doster had made during the agenda meeting last week regarding the EA (environmental site assessment), the need for volume weight of the materials to be removed, we have done a grading plan for this. So far, they are looking at more than 750 cubic yards of material to come off of the site. They have to find out a little further what DEC defines as mining permit status, and if it concurs with Town definition. The Board stated that the Town goes along with DEC.

ACTION TAKEN: Connection road to back 101-acre lot to be deeded to Town when the time comes. Storm water and hydrology reports to be sent to Jim Mitchell for review. The Board confirmed the buffer zones on the project. The applicant will continue with the drawings and finding out about the mining permit issue.

Pre-Application Conference for Minor Subdivision

Application #: 0010-06

Owner/Applicant: Stonybrook Land, LLC Owner: David Lipinski, President

Location: Corner of West River Rd and Mott Rd. "The Solomon Parcel"

SBL#: 92.-1-2

Acres: 25.8

Number of Lots: 2

Zoning: AG

Representative: Peter Coseo

Mr. Coseo stated that after talking with Mr. Lipinski, it was noted that he does not want to do a subdivision, he wants to do a boundary line adjustment. The Colonel Barry house parcel, Mr. Lipinski would like to make that a 5-acre parcel. Then the balance of 20 acres, he wants to add on to parcel one. This would make parcel one a 35-acre parcel.

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Chairperson Bryant stated that it was her belief that the 15-acre parcel that Mr. Lipinski wants to add the 20 acres to is a “no further subdivision” parcel. Mr. Coseo stated he did know Mr. Lipinski’s intention. The Board determined that this was a map of only a portion of the project. The language of “no further subdivision” was on the map for the entire project. Mr. Heber then found the language that indicated “no further subdivision on this plot except for lot 2. Chairperson Bryant stated that if his intention were to add the acreage to parcel 1, the Planning Board would not have any issues with that. Mr. Coseo stated that the parcel is in the shoreline overlay district too, so subdividing may be a problem anyway. Then Mr. Coseo asked, under the Town Zoning regulations, does a boundary line adjustment require Planning Board approval? The Board responded yes, within an approved subdivision.

Mr. Coseo is to confirm with Mr. Lipinski that there is a “no further subdivision” with lot 1 after making it a 35-acre parcel. In addition, this puts a larger portion in the shoreline overlay district. Mr. Basinger would like a note on the map stating that any future development in the shoreline overlay district needs to be reviewed and approved by the Planning Board.

ACTION TAKEN: Mr. Coseo will confirm with the applicant the conditions of the boundary line adjustment and advise the Board of the applicant’s decision. Mr. Coseo will return with a mylar for approval.

Pre-Application Conference for a Major Subdivision

Application #: 0006-05

Applicant: Stephen and Kelly Fortin

Location: Duncan Rd.

SBL#: 129.-1-83.11

Acres: 30.64

Number of Lots: 10

Representative: Stuart Thomas

Chairperson Bryant stated that she spoke with Mr. Thomas out in the hall. Mr. Thomas had submitted new maps at the agenda meeting, and again wanted conceptual approval for nine lots. Chairperson Bryant confirmed that he was down to nine lots from the ten. The Board has not reviewed this map yet, as they have asked for the soil report.

Mr. Heber stated that he had walked the parcel with Jim Mitchell and showed Mr. Mitchell what the concern was. Chairperson Bryant stated that the County had sent a letter due to the concerns over the soils in this area.

Chairperson Bryant told Mr. Thomas that until the Planning Board receives everything they have requested, he will not be moving forward with this project.

Howard Doster requested that the Planning Board consider requesting lengthening the road, because it is very steep, swing it over to the east and back down again. That would

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give you a longer road with less pitch allowing the snowplows a chance to get in there. Mr. Basinger stated that it would be brought up the next time Mr. Stuart is before the Board.

ACTION TAKEN: The Board is still waiting for the requested information and reports. The issue of the road will also need to be addressed.

OLD BUSINESS

DiSiena

Rich Colozza stated that Guy Murphy was here. We had one issue with DiSiena over the hours of operation. The Board needs to close the contingency. Mr. Basinger stated that his opinion is that if they decide to move forward with this, they need to move forward comprehensively. This is not just a one-time shot. It is going to effect every decision we make, as Mr. Colozza said, because we are setting some sort of precedent on this project. Then other people will ask us to refine it, which he believes ultimately would cause a revision of our ordinance to address concerns from the public. Chairperson Bryant noted that the Noise Ordinance would prohibit the builders from starting any earlier than 7 o'clock in the morning. She reiterated the window the Board had talked about was 7am to 7pm, which is the industry standard. The Board took a vote on setting restrictions for the hours of operation:

James Heber made a motion to not to set any hours of operation and to use the Town of Northumberland's Noise Ordinance for a guideline. Brit Basinger seconded the motion. All those in favor:

Chairperson Bryant	"aye"
Brit Basinger	"aye"
Ed Martin	"aye"
Sue Martindale	"aye"
James Heber	"aye"

The Planning Board directs the Planning Board Secretary to write a letter to Guy Murphy along with the Noise Ordinance.

MINUTES

James Heber made a motion to approve the September minutes with changes as noted. Brit Basinger seconded the motion. All those in favor:

Chairperson Bryant	"aye"
Brit Basinger	"aye"
Ed Martin	"aye"
Sue Martindale	"aye"
James Heber	"aye"

Motion carried.

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Brit Basinger made a motion to approve the October minutes with changes as noted. Ed Martin seconded the motion. All those in favor:

Chairperson Bryant	“aye”
Brit Basinger	“aye”
Ed Martin	“aye”
Sue Martindale	“aye”
James Heber	“aye”

Motion carried.

HOWARD DOSTER

Brampton Woods – Mr. Doster has a list of conditions. First, the subdivision regulations call for one year to past after construction of the roads and drainage structure before the owner applies for dedication to the Town. The topcoat does not appear to be installed. The drainage structures are not complete, and not all of the monuments are installed. Some of the shoulders have been seeded, but are damaged in some places by the construction activity. These are the types of things we see immediately when we take a walk through.

The drainage structures along the north property line are not installed, the recharge area #2 is not finished, and most of the monuments along the road are installed. However, monuments are missing, which are delineating the easement for retention area #1 and the drainage structure along the north property line, delineating the easement for the drainage line to #2 drainage structure and around the drainage recharge area. This is the one where the easement is being moved.

Mr. Basinger broke in and stated that it sounded like Mr. Doster had a long list. Mr. Basinger asked, in order for the applicant to get what he wants, he has to do all of the things on the list? Mr. Doster stated that his feelings that it is not really ready for the Town to accept. He continued and stated that if the Town does accept it, the Town will need an awful lot of contingencies. Mr. Basinger stated that his belief is the list is too long for contingencies. Chairperson Bryant stated that Supervisor Peck had called her and wanted a recommendation from the Board. Mr. Basinger again stated his recommendation is no. Mr. Doster stated that Supervisor Peck has his list.

Mr. Doster also stated that he did not know the roads were being done. He stated that he went out there one day and they were done. Mr. Basinger asked that the recommendation include contacting Mr. Doster. Rich Colozza stated that the hired Engineer was out there. Mr. Doster stated he did not know this. Mr. Colozza stated that Mr. Doster was to do the monuments. Mr. Petteys did all the drainage. He has a documented record of when things were put in. Mr. Doster that he is not objecting to having Jim Mitchell do what he

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did on the roads, but it was not part of his original requirements. It apparently got added on. However, Mr. Doster did not know about this until a couple of days ago.

James Heber made a motion to: A) Recommend that the Town does not take the road according to Section IV Procedures, paragraph 4, subparagraph C. and B) Address the list of conditions submitted by the Town Engineer, Howard Doster, as follows:

1. Specific items noted in today's (November 17, 2006) inspection are:
 - a. The drainage structures along the North property line are not installed.
 - b. The recharge area #2 is not finished.
 - c. Most of the monuments along the road are installed.
 - d. Monuments that are missing are:
 - Delineating the easement for retention area #1 and the drainage structures along the North property line.,
 - Delineating the easement for the drain line to #2 drainage structure and around the #2 recharge area,
 - One of the monuments on the eyebrow to define the proposed future road to the adjacent property.
 - e. The monument near Station 23+00 was to be on the north corner of the drainage easement. Where is its actual location in respect to the property lines?
 - f. The catch basins do not have filter fabric drop inlet protection. The catch basins and lines should be inspected and cleaned as required by the Highway Superintendent.
 - g. The drive for lot 60 appears to slope down from the road to the garage. The minimum garage floor elevations should be checked before the foundations are poured.

Brit Basinger seconded motion. All those in favor.

Chairperson Bryant	“aye”
Brit Basinger	“aye”
Ed Martin	“aye”
Sue Martindale	“aye”
James Heber	“aye”

Motion carried.

Howard Doster brought up a concern of the Town taking over the connector properties in these subdivisions, whether it is by deed or easement. The Board had a discussion regarding this.

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James Heber made a motion to adjourn the November monthly meeting. Brit Basinger seconded the motion. All those in favor.

Chairperson Bryant	“aye”
Brit Basinger	“aye”
Ed Martin	“aye”
Sue Martindale	“aye”
James Heber	“aye”

Motion carried.

Respectfully submitted by
Judy Taylor, Planning Board Clerk