Minutes
Town of Northumberland – Planning Board
February 21, 2006
(Corrected and Approved – March 20, 2006)

Present: Patricia Bryant, chairperson, James Heber, Wayne Durr, Susan Martindale, Brit Basinger, Kevin Pumiglia

Absent: Ed Martin, Jeff King, and Kevin Gifford

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

Patricia Bryant opened the February monthly meeting of the Town of Northumberland Planning Board at 7:40pm.

Old Business

Shoreline Overlay Review
Application #: 0008-05
Applicant: John Guyer
PO Box 448
Burnt Hills, NY 12027
Location: 249 Rte 4 North, Gansevoort, NY 12831
SBL#: 144.1-2-2
Acres: .337
Zoning: Hamlet

Patricia Bryant asked Mr. Guyer to present his changes as requested by the Board. The primary concern of the Board was the landscaping proposal to minimize the view of the house from the river.

Mr. Guyer presented his proposal for a landscaping proposal for his application. His sketch plan indicates that: At the south boundary there are 3 large pre-existing trees and in the front of the house 2 pre-existing trees which will remain. He proposes to add 2 crab trees on the north line and then 5 lilacs dividing the north line. The southern line is completely filled in with lilacs front to back pre-existing, which will parallel those along the northern line. Down on the northeast corner there is a huge mudflat in the river that runs from the side of the riverbank. Doesn't encroach on anyone's leech field so I have added a large willow. Running on the shoreline so as not to encroach on the leech field is a series of junipers the creep along the riverbank as ground cover all along the riprap and there will be 8 of them and then a whole series of 10 large hostas in behind. Behind the house will be 4 persippia bushes that will block view of back of the garage and then a tri-ad of 3 rhododendrons that will block the side of the porch as viewed from the river. There will be a stairway not seen behind the rhododendrons that will lead down from the porch to the grass.

Patricia Bryant asked what the Board would like to do to pursue this application further and if there were any other concerns. County Planning had a comment about the septic and the location of the contiguous well, which should be located to scale on the map. Most of the layout

was already pre-existing which the County may or may not have been aware of. Two bedrooms are what are in the home at this time.

Clerk was asked to clarify that the plans indicate two bedrooms. The application didn't specifically state 2 bedrooms however, the submitted plans of the house indicates 2 bedroom. These plans showed the required information.

There not being any other concerns from the Board on this application, James Heber made a motion to approve the Site Plan Review of the Hudson River Shoreline Overlay District for Mr. Guyer's application. Sue Martindale seconded the motion. The vote to approve was unanimous. 6 ayes and 0 nays

ACTION TAKEN:
Mr. Guyer's application was reviewed and motion to approve was made and the vote was unanimous. Mr. Guyer will need to stop into the office to pay any outstanding fees on the application and to talk to Richard Colozza for any necessary permits needed to move forward.

Mobile Home District - Expansion
Application # 0007-04
Applicant: James Heber and CJ Laing
Brownville Rd.
Gansevoort, NY 12831
Location: Shelley Mobile Home Park located on Putnam Rd., Gansevoort, NY
SBL#: 116.-2-15
Acres: 67.16 Acres
Zoning: Mobile Home District
Representative: Garry Robinson

James Heber recused himself from the Board for this application. Garry Robinson presented updated layout of the MH Park. The Board reviewed the concerns that they had previous to the application. The Moreau emergency Squad expressed concerns with the turnaround accessibility in the park. Garry Robinson noted that it is approximate 40' from sidewalk to sidewalk within the park, which should meet the necessary requirements.

Ed Martin, Planning Board member who was unable to be at tonight's meeting, he reviewed the prior 1992 SEQRA application in place for the Mobile Home Park and indicated in his MEMO to the Board that he saw nothing that indicated any additional concerns of an environmental impact to the proposed application and property. As such, he felt that the Board could move forward on the application knowing they have reviewed the existing SEQRA application in place. Patricia Bryant noted the memo from Ed Martin and it was placed into the applicant's file to be part of the record indicating that a new SEQRA application would not need to be completed and filed by the applicants. The Board felt that they have done the "due diligence required" to be sure that the application meets the SEQRA concerns.

Doug Ward, attorney for the town indicated that the concern he had was with any Department of Health concerns. Garry Robinson noted that typically DOH understands that the approval given by a town board also hinges upon their (DOH) approval. With that noted, Doug Ward stated that if the Board gives its approval to the application, that it be so noted that the approval would be contingent upon approval given by DOH.

Patricia Bryant asked the Board if they had any further comments or if they were ready to make a motion on this application. Brit Basinger made a motion to close the Public Hearing that was still open from the January meeting and approve the Site Plan Review for the Shelly Mobile Home Park Expansion. Wayne Durr seconded the motion. Further discussion indicated that the motion to approve should be contingent upon the approvals from DOH and DEC, which was added to the motion made by Brit Basinger.

Patricia Bryant asked for a vote on the motion. The motion to approve the application was approved 5 ayes and 0 nays. James Heber a member of the Board had recused himself from this vote.

ACTION TAKEN
Motion to approve Mr. Heber and Mr. Laing's application for the expansion of Shelly Mobile Home Park was made contingent upon the approvals from DEC and DOH. The vote to approve the application was 5 ayes (Patriciaricia Bryant, sue Martindale, Brit Basinger, Kevin Pumiglia, and Wayne Durr) and 0 nays, with James Heber recused from the Board for this application. Mr. Laing will need to stop into the office to pay any outstanding public hearing fees and/or application fees still open on the application, and to talk to Richard Colozza for any necessary permits needed to move forward.

Pre-Application Conference for a Major Subdivision
Application # 0011-05
Owner/Applicant: Stony Brook Land, LLC
41 Park St.
Adams, MA 01220
Location: Mott Rd. and West River Rd.
SBL#: 92.-1-1 and 92.-1-2
Acres: 280 contiguous acres to be divided
Number of Lots: 10
Zoning: Agriculture
Representative: David Lipinski, President of Company

Mr. Lipinski clarified the application. He should be listed as President of the Company. He has changed his application from an original number of lots (11) to only (10) lots. The lot to the far right (North) of the property will be left separate and will include the strip on the opposite side of West River Road rather than trying to divide the small parcel on the river side and convey access of small parts to each of the 10 lots as originally intended.

Saratoga County Planning recommended also that he show the building envelopes on each of the lots. He also redefined each of the remaining 10 lots as some of the lot lines on the original plans have now been adjusted with the changes to house building areas.

With the redesign of the subdivision proposal, Mr. Lipinski submitted a new SEQRA application to reflect the changes. Items A-K were re-noted and reviewed.

The driveway details are to be shown on each of the 10 lots.

Doug Ward noted that with the changes made that a letter should be sent to DOH to ask them if they want to be Lead Agency on this application or, if not, then the Planning Board would be Lead Agency.

Patricia Bryant asked the Board members if they had any additional concerns – there were none.

ACTION TAKEN
The Board set a Public Hearing for this application for the March 20th meeting at 7:00pm. Doug Ward will format a letter that we can use to send to DOH to determine if they want to be Lead Agency on this application.

Pre-Application Conference for a 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 updated the Board on his plans for the subdivision. He presented to the board a letter from NYS DEC (dated 2/17/06) to be placed in the file regarding wetland areas located on the property.

Howard Doster asked if Mr. Morris had addressed stormwater drainage in the area located in his plans and any concerns with the drainage.

There was no SEQRA application of file. Mr. Morris will fill-out and bring in for next month. Application will also be sent to Saratoga County Planning for any concerns they may have on this application.

Since this major subdivision adjoins with the Boswell Engineering application – in the past the Board had asked Mr. Morris to provide a way to connect at some point the two proposed

developments so that they would be able to have additional way in and out of each development. Mr. Morris indicated that the easement is so noted on his proposed plans. The Board asked that both Mr. Morris and Mr. Anderson (Boswell Engineering) work in conjunction with each other to determine who and how the two developments will connect the two developments into one.

Doug Ward will confirm requirements for road connections based upon legal rights of the applicant, pursuant to the request of the Planning Board.

Patricia Bryant asked if any further comments on this proposal and how the Board wished to proceed.

ACTION TAKEN:
The Board set a public hearing for the March 20 meeting for both the Morris application and the Boswell Application so as to hear comments from the public in regards to the two projects under consideration at the same time.

Pre Application Conference for a 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 and 1 lot dedication to Town of Northumberland for Storm Water management
Zoning: R-1
Repreentative: Iver Anderson

Mr. Anderson noted the concerns of the Board and will work with Mr. Morris in conjunction with the two projects as was noted in the information in the Morris application as to the connection of the two projects.

He has reconfigured several lots to include the road connection where the two projects would connect and also indicated that since the Town would not be interested in maintaining the area for stormwater management – he has incorporated the area to be divided or incorporated into the three (3) lots within the stormwater area.

He is waiting for information back from Army Corp of Engineers on the wetlands to determine if the jurisdiction will impact the project or if it will be noted as a non-jurisdiction impact.

Mr. Anderson asked the Board if they could give sketch plan approval so he would be able to move forward on the plans that have been submitted. After discussion and review James Heber made a Motion to Approve “sketch plat approval only” for application #0002-06 for Boswell

Engineering to move forward with their plans for the development. Kevin Pumiglia seconded the motion for approval of sketch plans. The Board voted 5 ayes and 0 nays to give their approval on the sketch plans submitted by Mr. Anderson.

The Board asked that the file from Stevens Ct. be at the next meeting for the Board to review if there are any concerns that would also impact that development.

Doug Ward will look to see what legal wording may be needed for the two projects where the hammerhead and the easement would connect to allow the two projects to be connected.

Patricia Bryant asked if any additional concerns of the Board. Brit Basinger asked if there would be a way to also connect the roadway with a path or trail way since the surrounding property connects to the Nature Preserve, which would then make accessibility for residents to utilize a potential Nature Preserve if they so desired. Brit wanted Mr. Anderson to at least consider a pathway as a possibility to include in the plans. There were no other additional comments from the Board.

ACTION TAKEN
The Board set a public hearing for the March 20 meeting for both the Morris application and the Boswell Application to hear comments from the public regarding the two projects under consideration at the same time.

The Board gave its approval for the "sketch plat approval only" for application #0002-06 for Boswell Engineering to move forward with their plans for the development.

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

Patricia Bryant noted that the Public Hearing held at the January meeting was still being kept open as the applicant is waiting on additional information to present to the Board. Neither Mr. Zuckerman or Mr. Tommell were at tonight's meeting.

There were several neighbors at the meeting. They inquired as to when the applicant would be at a meeting so they could address their concerns to them.

Tom and Jack Foster, neighbors of the project both have concerns about the private road to be built, the dam that is on the property, and who would maintain that? They also feel the culvert size needs to be addressed. At certain times of the year the water flow changes, which impacts water currently onto their properties, and they have concerns about a permanent change and how it would impact their properties. The other area of concern included the two lots that would share a driveway and how the easement would be written to allow for equal sharing of both proposed lot/home owners. They would prefer that each lot had its own driveway for legal purposes.

Dick Wall another neighbor asked if the applicant is considering a conservation design as is being proposed by the Town's new Zoning Regulations. At this time the Board can only work with the current Zoning Regulations as the new regulations are not in effect at this time.

Patricia Bryant asked that the clerk check with the applicant as to availability at the March meeting so that the neighbors could ask their concerns of the applicant. The clerk will contact applicant so that the neighbors can check after the agenda meeting to see if the applicant will be on the March agenda.

ACTION TAKEN:
Public Hearing remains open, as the applicant hasn't been in attendance during the past two-months meetings. Neighbors would like to be able to address their concerns with the applicant. The clerk will check to see if someone will be at the March meeting to discuss concerns with the neighbors. The application was tabled for this month and held over to March meeting.

Pre-application Conference for Site Plan Review
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

ACTION TAKEN:
Patricia Bryant tabled this application, as Mr. McEachron wasn't present to discuss any new progress to move forward.

NEW BUSINESS

There was no new business for the Board to review or discuss.

Miscellaneous Business

Town Engineer: Howard Doster nothing new to report

Town Zoning Administrator: Richard Colozza received a call from Chuck Waldron who wanted the Board to consider his project Brampton Woods and that he would like to complete the development in phases and wanted to know the Board's thoughts. Mr. Waldron would like to begin with the first phase to include at least one of the eyebrows in the plans so that there would be a way for turnaround traffic. Once that was built out then he would continue.

The Board asked that Rich Colozza convey to Mr. Waldron that before considering any phase development that all contingency items need to be addressed, as this is critical in determining the amount of the final construction bond. They also felt that in order to consider phased construction of the development, the bond fees currently are not enough to cover the project, in the event that the project would falter or not be completed, and that the Town would have to then assume any responsibility for what would still need to be done. It needed to be made clear to the applicant that the bonds to complete the required infrastructure would NOT be phased. Bond fees would have to be discussed.

MINUTES: The Board reviewed and approved the minutes from the January 17, 2006 meeting with minimal changes. James Heber made a motion to amend and approve the January minutes; Susan Martindale seconded the motion. The Board voted unanimously to approve the January minutes with corrections.

January 17, 2006 corrections made to minutes

Page 1
[change] Tommelle to Tommell

paragraph 3
[change] amble to ample

paragraph 4
[change]: James Heber noted that **construction** would need to be **determined** for the crossing of wetland areas before any construction would take place.
[to read]: James Heber noted that **a permit** would need to be **obtained** for the crossing of wetland areas before any construction would take place.

Page 2
3rd paragraph
[change]: Patriciaricia Bryant noted that the Board has already requested that the **cars** be removed
and that once any approvals may be given it will already be noted that from the time of Board approval the Estate will have 6 months in which to have the **cars** removed.
[to read]: Patriciaricia Bryant noted that the Board has already requested that the **railcars** be

removed
and that once any approvals may be given it will already be noted that from the time of Board approval the Estate will have 6 months in which to have the **railcars** removed.

4th paragraph
[delete] the public hearing was closed and…..
[begin sentence]: The regular monthly meeting of the January Planning Board began.

[change] Tommelle to Tommell

Page 4
3rd paragraph
[change]: January meeting
[to read]: December meeting

Page 6
4th paragraph
[change]: Rich Colozza **noted** that it is good to have these notated on the maps as it narrows down locations that we have to find and if the notes **on** indicated on the maps there is **no** likelihood that the notes and maps separately would be separated from one another.
[to read]: Rich Colozza **requested** that it is good to have the information notated on the maps as it narrows down locations that we have to find; and if the notes **are** indicated on the maps there is **less** likelihood that the notes and maps would be separated from one another.

7th paragraph
[change]:In discussion of the neighboring wells and distances, Garry pointed out that Chris Laing and his crew have marked the distances and noted that the neighboring wells on Putnam road are beyond the 100' distance required. They **will be checking also** the distances on the two lots on Liberty Lane that back the property to be sure that the required distance is beyond the 100' **needs**.
[to read]: In discussion of the neighboring wells and distances, Garry pointed out that Chris Laing and his crew have marked the distances and noted that the neighboring wells on Putnam road are beyond the 100' distance required. They **will check** the distances on the two lots on Liberty Lane that back the property to be sure that the required distance is beyond the 100' **requirements**.

9th paragraph
[change]: Rich Colozza noted that maps have been sent to the Northumberland **fire department** and the Moreau Rescue Squad **for comments back from them**.
[to]: Rich Colozza noted that maps have been sent to the Northumberland **Fire Department** and the Moreau Rescue Squad **and we are waiting for comments back from them.**

11th paragraph
[change]: Garry Robinson noted that with this type of **MHD** the layout is a bit different than a typical subdivision would be. The entire property is owned by 1 person - the people

within the park – rent their location. If there is a problem with water system or supply then the 1 owner is responsible **to fix that not** the individual tenants as would be in a subdivision where property owners owned their lots.

[to read]: Garry Robinson noted that with this type of **MHD,** the layout is a bit different than a typical subdivision would be. The entire property is owned by 1 person - the people within the park – rent their location. If there is a problem with water system or supply then the 1 owner is responsible **to fix that, not** the individual tenants as would be in a subdivision where property owners owned their lots.

Page 7

2nd paragraph

[change] Garry Robinson noted that while **no one can tell about the future** – this property and park **has** been in the Heber family and now in the hands of Chris Laing.

[to read]: Garry Robinson noted that while no one can **predict the future concerns** – this property and park **have** been in the Heber family and now in the hands of Chris Laing.

5th paragraph

[change]:Patriciaricia Bryant stated that the Board **could re-address the SEQRA approval given**

prior at its February agenda meeting to see if there are any areas of concern and also when more members are present.

[to read]: Patriciaricia Bryant stated that the Board **would re-address the prior 1992 SEQRA approval** at its February agenda meeting to see if there are any areas of concern and also when more members are present.

Under the

ACTION PLAN

[change]: At Feb. agenda meeting Board will review any outstanding concerns from the prior SEQRA action that was originally approved.

Waiting on responses back from the Rescue Squad or Fire department with any concerns.

Response backs from DOH on water and septic issues

Re-address the dead-end roads in case any of the fire/rescue groups have concerns.

Conference call to DOH with Doug Ward, Rich Colozza, and Garry Robinson on DOH concerns.

Applicant will return to the February meeting to continue to move application forward.

ACTION PLAN

[to read]: At Feb. agenda meeting **the** Board will review any outstanding concerns from the prior SEQRA action that was originally approved. The Board is:

- Waiting on responses back from the Rescue Squad or Fire department with any concerns.
- Response backs from DOH on water and septic issues
- Re-address the dead-end roads in case any of the fire/rescue groups have concerns.

Conference call to DOH with Doug Ward, Rich Colozza, and Garry Robinson on DOH concerns.

Applicant will return to the February meeting to continue to move application forward.

<u>Page 9</u>
2nd paragraph
[change]: James Heber noted that like any other public **meeting the public** is able to attend these meetings. It would be in your best interest to have **county** Planning better understand **what your wish to pursue.**
[to read]: James Heber noted that like any other public **meeting, the public** is able to attend these meetings. It would be in your best interest to have **County** Planning better understand **what it is you are looking to pursue from your direct comments and interaction with County Planning members.**

4th Paragraph
[change]……Saratoga County has allotted funding for people to preserve **water front property development**.
[to]: ….Saratoga County has allotted funding for people to preserve **farmland preservation program.**

<u>Page 11</u>
1st paragraph, 5th sentence
[change]: He lives at the above residence and **is looking to build a pole** barn that could be used for **on** on-site repair type business.
[to read]: He lives at the above residence and **is using a pole** barn that could be used for on-site repair type business.

<u>March Meeting dates</u>:

The agenda meeting will be held on Monday, March 13, 2006.
The monthly meeting of the Planning Board will be held on Monday, March 20, 2006 with Public Hearings scheduled for 7:00pm followed by the monthly meeting.

Patriciaricia Bryant asked if there was any other business to present tonight. There was none. She asked for a motion to adjourn. James Heber made a motion to adjourn; Kevin Pumiglia seconded the motion. The motion to adjourn tonight's meeting was unanimous. The February Planning Board meeting ended at 10:15pm.

Respectfully submitted,

Deborah Colozza
(Interim) Planning Board clerk