

Town of Northumberland
August 11, 2022
Public Hearing

Supervisor Willard Peck opened the Public Hearing to order regarding a proposed Site Plan Amendment to the Stone Bridge Farm PUDD. Those attending included Councilman Paul Bolesh; Councilman John DeLisle; Councilman George Hodgson and Supervisor Willard Peck. Also attending were Clerk Denise Murphy; Town Attorney Dave Brennan and Building and Zoning Administrator Michael Terry.

The Public Hearing stayed open from July 14, 2022 Meeting to allow additional comments from the Public and allow the applicant to respond.

Mr. Paul Woolley, 646 Stonebridge Road, read the following letter to the Board Members.

“This letter is in opposition to the proposed site plan amendment to the Stone Bridge Farm PUDD. Our home is located just west of the proposed building. We oppose the amendment for the following reasons:

Site Selection Requirements

The original intent of the PUDD was to establish a commercial/agricultural district to allow for a wedding/event venue. As such the PUDD standards were explicitly written for that use, and the design standards and siting requirements were left to the Town Board for approval if the development plan is in harmony with the Comprehensive Land Use Plan and the purposes and intent of the Zoning Ordinance as indicated in the PUDD and Article 5. Accordingly, the siting design standard in VI(E)(2) should apply. The proposed location gives no consideration to the following:

- *VI(E)(2)(a) – Evaluation of all available alternative locations*
 - *The applicant said he chose the site foremost for the view.*
- *VI(E)(2)(b) – on the least fertile agricultural soils and in a manner which maximizes the useable agricultural area remaining*
 - *The site could be closer to Sherman Lane which would maximize usable agricultural area. The applicant’s sister, the intended resident, said she doesn’t want the house closer to Sherman Lane (their private road) because there is too much traffic.*
- *VI(E)(2)(d) – In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses*
 - *The site selected provides no buffers.*
- *VI(E) (2)(f) – To be as visually inconspicuous as possible when seen from State, County, and local roads*
 - *The proposed structure is in a most visible and prominent location when viewed from Stonebridge Road.*
- *VI(E)(2)(g) – Next to other residents or building lots on adjacent properties*
 - *The site is in open field rather than located near other residences.*

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- VI(E)(2)(j) - *Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon agricultural soils*
 - *The site is in open field rather than along the edges.*

Site Plan Review – Off-Site Impacts & Aesthetics

Article X, Site Plan Review, applies to “all Planned Unit Developments prior to the issuance of a building permit” (X(C)). It states that “No application shall be approved, or approved with conditions, which does not comply with these standards” (X(E)). The application does not comply with Article X(E)(1)(a) or Article X(E)(2)(a).

Article X(E)(1)(a) states “Site develop shall be planned so that it harmonizes with the existing landscape character and blends into the landscape by using existing landforms and vegetation”. The proposed location is in an open field, it makes no attempt to harmonize or blend into the landscape.

Article X(E)(2)(a) states “shall be planned and undertaken so as to minimize impacts upon adjoining and nearby land uses”. The proposed structure is centered on our house, directly obstructing our view of the mountains. If it was moved slightly (65-100’) in either direction our views be maintained, and the proposed house would also have fantastic views. (See attached Figures 2-3)

I asked the applicant if he considered the impact on our property. He said, no, he did not consider the impact on our home. The said, he needed to do what is best for his business and this site provided the best views. When pressed about his lack of consideration for our adjoining property, he said we could have sold him our house. He expressed interest in buying our home several times but is not willing to pay the asking price. The proposed building site will significantly impact our property, obstructing our mountain view, and diminishing our property value.

Traffic

Our driveway is off Sherman Lane, and we are directly impacted by increased traffic. Sherman Lane is gated just beyond our driveway. Since the gate is locked and there is no turnaround, our driveway is routinely used as a turnaround throughout the day. Traffic is already an issue on Sherman Lane. At times traffic stacks up in front of the gate and blocks my driveway. I have a photo of such occurrence on Monday the 11th when cars/trucks waiting at the gate backed up all the way to addressed prior to any site plan amendment. This might be resolved by keeping the gate open during daylight hours or moving the gate eastward and constructing a turnaround.

Density and Number of Residents

There are already 2 permanent residences, and it appears there are eight (8) travel trailers being used as mobile home employee dwelling units on the property. This application seeks to locate the 11th home on this relatively small parcel.

Impact on Agricultural Usability

The impact to the agricultural usability is significant. The agricultural area impacted accounts for about 10% of the total Agricultural Use Area. This degrades agricultural usability for generations.

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Inadequate Documentation

The applicant has not provided adequate documentation as required by Article X(D)(2).

Adequate documentation was not made available for planning board review at the planning board meeting in July (including but not limited to maps, scaled drawings, building plans, grading/drainage plans, location and height of building, etc.) For reference see site plan checklist in Article X(D)(2)(b)(1).

The only site plan provided is the original site plan with annotations by hand which are not to scale (see attached Figure 1). The drawing is labeled with a scale, but the annotations are not to scale. Since it is not to scale, not labelled properly, and poorly drawn, it is misleading. There is a text that reads "Proposed Home Location", this text is written significantly eastward of the actual location and there is no leader connecting to the actual location.

Misinformation

During the July Planning Board meeting the applicant told the Planning Board that the house was 1,200 sqft. However, during the Town Board meeting the applicant stated the house is 1,800 sqft.

The applicant was not forthcoming with the Planning and Town Boards about the commercial use, a Spa names Sacred Spa + Wellness, within the PUDD. During the July Planning Board and Town Board meetings the applicant was asked about current and future commercial uses of the PUDD. The applicant told the Board that he may seek to locate a Spa there in the future. This was presented as a potential future use, something being considered, not as a project that was currently underway. The Spa has been in the works for months and was announced on their social media page in April. According to their website they offer spa services such as facials, message, sauna, acupuncture; they have botanical bar with wines, coffee, and tea; and retail apothecary shop. An announcement video on their social media, dated 4/15/22, speaks of plans for live music and food trucks.

Existing Violations

Article XVII(C) states "No site plan or special permit shall be approved, no building permit or Certificate of Occupancy or Use issued, no subdivision or variance granted under this Ordinance for any premises upon which there is an existing violation of this Ordinance".

The applicant has multiple existing violations on the property, including but not limited to:

- The use of eight (8) travel trailers as employee dwelling units. According to XI(X) these are considered mobile homes and subject to permitting and zoning requirements in which they are in violation. These are also in violation of the PUDD Section 5(B). See attached Figure 4.*
- There is another trailer on the property, which appears to be an office or bathroom trailer. This is not permitted and is in violation of the PUDD. See attached Figure 5.*
- The Spa is not allowable commercial use within the PUDD and thus is a violation.*
- Significant construction has occurred on the premises including but not limited to the Spa. This construction is not in accordance with the requirements set forth in the PUDD Section 7.*
- On Austin Road a sign for "Sacred Spa + Wellness" was erected and is not permitted. See Figure 6.*

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Closing Remarks

Considering the multiple violations, the application for site plan amendment must be denied. Furthermore, the applicant has not met the Site Selection Requirements, nor does the proposal comply with the Site Plan Standards. Material information about the commercial business operating within the PUDD was withheld. Information provided to the Town Board and Planning Board, and subsequently to the Community, was inadequate and inaccurate. There are already too many residents on this parcel and traffic is already problematic. The proposed building significantly impacts the use and value of my property and diminished the agricultural usability for generations.

Mr. Woolley also provided pictures showing the violations.

Emily Penniman, 246 Austin Road, stated that with the Sacred SPA and Wellness being opened to the public the traffic has increased on Austin Road. Ms. Penniman stated that she had no problem with the wedding venue, that would have been basically weekends. The traffic going in and out of Mr. Melfi's SPA is all day long. Ms. Penniman thinks a traffic study should be done to see what impact this will have in this area.

There were no other comments from the public.

Councilman George Hodgson made a motion @ 8:21 AM to close the Public Hearing. Councilman John DeLisle seconded the motion. All in favor, motion carried.

Respectfully submitted,

Denise Murphy
Town Clerk