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Town of Northumberland – Planning Board
August 21, 2006

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Present: Patricia Bryant, chairperson, Jeff King, Kevin Pumiglia, and Sue Martindale

Absent: Wayne Durr, James Heber, Ed Martin, Brit Basinger and Kevin Gifford.

Town of Employee Present: Doug Ward – Town Attorney, Howard Doster – Engineer, Richard Colozza – Town Code Enforcement Officer, and Deb Colozza – Planning Board Clerk.

Doug Ward identified himself as the Town Attorney and asked folks that were going to speak at any of these public hearings to sign in so that we may have a record of who is speaking. We will call each of the public hearings and if you happen to want to speak in that public hearing, just raise your hand the chair will recognize you. You should state your name and address prior to making your comments. The comments will be limited to three minutes. If you have more that you would like to say that goes beyond the three minutes, we will leave the record open to take written comments for 30 days. I am sure all you would like to have a civil discussion here. This will not be a conversation between the board and whoever is speaking. These hearings are for your comments to be put in the record to be taken into account when the Board is making a decision. We would like you to keep your comments pertinent to the application. Those are certain ground rules that we are going to put into place for public hearings.

Patricia Bryant opened the August Meeting of the Town of Northumberland Planning Board at 7:10 pm.

Public Hearings:

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0003-06

Applicant: Ellen Bongard

Location: 169 Beaver Street

SBL#: 156.-1-17

Acres: 87.78

Number of Lots: 2 (formerly subdivided under Signor)

Chairperson Bryant instructed Ms. Bongard to place her map on the easel and tell the folks what she is planning to do so that if they have comments, we can get them.

Ms. Bongard stated this is basically about an 88-acre parcel containing a house and a horse barn. I would like to take the house and however it is surveyed, and deed it in my own name, creating a separation of the horse business, etc., from the personal property.

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Chairperson Bryant stated that Ms. Bongard lives over on Beaver Street, for anyone who wishes to know the location of the property is. Does anyone here have comments on this property? There were no comments.

The Chairperson moved onto Mr. Sherman.

Pre-Application Conference for a Minor Subdivision (Open Public Hearing)

Application #: 0006-06

Applicant: # William A. Sherman, Jr.

Location: Austin Rd.

SBL#: 118.-1-4.111

Acres: 71

Number of Lots: Taking 5 acres to make a separate lot.

Zoning: Agricultural

Mr. Sherman stated that this map on display is not the official map to the Town. This one does not have the “rights to farm” clause printed on it. Otherwise, it is the same map. I, William Sherman representing my wife, Irene Sherman, and myself hope to be granted permission to give our granddaughter Laura Sherman Miller and her husband, a 5-acre lot subdivided from the larger lot. This lot is adjacent to her sister’s lot, which was granted permission three years ago.

Chairperson Bryant asked if there was anyone there to make comment on this application? There was no public comment.

The Chairperson moved onto Mr. Morris

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0007-05

Applicant: William Morris

Location: Plantation Rd.

SBL #: 142.-1-1.121

Acres: 15.5

Number of Lots: 6 to be subdivided

Zoning: R-1

Due to Mr. Morris’ public hearing have been open previously, Attorney Doug Ward asked for just comments on the project. There were no comments.

The Chairperson moved onto Boswell Engineering.

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Pre-Application Conference for a Major Subdivision (Open Public Hearing)

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

Rep: Iven Anderson and Dominick Arico

Chairperson asked for comments; there were none. She moved onto Blanche Zuckerman.

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0008-050002-06

Applicant: Blanche Zuckerman

Location: Harris and West River Rd..

SBL #: 131.-1-10.12

Acres: 28

Number of lots: 3

Zoning: Agricultural

Rep: John Zuckerman for the estate.

Surveyor: Paul Tommell

Chairperson asked for comments; there were none

Chairperson Bryant stated that the Board was done with the public hearing part of the meeting at 7:40 pm.

Regular Meeting

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0003-06

Applicant: Ellen Bongard

Location: 169 Beaver Street

SBL#: 156.-1-17

Acres: 87.78

Number of Lots: 2 (formerly subdivided under Signor)

Chairperson Bryant explained to Ms. Bongard that this is the portion of the meeting where the Board gets to ask questions. We had things come up we need to discuss. One of the issues I believe you talked about with the Board last month, I apologize, I wasn't here, was the well and the electric. If I understand it correctly, it is now with the barn. I think what we came up with is that we would want notations on the mylar. There would

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be notations on the mylar that if someone purchased the house, they would purchase it knowing they would have to put a well and electric in. It was stated that there is no drilled well, there is no electric on this property. Chairperson Bryant stated the other thing that she had a note on was that the setbacks were not shown. There was conversation amongst the Board reviewing the map. Chairperson Bryant stated that if Ms. Bongard were to sell either parcel, she would have to put a well in. Jeff King stated that was discussed last month. The Board wants a note on the mylar stating that at transfer of ownership a well and electric is to be placed on each individual parcel.

It's got to be part of the deal that goes with it. It can't just be "buyer be ware". Because what you have done is create a lot that has no drinking water but has a house on it. Then if someone is not diligent about checking the mylar, someone is going to be stuck.

