

Town of Northumberland
Planning Board
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Planning Board Members Present: Michael Haag, David Williams, Melanie Eggleston, Jeff King, Holly Rippon – Butler, Lisa Black and Vice Chair James Heber

Members Absent: Brit Basinger and Chair Susan Martindale

Town Employees Present: Dave Brennan, Town Counsel, Michael Terry, Code Enforcement Officer and Tia Kilburn, Clerk

Vice Chair Heber opened the meeting and addressed all in attendance and asked them to stand and salute the flag at 7:02 pm. Quorum was established.

Vice Chair Heber announced public hearing, first item on the agenda; **Application # 0001-24, Gilbert Commanda, Minor Subdivision, West River Roads**, agricultural zone. He asked for a presentation of the application.

Mr. James Vianna, PLS (Surveyor), stated he is representing Mr. Commanda in this matter, Mr. Commanda was not in attendance. Mr. Vianna displayed a map and explained the parcel is approximately 91 or 92 acres in the agricultural zone and they propose to subdivide out 10 acres, he indicated the location on the map, for the future construction of a single-family residence. He stated since the last meeting he added the names of the property owners across West River Road to the map at the Boards request and he submitted the long form SEQRA, State Environmental Quality Review Assessment form. He recapped it is a one / two lot subdivision, which will be a minor subdivision as determined last month.

Vice Chair Heber asked if there were any comments from the public.

Ms. Kathy Mannix asked if it was the same map she reviewed in the office earlier in the day. Mr. Vianna showed her the updated map he had with him. She stated she had a question about road frontage and it sounded like it was already answered when he was discussing it with somebody else. Ms. Mannix stated she was confused when looking at the map and was unsure of the measurements. Mr. Vianna reiterated she was looking for the frontage, he stated it would be 252' and then there is an arch of 175' which gives a frontage of 427'.

Ms. Barber asked if the lot went down to the fence in front of her house, she showed Mr. Vianna where she lived on the map. Discussion ensued between Ms. Barber, Mr. and Mrs. Counter and Mr. Vianna, inaudible to the recording.

Vice Chair Heber asked the public speakers to state their name and speak louder for the record.

Ms. Mannix stated her name and said Mr. Vianna stated it was for a one lot or two lots, Mr. Vianna explained it is for one lot subdivision, but they consider it a two-lot subdivision because the parent lot is the 2nd lot. Ms. Mannix said if it is two lot it needs more frontage on West River Rd. Vice Chair Heber stated no and explained they count the original lot, the whole thing so when you put a line through it you have two lots, the original lot plus the new lot.

Ms. Rippon-Butler questioned if they could build two houses on it because it is 10 acres, Vice Chair Heber replied no, because they must have the frontage for both. Ms. Eggleston added with 10 acres they can have a farm on it.

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Ms. Rippon-Butler agreed and reiterated the 10 acres is to allow a farm, she stated they only need 5 acres for a dwelling but can only have one because of the frontage.

Vice Chair Heber asked if there were any questions from the Board, Ms. Eggleston asked if it was going to remain vacant for a while. Mr. Vianna stated it was hard to say, but they could go for a building permit and start this summer.

Ms. Barber asked if the people living across from there could have a say in where they place the house on that lot so it is not to block the view of Vermont, Vice Chair Heber looked to Mr. Brennan for his opinion, Mr. Brennan stated he was unsure if they were protected for as far as the eye can see, he suggested the current home owners have a conversation with the new owner and see if there could be suggestions of where to site the house, he added it is a hard thing to say, it is like them coming over to tell you what to do with your property. Mr. Brennan stated if it is within the Town's law it would be allowed, but it is something that can be informally discussed between property owners. Ms. Barber explained it is a beautiful site and many people stop and just look at it, she stated she sits on her porch, and they spend a long time there enjoying the view. Mr. Brennan stated he understood, and this was a tough thing to regulate if it is an allowed use. Mr. Counter stated they had another buyer for the lot and that guy was going to build over to the left and that was ok because she (Ms. Barber) would still have her view.

