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Town of Northumberland – Planning Board
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Present: Patricia Bryant, chairperson, James Heber, Ed Martin, Wayne Durr, Susan Martindale, Brit Basinger, Kevin Pumiglia, Jeff King

Absent: Kevin Gifford, alternate

Town Employees Present: Howard Doster – Town Engineer, Richard Colozza – Town Code Enforcement Officer, Doug Ward - Town Attorney, Deborah Colozza - (Interim) Planning Board Clerk

Patricia Bryant opened the scheduled April Public Hearing for the Town of Northumberland Planning Board at 7:00pm.

Public Hearings

Special Use Permit – Site Plan Review - Agribusiness

Application #: 0001-06

Applicant: William McEachron
68 Pettis Road
Gansevoort, NY 12831

Location: same as address

SBL#: 103.-3-31

Acres: 2.61

Zoning: Industrial

Patricia Bryant asked the applicant to explain his proposal to the Board and the members of the audience for any comments they may have. Mr. McEachron noted that due to having just been a witness to a terrible town accident that he wasn't prepared to address the proposal at this time and asked if the Board would come back to his proposal.

The Board noted this comment and Patricia Bryant asked if there was anyone in the audience that was here to address this public hearing. There was no one in the audience.

Patricia Bryant noted that the Board would review the application at the regular meeting to follow when Mr. McEachron had a chance to compose himself.

Patricia Bryant noted that we have several applications from March with public hearings that are still open and from the audience in attendance she asked if there were new or additional comments regarding any open public hearings at this time.

John Weber spoke regarding the open Boswell subdivision application. He reiterated his concerns that the Board need to address the proposal further as he has been in contact with DEC regarding the Blanding Turtle habitat and wanted it noted that from May 1 to June 30 is the typical nesting season for these turtles and that there are only a few preserved locations that they are known for nesting. Those areas included the St. Lawrence Seaway, a location in Wilton /Northumberland which is this area in question, and a 3rd location in Dutchess County. Until

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DEC can do a full assessment on this endangered species – he would like the Board to consider “halting” this project until the questions and concerns of the residents are answered and investigations from the agencies are completed.

Mr. Weber also wanted it known – for the record - that he does have the right to speak as he noted some people have questioned his residency in the Town. He noted that he has lived in Northumberland for 20+ years and many of those years in the area that is being considered for more development.

Other concerns that he raised included whether there was an EAF (environmental assessment form on file)?

Doug Ward pointed out that the project does call for a completed SEQRA application, which is what this Board reviews in full.

Mr. Weber also asked that the wetlands maps from the Army Corp of Engineering shows the wetland area is part of a stream – tributary which leads to the Colebrook stream. He noted that the residents wish to have the public hearing remain open and not be closed until all the reports are in and that DEC has the opportunity to complete its current study on the turtle habitat.

Kurt Koulas of Plantation Rd. noted that with the two developments being proposed the Morris subdivision and the Boswell subdivision that in addition to what Mr. Weber has addressed many of the residents are greatly worried about water as an issue – to be sure that the homes that are already there the water supply won't be affected and also that those homes being planned will have adequate water supply. His concern was: What would the Town's position be if any of the residents ran out of water?

Patricia Bryant noted the comments and that the Board would follow up with all concerns. She thanked those in attendance for the added comments. The Board appreciates all comments as they work through the applications. The public hearings at this time are all still considered as “open” and have not been closed. She noted this also includes the public hearing from the application for the Solomon Estates.

There were no other additional comments and Patricia Bryant moved the Planning Board forward with the April Monthly meeting that began at 7:20pm.

Patricia Bryant commented to all present and throughout the meeting that in addition to the agenda before tonight's meeting that all applicants - going forward at this time (current and new) will now be required to review the updated Town of Northumberland Zoning Regulations that the Town Board has adopted and review these new requirements and zoning laws to see how they pertain to the applications in front of the Board. With the new zoning now in effect, the Board asks that representatives and/or applicants before the Board understand that not only are they looking at the new requirements that need to be followed on the proposals being submitted and before the Board, but the Planning Board members are also reviewing the new zoning regulations that are now in effect and how they need to apply to the applications as they go

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forward. With anything new the Board asks your patience as everyone involved assesses the new changes to the regulations and works their way through them. Some applications will have areas that need to be changed or addressed further and others may find that many of the new changes have been or can easily be incorporated in to designs that are already being proposed.

Old Business

Proposed Major Subdivision

Application # 0007-05

Applicant: William Morris

10 Mystic Lane

Saratoga Springs, NY 12866

Location: Plantation Rd.

SBL#: 142.-1-121

Acres: 30.643

Number of Lots: 6 to be subdivided

Zoning: R-1

Mr. Morris noted that he has been in touch with his engineer, DEC and DOH on concerns that were raised last month.

- The Health department will be on site when the perk tests and deep hole drillings are done
- His engineer has spoken with DOH on how the plans are to be drawn up for the 6 well systems that will be done on each lot. Each well will not have an adverse affect on the surrounding homes, as they will be drilled deep enough. His engineer would send letter to the Board addressing the wells.
- Each well will be done and tested before any building permits can or will be requested from the town
- The Blanding turtles – he has met with DEC at least a dozen times over the course of the several years that the subdivision plans have been in the work. He agrees to not develop the portion of the land that could “possibly” be a nesting area for the turtles. He also has had DEC review his plans and they are in support of the plans for the homes being proposed.

Ed Martin asked Mr. Morris what information his engineer would be able to provide the Board with?

Mr. Morris said that the engineer would send in a signed document addressing the water findings and that the wells would not have an ill effect on the surrounding owners wells. The quality and quantity of the water would come from a certified water-testing lab that would address the quality and quality of the water samples given. Mr. Morris also noted that DOH said it was not necessary to drill all the wells – however, to be in good faith and assure neighbors, they will do all 6 wells as drilled wells and complete them before requesting bldg. Permits for each of the lots. Mr. Morris asked the Board to give preliminary approval to the plans before they actually do any of the drilling.

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Ed Martin noted then the Board would be receiving two sets of reports related to the water supply – one from your engineer on quality and quantity and the effect on the quality. Quantity and quality will come from reports between the well drillers logs and the testing lab that is used.

Ed Martin asked if Mr. Morris had a benchmark idea that the drillers would follow on a lot if no water were found?

Mr. Morris noted that the success of well drillings would drive the final layout as to location to place them. If water isn't found at one location on a lot they would consider looking at other areas on each lot. With the 6 lots they would test for the draw down and the recovery process before determining a final placement

Ed Martin noted that the Board is waiting on official correspondence back from DEC.

Mr. Morris noted that he would get he information to the board. His contact has been Mr. O'Connor and there is a new contact Robin Hohlevinski, an endangered species biologist that he has also been in touch with. She asked that Mr. Morris provide them with a grading/clearing plan and Mr. Morris said that he would get that to them. There is a letter on file that DEC supports this subdivision project.

With the new Zoning Regulations in place it was noted that Mr. Morris asked what he would need to review the new regulations to make sure that his proposal complies with the new requirements.

Rich Colozza noted that he has formatted a checklist for the requirements of the Conservation Design (CD) that the Board and applicants can use as a guideline to review what they have already in place and in most instances may be able to tweak their plans to conform with the new requirements with few or little changes made.

James Heber noted that he wants to get clarification from the Town Board as to the intent they have for all applicants to follow. If it is a new law then we all will have to follow them but he would like the Town Board to clarify applications in progress at this time.

Mr. Morris also raised concerns with an application such as his, this far along, that he would need to conform to the new regulations and start over if necessary.

Ed Martin noted that most everything that has been submitted probably falls under the new CD requirements and with a review by you and the Board there may already be flexibility in place whereby there is not a need to recreate the wheel as such all over. It is something that all of us will have to review and see what new things might need to be included.

Patricia Bryant asked if any other areas to address. Mr. Morris noted he will review the new regulations and be prepared to address additions or changes necessary.

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ACTION TAKEN

The Board invites Mr. Morris to attend the agenda session for additional clarification when more members and Mr. Morris would have a sense of what needed to be added to his plans as per the new Zoning Regulations now in effect. That would give members a chance to review and understand where proposals are and what is being looked at additionally to comply with the new CD requirements being implemented in Town.

Proposed Major Subdivision

Application #: 0002-06

Applicant: Boswell Engineering

799 Madison Ave
Albany, NY 1208

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 and Dominick Arico

Mr. Anderson again reviewed the plans with the Board and those in the audience. He plans to develop 16 single-family homes/lots with septic and drilled wells on each lot. And one lot dedicated to the Town for storm Water Management. From last month's meeting he updated the Board as follows:

- He has scheduled with Dick Wilsey to do 2 test drillings on several lots
- Regarding the aquifers under the property – he has requested a study to be done and obtain documentation of USGA mappings
- He is complying with the DOH setbacks and distances on each lot to allow for the absorption fields
- Frontage of the lots – with the new regulations in place for Zoning (150' frontage), he will reassess his plans to conform each of the lots accordingly.
- Since he was unable to do the walk through previously set, he requests the Board consider a new date/time.