Ms. Bongard stated that she would do whatever the Board wanted. She requested a letter to forward to Mr. MacFarlane and it will be done. The clerk confirmed that the Board was requesting a letter stating "upon transfer of either parcel, the well and electric need to be done". As long as Ms. Bongard owns both parcels, she is fine.

The Board and Engineer had a conversation concerning the file.

Jeff King made a motion that the public hearing be closed. Sue Martindale seconded. All those in favor, 4 ayes. Motion carried.

Kevin Pumiglia made a motion for a negative declaration of the SEQRA, and Sue Martindale seconded. All those in favor, 4 ayes. Motion carried.

Jeff King made a motion that the Board issue preliminary approval on this project conditional upon the addition of the notes on the mylar for the issue of the well and electric. This is for preliminary and final. Sue Martindale seconded. All those in favor, 4 ayes. Motion carried.

Deb Colozza stated that Ms. Bongard would need to stop in the office to pay any fees, which are still outstanding, which will be primarily administration fees. Application fees should be set. Rich Colozza stated for recording purposes, Ms. Bongard will need one paper copy to send to the county, etc. Ms. Bongard interrupted and asked if a letter would be sent. This was confirmed.

ACTION TAKEN: the Board approved this application conditional upon the addition of the notes on the mylar for the issue of the well and electric. This is for preliminary and final review. Also, any fees still outstanding need to be paid before the mylar can be released for recording purposes and any building permits issued.

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Pre-Application Conference for a Minor Subdivision (Open Public Hearing)

Application #: 0006-06

Applicant: # William A. Sherman, Jr.

Location: Austin Rd.

SBL#: 118.-1-4.111

Acres: 71

Number of Lots: Taking 5 acres to make a separate lot.

Zoning: Agricultural

Chairperson Bryant stated the Board had no notes on this file. She asked the Town Engineer Howard Doster, if he had anything? He had no issues. Rich Colozza stated that he had a note to have it done by an engineer and approved by DOH. Mr. Sherman stated that it was already on his map.

Mr. Sherman stated that he had spoken with Neil Petteys. He presented his letter from the National Heritage Society stating they have no endangered species or wild grass on our open farmland. SEQRA has been completed.

Kevin Pumiglia made a motion to close the public hearing. Jeff King seconded the motion. All those in favor, 4 ayes.

Kevin Pumiglia made a motion for a negative declaration of the SEQRA. Jeff King seconded the motion. All those in favor, 4 ayes.

Jeff King moved that the Board issue a preliminary and final approval for the William Sherman Subdivision. Sue Martindale seconded the motion. All those in favor, 4 ayes.

Chairperson Bryant asked for any further comments. There were no comments. The chairperson stated that the Board was set and that the clerk would tell him what we need.

ACTION TAKEN: the Board approved this application for preliminary and final review. Also, any fees still outstanding need to be paid before the mylar can be released for recording purposes and any building permits issued.

Chairperson Bryant moved onto Mr. Morris.

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0007-05

Applicant: William Morris

Location: Plantation Rd.

SBL #: 142.-1-1.121

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Acres: 15.5

Number of Lots: 6 to be subdivided

Zoning: R-1

Chairperson Bryant stated to Mr. Morris that it was not necessary to run through his proposal again. There haven't been any changes since last month. Mr. Morris confirmed this. Most people and the board are familiar with what is being proposed.

Chairperson Bryant noted that the Board had received a memorandum from Jim Mitchell regarding the hydrology report. The report is in the file and reflects satisfaction. The file is complete.

Jeff King made a motion to close the public hearing on the Morris project. Sue Martindale seconded the motion. All those in favor, 4 ayes. The motion carried.

Chairperson Bryant asked if there was anything else we were looking for. It was stated that the Board was looking for the storm water management. Chairperson Bryant stated that this was discussed last week. Mr. Morris confirmed this and stated that he will have this information here in plenty of time for the Town Engineer Howard Doster to review. At this point, what he did, was a sketch plan of the layout, so that he can move forward. Kevin Pumiglia stated that we don't have a formal sketch plan. Chairperson Bryant noted that DEC is on board with the current plan, which Mr. Morris confirmed. Rich Colozza stated that the stage Mr. Morris is at now and what the Board is looking for is a completed preliminary review, and the Board still needs to receive the storm water management report and get it to Howard Doster for his review. Mr. Morris confirmed all of this would be to Howard Doster prior to the next agenda meeting.

Mr. Morris inquired if it was conceivable that if he has all this in in time for review, could he possibly get preliminary and final approval next month. Because he is still a long ways away before the mylar can be signed. He has the health department review also which can take some added time for completion.

The Board had a minor discussion looking at the file. Then the Chairperson Bryant stated that the sooner he got the necessary documents to Howard Doster, the better.

A discussion took place regarding the date of the next meeting. It was decided to keep the original date of September 11, 2006 at 7:30 pm. Mr. Morris should have all materials ready for review no later than Sept. 8 a few days before the September meeting date.

ACTION TAKEN: Mr. Morris will get storm water management report to Howard Doster for his review. The board closed the Public Hearing. Mr. Morris will return to the next meeting with the possibility of moving forward with preliminary approval depending upon the storm water review with the Board.