Ms. Mannix stated the property owner also had the other parcel currently listed with a real estate agent listed for two million dollars, she asked if that came back to this Board for a subdivision, she asked hypothetically, if whoever buys it says part of the 400' frontage, 100' extra they let someone put a road going down to the 2nd lot to build a subdivision, she asked if that would be fine as far as what is going on here tonight? Mr. Brennan said he would have to look at the map, he explained for someone to buy the remaining big parcel and put in multiple homes and a road they will need much more detail and lengthy review of the project, a single lot coming off a large parcel is usually straightforward. Ms. Mannix said she is concerned when they look back and say they were here in April of 2024 and people bought the 10 acres and then they want to build more, she is wondering what would prevent that from happening and going out on Route 32, which is dangerous right now?

Mr. Brennan said if the remaining parcel was purchased and somebody wanted to develop it they would have to do a number of different things, he called it a traditional subdivision plan, which is what you look at with a road and probably a cal-de-sac and lots off of it. He stated the Board would then require it to be reformulated as a conservation subdivision, where the lots are clustered and there is green space left. This Board would have a lot more discretion on the location of that road and oversight on where that road goes, and it would also be subject to State oversight as well if it is on State Route 32. He stated there are engineering requirements, vertical curves going up whether you can see over the top of the hill, so the placement of another road is a lot of engineering. Ms. Mannix stated with what he said it would make someone want to put it on West River Rd and not Route 32, it would be safer to go straight off West River Rd and not up and around the curve on Route 32. Mr. Brennan said there would be more review and engineering. Ms. Mannix asked if the ones with the 10 acres could sell an easement for access to the large parcel? Mr. Brennan stated that would be a much more involved discussion with this Board and the public on whether it would be appropriate or not and in that case, he would have a stronger opinion for this Board on whether they agree or disagreed compared to placing a single family home. Mr. Brennan explained the Board would bring in their Engineer for his perspective to see if that makes sense and then it would come down to this Board having discretion on it. Ms. Mannix reiterated she is concerned because Route 32 is a busy road with lots of curves in it and she doesn't want it to happen to her road because it would be a safer place to have a new road. Mr. Brennan stated they would be looking at traffic impacts on something like that.

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Ms. Mannix asked if there were a way to include that with this lot, Mr. Brennan stated it would be something that would not happen in the back, it would be something that would be another hearing and another opportunity to be heard and a lot more discussion with something like that. He added typically the person that is taking it out now would be reserving it up front, he stated he worked as an engineer before he went to law school, and they would be reserving something on the map today to keep it for future development and not doing it puts them at a significant disadvantage. Mr. Brennan then asked Mr. Vianna if they were reserving an easement over this 10-acre lot, Mr. Vianna replied no.

Vice Chair Heber asked if there were any other questions, none were noted. He stated they would move on to new business. He announced the next item, major subdivision previously subdivided, this is a **2-lot subdivision for applicant Rachel Mann, 104 Lindal Ln, pre-application conference.**

Ms. Mann stated she is inquiring about subdividing her mother's property, it is 11.4 acres, Vice Chair Heber asked if there was a map they could look at. The Clerk said the Board has the original survey and she went through all the previous meeting minutes from the original subdivision and did not find any reference to no further subdivision discussion and there are absolutely no notes on the map filed. The Clerk explained they want to subdivide for another house, but they are going to need a variance because they won't have the road frontage. Vice Chair Heber stated this was a previous subdivision and there is no road frontage. Mr. Terry agreed and said she is here to get a referral to the Zoning Board for a variance, he added before he tells her to get a survey and show where the house will be they have to see if they can even get a driveway in there. The Board reviewed the original subdivision map. Mr. Terry stated the map they are looking at is how it sits now, and it is in the Residential 3-acre zone. Mr. Williams asked if where the square was on lot 7 is that is the location of the existing house. Ms. Mann replied yes. Mr. Terry reiterated he did not have her get a survey and put a house on there because it needs to go to the Zoning Board first, he didn't want them to spend the money and then have the Zoning Board say no, so she needs a referral to the Zoning Board. Vice Chair Heber stated he has a problem with a keyhole lot in a subdivision that was previously made a subdivision, he asked the wishes of the Board. He stated he wasn't sure if it was feasible, she will have to get a zoning variance, he then asked how much road frontage was there. Ms. Rippon-Butler responded 200', she added her feeling was that it is in a subdivision and that is where they want the houses to go in the Town to preserve agriculture, she would rather see another house in an existing subdivision than on farmland. Ms. Mann stated they tried to get lot 8, next to it but they did not want to sell.

Ms. Eggleston stated lot 8 has a square on it, that is not a house, Ms. Mann said no there is nothing on it, it is vacant. The Clerk stated that was the proposed house, Ms. Eggleston asked if the square on lot 7 was the proposed location. Discussion ensued on the actual location of the existing house.

Mr. Williams stated he was trying to see where she wanted to split it, Ms. Mann indicated it would be boarding lot 6 and splitting lot 7, the 11.4 acres into 5 and 6.4 acres. Mr. Williams asked how, where was the line going. Ms. Mann stated it depends on how much road frontage they are going to need if they get a zoning variance, so it is hard to say without having that. Mr. Williams stated it is hard to see without any lines on there, so it sounds like they must go to Zoning first. Vice Chair Heber said they need a referral from this Planning Board. Ms. Rippon-Butler stated they have the acreage for the lot size in the district, it is just the road frontage, the minimum lot size for a single-family dwelling is 3 acres.

Ms. Rippon-Butler asked what the thinking was behind the road frontage requirement. Vice Chair Heber stated when the maps were made, they had a lot to do with soils, to get separations between septic and houses that is why the road frontage got to be wider on lots with high water tables and stuff like that. He added residential 1 acre are

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mostly on sands and the agricultural is mostly a mixture.

Vice Chair Heber stated they have to figure out how it could be a keyhole lot, Ms. Eggleston interjected how the geography is, where or how a fire truck would be able to get in and turn around. Mr. Williams stated there is a stream in there too. Ms. Eggleston stated they need to know it is buildable. Mr. Williams said to send them with a recommendation, he cannot see where they would place the house because of where the stream is, is there enough room between the septic's, where the driveway would be. Ms. Eggleston agreed and said logistically it might not work. Discussion ensued on possible locations of dwelling, septic and driveway with separations.

Mr. King stated he thinks what the Board is saying is they would like to see a map with the house, septic, well and the proposed lot line, he stated without that information they are kind of operating in the dark. He stated they need to know where the wetland is on the site, where the stream is. Discussion ensued on additional information needed and the need for a variance.

Mr. King said if they get the variance and then come back and find they can't subdivide and build it is like putting the cart before the horse. The Clerk stated if they get the variance and then the survey and find they can't build the variance would be void, if they get the variance and within a certain amount of time, they don't proceed there wouldn't be a variance anymore. Ms. Eggleston stated she thought a variance stayed forever, the Clerk said not if they don't start with the action (subdividing and building). Mr. Brennan agreed and said he would have to look it up, but it is usually about a year to pull a building permit and start construction, he added once it is constructed the variance runs with the land. Mr. Brennan said if they get a variance and don't execute on it, idea is that over time the situation that lead to the variance may change so the variance expires if is not executed, if you build, it stays.

Mr. King stated in order to issue an approved variance isn't the Zoning Board of Appeals going to want the same information, Vice Chair Heber said they should, Mr. King asked Mr. Brennan if they were going to worry about the construction that is already there. Mr. Brennan said the criteria for an area variance is going to deal with things like if it is self-created, is it consistent with the community character there are like 5 criteria for them to make the determination. Mr. Brennan stated he was looking at the map and it looks like it is the biggest or second biggest lot in the subdivision, there are 12 or 13 lots in there, he added he thinks some people may come out and not like it, there may be some push back from neighbors. Ms. Eggleston said or they are going to apply as well for a variance. Mr. Brennan agreed and said they are going to say she got hers and they want theirs, they are going to ask how they can say yes to her and not to them, Boards sometimes focus on the precedent value of granting a variance. Mr. Terry stated there is only one other lot that can be subdivided in there because it is residential 3 acre and all the others are 5 acres. Vice Chair Heber stated they don't know if half of the lot is wet. Mr. King agreed and said they don't know where everything sits, they don't know the soils and this could be a moot point because they don't know, at some point there has to be more information. Ms. Rippon-Butler added the setbacks for the wells and if the wetland takes up most of the property, it might make it that there is no place you can build. Vice Chair Heber stated he was on the Board when this was subdivided, and he believes that lot is wet because they would have made the road a little longer and gotten at least one more lot out of it. He added the restraints made it that way and that is why the lots are so big.

Mr. Brennan discussed the 5 factors for a variance, it is whether there is an undesirable change in the character of the neighborhood or a detriment to nearby properties would be created, whether the benefits to the applicant can be achieved by some other method feasible for the applicant to pursue, whether the area variance is substantial, which is usually it a 5% or 50% sort of thing, will the variance have an adverse effect or impact on the physical or environment of the neighborhood or district, which has to do with topography, wetlands and things, whether the

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alleged difficulty was self-created, which is a relevant factor but not glued to the ground of the variance, and when the variance is granted the Zoning Board is supposed to grant the minimum variance necessary to accomplish what needs to be done. He stated those factors could be stumbling points, it is hard to look at it and say yes or no.

Vice Chair Heber stated they could get the variance and this Board could still say no. Mr. Brennan explained that the Zoning Board of Appeals can grant the variance for the road frontage and this Board cannot hold that against you, but then this Board has the task of looking at the layout, where everything is and making sure it fits all their criteria, if it does not then it doesn't get approved. Mr. Brennan added there is a lot of discretion, and they don't like people spending money if it is not going to happen, he stated it becomes a judgement call for the applicant whether the investment is worth it or not. Mr. Brennan advised the applicant there are things they can do themselves for topography and wetlands there are all sorts of cites on the internet they can use to provide additional information, to decided if it is worth while to pursue and whether spending the money on something that is not guaranteed.

Vice Chair Heber stated the bottom line is they can't give a referral without more information. Ms. Mann reiterated they have to get a survey, Vice Chair Heber stated they have to know the layout of the lot, where the actual house septic and well are, if they can get a road frontage variance it still doesn't mean they are going to have the house setback variance and you have to have 200' setback in the residential 3 acre. Vice Chair Heber said even with a keyhole lot they have to have 200' of frontage, where they put the house. Discussion ensued on keyhole lots.

Mr. Brennan asked if they are here tonight for an informal meeting or procedurally, Vice Chair Heber stated for a referral to the Zoning Board, and they can't refer it without more information. Ms. Mann asked what she does to get the information so she can come back and get the referral, Vice Chair Heber stated she has to have the house, the well if there are wetlands they need to be delineated, there is a lot. Ms. Rippon-Butler asked if there was a way for them to get that information without a formal survey. Mr. Brennan suggested she see what she can find on the internet for additional information, he stated Saratoga County has a nice map tool they can use with topo, it will show the wetlands, the stream and you can get some idea from that with an aerial photo and then come back with a sketch plan of what you are thinking. He said they can come back and see if that makes it better or worse and then get someone to lay it out because the pins are out there from the original and see if it can work. His suggestion is not to spend the money until they come back and see the wetlands, it could be all green or it could run with the stream. Mr. Brennan reiterated to use that before going to the bank and coming back in a month and see if it will work, then spend money and get more information. Ms. Rippon=Butler stated there is a list of items required and she could get help from the Clerk and Mr. Terry to tell her what is required. Mr. Brennan stated in his experience with Boards, when there is a former large subdivision where someone came in and built a road and put in lots, re-subdividing one of those lots is an unusual ask, it is not unheard of, but it is not the easiest, it opens up additional questions. Mr. Brennan stated he is not saying no don't do it, but it is unusual to subdivide a lot in a subdivision. He advised them it can be challenging, and he doesn't want them to spend thousands of dollars when the Board can look at this and say if it is worth pursuing, but they need more information to do that. Vice Chair Heber suggested they talk to the neighbors to see what they think of it, Mr. Brennan agreed, he said some may say they don't care and others may not like it, that will put the Board in a difficult position on something that is already a difficult ask. He stated he thinks it is worth looking into, they can get some information from the internet, the Saratoga County website and come back in a month and give the Board more to look at. Vice Chair Heber stated when they look at the map, they have it looks like it goes down from where the house is and he doesn't know if they are 2' contours or something else. Ms. Eggleston added they don't know where the septic is, where the new house would be, Vice Chair Heber added they need to know where the existing house is, it cannot be a square in

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middle of the map and not really be in the middle of the map, they need to know where it is located. He stated when they put the squares on the map it is not the exact spot where the house will go. Ms. Rippon-Butler said they are not saying no, they are saying they need more information, and they don't want the applicant to spend a lot of money is the summary of what she is hearing. Ms. Mann stated she understood.

Vice Chair Heber stated they will go back to the minor subdivision for Mr. Commanda, old business on the agenda. He stated they need to review SEQRA.

Mr. Brennan asked if they could take a minute, he offered a quick apology to the public, he stated gave an answer regarding the house placement and then he looked it up. He stated in the Zoning Law under the agricultural district, Siting and Design Standards for Development, on page 39, subsection 2, *Residential structures in APD shall be located according to the following criteria*, there are criteria for siting residences in the APD that need to be taken into account, now may not be the time to take it into account and they have handled similar situations in different ways. He stated they need to look at those criteria and factor them in, one way to do it is they can approve the subdivision and the house, because on 10 acres who knows where the property owner may want to put that house, you can grant the subdivision and say come in for when the house is sited or some cases you can say go to the building department and have Mr. Terry, Code Enforcement screen it and if it meets the criteria they can get a building permit, or if he is unsure about it he can send it to the Planning Board. Mr. Brennan apologized to the public stating there are standards that talk about this, and they are relevant to the questions you were asking, his advice is changing. Ms. Rippon-Butler agreed and said there is one for scenic vistas. Mr. Brennan suggested they do not hold up the subdivision but consider the criteria for siting the house may be at the building department level and if it does not fit then come back to the Planning Board.

Vice Chair Heber said knowing all that, what are the wishes of the Board, do you want to go ahead with the subdivision, he added there is no reason they can't go forward with the subdivision and when it comes in for the building permit, if everything is ok, then ok, if not it will come back to this Board. Mr. Brennan stated there are A – K, different factors to look at, so maybe the person looks at these and comes in and Mr. Terry says yes, that is good, or it may have to come back in, the Town Board put these things in place for the reasons we were asked about. He added he thinks it is appropriate to grant the subdivision contingent upon building placement to be evaluated during the process and back to the Planning Board for consideration as needed.

Vice Chair Heber asked if there were a motion to close the public hearing,
Ms. Eggleston made a motion to close the public hearing,
Mr. King 2nd the motion,
All in attendance unanimously agreed.

Vice Chair Heber asked who would like to review the SEQRA long form, Mr. Brennan read part 2 of the long form SEQRA, and the Board answered the questions with discussion.

Mr. King made a motion to declare a negative declaration on the State Environmental Assessment Form for application # 0001-24,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

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Ms. Rippon-Butler made a motion to approve application #: 0001-24 contingent upon the siting of the house returns to this Board at the time of a building permit application is applied in accordance with the Zoning Ordinance for the Agricultural Protection District,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Vice Chair Heber announced application # 0010-20, Major Subdivision for Stephen Spencer, located on Colebrook Road.

Mr. Wade Newman, Engineer representing the applicant introduced himself, he displayed a new map for the subdivision and stated they were here in April of 2021, at that time they had a different layout, he stated he has that layout for reference with him tonight. That layout had the road entering at the same location as the new map and basically doing a big loop around the wetlands on the site. At that meeting they had also provided a plan that was reviewed by EDP (Town Engineering Firm), for the capacity of the lots and overall lots, he stated they are now proposing 13 lots, another change since they were last here is the applicant has now acquired the paper street that was part of the Brampton Woods subdivision. They had a traffic study / site distance assessment done by Creighton Manning, he stated they included that with this most recent submission, but he thinks the Board already had that, there is adequate site distance for the new road to Colebrook Road provided there is some vegetation cleared on both the East and West and the intersection side. Vice Chair Heber reiterated they would be clearing vegetation, Mr. Newman replied just trimming trees and brush, Vice Chair Heber asked if that is in the right of way or do you need permission from the landowners, Mr. Newman replied it is in the right of way. Mr. Newman stated since they were before the Board last they had 3 test wells drilled, he indicated on the map the location of the wells, he stated that is part of Department of Health (DOH) regulations for a subdivision and with 13 proposed lots they had to have 2 wells yield for DOH regulations, the wells that are shown on the map have the separation requirements for the septic's and one of the issues they were trying to work through with the Town was the cal-de-sac size, so they re-designed it so they can provide the Town with a cal-de-sac 240' diameter right of way. In summary Mr. Newman said the project now has 13 lots, 11 accessed from Colebrook Road, and 2 on paper street that was acquired off of Brampton Woods. Within the southern half of the subdivision all the houses will have individual driveways and there are 4 lots that they are proposing have a shared, almost private road that will be designed in accordance with NYS Fire Code. Mr. Brennan asked him to show that again, Mr. Newman indicated where the private road was on the map. Mr. Newman stated the big difference with the new plan is the number of lots, the old design was proposing 19 lots this plan has 13 lots and the old design had a total of 3,170 feet of new Town Road, the new design has 1,430 plus or minus of new Town Road, that is a reduction of 1,740 feet.

Mr. Williams asked about the well buffer zone on lot 4, it appears it overlaps with the neighbor's property, he added those property owners have their own well and septic, they are small lots. Mr. Newman stated he was looking at that and thought he could have located it a little better. He said the purpose for them to be here tonight is to get feed back from the Board on a fairly different design and move into preliminary design at which point he will make the correction for the well, he stated there is room to move it South and East, he stated this lot's septic is not going to incumber the other lots wells. Discussion ensued on re-configuring the wells.

Mr. King stated when he thinks back to when they first reviewed this, you are still utilizing conservation subdivision, and he thought Mr. Baker had concerns with slopes and soil disturbance, he stated his memory maybe a little foggy, but he thought that was limiting the number of lots, something to do with conservation, he asked if anybody else remembered that. Mr. Brennan stated what he remembered was the length of the roads / driveways and the impact of that, getting into a road without a turn around. Vice Chair Heber asked how long the road to

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right was, the Town Road, Mr. Newman explained on the current plan the cal-de-sac would be a Town Road and the road to the right would be shared with the 4 lots, and the 2 from Brampton Woods would be individual driveways. Vice Chair Heber asked about the road with the hammer head, Mr. Newman stated they are proposing that as a private road, and the reason for that is that those are beautiful home sites they do not want to lose, and providing a Town compliant turn around is not feasible. He explained in the old design they were looping the road all the way around the wetland and after further consideration and many factors along the way it didn't make any sense, it was a more expensive project for the applicant, more for the Town to maintain, for not much of a benefit. Vice Chair Heber asked if 13, 12, 11 and 10 are all on the private road, Mr. Newman replied yes. Mr. Brennan asked what the Town code said about that, Mr. Newman stated he doesn't remember reading anything about that, he said he remembers the Board was not excited about shared driveways in the old plan, so they split those up. Mr. Williams stated it is 800' long, Mr. Newman stated 760', Vice Chair Heber reiterated of the private road? Mr. Haag asked how they will manage the maintenance of the driveway between the four property owners. Mr. Brennan said usually they will have a four-party agreement that everybody signs onto that runs with the land that says they share equally with the plowing and stuff and then there are covenants not to obstruct the lots, he added that all works good until you figure out you have not sold to nice people. Mr. Williams asked if there were some kind of NY State Law that says if there are more than 3 homes on a private lane it is considered a public highway, he stated there was a case in Glens Falls where a doctor got a DWI on a private road, he thinks it was 3 or more homes make it a public highway. Mr. Brennan stated he was unsure. Mr. Haag stated he can see the future homeowners coming back to the Town and saying you are not maintaining our road, Mr. Brennan agreed and said it has come up elsewhere in the Town, similar situations and it doesn't work out so well and for whatever reason it ends up going before the Town Board and the people saying they want the Town to take it over, plow it and maintain it because they are all fighting amongst themselves. The difficulty is whether it is built to Town Road specs, because they are usually not for the reasons discussed to keep it less impactful and cheaper and then the Town doesn't want to take it over. Mr. Brennan said that is something for Mr. Baker to look at and for him to talk to Mr. Baker and the Town Supervisor and find out what their opinion is. He added there are plenty of Towns that don't want roads because of the additional maintenance and cost. Mr. Haag stated it would be tough to make it into a Town road because it doesn't have a turnaround. Mr. Wade agreed and said that is the reason it is not a Town road, he said they can meet the fire code but not the Town code. Mr. Williams asked if they could continue it to meet the other road. Mr. Brennan stated that is what it looked like before. Discussion ensued on the private road and wetlands. Mr. Brennan stated he did not see a turnaround or hammer head; Mr. Wade explained it is an easement that goes towards the house and is a turnaround / hammer head.