Pat Bryant noted that the Board would like to do a walk through of the proposal. Following discussion among the Board and Mr. Anderson – a Walk through is set for Saturday morning April 22nd at 9:00am.

We also are awaiting correspondence back from DOH and DEC as to lead agency status on this proposal.

Ed Martin also noted that as with the prior application, Mr. Anderson and the plans for the subdivision may already meet most of the CD requirements.

Brit Basinger noted that as with large subdivisions assurances of water are of utmost concern, and while DOH regulates that assurance, he suggests Mr. Anderson look into a hydrologist who

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might agree with DOH findings to be sure water is adequate.

Kevin Pumiglia agreed noting that the Board requested a certified hydrologist with the Brampton Woods project so all parties were put at ease on water issues.

Mr. Anderson stated he was not opposed to providing the Board with a letter stating the assurance of water abilities for the project similar to what Mr. Morris was providing.

Brit Basinger also noted that it seems that the two major issues here are the water adequacy for the proposal and also the protection of the endangered species - Blanding turtles habitat.

Mr. Anderson also asked again as to why projects underway would need to conform to the new zoning regulations.

Doug Ward noted that as with most things, it is a question of timing on projects. In most instances, SEQRA will not have an adverse affect on your project. It will be looked at a bit more in detail and compared to the new Zoning Regulations. If you do your analysis on your project you will probably find that most areas you already have covered. The courts say that one should base their decision on sufficient worth of the project – which our Board will take into account.

Jeff King noted that both of these projects since they impact one another the Board might want to have the professional engineered reports submitted reviewed by an independent hydrologist for the Town to make sure that everything is sufficient.

Kevin Pumiglia agreed that having these two projects reviewed and consulted with our town engineer and outside independent reviewer would be in best interest.

Mr. Anderson noted that the draw down and recovery on the test drills may require testing that could involve being on other properties and become an issue which would require them to work beyond the immediate area. He would look into the areas of proposed drilling.

The Board would like him to continue with the review of the following concerns

- Review the new zoning regulations specifically the CD areas to see what new areas he would need to address
- Water regulation – consult with hydrologist
- Additional info from DEC and issue of Blanding turtles
- As the review continues a probable traffic impact study of the proposal

Patricia Bryant noted that the interconnect between the 2 projects came back from County Planning as a positive on the connection in regards to a second entrance to avoid dead-end areas. Ultimately, based on County Planning recommendations the connection will be a Planning Board decision as the projects develop.

Mr. Edward Carr from the Schuylerville Fire Dept. noted that the fire department would also be in agreement to see the two projects connect to prevent bottleneck from happening. In their

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aspect of protecting the people in the two developments it makes the most sense to connect them as a safety issue more than any other reason. It would only take one instance of a tree down across one entrance and them trying to reach a fire at the back lots and be hampered in reaching the fire because of not being able to get down the road. With a second way for us to reach the location we would be able to rescue and reach the location with greater ease and timing.

Patricia Bryant thanked him for the fire dept. input as well. She also noted that if others had additional comments regarding the proposals that comments could be submitted in writing and/or discussed at the next meeting.

ACTION TAKEN

Walk through of the property set for Sat. April 22nd at 9am. As with Mr. Morris' application, the Board invites Mr. Anderson to attend the agenda session for additional clarification when more members and Mr. Anderson would have a sense of what needed to be added to his plans as per the new Zoning Regulations now in effect. That would give members a chance to review and understand where proposals are and what is being looked at additionally to comply with the new CD requirements being implemented in Town. Will work on having our independent outside consultant for the Town attend the June agenda meeting to address water issues of the developments.

Proposed Major Subdivision

Application # 0011-05

Owner/Applicant: Stonybrook Land, LLC (David Lipinski, President of Company)

41 Park St.

Adams, MA 01220

Location: Mott Rd. and West River Rd.

SBL#: 92.-1-1 and 92.-1-2

Acres: 253.56 (to be subdivided)

Number of Lots: 10

Zoning: Agriculture

Representative: Peter Coseo

Mr. Coseo noted for the Board that the final comments as requested by the Board have not as yet been incorporated onto the plans as they will add all notations as the Board deems necessary for the final set of submitted plans. All driveways will be built to town specs and they will be added to the final plans as well.

He noted that Saratoga County Planning has received and reviewed the application and sent back comments favorable to the proposal. He raised concerns on lead agency status and the roles played by the agencies involved.

Patricia Bryant noted that it is not anticipated that any agency will take over the role of lead agency in these plans.

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Brit Basinger noted that the big issue on this application is the letter received back on SHPO (3/27/06) and the ecological and archeological issues.

Mr. Coseo noted that numerous trees surround the home sites and approx 1400 ft away so would be hidden from most views. The building envelopes are ½ acre parcels and any disturbance would not be more than 2% - a substantial portion of the lots have been cultivated over the years and would not lead to any new archeological findings.

Patricia Bryant noted the concerns of the Board were with the property having been cultivated and as with any farming process the depth has only been approximately 8 inches so it has only been the top layer of the property. If you start digging a foundation and you dig further down than 8 inches and with that dig one may come upon a possible burial ground and that is the type of archeological dig that is being addressed by SHPO.

Ed Martin noted that SHPO raised the issue and if you send back a response as to why that Phase I survey may not be needed. If you produce a letter from SHPO agreeing with you that a Phase I archeological survey is not needed then yes we would agree with their response back to you. But since they have raised the flag we need something back from them saying that you have satisfied their concerns.

Patricia Bryant also noted that the Board is not looking to have Mr. Coseo do a Phase I review on the whole project but just on the building envelopes and have SHPO respond back favorably to your asking.

Doug Ward asked if you were asking about a Phase 1A or Phase 1 B. The difference being with a Phase 1-A it is a literary search where someone says there is nothing there and with Phase 1B this would actually be a shovel digging expedition.

Patricia Bryant noted it was just Phase 1

Ed Martin – notes that SHPO is looking for information that ground has been searched and disturbed.

Mr. Coseo notes that substantial portion of this has been cultivated for years and there is no hidden findings.

Brit Basinger noted that the Board needs a letter from SHPO to reflect that they are fine with these findings with the soil disturbance. The agency needs to be happy with what you are planning to pursue and develop.

Patricia Bryant noted that we have to be comfortable that all digs and findings have been undertaken

Mr. Coseo asked again whether the Board would be comfortable with the building envelope portions of the acreage or if they are entertaining the idea of all the acreage being included in the

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findings.

Jeff King – as SHPO clarifies preparation of Phase I archeological survey for all portions to involve ground disturbance unless substantial prior disturbance can be documented is what SHPO is looking for. Jeff King noted he is unsure of what is meant from SHPO for substantial prior disturbance.

Doug Ward noted he has prior working knowledge with SHPO agency. He stated that what SHPO is probably going to say is: ‘Where are you going to locate the bldg. footprints and wells on the lots.’ They probably will want shovel testing in the areas of where you would be putting your homes.

Mr. Coseo noted that he is trying to maintain the rural character of the Town as was originally outlined by the Town and to preserve large tracts of farmland.

Jeff King asked if applicants had been notified of the impending changes. We are of the understanding that all applicants will be working with us as we go forward with the new regulations.

Patricia Bryant clarified that when you went to County Planning and spoke directly to them to clarify the plans as proposed it was then that they felt this would work under the conservation easement plan with little changes.

Mr. Coseo said from the meeting with County Planning that they (County Planning) understood the project more clearly after the in-person meeting.

Mr. Tommell noted that in response to the Boards concerns on the new regulations that the mention of keyhole lots does seem to still exist as he referenced on page 100, item J.

James Heber also noted that that seemed to be the problem that needed to be clarified with the Board. There appears to be an inconsistency of the intent of the new regulations and the Board needs to review the language with the Town Board so that both Boards and applicants are clear on the intent.

Patricia Bryant noted that the Board would clarify the intent with the Town Board.

James Heber noted that the definition says along a public highway which would indicate keyhole lots can still be created – however the body of the text indicates otherwise and has everything to do with a keyhole lot.

Jeff King noted a keyhole lot could maintain the rural character of the parcel.

Mr. Coseo raised the issue of the names of surrounding property owners in Town of Moreau that he provided on the maps. He asked if notices had gone out to them as a follow up.

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Patricia Bryant noted that it is important to have the names noted on the maps as you have done however, for public hearing purposes it is not a requirement to notify those members. Public hearing laws only require that the Town holding the public hearing notify the Town Planning clerk in the adjacent town so that the planning boards in those towns are aware of a development.

Kevin Pumiglia noted that he has a strong feeling that any surrounding property owner in whatever town should be contacted about potential neighbors that could affect the proposal. He will follow up further with his concerns.

Patricia Bryant noted that and thanked Mr. Lipinski for the information of neighbors on the maps and the information that he provided for the file.

Mr. Coseo asked if those neighbors at some point would be contacted. He noted that the public hearing was still open.

Patricia Bryant stated that the public hearing is still open.

Mr. Coseo noted that if the Board does deem it necessary to notify those neighbors that the Board act sooner than later to notify them.

Patricia Bryant appreciated his concerns and thanked him for the information he has gotten.

Susan Taylor with the Attorney Generals office asked to clarify that with regard to earlier concerns of lead agency status that her office received a letter from DOH regarding them as a lead agency. At one time the Board thought it important to contact them with a letter in regards to lead agency. She noted the letter was dated April 11, 2006 on the Stonybrook application. She wanted it noted that the 30 days in which organization have to respond to lead agency inquiries has not been exceeded.

The letter was signed from Doug Ward – however as Mr. Ward noted it wasn't his signature.

Rich Colozza noted that the letter was sent to his office for review and then would be okayed to send.

Doug Ward noted that DOH doesn't actually have jurisdiction on the application. Patricia Bryant noted that SEQRA would not be looked at this meeting and by the next meeting the 30 days would be up and they could go from there with regard to lead agency.

Mr. Coseo asked Patricia Bryant if the Board was requesting them to be at the agenda meeting in June or by then will you have some direction from the Town Board as to how they should proceed with the application.

Patricia Bryant noted she would contact him in advance if necessary to attend

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Action Taken

The board noted the concerns of SHPO resolve and also the concerns presented with regard to keyhole lots and the language to clarify the intent. Patricia Bryant will let Mr. Coseo know if he should plan to attend the agenda meeting in June. Or if she has direction from town board that he can proceed in.

Site Plan Review

Special Use Permit for Agribusiness

Application #: 0001-06

Applicant: William McEachron
68 Pettis Road
Gansevoort, NY 12831

Location: same as address

SBL#: 103.-3-31

Acres: 2.61

Zoning: Industrial

Patricia Bryant spoke to Mr. McEachron in regards to the changes in the zoning regulations that affect his application. With the new regulations it was explained to Mr. McEachron that because of these new regulations his application requests no longer allows for an Agri-business as an allowed use in the area on Pettis Rd. with the new zoning his application now falls under an R-3 zoned area versus the prior Industrial zoning where a special use permit might have been able to be permitted.

Mr. McEachron visibly shaken and surprised and asked ‘what this means with regards to his application’? He indicated that he applied long before any changes were in effect. He defended his application asking what recourse he had and that he felt that when he made the application that it was his understanding that if his application were in progress it would be able to continue with the old requirements in place and that he was agreeable to work through the direction the Board asked.

Doug Ward noted that with the changes in Zoning, prior application would not apply and that all applications will need to meet the new zoning regulations in place in the Town.

Mr. McEachron noted that at the time he put the building up originally as a building for personal use that his intent was to request the variance so he could use the building to operate as his business.

Patricia Bryant explained that that was not the case and he would have to go back to the ZBA and apply for a Use Variance for his property and business now.

Doug Ward noted that he would have to pursue the Use Variance through the ZBA.

With that explanation, Mr. McEachron didn’t wish to continue this conversation with the Planning Board. He was very upset with the fact that he has already been to the ZBA and they

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sent him here to the Planning Board and now this Board wants him to go back to the ZBA and begin again. As he left the meeting, he stated that he has had everything in place and has worked through this all with the Boards and had hoped for approval to be forthcoming. He stated that he has all intents of opening his business with or without the okay from the Board. The Town will just have to come after him and he will consider a lawsuit if it goes further. This is my job and now you are telling me that I can't open for business. He noted that he will open for business.

ACTION TAKEN

Mr. McEachron was told that he would have to pursue a new application since with the new Zoning regulations in place, his business no longer falls in an industrial zone but rather an R-3 zone where Agri-business is not an allowed use. Mr. McEachron left the meeting visibly upset with the actions of the Board and declared that he would open his business regardless of the Board's okay or not.

Major Subdivision

Application #: 0006-05

Applicant: Stephen and Kelly Fortin

10 Bear Cub Crossing
Saratoga Springs, NY 12866

Location: Duncan Rd.

SBL#: 129.-1-83.11

Acres: 30.64

Lots: 10

Representative: Stewart Thomas

Patricia Bryant noted that before even getting started that she reiterated the fact of the new zoning regulations that are in affect. She also noted that the Town would like to hire an independent engineer to supervise this project.

Mr. Thomas noted that no one has written him a letter about that as a possibility.

Patricia Bryant said that the Board hadn't seen you in awhile and the Board has had this conversation since we have seen you.

Mr. Thomas noted he has been working diligently with Howard Doster on plans to move forward and would like to go over what materials he has for the Board to review.

Patricia Bryant noted that there have been some issues with the soils.

Mr. Thomas noted that he has a 20-page soil report which has been submitted to you since June of last year. Plus, he noted the Board was going to talk to Saratoga County Soils and Water – they should be able to verify with you the report.

Patricia Bryant noted that not being a soils expert it has been recommended to the Board to hire an independent engineer to work with Mr. Thomas through the project – Howard Doster is the

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Town engineer and we would be looking for someone other than Howard to work through this with you.

Mr. Thomas asked whom the Board is recommending to do the review of the soils through. He noted that it was up to the Board if that were the wishes

Patricia Bryant noted that the Board has received recommendation to go in this direction with this application and that in the past Jim Mitchell has been the engineer of choice for the Town.

Brit Basinger noted that this application would now go through the normal submittal channels with the new zoning regulations in place and then an independent engineer will review the plans that you submit.

Mr. Thomas noted that as a Board you want to hire an independent engineer to review the plans and that I would pay for the services.

Brit Basinger said the submittal process doesn't change – just that you need to work with Jim Mitchell on the plans.

Patricia Bryant note that Mr. Thomas will need to talk to Rich Colozza regarding the escrow account to be sure funds are adequate to cover the independent engineer fees that will be set. Since Mr. Thomas has the escrow account set and the plans are drawn up with all aspects in order the process of review with Mr. Mitchell shouldn't take much longer to proceed forward.

Mr. Thomas asked why for a 10-lot subdivision that has been approved was he now being asked to have an independent engineer review everything? Was it on account of the soils?

Patricia Bryant noted it was due to soil stability as the main reason.

Mr. Thomas asked where the concern and information regarding this was this coming forth? His parcel that he is working on is not a part of an unstable property or soil situation.

Brit Basinger asked him where he was in the submittal of the application.

Mr. Thomas noted that he has received conceptual approval and he was here tonight to ask the Board to move to a Public Hearing and move to a preliminary.

Ed Martin noted that the application preceded forward under the cluster design. Some things have changed now under the Conservation Design.

Mr. Thomas has new maps that he has reviewed with Howard and given to Rich.

Jeff King noted that the process for submitting and review of maps has an order to follow so as to allow the Board opportunity to review in advance as well as Howard. Changes are submitted through the Board and then the Board asks Howard to review.

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Mr. Thomas noted that he had questions for Howard and took them past Howard for his reflection.

Jeff King continued with the order for procedure indicating that getting suggestions from Howard is one thing however; new materials need to be submitted to the Board in time for them to review at the agenda meeting.

Mr. Thomas indicated that they were to the Board for last weeks agenda meeting.

Jeff King asked if they had them at last weeks agenda meeting.

Mr. Thomas said that he gave copies to Howard and to the office and that he would be on the agenda.

The Board indicated that they were not available to them at the agenda meeting. The Board will review the new maps for next month. They gave Mr. Thomas a few minutes to bring the Board up to date on the plans.

Mr. Thomas noted that this is the same subdivision that was approved in 1995.

- Road issues and the depth of the road
- Would like to do a erosion management town easement in order to maintain a 1- 4 slope; it would infringe on other peoples property and he will talk to other property owners
- Maintain a secondary buffer zone – to save as many trees as possible.
- Moat retention area with 13 catch basins with the center staying treed to prevent runoffs into the streams
- On the corner some grading within the 50' buffer for erosion management and put back some natural vegetation from other locations to save the buffer area.
- Cutting plan - cutting very little and maintaining the natural stability of the property to leave it untouched and stay far enough away from the stream

Rich Colozza noted that with the new zoning regulations in effect that the property that Mr. Thomas is working on has changed to an R-3 zoning. Mr. Thomas will need to look at the new regulations and see how they affect the plans that he has designed and if necessary make changes to fit the new CD design versus what was a cluster concept.

Mr. Stewart noted that he didn't receive any notification on the changes and that he has been working on these since May of last year and he received conceptual approval in November. He doesn't feel as though he should have to change everything now.

Rich Colozza noted that in most cases the amount of changes would be minimal and that Mr. Thomas needs to review the new checklist and come back to the Board to show how his current proposal of 10 lots are viable and will adapt to the CD outline and zoning regulations.

Doug Ward noted that while the new regulations are in affect the Planning Board is not able to

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say continue forth they need to follow the new regulations in place and adapt them to all applications presently in the Town.

Patricia Bryant noted that the 10 lots proposed may be doable – it is just a matter of looking at the regulations and seeing what applies under the new CD standards and regulations.

Mr. Thomas asked if he is taking away the 1-acre zone, could he go to the ZBA and request a hardship variance since he didn't create it and since the Board approved this it is not something created by him to get a variance.

Patricia Bryant noted that the Board did not approve anything.

Rich Colozza noted that Mr. Thomas might not have any problem with the new zoning in his area. With the number of acres it may just be a matter of a criteria situation as Jamie pointed out you have 30 acres and a E-3 zoning of 3 acres per lot you may have to just redo the criteria to fit the lots.

Mr. Thomas so I may be able to do this I just have to read the information that is new and present to the Board my criteria as to how I can justify the new zoning and lots. Last information - discussion was done on whether to have a one-way road or two-way road – talk to the highway department for input.

Jeff King also reiterated that new materials need to be submitted to the Board in advance of the agenda meeting on June 8th.

ACTION TAKEN

Mr. Thomas will review the information on the new zoning regulations and see how he can adapt them to fit into his current proposal before the Board with little changes. He has been rezoned to and R-3 zone from a previous R-1/3 zone. Materials will be to the Board in advance of the agenda meeting.

Major Subdivision

Application #: 0013-05

Applicant: Gary Bordeau

481 Wells Rd.

Pattersonville, NY

Location: Colebrook Rd.

SBL#: 129.-1-46.121

Acres: 63.9

Lots: 14

Zoning: R-3

Representative: Paul Tommell

Owner: Austin DiSiena

Mr. Tommell noted that with the new Zoning regulations and time to review some of the new

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regulations he feels that with little tweaking he should be able to easily meet the CD regulations that are now in the new zoning. He reviewed what has been done:

- Aerial photo
- USGA top maps
- Soils maps already met with DOH and dug test pits (Mike Shaw /DOH) done on April 13th – waiting on results to come back.
- Soils are sand and the perk test meet the 5 minute flow required
- Standard septic systems are being placed in each location
- There is no wetland issue a small stream cuts onto the north property line slightly.
- Has a rural road design in place.
- The road is 800' from the front to the run around of the cul-de-sac

With these in place Mr. Tommell feels this project makes sense as a CD plan. Lot 8 will include the entire back acreage as well as lot 8 will maintain the center of the cul-de-sac. Lot 14 will have a burrow pit and will not be placed as deep in the woods as the other lots. The center of the cul-de-sac will have little clearing done to keep as many of the homes hidden from view of other neighbors.

Howard Doster and Kevin Pumiglia both indicated that as in other projects that the cul-de-sac may not meet the intent of the regulations with the loop needing a secondary entrance.

Mr. Tommell noted that the acceptable risk factor from the regulations is 800' and that is the distance of the cul-de-sac. He will talk to Neil Petteys Town Highway supervisor for any concerns that may arise.

Jeff King is in favor of moving this application forward as it seems to be acceptable at this point.

Brit Basinger noted that a boulevard limits the rural character aspect that Mr. Tommell is trying to achieve and that the distance is agreeable for the cul-de-sac.

James Heber noted that the Town doesn't favor drywells. Mr. Tommell noted that they could easily be switched.

Mr. Tommell noted that by leaving the center treed it lessens the impact and keeps the CD of the subdivision, which is what direction the Town is looking at moving.

Mr. Tommell asked the Board to set the application if they were satisfied at the point for a Public Hearing.

Patricia Bryant asked for any reservations on moving this application forward. There were none – Public Hearing set for the May 15th meeting at 7pm.

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Major Subdivision

Application # 0008-05

Applicant: Estate of Blanche Zuckerman

Harris and West River Rd

Gansevoort, NY 12831

Location: Harris and West River Rd.

SBL#: 131.-1-10.12

Acres: 28

Number of lots: 3

Zoning: Agriculture

Representative: John Zuckerman for the Estate

Surveyor: Paul Tommell

Paul Tommell noted for the record that the Board can set this application aside for the time being. Mr. Zuckerman is not ready to move forward at this time.

ACTION TAKEN:

Public Hearing remains open, as the applicant hasn't been ready to move forward at this time. Mr. Tommell will go over the CD design and new zoning regulations with the Zuckerman's on this application as well.

Site Plan Review/ Special Use Permit

Application #:

Applicant: W. H. Strassburg

P.O. Box 59, 14 Selfridge Rd.

Gansevoort, NY 12831

Location: East side of Rte 50, (across from RV Park)

SBL#: 103.-3-24.11

Zoned: R/O

Mr. Strassburg came to the Board to update and find out with the new Zoning regulations how it affects his property and uses planned. He had applied for a variance from ZBA and has been before the Planning Board several years back. Originally the property was zoned for R/O residential /Office. With the new regulations the zoning is now C-R Commercial/Residential.

Doug Ward noted that with the prior board and many new members now that Mr. Strassburg has delayed making progress forward. The variance was received from the ZBA in November 7, 2001. Doug Ward will look into whether or not the variance has lapsed. It typically lasts for a 6-month period and can be extended up to one year.

Mr. Strassburg noted that he has been working with his attorney to act in good faith and exchange information back and forth on this project. They bought the property with the intent to establish this business.

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Patricia Bryant noted that the last correspondence from Mr. Strassburg was in 2004. She asked Doug Ward if with the new zoning regulations, whether Mr. Strassburg would need a variance any longer.

Rich Colozza noted that even with the C/R Zone – the trailer repair is not considered an allowable use for tractor-trailers.

Kevin Pumiglia noted that when Mr. Strassburg was before the Board that issues regarding hours of operation, sound issues, neighbor concerns seemed to be areas that needed resolving.

With regard to the application, the Board asked since time has passed that the clerk updates a timeline on the property to see how far back this project goes. With the new zoning in place it may be that Mr. Strassburg will need to readdress the entire project and begin again.

Howard Doster in looking through his notes noted that the last meeting Mr. Strassburg was at was on April 12, 2004.

Mr. Strassburg will reexamine his options and meet to discuss them further. In the meantime he asked the Board if it were possible for him to erect a fence around his property, as there have been incidents that have begun to overflow onto his property.

Rich Colozza told him it wouldn't be a problem as long as the good side of the fence was facing out/away from this property and the height across the front of the property could be 4' in height.

ACTION TAKEN

The timeline for this application will be updated to in fact try to resolve the direction and how much of the application needs to be readdressed. He was given the okay to erect a fence around the property to prevent trespassing and other concerns with the property from getting out of control.

NEW BUSINESS

Pre-application Conference for a major subdivision

Application#: 0003-06

Applicant: Ellen Bongard

169 Beaver St.

Schuylerville, NY 12871

Location: same as above

SBL#: 156.-1-17

Acres: 87.78

Lots: 2 (formerly subdivided under Signor)

This application was tables as there was no representative on hand to discuss the proposal.

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Miscellaneous Business

Pre-Approved Minor Subdivision

Applicant: Joseph Seney

208 Rte 4N

Schuylerville, NY 12871

Contact: Mary Vogel

Rich Colozza brought in an updated mylar for resigning as the original (1997) was never recorded at the county level and now it needs to be recorded.

Town Engineer: Howard Doster nothing new to report

Town Zoning Administrator: Richard Colozza nothing new

Discussion was made regarding the Town engineer's pay, and how to keep the Town bookkeeping in balance with the escrow accounts. A new fee schedule is in the process of being updated to reflect the new zoning regulations and requirements.

MINUTES: James Heber made a motion to table the review of the March 2006 minutes until the May 2006 meeting. Sue Martindale 2nd the motion. The Board voted unanimously to review March 2006 minutes at the May 2006 meeting.

May Meeting dates:

The agenda meeting will be held on Monday, May 8, 2006 at 7:30pm.

The monthly meeting of the Planning Board will be held on Monday, May 15, 2006 with Public Hearing scheduled for 7:00pm followed by the monthly meeting.

Patricia Bryant asked if there was any other business to present tonight.

She made the motion to adjourn the meeting. Brit Basinger seconded the motion. The vote to adjourn was unanimous. The April Planning Board meeting ended at 10:20pm.

Respectfully submitted,

Deborah Colozza
(Interim) Planning Board clerk