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Chairperson Bryant then moved onto the Boswell Engineering project.

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

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

Rep: Iven Anderson and Dominick Arico

Chairperson Bryant asked if anyone had heard from Boswell Engineering? We are going to leave that public hearing open because we don't have anybody here and we don't have everything we need.

Jeff King stated that he was open to closing that public hearing. He stated that if it takes time for them to turn in the material, then it takes time. Chairperson Bryant stated that she was open to whatever the Board is open to. The chairperson stated that the Board does not have a completed application. The Board members had a brief conversation about the file. Chairperson Bryant made the decision to leave the public hearing open one more month. If nothing happens at that time, we will then close it.

ACTION TAKEN: the Board will leave this application open for one more month – if nothing new is presented or moved forward the Board will make the determination as to how to proceed forward.

Chairperson Bryant moved on to the Zuckerman file.

Pre-Application Conference for a Major Subdivision (Open Public Hearing)

Application #: 0008-050002-06

Applicant: Blanche Zuckerman

Location: Harris and West River Rd..

SBL #: 131.-1-10.12

Acres: 28

Number of lots: 3

Zoning: Agricultural

Rep: John Zuckerman for the estate.

Surveyor: Paul Tommell

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Chairperson Bryant stated that Mr. Tommell, Mr. Zuckerman's representative, has asked the Board to close the public hearing. Mr. Tommell stated that they would resubmit their application at a later date.

Jeff King made a motion to close the public hearing on the Zuckerman project. Sue Martindale seconded the motion. All those in favor, 4 ayes. Motion carried.

Chairperson Bryant stated; just to make sure the records are complete, it was recommended that we also decline the application so our records show an action was taken.

Jeff King moved that the Board deny the application from Blanche Zuckerman. Sue Martindale seconded the motion. All those in favor, 4 ayes. Motion carried.

Clerk Deb Colozza noted that the Zuckerman denial needs to be filed with the Town Clerk.

ACTION TAKEN: the Board closed the open public hearing; as Mr. Tommell speaking for the Zuckerman estate noted that the applicant isn't ready to move forward and with the changes in zoning they will reapply at a later date. The Board also officially denied the application and it has been closed. The applicant will have to reapply for a new application and begin the process over. A bill for any outstanding fees on this application will be formatted and sent to the applicant. A letter of denial of application will also be formatted and a copy placed in the file and one sent to the applicant.

Chairperson Bryant moved to the DiSiena project.

Pre-Application Conference for a Major Subdivision

Application #: 0013-05

Applicant: Gary Bordeau

Owner: Austin DiSiena

Location: Colebrook Rd.

SBL #: 129.-1-46.121

Acres: 63.9

Lots: 14

Zoning: R-3

Rep: Paul Tommell

Kurt Bedore stated he was there with Mr. Tommell and associates to update the Board where they are at with the project. We submitted a list of six items from the August agenda, including revised subdivision plans reflecting, presented at the last Board meeting, the butterfly litigation. Habitat management area is now reflected in the current subdivision plan. On their own accord, knowing it was not requested by the Board, they did update the final environmental assessment form to reflect the current subdivision

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plan. That was placed in the package. Again, the long form does reflect the current plans. The Board also requested they draft a letter indicating everyone's concern about traffic safety. This was done copying the Planning Board, the Town Board, the County Sheriff's office and the local State Police station, and requested that enforcement be controlled and increased in this area.

Mr. Bedore stated that he had forwarded on the letter he received from Kathy O'Brien with DEC. She is in concurrence with what we are proposing here. It will take some time to work out the details of it, but the concept as she presented, everyone agrees and is on board with it.

Mr. Bedore stated; and finally a memorandum from our sub-consultant Bob Singer with Roberts Environmental of Queensbury, his findings on numerous butterfly studies he did out in the field. It basically concludes that they found blue lupines, but they didn't find any butterflies. They did proceed in accordance with DEC protocol.

Mr. Bedore stated that he believes he also sent to the County, a week prior to this transmittal, the Town Clerk was nice enough to let us know that Mr. Doster had not received any drainage reports. He thought he had sent them. He will confirm that the current storm water management report that was submitted in early July (late June time frame) does reflect changes that the Board directed us in order to reduce the paved carriageway. With less pavement, we can reduce some dry wells. The current storm water management does reflect that. If the Town does not have a copy of that, it will be expedited to you tomorrow.

Rich Colozza stated that he was told he had the same copy. Howard Doster and Rich Colozza were comparing dates. Mr. Doster and Mr. Bedore did some comparisons of drawings.

General conversation took place amongst all involved discussing the issues of concern.

Chairperson Bryant stated her list contained: storm water management, Jim Mitchell's report pertaining to waters, (which she believes she has and this was confirmed) and the latest set of drawings. Those were the notes she had from the agenda meeting. She believes the big issue was the storm water management.

Rich Colozza commented that he had not sent any maps to the fire departments or rescue squads. Chairperson Bryant stated that he should go ahead and send them. Mr. Colozza stated that the Board needs to feel comfortable with that, because the town is going to have to do the numbering of homes in there as well. Chairperson Bryant stated it needed to go to the fire departments and the schools.

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Howard Doster stated that he had a conversation with Guy Murphy, off the record, regarding the easement. Doug Ward stated that the easement would be deeded to the Town.

Chairperson Bryant asked if the Clerk had copies of the last letters in the file. The Clerk confirmed this, as well as the notes from Jim Mitchell are also in there.

Chairperson Bryant stated that Mr. Bedore needed to get the plans to Howard Doster so he has time to review them. Rich Colozza stated that Mr. Doster does have the plans and Howard confirmed them.

Mr. Bedore asked if the Board would perhaps consider a conditional preliminary approval subject to the Town Engineer's review and satisfying any comments he may have on the drainage report. He believes that they have addressed every other comment that has been raised by the public and the Board. Doug Ward stated that we usually submit it to the state agencies to start their review process. Mr. Bedore stated that he has not submitted to the health department yet.

Discussion among the Board took place.

Chairperson Bryant stated that the Board is moving forward, but we need time to review the information. Mr. Doster will review the documents he has prior to the next meeting. There will also be more members present and review of the SEQRA can be done at that time.

ACTION TAKEN: the Board and Mr. Bedore discussed moving forward of the proposal, the storm water plan, and other issues of the project. Since not a full board available at the meeting. SEQRA action was not done until our SEQRA representative is here and can go through the document to ensure all points have been met and addressed. Howard Doster will do a final review of the documents he has for the next meeting. Applicant will return to the September meeting.

Chairperson Bryant moved to the Nichols Project.

Pre-Application Conference for a Minor Subdivision

Application #: 0007-06

Applicant: Henry E. Nichols

Location: Purinton Road

SBL #: 105.-1-29.1

Acres: 59.6

Number of Lots: 2

Zoning: Agricultural

Surveyor: William Rourke

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Chairperson Bryant asked Building Inspector Rich Colozza if he had contacted Supervisor Peck about the seasonal road. Mr. Colozza stated that he hadn't been able to get a hold of the Supervisor. What he did was get the past records and started going through them. They did refer to the Town Board because the Highway Superintendent, Neil Petteys did declare it a seasonal road. The Highway Superintendent noted that once somebody lives on it, it is no longer a seasonal road. Mr. Colozza asked for time to reach the Supervisor and see if he is going to give it to the Highway Superintendent for a decision or what direction the Town will take. Then we will do a letter to the Board. Chairperson Bryant confirmed that we need somebody other than the Planning Board to make a decision on this. Mr. Colozza confirmed this statement. The recommendation at the agenda meeting was to talk to the Town Board.

Mr. Nichols stated that he does not care either way, seasonal or not seasonal. Chairperson Bryant stated that the Board does care and they have a concern as to whether they are allowed to something on a seasonal road. That's what we are looking for.

Rich Colozza stated that he didn't know if the Board realized it, but the Highway Superintendent is in the process of building the road back up. The Highway Sup't and the Supervisor have discussed reconditioning the road, not paving it, but just reconditioning it and bringing it up to grade. Chairperson Bryant stated that none of them had a problem with that; they just don't want to overstep our bounds. Mr. Colozza stated that on the last one, Tina Boldt property, they required a turn around because that was as far as they were supposed to go with it when they built that house. Chairperson Bryant stated that there have been issues with that, to her understanding. The turn around didn't get built. Mr. Colozza stated the turn around was there, but Tina Boldt moved her driveway beyond the turn around; and then we were trying to get a turn around from there and then the horse farm came in. They built the road up and gave us another turn around farther down, but they didn't want to build the whole road, they just wanted to build to their driveway. So it's been kind of on and off.

Mr. Nichols and Chairperson Bryant reviewed and discussed the map. Mr. Nichols stated that there are already two homes on that road. Chairperson Bryant stated that this was the only note she had made was about the road. Jeff King confirmed that the property is in an Agriculture district. He then confirmed that we would need Agriculture language added. Mr. Colozza stated that he has outlined the shoreline overlay district area for you. Jeff King asked if the map showed the entire parcel. This was confirmed. Mr. Colozza stated that there is a notation on the bottom that the perc test and deep holes are going to be done by an engineer and approved. Chairperson Bryant asked if this needed to go to Saratoga County because it is in the Ag. district? Mr. Colozza confirmed this.

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Chairperson Bryant again questioned the seasonal road and as to whether the Board is supposed to be creating lots on a seasonal road, and we're not sure about that. Discussion amongst the room took place about the road and the turn around again.

Chairperson Bryant stated that the Planning Board needed something from the Town Board regarding a decision on the seasonal road.

Jeff King stated that beyond the road, there doesn't appear to be any other strong issues that we need to address. We have a National Heritage letter on file, and we have the SEQRA form.

Chairperson Bryant asked if a public hearing was needed? The Board confirmed it was and that it was not necessary to wait for the letter from the Town Board regarding the road. The public hearing is to be scheduled for September 18, 2006, at 7:00 pm.

ACTION TAKEN: the Board and Mr. Nichols discussed the project before them. Primary issue is the seasonal road that is being considered for main access. The Board feels the Town Board needs to make a decision as to whether that will remain a seasonal road or be changed. Neil Petteys, Highway Superintendent and the Town Board will need to clarify that for the Planning Board. The Board determined that a Public Hearing is necessary for this application as well as having the application forwarded to Saratoga County Planning Board for their decision and comments. The Board set the Public Hearing for the September 18, 2006 meeting at 7:00pm. Hopefully the Town Board will be able to render a decision before hand on the seasonal road determination.

Chairperson Bryant moved onto the Sedrish project.

Pre-Application Conference for a Minor Subdivision

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

Representative: John Carusone

Chairperson Bryant recused herself due to a conflict.

Kevin Pumiglia stepped in as acting Chairperson. John Carusone introduced himself as representing the applicant, Dr. Sedrish. There are three things they are looking for; one is a two-lot subdivision, the other would be a special-use permit to allow construction of a

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large-animal veterinarian hospital, and third would be site plan review. So they have submitted an application and are there tonight to talk about what they may need on a preliminary basis so they can get their application completed. Mr. Colozza was kind enough to share with them a list to be provided to the Board. If it is okay with the Board, Mr. Carusone will use it as a guideline.

Chairperson Pumiglia asked if there was a map in the file for this project? Mr. Carusone stated that he had submitted three copies.

The Board inquired as to whether there were any residences on that property? Mr. Carusone answered no, and stated that Dr. Sedrish lives in what will be designated as lot 2 and is his home. Then, the 10 acre-parcel (labeled as lot 1) is where we propose to put the veterinarian hospital. Dr. Sedrish owns all of the acreage.

Mr. Colozza was asked if this adjoined an ag district, and he confirmed yes, right across the road. Mr. Colozza stated that this will go to the County for a review, but we are going to need more information in order to send onto the County.

Mr. Carusone stated that going through the list, he noted he need to get the Board aerial photos and they are using Garry Robinson as the Engineer. He noted that Mr. Robinson and Mr. Colozza have already touched base. Whatever we can't generate, he will. We will need a soils map, perc test and deep hole, current deed, and Mr. Robinson will send a letter to the National Heritage. Mr. Carusone stated that he did send a set of plans, but they were on many sheets of paper. So he has a bigger one he can leave with the Board tonight. He asked if the Board had the ability to make these copies? He stated he could in his office. It was decided that Mr. Carusone would make the copies and send them to the Town. He stated that these plans are rather straightforward. They have all the elevations. Only small portion of it is going to extend into the second core.

Sue Martindale asked if she heard him say he needed to get a use variance? Mr. Carusone replied, no a special-use permit.

Mr. Carusone stated that one of the things that he would like to talk about is what might be able to be waived here in terms of the site plan, because we consider this to be a relatively simple, straightforward use of the property. As you know, some of the items on a site plan are not even applicable here, and the Board does have the right to waive them. If we can accomplish that tonight, then he can give the list to Garry Robinson and we will try to get everything back to you in time for the September meeting.

Chairperson Pumiglia asked what his suggestion was as far as waiving items. Mr. Carusone stated he would like to waive the following items from the site plan checklist: a, b, c, and d. Grading and drainage plan, what do you think? Mr. Colozza stated that needed to be done because of the acreage that would be disturbed by the project. Mr.

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Carusone stated that item f is already on there. Item g will be done. Mr. Colozza stated that you should see the number of layouts, should see if they have the availability, your looking at a veterinarian situation, to get a horse-trailer or truck in to deliver animals and be able to turn around with enough room. Mr. Colozza also noted there should actually be a listing showing accessibility for handicapped, if you're going to have the office especially. That is one of the problems you are going to have with an upstairs office. Mr. Carusone stated that the building is handicapped accessible. He stated there isn't anything upstairs that isn't down stairs. It is just extra space. Mr. Colozza suggested that he not list it as an office then. It can be used as other things, but listed as office, it needs to be accessible to the public and hence the need for handicap accessibility. Mr. Carusone stated that it does have a circle driveway for the trailers to get in, unload the animal, and come out. Mr. Colozza stated that the plans should have a layout of the parking lot and include lighting scheme, shrubbery and tree placement, signage etc. Mr. Doster is going to look at the drainage and review the run off of the parking lot, what kind of surface you are going to have for parking, and so on. Garry Robinson is going to have a little bit of work to do to satisfy what Mr. Doster is going to request as well as what the Board will look for.

Chairperson Pumiglia stated that the general idea is for whatever number of people you are expecting daily, you don't block the circle. Mr. Colozza stated that in the book it is listed as a minimum of 4 spaces per veterinarian plus 1 space per employee. Chairperson Pumiglia stated that maybe what could be done is to show the number of parking spots in the parking area.

Moving the pedestrian access, item h, Mr. Colozza said you could do that into the parking lot, because there are no sidewalks out on the main road. Mr. Carusone confirmed that would be from the parking lot to the front door, because no one would be walking onto the site.

Pertaining to item i, location of outdoor storage, if any. Mr. Carusone stated that there is a building and the back of the building has an overhang. Pertaining to item j, the Board will want that to be noted as to what will be stored in the building. Mr. Carusone asked; what about questions from the public at the public hearing such as horse manure itself, where is that going to go. It never did get spread on the fields. Is it going to be in piles, or in stalls, or will there be a spreader outside, or does it go right in the truck so they can spread to the fields. Sue Martindale asked if this would be on a daily basis? Mr. Carusone confirmed. She then asked about the winter? He confirmed. Mr. Colozza stated that it is usually managed quite well, because you can't let it build up. Rich Colozza stated that what the Board is getting at is right. One of the things you want to make sure is that you are going to need a storage pile. And storage piles on the ground may need to be addressed in different aspects, because you've got storm water management that you are going to be looking at for runoffs and everything and you don't want the runoff to be getting into wells. So if you are using containers or

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something...basically what you are doing is exactly what you are going to be doing out there. If it's going to be in a wagon, and the Board is happy it's a wagon that is being handled daily or every other day...but you have to remember, this plan has to incorporate everything that you're doing, because when the complaints come in, should there be any, there is everything in writing exactly what you are doing or you are looking at the fact getting back lashed with everything coming back this way. So, you want to have addressed these. Manure is one of the issues.

Mr. Colozza stated that he didn't know if they want to look at a buffer between, at least, the adjoining properties. The Board discussed the existing buffer. Mr. Colozza stated that it doesn't have to be, but it really should be noted on the map. So they may have a cover sheet with all of these notes saying this is this and this is that. Just remember, in order to enforce anything it has to be shown or set in the guidelines that are given to the Town. If there are no guidelines on a map....Jeff King stated that they were going to have all those things listed on a map. Mr. Colozza stated that is what they should really do. They are going to have one sheet with a map and you virtually could have a whole coversheet. Kevin Pumiglia asked if physically is that how you would normally do it, writing it all out on the map? Mr. Colozza confirmed. They will do a notation page in the front that it's a clinic dealing with large animals. Now they already know it is limited to large animals and it will be in detail with all of these notes that you are looking to put out.

Mr. Carusone stated that item k and l; we already sort of jumped the gun. He questioned item m regarding fire and other emergency zones. Mr. Colozza stated just that the driveways had to meet the specifications for handling the fire truck. It is a 50,000-pound requirement by the Town. Pertaining to item n, Mr. Carusone asked if they needed to worry about that. Mr. Colozza responded; that is why some of this really pertains to every project under the sun. So that is why you should really say don't worry about that because he is not going to have any underground facilities going for electric, other than the one servicing the building. Jeff King stated that they would need the signage. Mr. Carusone said they could locate the sign on the map and maybe have a detail of it. Mr. Colozza stated it should have the detail of everything, and if you look in the zoning book, there is a section on signage. You want to incorporate that at this point. Otherwise, you have to return to the Board for a sign permit at a later date – it is better to include the signage with the submitted plans.

Howard Doster made a comment about the buffer. It was confirmed that they are over the setbacks.

Mr. Carusone stated they would show the location of the lighting. Pertaining to item r, Mr. Carusone confirmed that he would not be selling any supplies or feed. However, Dr. Sedrish does dispense prescription drugs for animals, but there is no retail outlet. The Board stated that they would want a landscaping plan. Mr. Colozza suggested that the

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Board limit the landscaping to within the front setback to the building and leave the back as is. The Board wants the extent of the clearing to be shown.

Mr. Carusone stated that they were going to try to get everything done by September 8th for the September 11th agenda meeting.

Howard Doster asked if they were going to have the setbacks in the notes. Mr. Colozza stated Garry Robinson is going to do the perc test and deep hole. He stated that he ran it by the engineer and that that had to be done. It has to be done anyway because of the building going in. He is going to need something to give him soil facts for every bit of the project. Mr. Colozza asked if the Board wanted them to highlight the set back areas? That is normal practice to have them go all the way around the map. Jeff King stated they did. Mr. King then asked, SEQRA wise... Mr. Colozza stated this is a short form until you start looking at it and if something comes up into it, then you can go into the impact of it. Mr. Colozza restated that the subdivision is actually a short form, however, the site plan review might generate something totally different where a long form may be required.

Howard Doster questioned the list that Mr. Colozza past out at the agenda meeting. Mr. Colozza stated that he listed that as general things for the Board to look at and it is really their decision on what they pull and what they don't pull out of here. If they don't think this is going to fall under the ag business, they can just drop that issue. That was just a reference for them so as they are going through the book they're not just stumbling through for pages. It was actually to help the applicant out as well. Mr. Carusone stated that they had looked at the rules originally, previous set of rules actually listed veterinarian hospital directly under ag district. Mr. Colozza confirmed the old books did. He stated that the only reason it is in there was because basically you could consider this an ag business because it is affiliated directly with the raising of livestock. You don't have livestock without have a vet, so you've got livestock without feeding. Basically in his book, they go together. Mr. Colozza continued that it is up to the Board as to what issues in the ag business are addressed. He said he wouldn't use ag business as exemptions to it; he would only use it if he wanted an overlay to some guideline. Mr. Doster stated that the only thing he saw in there that might be a problem is a 300-foot distance from a residential. It is an R-3 area, so it's residential. The other thing, which he has to check, the ag district shows no more than 5000 sq. ft. of gross floor area. Mr. Colozza stated that the terminology that is written into there, some of it is more that the idea that he is going to take his home, he is going to put his veterinarian hospital in his home. That was to restrict that aspect. He again stated that he only placed it in there for everyone to look at to consider and make a determination. It really doesn't fall under the new zoning for ag business, veterinarian clinic that he is doing; you can eliminate that and it doesn't even need to be looked at it. That would be up to the Board. That is what I am saying, Mr. Carusone is looking for some guidance from the Board. Mr. Colozza stated that he put everything out for consideration and whether it was going to be a

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requirement or not, was up to the Board. There are things under general provisions, there are things under special use permits, and there are some things you can exempt them from. So like he said, the reason he listed them under the ag a little bit, was just that if there was something under ag business and you said it was going to be an ag business, then fine. A veterinarian clinic under the R-3 district, so it is not really falling under the ag business.

Kevin Pumiglia stated that even if it were an ag business, they would require 10 acres and they have the 10 acres. Mr. Colozza confirmed that, but stated that Mr. Doster is bringing up about 300 feet from a home for showing the distance for a setback.

The Board continued their conversation regarding the ag business versus R-3 zoning.

Note – Due to non-quorum present, discussion of application was all the Board was able to do. The short form SEQRA to be submitted by applicant.

ACTION TAKEN: because Chairperson Bryant, recused herself from this application, the Board became less than a quorum on this application. What the three members were able to do along with Howard Doster and Richard Colozza was make suggestions as to what the Board would be looking for and direction that Mr. Carusone and the applicant would be able to work towards for the future meetings. Mr. Carusone thanked the Board as they were very helpful in the discussion. They will return with materials in time for the September 11th Agenda meeting.

Chairperson Bryant returned to the meeting and Board.

CONSERVATION DESIGN SUBDIVISION MEMORANDUM

Jeff King moved that for the record, the memorandum dated August 21, 2006, regarding Conservation Design Subdivision written by Town Attorney Doug Ward be accepted into the minutes as a Planning Board record. Sue Martindale seconded the motion. All those in favor, 4 ayes. So noted.

REPORTS

Howard Doster stated Brampton Woods made a request a month or so ago for a change in the drainage. They found a better direction to relocate the line going through retention area 2 on the north side of the property instead of the south side. The easement for the Town would be on different piece of property from what's shown on the plot. He has spoken with Doug Ward on this and he told him that and he told George Yurchek that this had to be filed with the County. It dawned on him last week that this is a major enough change that it should go to the Planning Board for their review and approval. So he wrote a letter to George Yurchek to this effect. He thinks we have to make sure this done before any of these properties are sold, so that someone doesn't all of a sudden find

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out they have an easement on their property that the Town has access to. He doesn't know how the Planning Board finds out that this actually got filed with the County. Do we get a report back from the County? Mr. Colozza stated that nothing gets filed until the end until the asphalt completed. Mr. Doster stated this should be done before the asphalt, as this is more critical. The Board inquired as to whether the change to property is going to be done before it is sold. This was confirmed. Mr. Colozza asked if we had any other easements that have been approved and recorded with the County? Mr. Colozza doesn't believe we have any. Mr. Doster stated that the easement becomes official once the plot is filed. So any lot that is showing an easement, Neil Petteys has access to that property. Mr. Petteys claims he still goes to the property owner prior to going in and work on the drainage. Mr. Doster offered the Board the opportunity to look at the layout of the proposed change.

Kevin Pumiglia asked what happens if they make the changes and they re-file the plot to make it official? It seems like to me that anybody who builds a house in that subdivision right now doesn't have any idea they have a deed with an easement. Mr. Colozza stated that you would have to look the deed. The deeds would have to say that you are giving up any easement rights.

Mr. Colozza stated that there is nothing that has ever been drawn that is picture perfect. When you get into the field, you run into this. You don't want to keep reviewing this and re-filing each time. Kevin Pumiglia stated that he doesn't believe anybody does that, but at the same time, he thinks Mr. Doster is right. He would be upset if he bought a house free and clear with no issues, and then one day the Town has a 100-foot easement across the back yard.

Chairperson Bryant stated that Mr. Doster is the expert here, and he thinks it should come back to the Board, then we need to take this back up again. She stated that she does not believe Mr. Doster should take this authority on, or he should be okaying things in the field. Mr. Doster should consult with Jim Mitchell to see if they both agree on the need to return this to the Planning Board. As noted Mr. Mitchell is a resource for the Board and Howard to use.

Mr. Colozza stated that there is some extent as to what you have to give your engineering crew latitude to do the decision. Because, if I walked in here and said here are two grade stakes and you looked at the reading on them, are you going to tell whether the grade goes up or down? What we are saying is, when they get out there, in a perfect world, what George presented to you is exactly what is going to be built. Now, if you get a contractor that has to come back here for 30 days, and say to you; well I would have made this change, but logically I couldn't waste 30 days, like this here change. He didn't have to do it. He could of dug through a 30 foot knoll and said to the Town, your drainage is underneath there, or I could put it over there.

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Chairperson Bryant commented that in this particular project, they knew the knoll was there when they started the project. In particular issue, we talked about it, if we are talking about the knoll on the back, you asked them at least twice that I can remember...Mr. Colozza interrupted and stated this is right in a row right in the middle of the subdivision. Chairperson Bryant clarified that it was not in the back and Mr. Colozza confirmed this.

Mr. Doster stated that when they started plowing back earth and planning their work, the contractor doing the excavation said do you realize I have to dig down there 30 feet. He said he was going to have a little problem with people down in there doing the work. He would have to dig for hours and had to build sidewalls to work down in there. So they walked around and said why don't you do this. George came up with these plans and said would you consider this change? Mr. Doster looked them over and didn't see any problem. Mr. Doster spoke to Neil Petteys about, and from his standpoint, it is better for him. Because if he has to go in there and work on the pipes some day in the future, he has less digging to do too. So this was an advantage to the Town to make that change.

Mr. Colozza stated that you have a contractor sitting out there with unknown amounts of money in equipment out there building a road. They need someone out there to be able to say I really don't need to go to the Board...forget this issue. We are running into things, we are running along, we are building a road, there is an issue out there, you don't have an engineer that can walk out there and say no, that not going to fly and give them an onsite justification. You are going to stop a project every 30 days. They are going to build it as to what they handed to you. You are going to have an inadequate subdivision.

Kevin Pumiglia stated that there are four contours shown on the final map they are suppose to turn in; and if you don't know there is a 30 foot knoll there, or a 30 foot mountain, then there is something wrong with your engineer.

Jeff King asked if this is spelled out in our law? Mr. Doster responded with the first page of the second section of the book. Mr. Doster continued; like Mr. Colozza is saying, if you have a case where you have to put the catch basin on this side of the road instead of that side, I can see that being an engineering call. But in this case, you're changing the property line basically, because the easement is being changed.

Jeff King stated that he whole-heartedly agree with what we are saying about it. Mr. Colozza interrupted and said; at the agenda meeting, just so you understood, the comment came out that everything comes back for the Planning Board to review – which he stated to Doug Ward would be impossible. Once in the field there is bound to have something come up. Contractors need to have some latitude, and I'm not saying it's got to be great latitude, but Howard is going to need to feel comfortable that he can call Jim Mitchell. Between Howard and Jim Mitchell they can say yes, this is something that's needs to be reviewed or they can make the call. Howard would then come back to the Board and say

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will you approve this change as it was necessary to make for these reasons...and let the Board know why they needed to be changed

Chairperson Bryant stated that she doesn't even care if they approve it, but she thinks the Board needs to be told about it, by the engineers so the Board is aware, and we need to make sure the changes get shown and refiled.

Chairperson Bryant stated that Howard needed to make the call on what he believes significant changes are, and she would recommend that he report significant changes so it can be put in the minutes and it covers his decision as well as the contractor and the Board. Mr. Doster stated that if it affects a property line, it is definitely warrant a Planning Board approval.

The Board continued to have a conversation about this matter.

Chairperson Bryant stated that the bottom line is, on the Brampton Woods matter, are they doing a new map and coming back to us? Mr. Doster stated that he had sent a letter stating they have to come to the Planning Board with a new map and Rich pointed out that the DOH should be notified. Rich Colozza spoke up and said to have George do that, not to have Mr. Doster get involved with it. Chairperson Bryant asked if the Board needed to go back to Jim Mitchell on this, because Jim Mitchell worked on this? Mr. Doster stated that because it was minor changes, he believes Mr. Mitchell is okay. On the other hand, if I see something, he could ask Jim Mitchell to take a look at it.

Mr. Doster had no other information to report.

Chairperson Bryant asked if Rich Colozza had anything to report? Mr. Colozza stated that Brampton Woods has two homes that are almost finished. Then they have another two cellar holes dug and foundation in and one started. They don't get any COs until the road is done. Apparently, with his contract and the way he has it written, he has got to at least get them started. Chairperson Bryant stated that they had already told him about releasing part of the road bond. Mr. Waldron knows that.

Chairperson Bryant stated that the Board had resolved the agenda meeting for September. It will still be held on September 11th in the Youth recreation room as the gym would not be available to us with voting machines being set up for September 12th elections. The agenda meeting for October is Columbus Day, and we don't usually meet on a holiday. Tuesday is Court, so we're looking at Wednesday. The clerk stated that we could meet on Tuesday the 10th in the gym. Rich Colozza stated that was fine as long as it wasn't the first Tuesday, because that is DA night. He stated you wouldn't even be able to get in the parking lot. Chairperson Bryant asked if we should schedule it for Tuesday the 10th? And it was agreed to have the October agenda set for Oct. 10th in the gym.

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MINUTES:

The clerk reminded the Board that they had not made corrections for the June or July meetings. Chairperson Bryant was not aware that the minutes had not been approved. The clerk suggested that we wait until September and approve all three months, including August when more members would be in attendance to make any changes to them.

The three months of minutes are to be e-mailed to all Board members with a note; please make sure you review these in advance – so they can be completed at the September meeting for the files.

Jeff King made a motion to adjourn the August monthly meeting. Sue Martindale seconded the motion. All those in favor, 4 ayes. Motion carried.

The meeting was adjourned at 10:15pm.

Respectfully submitted,
Judy Taylor