

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 1 of 11

Planning Board Members Present: Melanie Eggleston, Susan Martindale, Chair, James Heber, Vice Chair
Chad Reinemann, Britt Basinger, Lisa Black, Mary Beth McGarrahan and Holly
Rippon-Butler

Members Absent: Jeff King

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, Application #0001-20, Bernard Shaw, a lot line adjustment and minor subdivision being represented by Dan Shaw. Mr. Shaw explained his application; his father's estate was turned over to him about 10 years ago and they are in the process of settling it, there are 4 siblings. He said it is a subdivision creating 3 lots, 1st is a field, stand alone lot, 2nd is a field and the 3rd will be the existing home. To square up the lots the additional acreage will be a lot line adjustment with his sister's lot and the swampy area across the road. The house is to be sold to another family member and as the Board requested, they added to the map the 14-acre lot could not be further subdivided.

Chair Martindale reiterated Richard Colozza, Code Enforcement Officer said that field needed to be designated as open space, Mr. Colozza responded yes in perpetuity and can only be used as agricultural, that's how the Board grants the substandard lot. Mr. Shaw pointed out the dwelling is the substandard lot. Chair Martindale asked if the verbiage was on the map, Mr. Shaw responded yes and he had Mr. Colozza look at it to make sure it filled the request. Mr. Colozza stated he did not have time to review it until today and what's missing is that is not a lot behind the house, that's the open space for the subdivision and it can only be used for agricultural it gets stamped that way for perpetuity. Mr. Shaw agreed. Mr. Colozza said that is the requirement for the open space in the APD lot 3 is only used for APD use, no house. Mr. Shaw said this Board agreed to 1 house on that lot. Mr. Colozza explained open space needs to be 50% of the entire lot being subdivided. Mr. Shaw said that was not what was discussed the previous month, Ms. Garnsey interjected that it could be the other lot. Mr. Basinger stated he needed to decide which way to go, Mr. Shaw said the other lot as far as not being able to subdivide, he didn't want to lose the sale, he is purchasing lot 3 himself that is why he agreed not to be able to subdivide, but he doesn't want to restrict it because he is thinking about building a home and moving there, that could change but he doesn't want it to say he can't put a house on it. He said if the Board is saying either that or go to the Zoning Board, ZBA he will go to the ZBA if there is something else this Board can do that is fine. Mr. Colozza stated he could break it into 5 acre increments as a conventional subdivision, Mr. Shaw said he didn't want to do that, Mr. Basinger said they would be a minimum of 5 acres so the small lot would need 5 acres. Mr. Shaw added he could divide it in half but at the last meeting they agreed it couldn't ever be subdivided and giving the small (house lot). Mr. Colozza said only under the APD, conservation design, there are 2 options, either do a conventional or go to the ZBA, Mr. Shaw said that is all new tonight, Mr. Colozza said to get the substandard house lot that is what you have to do, otherwise 5 acres goes with the house, Mr. Shaw agreed and added or go to the ZBA for a variance. Mr. Colozza stated he either take 5 acres out of the 14 for the house and also show 50% open space for either way he goes, or it means going across the road and take 5 acres. Mr. Shaw asked if they went to the ZBA for a variance he doesn't have to show 50% of open space? Mr. Colozza responded nothing is established yet as that being a lot, you can ask them for it. Mr. Shaw said the original dialog was they were going to the ZBA with a recommendation from this Board that it could be done, what has changed. He added he is willing to keep pursuing that. Chair Martindale

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 2 of 11

agreed as she remembered the last meeting the big lot would be agricultural only and he could have 1 home, now there's this 50%, Mr. Colozza explained it will be applied to the APD regulations with shrinking lot sizes, he can't get away from 50% that goes with whatever subdivision he does, somewhere he has to show 50% of all the land as open space, each lot will be broken out and he comes back with a map breaking every lot out as 5 acre increments to show the density. Chair Martindale asked what if he wanted something different? Mr. Colozza responded then he can start reducing it down, say one building lot. Chair Martindale stated that would be up to Zoning, Mr. Colozza said they can refer him to Zoning and say you are not going to give him a substandard lot when we do a subdivision you have to go by the Zoning aspect at that time, that's 5 acres with the house and then 5 acre increments in the back, the back lot would be 9 acres and could be a building lot. Mr. Basinger said he could also take 4 lots and ensure there is 50% or 15.5 acres of designated open space, so do the 4 lots and make a total of 15.5 acres open space. Mr. Colozza said as long as it is 50% of the total lot as open space. Mr. Brennan, Counsel to the Board, said a Conservation subdivision is a conservation analysis where the open land and residential structures will build and from there you are to create a subdivision around it, however they are getting out of step with that process, he then read the regulations and stated he doesn't think it has to be one contiguous space for the open space, he added they are suppose to do an environmental analysis of the property to be able to say what should be conserved. He added he doesn't have a problem with the house on that lot but it's got to have 50% open space. Mr. Basinger interjected the two larger lots would have the 15-acre open space per Counsels point, look at preserving agricultural and open space. Mr. Shaw reiterated a portion of the 144-acre lot and the lot across the road could have some out of each to get the 15-acre open space, but somewhere down the road when someone wants to do something how is it determined what is available? Mr. Basinger responded it is included in the subdivision plot itself, the survey and description of the property. Mr. Shaw asked if they were going to determine that tonight? Mr. Basinger responded no, the surveyor will help you determine that and then they would approve what he proposes or not, Mr. Brennan a building envelope with the conserved area for open space, Mr. Shaw stated there is a section with wet lands and that would not be buildable, Mr. Brennan agreed and said they would identify that and what would be a good building spot based on soils and slopes. Mr. Shaw asked if it would be better if it says he has the right to use 1 or 2 acres to build a home and not have to identify it tonight, Mr. Brennan said the point is in the planning process they don't want a house built in the middle of the farm field, the way a farmer would do it would be to build a house in a corner of the field. Ms. Rippon-Butler interjected there is a list in the book that is used as guidelines to preserving agricultural. Mr. Shaw said if he went to the ZBA for a variance for the substandard lot he wouldn't have to go through this. Mr. Brennan said what Mr. Colozza is saying is you still need 50% open space conserved, Mr. Colozza agreed, Mr. Shaw said they already subdivided one other lot out with the ZBA and didn't have to go through this. Mr. Basinger stated it is because this is more than one lot, and he added he can either do a traditional subdivision based on Zoning or he has to do an APD subdivision. Mr. Shaw asked if it were still a minor subdivision, Mr. Basinger responded yes, but it still triggers subdivision regulations. Mr. Colozza said it is considered a minor, but it depends on what he does, if he goes with a conventional it depends on the number of lots created. Mr. Shaw said it is staying a minor he is not interested in breaking up the field, but now you are saying things are different, his option now is to hire someone to determine where the house should go and then put in plot notes that restrict it. Mr. Brennan responded yes, a conservation easement, the land that is set aside 50%, whether taken from 1 lot or multiple lots is recorded at the County Clerks office so anybody who buys it down the road knows the portion set aside for building lots and anything left open space is off limits and needs to stay in perpetuity with a legal description. Mr. Shaw asked what if they say the best place is in the middle of the field? Mr. Colozza stated he needs to do a deep hole and perk test as proof, Mr. Shaw said he wanted to build in the corner to avoid that, he reiterated that if he goes to the ZBA he doesn't need restrictions on the 2 big lots, Mr. Colozza said the open space will still have some restrictions, you cant avoid that, whichever subdivision you choose you will have restrictions, Mr. Shaw stated he didn't mind some restrictions. Mr. Colozza said the restriction will be you are not putting a building there the Board does this all the time with agricultural subdivisions to allow for a substandard lot, you have to do it that way or you go to the ZBA and ask for a

substandard lot. Mr. Brennan interjected if there is a basis to give a substandard lot. Mr. Shaw said if he makes the house lot a 5-acre lot they are destroying the field. Mr. Basinger stated he can put restrictions on the 3 acres, Mr. Shaw responded no, if it will not be a substandard lot, he will have to add 4 acres to it. Mr. Basinger agreed and added or put development restrictions on the rest. Mr. Shaw reiterated if he made the house lot 5 acres, he wouldn't have to put development restrictions on the big lot, Mr. Brennan said Mr. Colozza keeps saying you still need 50% open space. Mr. Colozza responded he has to with a conventional subdivision, he then asked when were the other lots boke out, what year? Mr. Shaw said there were 3 lots take out, 1968, maybe 1970 and his sisters was his home that his father had to go to the Planning Board and then Zoning to get that, it was a stand-alone field and there was no acreage or open space requirement at that time. Mr. Basinger asked what year that was? Ms. Garnsey said 1994, 1.5 acre. Mr. Colozza stated he is right at the major subdivision aspect. Mr. Shaw said there was only 1 subdivision off it, so it is 3 lots, Mr. Colozza agreed and added it's in the subdivision book if it is more than 4 it is a major subdivision.

Mr. Berkhardt asked to address the Board, he stated it's 31.5 acres and the minimum lot size is 5 acres so he can potentially get 6 lots out of it, he asked if they were all buildable would there be restrictions on each to make up 15.5 acres for 50% open space so those owners would be told what they could build on their land? Mr. Brennan explained it wouldn't necessarily be on all lots it depends on the study of the land to see where specific features and there could be 1 lot with .5 acres buildable window and 4.5 acres reserved as open space. Mr. Berkhardt then asked if he went to the ZBA and subdivides he still has to maintain 50% open space? But he doesn't have to have that 14 acre field there is some across the road that could be open space and it would also be more than 50% so he could put a house on the 14 acre lot? Mr. Brennan said yes, he explained it does not have to be contiguous, he could have some on either side of the road. Mr. Berkhardt reiterated the 14 acre lot could have a house on it. Mr. Brennan said there has to be 50% over the entire subdivision. Mr. Colozza said he was trying to figure out how much is needed after pulling out the lot line adjustment. Mr. Shaw reiterated there could be 10 acres restricted here and 5 acres restricted there, Mr. Brennan agreed and stated it depends on what the earth looks like, on a piece of paper you cannot tell what it looks like, he said they need to go back to the book, come in with a conservation analysis prepared by an environmental professional showing the mapping of the whole thing, the environmental features and a proposed plan of where the houses should be, can't put it in the wetlands and you're not suppose to put it in prime farm land, but you are skipping through a lot of the process. Technically you are supposed to come in with a standard subdivision with lots at a minimum of 5 acres up to whatever you want, instead of that you can do an open space subdivision, shrink some of the lots, keep the same number and have oversized lots. Typically, you look at how you would lay it out as a traditional subdivision and get a lot count, in theory you could do 5 one acre lots and one 25 acre lot, you don't need to carve out 5 acres per lot, the big open areas are supposed to be put into a conservation easement for perpetuity with no building on it. There is a way to do what you want but you have to go through the steps, this Board doesn't have the information to tell you where they want the house looking at a sheet of paper in black and white. Mr. Shaw stated what is frustrating is he has to hire an engineer, all the soils are the same and he is going to tell him where to put the house and that is big money, he added he is willing to offer the Board a site visit and restrict the building to one of the four corners. Mr. Basinger said part of the process was evaluating the wetlands and slopes and that tells you where you can build on the lot, that determines the map. Mr. Berkhart stated Counsel is saying there is a process they need to go through in order to do an open space subdivision, if you want a standard subdivision you wouldn't need to do that. Mr. Shaw expressed his frustration, and stated he has been working on it since April, he asked what the Board wanted him to do, he was going to loose the contract of sale, a farmer wants the one field, the house will be sold to a relative and he wants a lot he thought last month it was nailed down. Mr. Colozza stated all he is lacking is the language 50% of the subdivision will only be used for agricultural. Ms. Rippon-Butler asked Mr. Colozza if he was looking at page 39 "Cluster Development", Mr. Colozza responded no, it's in the Zoning, Ms. Rippon-Butler asked where it said that, Mr. Colozza said there are 2 sections, starts on page 37 and the other starts on page 103, he is supposed to

submit a map both ways when it's in the agricultural district. The easy way to skip through because of the farm field that is going to be the open space in perpetuity and that's the end he could get a substandard lot. Ms. Rippon-Butler agreed and stated she was trying to find the 50%, she found it in the cluster development but that is different. Mr. Colozza said it is all the same conservation or cluster, they have done it in a few places, they eat up the road frontage and left the farm field in back. Ms. Rippon-Butler stated she understood but the language in the book says building lots and road ways cannot exceed 50%, that's different than saying open space must be 50%. Mr. Colozza stated the object is to preserve agricultural. Mr. Basinger interjected he wanted an open space subdivision and didn't know the process. Mr. Colozza stated the right way to do it is to send him back and all the natural items in the book have to be listed with exact amount of acreage and everything and then you start looking at the subdivision. He added it's the Board's decision to do a substandard lot to preserve something of that nature that's the what the 14-acre lot would have been. He added they don't have everything, you have a stream that goes along side of one of the lots, you have to have that all broke out, have to have exact acreage of the farm field on the other side of the road, he knows what the acreage is on this side, otherwise you can't make a decision where it comes from, kind of cut & dried you got 50% and open field, he was looking to streamline it and make it easy. He added the ZBA will look at the small substandard lot with the house and they will say why can't you put 4 more acres with it. Mr. Shaw responded he can but they you would cut into that field, is that what the Board wants, he thought the agreement was to mark the 14-acre field no further subdivision in perpetuity and then you would grant the substandard lot. Mr. King and Mr. Heber both agreed and said the entire Board liked it. Mr. Basinger stated there is a misunderstanding about the process. Mr. Berkhardt stated if he were going with a substandard lot, you would have to go to the ZBA because this Board cannot approve that, then he said Mr. Colozza said there was something that would cover that, he thought that was the intent, now after research or something Mr. Shaw can't put a house on that lot he thought he could so now he has to go to the ZBA because this Board can't approve that or he makes it a standard 5 acre lot subdivision? Mr. Basinger said even if Mr. Shaw wants to go with the 5-acre subdivision they cannot do that tonight. Ms. Rippon-Butler stated it was clear on page 113 what is required for the mapping.

Mr. Shaw expressed frustration because this Board called a public hearing, he did what the Board previously requested and now the Board is saying if he makes the house lot 5 acres, he still needs to set aside 50% open space, Mr. Basinger said if he makes it 5 acres, he doesn't have to set it aside it's based on Zoning. Mr. Shaw said he didn't understand that even if the ZBA allowed the substandard lot he still had to set aside 50% because if he gets the variance that is zoning and this Board can do the same here. Mr. Basinger reiterated Mr. Shaw says the ZBA may grant the variance. Mr. Shaw agreed and added he wanted to go with this Board's blessing because the Zoning Board has to do it, or this Board can agree to make the lot non-divisible and agree to the substandard lot like you agreed last meeting or can you do a joint public hearing with the Zoning Board, Mr. Colozza said that would be separate because he is already doing this public hearing, he said Mr. Shaw can withdraw everything from here and ask the ZBA for a substandard lot but they are going to look to this Board for a recommendation. Discussion ensued on how to proceed.

Chair Martindale stated he can go to the Zoning Board with this plan but this Board cannot speak for them. Mr. Brennan explained in Zoning Law it's in the APD zone and all permitted and special permitted uses (residential) within this district will require 5 acres of land and in addition all minor and major subdivisions located in the APD will be required to utilize conservation subdivision design, you can go to the ZBA and ask for the undersides lot and they may or may not agree to grant the variance, if they agree you come back and say the ZBA agrees that particular lot can be 1.5 acres but even when you come back it still says, every subdivision has to go through the conservation design process, it does not have to be a grueling exercise but the codes speak showing mapping, showing steep slopes water features, wetlands, open fields and ag soils they can decide where the lot lines should be and where the house sites should be. You can suggest something and they can review it against those features to

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 5 of 11

see if it makes sense. Mr. Basinger it will show how likely you will be able to build where you want and preserve what you want, you just have to go through the process. Mr. Shaw agreed and said he will decide and he may come back for the maps he submitted.

Chair Martindale stated they would table the public hearing and wait for additional information. She then announced the next item on the agenda application # 0006-19, applicant Adam & Dawn Schweikert, minor subdivision. Mr. Schweikert displayed a map of the property and explained he was here in November, 2019 and had an agreement from the Board thinks were ok, Ms. McGarrahan asked Mr. Colozza to refresh what was done? The Clerk stated he needed a survey, Mr. Schweikert stated he was unable to make meetings due to family health issues and Co-vid, until now. He then explained his proposal as taking the southern part of the parcel where he has lived for 28 years, they rehabbed the building and made it multi family, he lived in the back and had 2 apartments in the front, now they want to downsize and get away from renting, he added they don't want to sell the entire parcel and these 2 proposed lots are larger than the average on both sides of Rte 4. He explained they have a small cottage there with a bathroom & bedroom and a gazebo that sits on the edge of the river, they have a kitchen, living room and dining room. He stated he marked the distance between things on the map, Ms. McGarrahan stated the southern part already has a multifamily on it, which makes it a duplex dwelling, he needs 40,000 sq ft and is he looking to do a variance? Mr. Colozza stated both lots need variances, substandard lots he is trying to create. Mr. Brennan asked what happened in November, was something approved? The Clerk stated he needed a survey map. Ms. McGarrahan asked if new buildings were going on either lot? Mr. Brennan asked who owned to the North of this property and added there is a shed there. Mr. Schweikert responded the State, and they are talking about re-doing the bridge. Ms. McGarrahan asked if the shed was his, Mr. Schweikert said yes, but it is not on his property. Chair Martindale asked if the waste water from the dining room, living room and kitchen building is tied to the same septic? Mr. Schweikert replied he added an up-pump system into the septic tank, they each have their own septic and water systems on their 1/2 of property.

Mr. Basinger reiterated they each have their own systems and asked how he came to the conclusion for 2 substandard lots and if anyone gave him any direction on it. Mr. Schweikert said no, it was a family decision, his grand kids come to visit and they didn't want to sell the entire parcel. Mr. Basinger asked if the ZBA has looked at this? Mr. Colozza said he is going to the Zoning Board. Mr. Basinger reiterated the reason he is before this Board is the shoreline overlay and the subdivision, but the subdivision has substandard lots and will need several variances to advance this project. Mr. Colozza agreed, Mr. Schweikert asked what the variances would be? Mr. Basinger responded the lot sizes for each independent lot and the shoreline overlay, need to ensure the Zoning is met between these and the river side, the septic fields most likely require a lot of ground area and separations. Chair Martindale stated the septic & well are only 60' apart and asked if zoning was 100' foot for that. Mr. Schweikert stated they are 79' and 60', Mr. Brennan stated the distance between well & septic varies with new designs, slopes could make it between 100' & 150'. Mr. Basinger stated he was asking because it appears he has invested considerable money and it doesn't follow zoning requirements, wondering how he came to the conclusion and if anyone gave him direction on it or if he is just thinking the Board may allow it. Mr. Schweikert stated it was his decision, he is trying to stay in NY State, sell off part of the property, be able to pay off the mortgage and not have to deal with renters, they would like to stay in the northern Area. Mr. Brennan asked where he lived now, Mr. Schweikert replied in the northern area in the 2 cottages, Mr. Brennan reiterated in the southern area there was 2 apartments and what use to be his home? Mr. Schweikert agreed, Mr. Brennan asked if those 3 were rented, Mr. Schweikert said 2 are the 3rd is empty, they are remodeling it and getting ready for sale. Mr. Brennan said there are a couple of thoughts for this Board, typically this needs to go to the ZBA for variances before this Board can take it up, one thing you can do is grant this Board permission to drive by, pull in and take a look at it. Mr. Schweikert agreed, Mr. Brennan added this Board will send it to the ZBA however, they are picking up on the possible difficulty of getting approvals from the ZBA, Mr. Basinger agreed and said there is no real hardship here, the

proposal doesn't comply with zoning, Mr. Brennan asked Mr. Schweikert if he has considered selling the whole property and keeping a portion as life estate and not have to subdivide? Mr. Schweikert said no. Discussion on life estate ensued.

Mr. Schweikert asked what the next step was if they wanted to go forward with the subdivision, Mr. Brennan said he will have to make an application with the ZBA for the variances, once he secures the variances he will come back to this Board for the subdivision and shoreline overlay review. He added he is getting from the Board there are questions on the shoreline overlay, the protection area and if it qualifies for the requirements. Mr. Schweikert asked where he gets the application, Mr. Colozza stated the Clerk will give you one, the Clerk asked if they could list the variances needed since they said there are several. Mr. Brennan stated Mr. Holbritter, his surveyor can help him with that but the major one is the lot sizes, the multi family needs 40,000 sq ft and he is trying to make 2 substandard lots out of an already substandard lot, there is a question of having enough room to do a replacement of the septic for a multi-family unit, not knowing the soils. Mr. Basinger agreed and interjected it is also along side the river, the shoreline overlay is a special district and they want to follow the intent. Mr. Colozza stated the leach field has to be a minimum of 100' from the river. Mr. Basinger suggested the Town's engineer review the site plan for all NYS Building Codes and DOH, Dept. of Health, requirements. Mr. Schweikert agreed.

Chair Martindale announced the next item on the agenda, application # 0003-20, applicant GSPP 235 Wall St, LLC, solar project, she stated they have received the full EAF, lease agreement, decommissioning plan, a draft of O & M contract, photo simulations and site plan drawings, she asked if there was anything the applicant would like to add.

Mr. Basinger recused himself.

Mr. Csaplar stated the prior concern with the site plan was the percent of coverage, in talking with Willard Peck, Town Supervisor, they went over definitions of lot coverage requirements, it was determined any portion of the land within the fenced area is going to be considered lot coverage, they reduced the arrays foot print significantly, there were 3 different sections of arrays and they have eliminated the middle one so now there are 2 separate arrays and it takes up 19.5% of the lot, the actual acreage used is 21.25 acres, it has been reduced by 13 acres, they also extended the arrays Southward to go within the 100' setback.

Mr. Kenna addressed the Board and said before they were 9' from the fence line and they realized they needed 100', 21.2 acres out of 108.5 acres is 20% of coverage. He added with the 100' setback met they won't be looking for a variance, 21.2 acres is everything, the roads and fences, so out of 108 acres it is under 20%. He stated the main reason for them here tonight is to make sure everyone agrees they shouldn't need any variances, he said they added 2 locations of the maintenance lights with timers, Knox Boxes for emergency access at the gates, a combination box with a key inside for 1st responders, he said Mr. Csaplar brought photos of what it will look like. Mr. Csaplar stated the Board asked for locations of other local arrays, he found 3, Brunswick NY, Geneva and Allison NY, he brought photos of them and gave them to the members. He also stated he found an informative web site (www.sheepmowing.com) regarding sheep farming with the arrays as a means to mow the grasses. Mr. Brennan asked if the one in Brunswick was in the Garfield Rd area, because he went to their Planning Board for years and sat through the approval. Mr. Csaplar said he was not sure he took the photos off competitors websites.

Mr. Kenna stated he would like to see if lead agency for SEQRA, State Environmental Quality Review Form could be declared, Chair Martindale asked if the two shaded areas were fenced in separately, Mr. Kenna responded yes, because of where they are and the distance apart. Chair Martindale reiterated the 19.5% of coverage is all fenced areas of both sections and the connecting roads in between? Mr. Kenna said yes, that's included too, that is actually

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 7 of 11

existing, it is the farmers road, he said they counted all the roads, the small access road to the utility pole and for National Grid to go in and turn around, the fence, tree line on the outside of the fenced area they will plant because that will be a disturbance, all is included in the 21.21 acres of disturbance. Chair Martindale asked if currently both of those sections were being farmed. Mr. Csaplar said yes, pastor.

Mr. Colozza said Mr. Baker, Town Engineer made a list and he can explain. The Board reviewed the letter dated 7/30/2020, Mr. Baker explained it was based on the old plan. Chair Martindale asked about elevations and approached the displayed site plan. Mr. Kenna pointed out the slopes and flat areas, the arrays are on higher areas, they discussed grading, Mr. Kenna said the arrays can tolerate about a 15% North / South slope before it is too steep. Chair Martindale asked if it will be on the lower area. Mr. Kenna stated he does not have the actual topo numbers, but they are definitely on the higher areas because there is a stream coming through the valley, he discussed the most difficult to grade and the current proposed plan will require a lot less grading.

Mr. Baker asked if the Board prefer, he go through his list comment by comment. Ms. Rippon-Butler asked which proposal they were missing items on? Mr. Brennan suggested they just go through the comments.

Mr. Baker explained;

1st Comment is related to the 100' setback, Mr. Csaplar stated that has been changed.

2nd is the height of the panels, looks like that is now shown,

3rd is based on the old plan, it could be on the new plan as well, need to see a detailed breakdown of access roads, panel areas, lanes in between panels, a real detailed breakdown on how you arrived at the 19.5%, Mr. Csaplar stated they can label the distance between the panels but they did count everything inside the fence, they thought it was just the panels themselves but the Supervisor indicated they need to include the space as well, the intent was the footprint not just the impervious surfaces, the intent is 20% of the entire parcel and it wasn't the standard definition they think of lot coverage. Mr. Baker asked if they could add that to the map and tabulate each one in between. Mr. Csaplar said they did on this version. Mr. Baker stated also want to see all structures, and he assumes the means of conversion will be inside the fence. Mr. Csaplar said yes and indicated where the 2 pads for the transformers were inside the fences. Mr. Baker stated also to see the tree removal and electrical trenching.

4th Was related to the previous plan, wetlands. Mr. Kenna said yes and after conceptional approval they will provide correspondence, delineation and any reviews they have with USACOE & NYSDEC.

#5 has been taken care of with 1st, 2nd and 3rd comments, detailed breakdown of all disturbances.

#6 he makes a suggestion the Town Fire Code Marshall and Fire Department take a look at the plan, if they are looking for any additional type of access road and get some kind of confirmation from them if a perimeter road is required in case of a potential fire. Mr. Kenna stated if they let them know who the contacts are they can send them copies. Mr. Baker said he hasn't checked the width of the access road but he assumes it's 20'. Mr. Kenna said they have included it even though it is existing, they will have to clean it up, it is a pretty good road and has culverts already but they may need to dress it up.

#7 need additional details of point of connection.

#8 need documentation from NYS Historic Preservation and SHPO, State Historic Preservation. Mr. Kenna stated that is the same as #4, they like to wait until they get a site plan and they can do the SWPPP, Stormwater Pollution Prevention Plan and grading report. Sometimes they ask them to do a dig, sometimes they ask where they are in the field instead of the whole 108 acres.

#9 need to contact the FAA, Mr. Kenna agreed and stated it is under study now and they will provide the results.

#10 he did see the decommissioning plan

#11 details of the SWPPP before any disturbance and obtain permits under NYSDEC GP #0-20-001

#12 is related to the center portion, when they preparing the SWPPP take a look at the slopes

#13 the maintenance plan, interested in the weed control and access roads, keep in mind herbicides and pesticides

are prohibited.

#14 added lighting, provide details

#15 noise producing equipment, Mr. Kenna stated only transformers, and indicated where the pads were on the site. Mr. Baker asked for documentation on them, Mr. Kenna stated they need to get to the point with National Grid so they know the size and all that.

Mr. Baker said next comment is regarding the SEQRA, State Environmental Quality Review Form and he will refer that to Town Counsel, he does suggest the Board may want to consider additional visual points, there are some high end houses particularly on Beaver St, view sheds from the properties should be considered. Mr. Kenna said that is part of the reasoning for the trees / evergreen screening, but some Towns don't want a line of trees in farm fields so they do vegetative mixes.

Mr. Brennan asked if this new plan has been submitted officially. The Clerk responded it was received today.

Chair Martindale asked how much power this new proposal will generate, approximately, Mr. Csaplar responded approximately 3 megawatts as it stands now, Mr. Brennan reiterated it was community solar. Mr. Csaplar said yes and the "off takers" or consumers will see up to a 10% reduction in their electricity bill, 3 megawatts will power roughly 350 – 500 homes, the "off takers" could be residential, hospital or schools, hospitals and schools will also see up to 10% off their electricity bill.

Mr. Brennan stated they started the presentation tonight with SEQRA, and asked what else was on their wish list, what are you looking to accomplish with the Board, Mr. Csaplar said schedule a public hearing, Mr. Kenna said declaring lead agency for SEQRA, to get the process going and regarding the new plans that they are in agreement they will not be going to the ZBA for a variance. Mr. Brennan stated he had a conditional response, he felt the revised plan did away with issues regarding a variance for coverage terms as well as setback distances, but he will defer to Mr. Baker once he looks at the plans with all the calculations, the two issues were getting the 100' from the property lines to the fence and 20% of total lot coverage. Chair Martindale asked if the Board had any thoughts and if they were in agreement.

Mr. Brennan stated they are asking about SEQRA and public hearing, on SEQRA it qualifies as a Type 1 action, it is more than 10 acres of disturbance and also within the Ag district, the Ag limit goes from 10 to 2.5 acres, so either way it will be Type 1 under SEQRA, the Board has the option to declare intent to be lead agency, if that is the intent the Board dos a letter to all other interested involved agencies notifying them of the project and asking them for consent or position of the Planning Board being lead agency. There is a 30 day window from when that letter is sent to when you get a response back, if they don't respond in 30 days it's considered they don't have a position and then when the Board next meets you can declare yourself lead agency and undertake the SEQRA process. He added his first opinion is he doesn't think the Board is ready to schedule a public hearing next month based on Mr. Bakers list of additional information he thinks is appropriate. However, he doesn't think you want to put the applicant through a full SWPPP without a final plan, however he is asking for information and you should have that before scheduling a public hearing. Chair Martindale asked if they should have it before SEQRA, Mr. Brennen said they don't need it before you decide your intent to be lead agency, you can't take action to declare until its received, technically you can and do an impact statement but you should look at the environmental impact based on the information, he then asked Mr. Baker if he had anything to add. Mr. Baker agreed. Discussion ensued on the timing for the SWPPP.

Mr. Brennan stated if the Board wants to express the intent to be lead agency on SEQRA he will prepare letters to the involved agencies before next month, Mr. Baker can do a review of the revised plan and the applicant can get

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 9 of 11

the information from Mr. Baker's list. The Board can ask the applicant for additional information or request Mr. Baker put it in his next memo.

Mr. Brennan said what it comes down to at the public hearings is the visibility, Mr. Baker put together recommendations and thoughts of the view shed materials needed he asked if the Board had any reference points or locations they would like to see. He added they will log it all in the record and anyone that comes to the public hearing can view it and make comments. Mr. Kenna stated they will get pictures but they don't like to enter private properties, they can run a GIS analysis based on the topography to get a rough idea. He explained they create a sims file that they make the fence 8' tall, they then put shapes in and run it all by the topo, it is not perfect but it gives them a rough idea. He said they take an AutoCAD file and bring it into the real-world pictures, or if someone is interested, they go to the site and put something in the air 8' tall to see where it is visible. Ms. McGarrahan asked if they determine the view shed with someone standing on the flat or at the highest point? Mr. Kenna replied it is a model they use shape files 8' tall and use a 2 mi radius to see where anyone 6' tall could see it.

Mr. Brennan explained the colors typically used on the map, red is visible and screened by the tree cover and vegetation, green is not visible, if the Board needs more information, they can ask for it.

Chair Martindale asked if there were any questions or comments from the Board, Ms. Black asked what the life span of the panels was, Mr. Csaplar responded they decrease in production, about 1% per year they have a 25 year lease, at the end of the 25 years they will be at about 75% efficiency.

Chair Martindale made a motion to declare intent to be lead agency on SEQRA and direct Dave Brennan, Town Attorney to circulate notice of that intent to the involved & interested parties.

Ms. Black 2nd the motion

All in attendance unanimously agreed.

Mr. Brennan stated they can expect another review from Mr. Baker, Town Engineer next month.

Chair Martindale announced the next item on the agenda, Frank Romono asking for an adjustment to a building envelope for a lot on Mott Road, part of the Solomon Subdivision. She then asked Mr. Colozza how many lots were involved in the subdivision, Mr. Colozza replied 10, and added it was done under the APD regulations, the homes are to be placed along the hedgerow to conserve agricultural.

Chair Martindale asked where the current envelope was on the map, Mr. Romano indicated the square in the back about 700' from the road. Mr. King asked if he was looking to move it closer to the road, Mr. Romano said yes as close to hedgerow as he can to meet the setbacks, power is already there and he wants the least amount of disturbance to the land as possible, they have 2 horses and want them in the back, not near the road. Chair Martindale asked if he was proposing to use the current driveway, Mr. Romano said yes and the power is right there. Chair Martindale asked if there was any information on the plat for the building envelope, Mr. Colozza responded just the location in the back along the hedgerow. She then asked if there were any notes to restrict the Board from moving it, Mr. Colozza said under deed restrictions that's all it had, the very back part they have an open space and they are trying to come forward. Chair Martindale asked what he was proposing for the setback from the road, Mr. Romano said 50', she then asked if the proposed well and septic were on the map, Mr. Colozza said no, didn't do any deep hole or perk because most of the lots were large. Chair Martindale reiterated this lot allows for the septic and well to meet the setbacks. Mr. Brennan asked if the building envelopes were contained within a conservation easement or other deed restriction. Mr. Colozza said no, the only thing is the open space line drawn at the back of the lot, but it can still be used for agricultural if they want. Ms. Rippon-Butler asked if there

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 10 of 11

were any structures on the lot now, Mr. Romano said no, he just purchased it. Mr. Colozza added the only thing there is a drilled well. Mr. Romano said the power has been there since 2013. Mr. Brennan asked where the well is in relation to the proposed building envelope, Mr. Romano said 20' in front of it by the road, Mr. Colozza interjected when he bought the lot he was told there were no restrictions. Mr. Brennan asked why the well is there, Mr. Romano said he put it in and then found out about the building envelope. Chair Martindale asked if there were any other questions or comments, Ms. Rippon- Butler asked if they should look at the original map, Mr. Colozza said they could bring it in if they wanted, but he is saying it will be within the front 50' setback line and keep the same amount of open space with the exception it is moved 700' forward, the intent of the subdivision to begin with was to leave the open space and agricultural and that is what he is trying to do. Ms. Rippon-Butler agreed. Mr. Brennan said the proposed envelope and the lots next to it appear to be consistent.

Chair Martindale made a motion to waive the public hearing,
Ms. Rippon-Butler 2nd the motion,
All in attendance unanimously agreed.

Ms. Rippon-Butler made a motion to allow the building envelope adjustment contingent upon a new survey submitted and recorded with the County and Town.
Ms. Black 2nd the motion.
All in attendance unanimously agreed.

Chair Martindale announced the next item on the agenda, Tankards Tavern

Eric Heym introduced himself as owner and his Realtor, Susan Cobb. He stated he has an interested buyer for the property, they have several restaurants in Saratoga and on Saratoga lake, Lake Local or 554 Waterfront. They want to use it as a commissary kitchen to service their other restaurants and eventually put a restaurant in here. Lake Local also has a marina and use to store the boats in the parking lot until the building burned and they rebuilt larger and there is no room for boat storage, they are looking to store boats on this property that is a stipulation for the sale, only boats from their marina will be stored there, the average size will be 22' and most will be on trailers, the will be serviced and winterized somewhere else, it is a 3 acre parcel, the map shows where they want to store the boats and there is a buffer all the way around, boats would only be visual from the end of the building and that can be rectified with a fence.

Ms. McGarrahan asked what the maximum number of boats would be, Mr. Heym responded 52 with an average size of 22', it would be low impact, boats are usually in the water until October and stored until about May.

Chair Martindale asked if he was 100% certain all the boats would be removed in spring, Mr. Heym said he would think so, but he cannot be 100% sure, he added people want their boats.

Mr. Brennan asked Mr. Colozza where is this allowed, Mr. Colozza replied in the agricultural district, this is residential 3 acre.

Discussion ensued on needed variances, non-conforming use of a marina and the definition of marina. Ms. Cobb discussed benefit to this community and eventually a restaurant it will be seasonal storage and the buyer is willing to construct buildings to store the boats inside.

Ms. McGarrahan asked Mr. Colozza if a restaurant was ok, Mr. Colozza said he needs to go to the ZBA for use and area variances for boat storage. She then asked what they are doing tonight? Mr. Colozza said this Board will

Town of Northumberland
Planning Board
Corrected by the Planning Board
Monday, August 10, 2020
7:00 pm
Page 11 of 11

be doing the site plan review and can direct him to get variances and if granted they come back and see how to fit the use in the residential area. Mr. Brennan asked Mr. Colozza if it came back it would be a site plan, Mr. Colozza said a site plan is a special permitted use.

Mr. Heym reiterated use variance will run with the land? Mr. Brennan stated they can have a special use variance that runs for a certain period of time, it is not tied to an individual it is tied to the land.

Discussion ensued on the next step, it was determined the applicant needs to apply to the Zoning Board.

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

Ms. Black made a motion to adjourn the meeting at 10:20 pm.

Ms. McGarrahan 2nd the motion.

All in attendance unanimously agreed.

Respectfully Submitted,

Tia Kilburn, Planning Board Clerk