Mr. King suggested the Board read the conservation design standards beginning on page 103 of the Zoning Ordinance, because they have not done a subdivision of this sort in some time, he stated there is a lot of language in there about the applicant and the Board identifying important features that they all desire to conserve in the design before the process even begins. He added they do have a design that they propose but the ordinance talks about identifying important features such as protection of wetlands, floodplains, steep slopes and streams, he said there are lots of other things it talks about and he thinks it would benefit the Board to talk about the parcels, figure out what they are going to use and talk about the regulations and complete a review of the standards first. Mr. Brennan stated he agrees with him, he thinks because it has been such a long time since they had a project of this scope, they should set up an escrow for Town Engineering, the Clerk interjected they have it set already. Mr. Brennan suggested they ask Mr. Baker, Town Engineer, to walk through it in memo form, the applicable regulations. He added what they normally do is a Zoning analysis of what the zoning says, Mr. Baker goes through that with the Board and talk about what those regulations say and he can send a memo back to the Board so we are starting off fresh. Mr. Brennan stated they don't want to waste the applicants time and money and 6 months down the road say now we are going to open up the books and see what the regulations are, he added a project of this

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size it is worthwhile to have Mr. Baker go through it and he will help him get an analysis for the Board on regulations like what is the regulation for private roads in the Town, so when we all come back we have a play book to work off of and all of the issues identified to move the process forward. He said last time it was months and months on a project and we should learn from that and refine the process. Mr. King agreed. Mr. Brennan stated they have subdivision law, the zoning law, and there is a code on the streets. He suggested laying everything out so everybody is looking at the same thing. Mr. Newman said he thinks they have done all that, he appreciates what Mr. Brennan said but it has been done. He stated they did a slope analysis, environmental conservation, there is a summary in the narrative where they talk about it, there is a color-coded slope analysis that is how they got to this new plan. Mr. Newman stated the spirit of the conservation regulations is to conserve natural resources. Mr. King stated he is not saying they didn't, but it has been a while since they have had a project like this, and he thinks it is wise to re-visit the regulations and make sure they are all up to date on them. Mr. Brennan said he is not saying to re-do the work, he is saying they go through the zoning and make sure they are checking all the boxes he said there have been a couple of things over the years, with this Board and others that they get 6 months into a project, and they are looking at something for the first time. Vice Chair Heber stated Mr. Baker has looked at everything so far, he has his notes, Mr. Brennan agreed and said it will be an easy exercise to do, put in the applicable rules and if it is already done he agrees they have the conservation analysis and they did the traditional subdivision layout, he is not saying redo that, he is saying Mr. Baker should check the boxes and say here are the applicable rules and this is what has been done, so here is where we are and what the next steps are. Then dive into what would really be a technical review of the new layout.

Mr. Brennan stated he agrees with the statement about the overhang of the well setbacks because that bothers him that someone puts something in on a new lot and the existing neighbor can't do something on their lot. Vice Chair Heber reiterated lot #3, Mr. Newman stated the existing lots have been located, he indicated where they were on the map, Mr. Williams stated the existing neighbor to lot 3 can't do anything in the back of his existing lot because of the new well on lot 3. Discussion ensued.

Mr. Newman stated he has been here for years, and they tried to get traction with the Town, and they have gotten nowhere with the original plan, so they gave up on that and that is how they got to this design. He stated after further review and doing the test wells and the cost of putting in roads it didn't make sense to create a subdivision nobody is going to build it because nobody is going to be able to afford the lots. He stated that is how they got to the new plan with the spirit of conservation design, he said the steep slopes are colored yellow on the map, per Town Code they were identified, he apologized for not starting at the beginning tonight explaining everything they have done. He explained they did the slope analysis, they delineated all the wetlands, he indicated where the DEC wetlands were, it was delineated by North County Ecological Services, the 100' buffer is showing on the map, there are Army Corp. Jurisdictional wetlands were also delineated, they have environmental impacts that are required to put in for the turnaround that is required for the Town road, a crossing of wetlands for the proposed private road. He stated the minimum lot size for the zone is 1 acre, the lots that are proposed vary from .93 to 13 acres and the 50% minimum plus 50' conservation boarder around the property is provided, he stated in their opinion the only thing they were doing tonight was showing the new plan and talking about the private driveway. He stated they thought everything else was submitted, they have gotten like 3 letters from Mr. Baker, Mr. Brennan said he is not saying it hasn't, but it is worthwhile going back through the summary to prescribe to the Board it has all been vetted. Mr. Brennan added they are not trying to over work it; he just thinks Mr. Baker should do a memo to get the Board up to speed and what they do with a major project is have a check list of all the requirements making sure they have looked at and then looking at the new proposal and vetting that. Mr. Brennan added he thinks they are saying the same thing two different ways.

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Vice Chair Heber suggested everyone go through the rules and regulations on this before the next meeting and come up with the questions you need to ask next month. Mr. King asked Mr. Brennan if in the meantime he Mr. Baker will have look at it, Mr. Brennan stated the Clerk will do that subject to the Boards approval. Vice Chair Heber asked if Mr. Baker will be at the meeting, Mr. Brennan replied he feels it is appropriate to have Mr. Baker here when there is a project of this size.

Vice Chair Heber asked if there were any additional questions, he asked Mr. Brennan if he would look into the private roads in the Town, Mr. Brennan replied yes and said he would do that with the Clerk, Mr. Terry and the Supervisor, Mr. Peck. Mr. Newman said they will sign an agreement when they buy the lots on the private / shared road. Mr. Brennan agreed and said there are different ways to deal with it, it is just if the Town wants that or if they want to discourage it, he said he doesn't know the answer he is saying they look and talk about it.

Ms. Rippon-Butler stated in her opinion she mentioned before she would like to see a trail along the stream for public use, and while they are in a position to approve it and talk about what is good for the Town, being a conservation subdivision if that could be an option or if the lots could be moved for a future option if there were a buffer along the stream, she reiterated she thinks it is an excellent opportunity. Mr. Haag added it could be an easement or something. Vice Chair Heber said there are a lot of wetlands, you can't do anything in the wetlands. Mr. Newman pointed out the DEC regulated and the Army Corp. and there are a lot of steep slopes there he said there is not a lot of room to get through there and who would maintain it. Ms. Rippon-Butler stated there are a lot of conservation organizations like Saratoga Plan, Wilton Wildlife and if an easement was maintained there and that was an option, there may be a time when people would say they would like more recreation opportunities, they could donate it to those organizations, even if it is not right now. Mr. Brennan asked if there was a trail in Brampton Woods, discussion ensued on a conservation trail.

Mr. Haag asked about the paper road in from Brampton, Mr. Newman said the applicant acquired that from Brampton, Mr. Haag asked if he was looking at two parallel driveways, Mr. Newman replied yes. Vice Chair Heber stated it is basically what is in Brampton now, they have back lots, Mr. Newman agreed.

Mr. Williams stated in his mind the long driveway / private road, and he understands why they did it, but who handles the problems, the Sherrif, there are 4 houses on it. Mr. Brennan said the last one like this, the indoor riding arena that had a shared driveway with the neighbor, he said everybody had an appearance in Saratoga County Supreme Court, the Town got sued for the approval by the neighbors and then they sued each other over the shared driveway. He stated the most recent experience they have in Town is a lawsuit. Mr. Williams stated he was a State Trooper for 25 years and he was one that was called first, he stated he sees a lot of problems with that. Mr. Brennan asked if the standard response from the State Police was that it is a civil matter? Mr. Williams said yes, and added now that they are here, they can prevent that. Mr. Newman stated they are just trying to take advantage of the beautiful lots. He explained they tried to go in with a little cal-de-sac and smaller lots and the Board didn't like that. Mr. Brennan stated they have a couple of new members on the Board so the perspective may change as they go through it. Mr. Newman stated Mr. Colozza, the previous Code Enforcement Administrator, didn't like it, he said Mr. Colozza told him the Town had twin snowplows, with two blades, one that trailed behind the truck or something.

Vice Chair Heber asked if there were any additional questions, Mr. Newman asked if the next meeting would be the fourth Monday of next month. The Clerk stated they needed to discuss that because the 4th Monday of next month falls on Memorial Day. Discussion ensued for the next scheduled meeting. It was determined that the next meeting would be the 3rd Monday of May, the 20th at 7 pm.

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Vice Chair Heber asked if there were any corrections to the March meeting minutes, none were noted.

Ms. Eggleston made a motion to accept the March meeting minutes as submitted,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Vice Chair Heber asked if there was any additional business for the Board, none was noted.

Mr. King made a motion to adjourn at 9 pm,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk