

Town of Northumberland
Planning Board
Corrected by the Planning Board
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7:00 pm
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Planning Board Members Present: Melanie Eggleston, Susan Martindale, Chair, James Heber, Vice Chair
Chad Reinemann, Britt Basinger, Lisa Black, Jeff King, Mary Beth McGarrahan and
Holly Rippon-Butler

Members Absent: James Heber, Vice Chair

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 7:00 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 #0001-20, Bernard Shaw, a lot line adjustment and minor subdivision being represented by Frank Shaw. She then asked if the “no further subdivision” verbiage was added to the larger lots? Mr. Shaw said yes. She asked for the SEQRA, State Environmental Quality Review Full Form and if anybody had any comments or concerns, none were noted.

Mr. King made a motion to close the public hearing,

Ms. Black 2nd the motion.

All in attendance unanimously agreed.

Chair Martindale introduced the 2nd item on the agenda, Application # 0005-20, site plan review for car sales and repair at 165 Route 4. Mr. Bouchard representing Schuyler LLC (Anthony Vaccarielli, buyer) and Donald Nitcher (seller) explained the proposal as retail car dealership and registered repair shop, he stated there would be no alterations and construction of the property, operation would be 7 days a week from 9am to 6 pm, there will be no traffic flow, former business at the site include a grain and feed store and gas, he added it is in line with the character of the neighborhood and current uses. Adjacent to it on the right is Haskell Enterprises, mini warehouse self-storage. Muzikar’s Service, Inc. there is vacant land and Road Materials King a manufacturer. Chair Martindale asked if this location was in the Hamlet? Mr. Nitcher said it is about 9/10th of a mile from the Village of Schuylerville, Ms. Rippon-Butler interjected where the Thorobred Feed Store was.

Discussion ensued on the category of business. Mr. King stated retail business is the closest, Mr. Colozza said it could be a public garage, Mr. Reinemann and Ms. Eggleston discussed the car repair for a public garage and the sales. Ms. Eggleston stated it is a mixed use, Mr. King stated the maximum lot coverage is 50 – 60 %, and he asked for a written description of the proposal, Mr. Bouchard submitted one to the Board.

Chair Martindale asked about a sign, Mr. Bouchard said there is an existing 4’ x 8’ sign with no lighting. Mr. King asked if there were any vegetation on the site, Mr. Nitcher stated there is a 6’ berm in front, Mr. King then asked if there would be changes to it, Mr. Bouchard responded no.

Ms. Rippon-Butler asked if they had a % of lot coverage and setbacks. Mr. Boucher explained it is a 2.031 acre lot with structures and a display lot, that can’t take up more than 1/3 of 2 plus acres. Mr. Nitcher added there is an existing 900 sq ft office and a 1,700 sq ft shop, then he asked when did the Zoning change to Hamlet? Chair Martindale replied the Zoning Book is effective 2006. Mr. Nitcher then said 1991 is was Amerigas and Zoning was light industrial, he as the owner was never notified the zoning was change, he believed it was in error and historically it has been industrial use and has always been used as light industrial, he is concerned it is now listed

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as Hamlet.

Mr. Reinemann asked what improvements will be made, will the sign be improved, Mr. Vaccarielli stated there will be no improvements it is existing and no lights. Mr. Reinemann then asked if there has been any motor vehicle repair previously? Mr. Nitcher said it was Amerigas, Mr. Reinemann asked if there is a tank installed or a drain for oil? Mr. Bouchard said there will be tanks and they will be pumped out. Mr. Vaccarielli interjected he has improved it, there was a 30,000-gallon propane tank that has been removed, that was like a bomb.

Mr. King stated he was comfortable with the definition and there will be no changes. Ms. Black agreed.

Ms. McGarrahan asked if it was paved, Mr. Nitcher said it is all shale, Ms. McGarrahan asked about it closer to the river, Mr. Nitcher again replied it is shale, Ms. McGarrahan reiterated there will be no improvements, no pavement, Mr. Vaccarielli said no.

Mr. King asked if the driveway was on the neighbor's property, Mr. Nitcher said he has a right of way to use it, Mr. King asked for a copy of it, Mr. Nitcher agreed. Chair Martindale asked if a SEQRA, State Environmental Quality Review Form has been completed, Mr. Vaccarielli replied yes. Mr. King stated it will need to go to Saratoga County Planning. Mr. Reinemann stated he would like more on the handling of oil changes. Mr. Colozza said that will be monitored by NY State. Mr. Vaccarielli said there is a trough system around the tanks for the event of a spill or leak, Mr. Colozza interjected they will be licensed by the State. Chair Martindale stated it will be sent to Saratoga County Planning and a public hearing will be scheduled, discussion ensued on the timing of meetings between Saratoga County Planning and this Board, a special meeting will have to be scheduled for October due to the Columbus Day Holiday. Mr. Brennan, Counsel to the Board, explained they can hold the public hearing before response from the County but can't act if they haven't had 30 days to review.

Chair Martindale asked the Board if they were in favor of scheduling a public hearing, all replied none opposed.

Chair Martindale stated they would return to Application #0001-20, Mr. Shaw, she asked if there were any discussion, none was noted.

Mr. Reinemann made a motion to declare negative declaration on SEQRA, State Environmental Quality Review Form for Application #0001-20.

Mr. King 2nd the motion,

All in attendance unanimously agreed.

Mr. Reinemann made a motion to approve Application #0001-20, Lot Line Adjustment and Minor Subdivision of Bernard Shaw contingent upon "no further subdivision" verbiage on the map,

Ms. Black 2nd the motion,

All in attendance unanimously agreed.

Chair Martindale announced Application #0006-20, Minor Subdivision of Abram Doyle, Northwoods Land Development. Mr. Donald Pidgeon, Surveyor and Mr. Doyle approached the Board.

Mr. Pidgeon explained the proposed subdivision; minor 2 lot subdivision out of 20 acre lot, one will be 8.64 acres and the other 11.64 acres. Chair Martindale stated it is located on NYS Rte 32 N, Mr. Reinemann asked what the nearest intersection was, Mr. Pidgeon replied Jewell Road, Chair Martindale said it is currently R-3 zoning.

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Mr. King asked if currently there were any houses, Mr. Pidgeon replied no, Chair Martindale asked about the current use, driveway and road frontage, Mr. Pedgeon replied currently it is field and wooded areas, there is an existing driveway and road frontage is over the requirements.

Discussion ensued on wells / septic separations and setbacks.

Mr. Reinemann asked if a perk test has been performed, Mr. Doyle said yes and he should have the written results tomorrow. Mr. Reinemann asked if they could label the property owners across the road, Mr. Pidgeon agreed, Chair Martindale asked if the "Right to Farm" was on the survey, Mr. Pidgeon said yes. Ms. Rippon-Butler asked if there were any potential for agricultural use, Mr. Pidgeon said there could be, she added it is in the R-3 but they will need 10 acres for agricultural pursuits.

Chair Martindale asked if there is a National Heritage letter, Mr. Pidgeon stated it is included with the SEQRA, State Environmental Quality Review Form.

Mr. King asked Mr. Colozza, Code Enforcement Administrator if he knew the history on the parcel, if it was a minor subdivision. Mr. Colozza said yes, they only took off the piece in the front with the house on it, it is still a minor.

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

Mr. King made a motion to schedule a public hearing at the next month's meeting,
Mr. Reinemann 2nd the motion,
All in attendance agreed.

Chair Martindale announced the next item on the agenda, Application # 0007-20, Applicant Harry and Maureen Leerkes, 2 lot minor subdivision at 221 Jewell Road.

Mr. Pidgeon stated he was also the surveyor for this application and it too was in the R-3 zone, there is an old farm house that has been there and a proposed new modular.

Chair Martindale verified it was in the R-3 zone and borders the agricultural zone.

Mr. King stated they are proposing a 1-acre lot, Mr. Pidgeon replied yes and explained; 1-acre around the farm house and all the rest left the way it is, there is a note on the map "no further subdivision" if it is approved. Mr. Reinemann asked what the current use was, Mr. Pidgeon replied gardening and a single-family residence. Mr. King asked if they are proposing a second house, Mr. Pidgeon said yes that is the reason for the subdivision. Mr. Reinemann then asked if they would use the existing driveway as shared, because the proposed property line goes through the middle of it. Ms. McGarrahan asked if they were using the existing well and septic for the proposed house, Mrs. Leerkes said they are putting in a modular but the contractor wants the home set before the septic and well.

Discussion ensued on going to the Zoning Board for a variance.

Ms. Eggleston asked if he would show the septic and well for the existing house, Mr. Pidgeon agreed.

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Chair Martindale stated they will have to go to the Zoning Board and get an area variance and return to this Board.

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. Mr. Basinger is not in attendance.

Mr. Csaplar stated they are submitting a site plan with the calculations of land disturbances, they have added to it on page 2, table of calculations are broken out by fenced in areas, access roads, fencing poles and landscaping. Mr. Kenna added the Board asked for all the acreage, he indicated on the site plan what was included. Mr. Csaplar stated they are here tonight to see how comfortable the Board is with scheduling a public hearing for the next meeting he added they may make some slight modifications to the existing site plan in advance of that meeting. They have conducted analysis and the construction crew is fine tuning the site plan using the information to maximize the output but it will still fall under the 20% lot coverage restriction, he stated as it stands right now it covers 21 acres of land at 19.5% coverage.

Chair Martindale reiterated they are going from two areas of panels to three, Mr. Kenna explained the change they are looking at is a different racking system, they are considering going to fixed panels so the rows may change and go in a different direction within the same areas and that will affect how they handle the stormwater.

Mr. Reinemann asked for clarity on the color codes on the site plan, the purple was the slopes, Mr. Kenna replied the purple is steep slopes, Mr. Reinemann asked where the rays were in that rendition, Mr. Kenna indicated where they were and stated they originally had three, they were not sure about the 20% so they moved one array out. Mr. Reinemann reiterated they are trying to put the arrays on more level ground, Mr. Kenna agreed and added they were trying to stay under the 20%, so now it is a slightly different racking system in the same areas. Instead of having moving panels they will be set and facing due South all the time, the racks are more mobile and can be moved around so they maybe able to get more racks in the area for maximum output. Fixed racks that don't move are smaller so they can get more in a little tighter. He said the end result will be the arrays will be in the same areas but the rows will change direction and they will keep it under 20%.

Chair Martindale stated she would like to make a few comments; The Town of Northumberland has a right to farm law, it states that we support farmers with the activities they need to do in order to produce a product to go to market. She added about five years prior they had another solar application come before the Board it was much smaller and the type of array they were going to use, it also had a public benefit use to it, part of the credits were going to be given to the Schuylerville Central School District, at that time they didn't really have any guidance in the Zoning, the Board looked at it and felt that was not advantageous to the Town of Northumberland, she added as they look at this application they are still here to protect farmers lands and fields that they need to get their product to market, you are only using 20% but because of the odd configuration of where you are using that field it makes the whole field difficult for a farmer to produce anything on it, it is all about efficiencies and if they have to work around all the odd angles it will make a significant impact. She stated that is her comments and she is not liking this application at the present time and she would like to take a poll of the Board if it is acceptable to see where everyone else may stand on this particular proposal, She asked Ms. Black if she would like to start, Ms. Black stated she was not comfortable with it, Chair Martindale asked if there were a reason would she like to expand on that, Ms. Black replied for everything that was just said, and any kind of hazards it might produce and what is the life span of the panels? Mr. Csaplar responded 25 years, they decrease in efficiency approximately 1 %

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a year. He added there are no hazardous materials, its silica and steel, glass. Mr. Kenna interjected, they have a contract with the owner of the land, anything they do on the land is approved by the owner, if he felt it was detrimental to his property, he would not approve the plan. Chair Martindale stated they were under the understanding the land is leased to a farmer in the area and not to the LLC. Mr. Reinemann stated he would be interested in seeing the layout in terms of what is currently used as farmable acreage on that parcel and what are they doing to that farmable acreage with the arrays, he asked if there were a layout that minimizes the impact to the agricultural use of that lot. He said it is hard to tell with the documents in front of them right now, it would be interesting to him to overlay it with the most productive farm land on that lot vs. where they are laying out the arrays. Mr. Kenna stated they can overlay the prime soils but the soil law says they can't go over 20% . Chair Martindale stated they still have the ability to protect the farm land in the Town as a Planning Board.

Chair Martindale then asked Ms. Rippon Butler if she had any comments, Ms. Rippon Butler said it would be helpful to see the actual current use of the property, what is farmable and full uses, she agrees they need to protect farmable property.

Chair Martindale asked Ms. McGarrahan if she had any comments, Ms. McGarrahan stated she would hold off, Ms. Rippon Butler spoke for some of her concerns.

Chair Martindale asked Ms. Eggleston for comments, Ms. Eggleston said she agrees with what has been said and she would be interested in a site visit to see it and how it impacts the area, she is interested on seeing what would still be farmable and useable, she is interested in hearing more on both sides.

Ms. Black asked how will it impact the neighbors, with they have to view it. Mr. Kenna explained where trees will be for screening.

Chair Martindale stated she is hearing they need more information on how the field is currently being used, some projection of losses for the person who is currently farming might incur or what type of difficulties he might encounter by the new configuration, Mr. Reinemann interjected he is most interested in seeing the configuration of how it currently stands being used and the most productive soils on the lot, Ms. Rippon Butler agreed, and added they have the ability to move them around.

Chair Martindale asked if the lot had a section that is not dedicated to a farm field, is it possible that land be used as part of the project? Mr. Csaplar said he thinks she is referring to the wooded area, and from just a visual would say that is about 10% of the parcel, Mr. Kenna interjected and said they would have to clear cut all of it. Discussion on clear cutting and the view shed from the neighbors.

Ms. Eggleston asked if the panels reflected, Mr. Csaplar replied the panels are coated to cut down on the reflection.

Mr. Reinemann stated he was personally in support of the solar farm; he would like them to think about the most efficient layout of the lot and maximizing the potential for ag with the solar panels there. Mr. Kenna stated they are happy to show that, with the steeper slopes that are not good for farming to put the arrays in there they would have to do grading and the Board is talking about the least impact on the land they would have to grade significantly to get them where they could use them for the arrays while trying to avoid the setbacks and wet lands. Mr. Kenna discussed the grading that would be required to get under a 15% slope and the impact.

Chair Martindale asked if there were a way to get all the arrays in one area and not have them in separate areas of

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the lot? Mr. Kenna replied there is a 100' buffer in the law, between that and the wetlands they would have a very small sliver to work with, that would not be enough to make up for the production.

Chair Martindale asked Mr. Brennan if the law notes how the layout should be done, should it all be contiguous? Mr. Brennan said he will look for that but he did not believe it has to be, he thinks the developer would prefer it to be, but it comes down to what the particular site allows. He then asked Mr. Baker if he had any comments. Mr. Baker stated he agreed, based on what the site will allow with the topography and setbacks.

Ms. Eggleston asked what are the arrays on, Mr. Kenna said they are on steel frames that are driven and the racks are built on them he added they use steel piles because there is no disturbance.

Mr. Csaplar discussed using sheep grazing to maintain the land with the renewable energy being created on the land. He added Mr. Renz, the owner is keeping the remaining land in farm use.

Chair Martindale stated they look forward to having the concerns reviewed by their company and they can get back to them next month.

Mr. Brennan said a site visit was suggested, discussion ensued on scheduling. It was agreed upon a site visit for Saturday, September 26, 2020 at 9:30 am at 235 Wall St, meeting at the North Entrance.

Mr. Csaplar asked to clarify what the Board is looking for, if they want a second arial color coded to show what is used as grazing land? Chair Martindale stated she thought it was a hay field. Mr. Reinemann stated he is interested in the most productive soils, Mr. Kenna said they can do that, he stated they submitted the wetland form and it will show you the soils and things that are in the various areas, Mr. Reinemann reiterated he is looking for the arrays vs. the soils. Mr. Kenna agreed they will give them an overlay using the USDA data.

Chair Martindale asked if there were any other business for the Board, none was noted.

Ms. McGarahan made a motion to adjourn the meeting at 8:50 pm.

Mr. Reinemann 2nd the motion.

All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk