

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, October 21, 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, James Heber, Vice Chair, Lisa Black, Jeff King,
Mary Beth McGarrahan and Holly Rippon-Butler

Town Employees Present: Dave Brennan, Town Attorney, Charlie Baker, Town Engineer, Richard Colozza, Code
Enforcement Officer and Tia Kilburn, Clerk

Chair Martindale addressed all in attendance and asked them to stand and salute the flag at 7:10 pm. She stated due to Covid-19 meetings are being conducted differently including extra cleaning of the room, social distancing, mandatory masks and limited number of people at one time physically in attendance. The meeting was in compliance.

She introduced the first item on the agenda, public hearing for Application #0005-20, Schuyler LLC, site plan review for car sales and repair at 165 Route 4. She asked if the property owner Donald Nitcher was present, Mr. Bouchard stated no and he and Mr. Vaccarielli, the purchaser of the property and owner of Schuyler LLC, have consent to represent Mr. Nitcher. He explained they received a reply from Saratoga County Planning Board the project had been reviewed and it did not have any significant impact, Chair Martindale stated the Board did receive the communication as well. She then asked if anyone from the public had any questions on the project, none were noted, she stated an email was received from a resident of the Town and read it out loud;

*We own the property at 157 Rt 4 Schuylerville. We are in receipt of your registered letter received yesterday regarding the zoning request of property 165 Rt 4 Planning Board meeting for October 21, 2020 at 7pm at Town Hall. As per our phone conversation today, I let you know we will not be able to attend this meeting in person. We appreciate you sharing this email of our response at the public hearing tomorrow evening. We are NOT in favor of Schuyler LLC's proposal to use this land for a car repair shop and retail car dealership. We understood when we purchased our property that these properties that were at one time designated "commercial use" were rezoned as "hamlet" for future residential homes. If the town hopes to continue to improve the esthetics and desirability of this neighborhood, approving a commercial car repair/sales business on this property goes counter to the vision for the town as stated in the Town of Northumberland's 2003 Comprehensive Land Use Plan which we fully endorse:
Vision: The Town of Northumberland is a community that celebrates its agriculture, open spaces and rural lifestyle. Our goal is to preserve these special qualities by thoughtfully managing growth, so that we remain a desirable community in which to live and work for generations to come.
The challenge facing the Town of Northumberland is to use thoughtful planning to manage future growth while protecting the beauty and character of our small, rural community.
As stated in the Northumberland's Zoning Regulations/Purpose and Scope, we feel that this business proposal is not "the most appropriate use of the land" and does not complement local beautification projects, historical landmark improvements, and other residential land improvements. Additionally, this proposal will have a negative "impact on the value of our property".
Thank you for taking into consideration our concerns and we sincerely hope you will move to dismiss this proposal.*

Chair Martindale stated they had discussed and determined at the last meeting that it is in a Hamlet zone and it was a business the Board would consider. Does the Board have any questions, none were noted. She stated they would move on to the next item a public hearing for application #0006-20 for Northwoods Land Development, minor subdivision.

Donald Pidgeon, surveyor representing Northwoods Land Development, Chair Martindale stated the Board has not received a response from Saratoga County Planning as of yet and they need the information to move forward. Mr.

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Pidgeon asked what information, the Clerk explained it is a response on the application submitted to them for review. Chair Martindale stated until they get it there is not much the Board can do. Discussion ensued on the timeline. Vice Chair Heber explained it was a time element because County Planning only meets once a month. He added he had a comment on the application. He stated it should be put on the plat the parcels are in the approach and departure path of an airport, he added it is a buyer beware. Mr. Pidgeon made note of the language to be added. He asked if there were anything else they needed, nothing was noted. Application was tabled until next month.

Chair Martindale opened the regular monthly meeting and announced application #0008-20, Pink Pup, site plan.

Tim Pink explained it is a horse farm, training horses and he would like to purchase it and change to dog daycare and training. He is currently operating a dog walking service in Saratoga Springs. The new site would operate from 6:30 am to 6:30 pm only onsite at that location from approximately 11:00 am to 3:30 pm. He explained it will be very structured, currently at this time the dogs cannot get off leash to train. Chair Martindale asked how many dogs will be on site, Mr. Pink replied 15 to start but the industry regulations allow for the barn at 75 to 100 sq ft could accommodate 75 to 100 dogs. Mr. Reinemann asked if he had a parking layout. Mr. Pink explained they will pick up and drop off the dogs, they will have parking for employees and the occasional dog drop off. Chair Martindale asked if this was near the camp ground on Route 50, Ms. McGarrahan stated it is across the street. Mr. Pink added next to the existing dog daycare business. Mr. Reinemann asked about signage, Mr. Pink replied it will be in the same place as the existing sign for the horse training. Ms. Eggleston asked if there would be boarding of dogs overnight, Mr. Pink said only in the house with him, the existing fence will be made more dog friendly. Vice Chair Heber asked what it would be labeled under. Discussion ensued; Mr. Colozza stated if it is a kennel it should be 10 acres so it would be non-conforming. Mr. Brennan asked the applicant if he had his contract to buy with contingencies, Mr. Pink said yes. Mr. Brennan then asked Mr. Colozza what under the building codes would trigger the classification of this project, Mr. Colozza responded it could be public assembly. Mr. King interjected and stated the barn could be agricultural but not commercial but this is premature the Board needs a site plan to look at with more details. Mr. Brennan suggested this Board let the Zoning Board of Appeals do their review, he asked Mr. Colozza what he was categorizing it as? Mr. Colozza replied a kennel. Mr. Brennan asked what the dog business next door was labeled as, Mr. Colozza was unsure. Mr. Reinemann asked if the applicant would be seeking an use variance, Mr. Colozza stated a kennel requires 10 acres and it is a non-conforming use. Mr. Brennan said that would require a use and area variance.

Mr. Pink asked if they could have a public hearing next month, Chair Martindale stated they need a site plan and information on the building. Mr. Brennan stated under the Zoning Ordinance, Article 10 it needs the site plan but it needs to come out of the Zoning Board of Appeals with an approval to move forward. Chair Martindale stated they could not have a joint public hearing at this time. Mr. Heber and Mr. Reinemann explained they needed everything on the site plan, details of parking, structures, lighting, signage, hours of operation, fencing. Ms. Eggleston asked if he would have employees and if there will be rest rooms, Mr. Pink replied the barn will have rest rooms for employees. Ms. Rippon-Butler asked how he would handle the dog waste, Mr. Pink stated it would be removed daily.

Mr. Basinger asked who regulated kennels, Mr. Brennan responded ag and markets.

The applicant will go before the Zoning Board of Appeals to seek area and use variances.

Chair Martindale announced application #0010-20, Stephen Spencer, major subdivision. Mr. Spencer explained it

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is between Colebrook Road near Lindsay Hill, east of Duncan Road. He stated they are proposing a conservation subdivision with entrances off Colebrook Road and Brampton Lane. Chair Martindale asked how many lots, Mr. Spencer replied 21 for the conservation plan. Mr. Newman introduced himself as the engineer for this project from Cite Development, Engineering & Landscape Architecture, he explained it involves three tax parcels and there is a paper street connecting it to Brampton Lane. He added there are wetlands of which 2 are Army Corp. and the 3rd is DEC, it is in the R1 zone, Residential 1 acre. They have 2 preliminary plans, the conventional plan has access off Colebrook Road with cal-de-sacs and is connected to Brampton Lane, there is 63.75 acres, 23.9 acres of wetlands, 7.9 acres with steep slopes leaving 21.41 acres net for 21 buildable lots. He added they are trying to conserve environmentally sensitive areas. Chair Martindale asked if the access road from Brampton was on the plat, Mr. Colozza asked if they have spoke with the owners of the paper road to purchase. Mr. Spencer stated Brampton Lane is almost built out.

Ms. McGarahan asked if the road of Colebrook is existing, Mr. Newman stated they will be putting it in, she then stated there are houses on either side of it, Mr. Newman said yes, it is a right of way.

Mr. Reinemann asked if they have performed any perk test, Mr. Newman said yes on lot 11 had 7 or 8 and 2 other lots were under 1 minute. Mr. Brennan asked if the 8 or 9 lots at the bottom on Colebrook Road came out of the parcel, Mr. Spencer said yes as road frontage lots. Mr. Brennan then asked how long ago, Mr. Spencer replied 20 or 30 years prior. Mr. Reinemann asked about the number of 49 lots in the subdivision regulations, Vice Chair Heber explained it triggers community water and sewer. Mr. Brennan discussed the advantages and detriments of a conventional and conservation subdivision. He then said they will want to get the opinion of the Highway Superintendent on the cal-de-sacs, Mr. Colozza stated they may have to be enlarged for the fire department. Mr. Reinemann asked if they could improve the setbacks for the homes behind the proposed homes, Ms. Eggleston asked if they knew the location of the wells on other properties, Mr. Spencer discussed the locations of wells in relation to the proposed septic's. Mr. King stated they will ask the fire department and Town's Engineer to review both proposed plans.

Mr. Baker, Engineer for the Town, said they will look at the conventional plan 1st to show it will work the preliminary profiles of the roads, the other test pits, water table and soils.

Chair Martindale stated they would return to application #0005-20 for Schuyler LLC and asked the Board if there were any questions to concerns, none were noted. Vice Chair Heber reviewed the SEQRA, State Environmental Quality Review Form and a negative declaration was declared.

Mr. King made a motion to close the public hearing,
Vice Chair Heber 2nd the motion,
All in attendance unanimously agreed.

Mr. Reinemann made a motion to approve application 0005-20 as submitted,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

She then announced the next item on the agenda, Application # 0003-20, Applicant: GSPP 235 Wall St, LLC, solar. Omni Navatas representative, Dan Csaplar and C & S Companies representative, Eric Kenna, P.E. were present. Planning Board members Jeff King as the lessor of the property and Brit Basinger recused himself for professional reasons.

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Chair Martindale asked if there were any changes made to the proposal, Mr. Csaplar stated they fixed the tilt and modified screening to hug the arrays with trees and the fence. Mr. Kenna stated they calculated the disturbance of the parcel at 19.9%. Mr. Brennan asked how tall the new arrays were, Mr. Kenna replied 8.5 or 9' , Mr. Brennan asked if the landscape wrapping will cause shade, Mr. Kenna stated they use about 15' distance wide to prevent that and they use different plants.

Mr. Colozza asked if they had any simulation views from Beaver Street, Mr. Kenna replied no, they do not like to enter personal properties and he stated they would like to schedule a public hearing, Chair Martindale asked if they agree to do a balloon fly for visualization? Mr. Colozza said people on Beaver Street have called about photo simulations. Mr. Kenna said they don't go onto private property but people can request it.

Mr. Brennan asked if there were anything from the site visit to discuss, Mr. Reinemann asked if they could make the 2nd southern array smaller and push it up closer to the other, Chair Martindale stated she would like to see it all in just one section of the parcel and she asked about outdoor lighting. Mr. Kenna said there are lights at each of the 2 equipment areas with timers. Chair Martindale asked if the parcel is used for any winter recreations, Mr. Kenna stated they would have to ask the homeowner, Chair Martindale asked about the soils. Mr. Kenna said they are in communication with NYS DEC for archeologically sensitive areas, he has been speaking with Susan Clipner and he added they will be filing with SHIPO, State Historic Preservation Office. Mr. Brennan said archeological sensitive areas show up all over on the mapper so it is not unique to this site. Mr. Kenna agreed and said they use the online mapper through NYS DEC. Ms. McGarrahan asked if they need to involve the FAA, Mr. Kenna stated there is no hazard there. Mr. Baker stated he would like more for the visuals and stormwater.

Due to technical difficulties the recording ended.

Vice Chair Heber made a motion to adjourn the meeting at 10:15 pm.

Mr. Reinemann 2nd the motion.

All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk