

Town of Northumberland
Planning Board
Accepted by the Planning Board
Monday, March 9, 2020
7:00 pm
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Planning Board Members Present: Melanie Eggleston, Susan Martindale, Chair, James Heber, Vice Chair
Chad Reinemann, Britt Basinger and Lisa Black

Members Absent: Mary Beth McGarrahan, Jeff King and Holly Rippon-Butler

Town Employees Present: Tia Kilburn, Clerk

Chair Martindale addressed all in attendance and asked them to stand and salute the flag at 7:00 pm.

She then gave a recap of the previous meeting stating application #0009-19, lot line adjustment for James Heber, was reviewed, approved and signed and the Right to Farm verbiage was added to the mylars.

First item on the agenda, Application #0007-19, Jonathon Zuckerman, site plan review / shoreline overlay.
Mr. Zuckerman stated he received a use variance from the Zoning Board of Appeals.

Chair Martindale asked how the Zoning Board defined the gazebo, the Clerk responded as private recreational use. Vice Chair Heber reiterated the application is now here for a site plan review under the shore line overlay. The Clerk agreed and added the public hearing was closed, SEQRA, State Environmental Quality Review Form was completed, Chair Martindale asked who reviewed the SEQRA and if a negative declaration was determined, The Clerk responded the Zoning Board and yes, a negative declaration.

Chair Martindale asked if there were any questions or comments, none were noted.

Vice Chair Heber made a motion to approve application #0007-19,
Ms. Black 2nd the motion.
All in attendance unanimously agreed.

The next item on the agenda, lot line adjustment and minor subdivision for Daniel Shaw, Application #0001-20 & 0002-19.

Mr. Shaw addressed the Board and stated the parcel is in a Family Trust and he is one of 4 siblings representing the applications, he stated he has power of attorney and signed statements granting him authority to proceed. The property is on the corner of Jewel & Kobor Rds.

The Board reviewed the application, Vice Chair Heber asked if there were any copies of what was there now, the clerk pointed out the copy with the current layout. Mr. Shaw said he would like to give an overview and see if it is acceptable to the Board. He explained his sister Ms. Garnsey lived next door and they would like to do a lot line adjustment to increase her parcel he said the entire parcel is 31 acres. Chair Martindale asked how much she was going to take, Mr. Shaw stated until he knows it's acceptable, he doesn't want to hire a surveyor, he is guessing she will increase her lot by at least 2 acres. Chair Martindale asked where were the two acres from, Mr. Shaw said the old hay barn she wants so it will be on the side and back of her property, about 40' all around.

Mr. Reinemann asked what the other structure was, Mr. Shaw responded an old shed that will be removed.

Vice Chair Heber asked about the subdivision, Mr. Shaw explained one lot across the road is a field and a swamp

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area Ms. Garnsey wanted. He added Mr. Colozza, Code Enforcement Officer, told him to present it this way and that could also be considered a lot line adjustment. Mr. Basinger discussed the property lines on the map for clarity. Mr. Shaw went on to explain out of the 31 acres one field will be 15 or 16 acres and a local farmer wants to buy it and they have agreed on term and a purchase that piece will stay agricultural that leaves the other field and house lots, he added he feels it will be easier to market than keeping 18 acres with the house.

Discussion ensued on the 3 lots

Mr. Basinger stated they need to make sure it conforms with zoning, Mr. Reinemann added he is concerned about the 5-acre regulation for a single-family residence. Mr. Shaw stated the house lot will not meet the 5 acre minimum, he added he has been offered a purchase for the house and 5 acres out of the field but he feels that would hurt the farming capability and he prefers to subdivide and have a 15 acre stand alone field.

Chair Martindale asked if it met all the setbacks, Mr. Shaw replied yes. Mr. Reinemann asked where the curb cut / driveway was for the house, Mr. Shaw indicated the location on the map.

Discussion ensued on how to achieve the 5-acre requirement for the house lot.

Mr. Reinemann said if they cannot meet the acreage, he will have to go to the Zoning Board for a variance, they would also look at what this Board recommends. Mr. Shaw said he understands but he would like a sense from this Board if it's doable if it's not than they will work out something that is, he is trying to keep it agricultural.

Discussion ensued on how to proceed and keep acreage for agricultural field and not create a substandard lot for the house.

Vice Chair Heber suggested giving the substandard lot, but taking the development rights away from the 15-acre lot. Mr. Shaw said he was not opposed to that; he needs to know before they market it. Mr. Reinemann stated he also liked the idea. Discussion ensued and Mr. Reinemann asked Mr. Colozza how they would proceed with the concept. Mr. Colozza explained it would be done under the Agricultural Protection District, saying it in perpetuity and the house would basically be taken out of the agricultural district and you would have an open field for farming forever. Mr. Basinger asked if they could change the lot lines, Mr. Colozza responded yes, Mr. Shaw added he likes straight lines. Mr. Basinger stated they could say they approve it contingent on limiting what would be the balance to make 5 acres for the house lot is restricted within the 15-acre lot. Mr. Reinemann asked how would they define that on the map, Mr. Shaw said they can put it right on the survey map. Mr. Shaw then reiterated the restriction is not on the entire 15 acres, only what is short to make the 5 acres. Mr. Colozza said it has to remain in farming, he could sell the house but not develop the larger lot. Mr. Reinemann stated he was hesitant to have a sliver cut out it opens pandoras box. Mr. Shaw said he wanted to let whoever buys that lot and wants to build a house can come back and see this Board, the door won't be closed forever. Mr. Basinger said yes it would be forever.

Discussion ensued on the APD and 5-acre building lot.

Mr. Shaw stated it would lower the value of that lot. Mr. Colozza said he would have to go to a standard subdivision and give 5 acres to the house or he can go for a variance. Mr. Basinger said he has 3 options; can make it 5 acres for the house lot, get a variance for the smaller lot or 3rd restrict the development rights on the big lot. Mr. Reinemann asked if the restricted development rights would require a variance. Mr. Basinger said the ZBA

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would have to approve the smaller lot. Mr. Colozza said no. Vice Chair Heber said he would rather have them go to the ZBA. Mr. Shaw agreed, and added they can put a deed restriction so if someone wanted to build on it they have to come back, that gives this Board more power over it. Mr. Basinger asked if that was feasible, Mr. Shaw said you can put whatever you want for a deed restriction. Mr. Basinger said usually first they would turn that lot into a 5-acre lot, Mr. Shaw responded or get a variance, Mr. Basinger agreed and said the ZBA will probably look for a recommendation. Mr. Shaw said ok, if he could get a recommendation, he could go to the ZBA.

Vice Chair Heber asked how much of the field would you take if you went straight over to make 5 acres. Mr. Shaw said they would have to go 200' out behind Ms. Garnsey's property more than the 30' she wants. Vice Chair Heber asked how much they are taking from across the road. Mr. Shaw said he thinks it looks more like 4 without surveying its all guessing.

Ms. Garnsey asked where across the road they were talking about, Vice Chair Heber said straight across, Ms. Garnsey said she wanted that it is a swamp and not good for anything.

Mr. Shaw asked if the Board would make a recommendation to the Zoning Board to do a substandard lot.

Mr. Colozza discussed a previous subdivision where land went into perpetuity for farming, 4 lots on the corner of Taylor & Colebrook Road and each lot is only 1 acre.

Vice Chair Heber asked how about 1 building lot on 15 acres, Mr. Shaw agreed, no further subdivision, Vice Chair Heber said he will still need a variance, Mr. Shaw agreed, Vice Chair Heber said they can make a recommendation the 15-acre lot will not be subdivided. Mr. Basinger said but, technically he could get 2 lots on the 15 acres, Mr. Colozza said that would go against the APD regulations, he needs either a conventional subdivision or go by the regulations, same thing it remains farm land with the capability of building a house, 1 house. Mr. Reinemann interjected he still needs a variance.

Mr. Reinemann made a motion to recommend approval to the Zoning contingent on the bigger lot can never be subdivided.

The Clerk asked for clarity, never or 1 time, the Board responded never. Mr. Shaw asked if he can still put a house on it, the Board said one.

Mr. Basinger 2nd the motion.

Mr. Colozza said the map has to come in with all the legal setbacks.

Chair Martindale stated the lot line adjustment can move forward with a survey. Mr. Shaw said if he hires a surveyor, he would like to lay it all out, does the Board think the ZBA will approve the recommendation? Vice Chair Heber replied they have no idea. Mr. Shaw said ok, he will get the surveyor because once it's surveyed it would just be a matter of moving a line or two.

Mr. Shaw then asked the Board to waive the subdivision regulations for the lot line adjustment, discussion ensued.

Vice Chair Heber said when it is surveyed they will need the well and septic located. Mr. Shaw said yes, and the dwellings.

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Ms. Eggleston asked if he had to locate even the neighbors, Vice Chair Heber said no, not for this, Mr. Reinemann said identify the neighbors for the subdivision, not their property lines. Vice Chair Heber added and not the wells or septic's, Mr. Shaw agreed. Ms. Eggleston said add the Right to Farm law.

Mr. Shaw then asked what the next step was, Vice Chair Heber said go to the ZBA for an area variance, Mr. Reinemann said they want to see the survey done before that so they can see it. Mr. Shaw said the best bet is to get a survey and not get on anyone's agenda until he has it. Vice Chair Heber said when you get it call the office, Mr. Shaw agreed.

Chair Martindale asked about the November meeting minutes. Mr. Basinger said there is one correction, it has him marked absent but then it has him making a motion. The Clerk agreed to change.

Mr. Basinger made a motion to change himself to being present,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Vice Chair Heber made a motion to close the monthly meeting at 7:44 PM,
Mr. Basinger 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk