

Town of Northumberland
Planning Board
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Planning Board Members Present: Mary Beth McGarrahan, Melanie Eggleston, Jeff King, Holly Rippon-Butler, Vice Chair James Heber and Chair Susan Martindale

Members Absent: Brit Basinger and Lisa Black

Town Employees Present: Dave Brennan, Town Counsel, Michael Terry & Richard Colozza, Code Enforcement Officers and Tia Kilburn, Clerk

Chair Martindale opened the meeting and addressed all in attendance and asked them to stand and salute the flag at 7:00 pm. Quorum established.

First Item on the agenda; Public Hearing for John Knotek, application #: 0017-21, 134 Thomas Rd, Site Plan Review / Special Use Permit.

Dave Ingalls P.E., Representing Mr. Knotek from Ingalls & Associates, LLP Engineering, Environmental, Surveying; explained the application is for a proposed single-family residence, barns and indoor arena for training and lessons. He displayed and discussed the site plan. Stating there is a 24' wide driveway going into the parking area and a 20' driveway around the barn, there are private well and septic for each the house and the barn. He pointed out the stormwater areas, he stated they believe it will comply with the agricultural protection overlay zone. Chair Martindale asked if there were any comments or concerns from the public in attendance, none was noted. Chair Martindale explained they would move on to the second public hearing on the agenda and return to this application in the regular meeting.

Second Public Hearing for John Cornell, application #: 0018-21, 165 Beaver St, Site Plan Review / Special Use Permit.

Mr. Cornell addressed all in attendance he stated his application is for a horse barn on an already existing property of approximately 76 acres and pre-existing horse farm that does not have a proper indoor riding arena. The proposed barn is multi-purpose help store hay, machinery and they have pregnant Thorobreds and fowls that need a place to ride in the winter and also a safe place to ride indoors. In previous meetings there were concerns from the Town regarding fire safety and access, they took the advice from the Town and built their own access off Beaver St. He stated at some point they plan to build a house in the front pasture, they will need a driveway so they did that now. Also to satisfy the fire code for a 50' turning radius they have designed it, he then indicated on the site plan where and how the access is constructed.

Mr. Cornell described the building as being approximately 125' off the fence line, more than 100' off property lines, they have also since the last meeting created an access (and he indicated where on the map) that continues up the property to where the rest of the barns are, they opened the fence and created another gate. He indicated where the horse barn is with all the horses so they need access, they also put in a water line because one of the paddocks did not have water. Another thing they did since the last meeting, there use to be a dip so they installed a culvert pipe and covered it with sand. Chair Martindale stated she had visited the property and she asked if where the land is flat was where the barn would be built, Mr. Cornell responded yes and explained they did prep it for a riding area regardless if it would be covered or not. Ms. Rippon-Butler asked where the imagine the house to be, Mr. Cornell stated up front on the 21 acre field. He then discussed the topo of the property and some points drop 30 or 40'.

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Chair Martindale stated they are open to the public for any comments or discussion, she asked if anyone wanted to speak, they would state their name for the record.

Mr. Diehl asked if there is an existing house on the property, and they are looking to put 2 on the property? Mr. Cornell stated yes there is a 3-bedroom apartment on a slab it is not a dwelling. Mr. Brennan instructed the public to address the Board and there will not be conversation with the applicant. Mr. Diehl asked how close to the ravine would it be, there will be runoff. Mr. Cornell asked if he could answer, Mr. Brennan stated the Board will address questions and comments in the regular meeting. Chair Martindale made note of questions and comments.

Mr. Gottlieb, from Whiteman, Osterman & Hanna, LLP in Albany, he stated he had sent an email and had hard copies with him tonight for the Board, he submitted them to the members. He stated he was present in behalf of Lisa and Bob Forman, he is filling in for Stephanie Farradino, Esq. his office represents the Forman's in pending litigation regarding the common driveway easement. The common driveway easement is a private matter between the parties and the Planning Board has no jurisdiction over it. It is their suggestion this Board hold off on any determination until that litigation is settled, as it may impact the layout of the proposed application. In the submission of tonight there is a letter from Ms. Farradino noting the project doesn't comply with the zoning code nor does it meet the criteria for a special use permit in the zoning code. Also in the submission is a letter from the Forman's relating to their current use of the property as well as the recent litigation papers that were recently filed. The Farradino letter sets forth several areas where the application fails to meet the Towns code, they see a simple fix to that and that is to change the location of the proposed riding arena. He said you might hear the applicant say that issues that are raised, everything protected by AG & Markets Law, but they say NY AG & Market Law does not protect everything. He highlighted a few items from the submission, the riding arena will be 400' from the Forman's property, they will see the visual impacts of it every day. There will likely be increased traffic on the common driveway, they are seeing the new proposed access for the first time tonight, so they would like time to review and comment on it. He understands there were reasons for not moving the riding arena to a location behind Mr. Cornell's current house, because of the Forman's dogs adjacent to the horses (they provided photos of the dogs and respective property lines) and that does not seem to be an impact. There is feasibility to move the riding arena behind the house and completely mitigate the visual impacts to the Forman's. They have no architecture drawings of the structure, no elevations, they don't know the building height they say the walls will be 16' but he knows from the industry standards this type of riding arena is a 20' high building. Vehicular circulation; adequacy and arrangement of vehicle or traffic access, they would like time to review the revised plan. The access that is shared between the applicant and his client is 10' wide gravel drive and they have provided pictures, it cannot handle two-way traffic and he understands the Code Enforcement Officer and the Fire Marshall have issues with the width and location of the access drive, they would like to see if there are any revised comments from the CEO. They are creating 4 driveways in that area for 3 residents and that will have an increase for conflicts. The proposed site plan does not meet the necessary special use permit standards, a few things to think about that are in the Town Code, what are the impacts to the adjacent neighbors? The impacts are visibility, noise, increase traffic, even traffic going in on the proposed driveway will have a noise and lighting effect on the Forman's. There is no lighting specifications proposed, there is no type of outdoor or night time lighting that will be proposed, these are all impacts that should be studied through the Towns special use permit criteria. He stated he understands SEQRA, State Environmental Quality Review will not be addressed tonight. The potential for flooding and drainage, which is an environmental impact and the Board should look at them under special use permit standards. They submitted pictures for the record that show the exact location of the proposed horse barn, there is ponding and flooding so understanding the drainage impacts of the new impervious surface is necessary to have a complete record. There are zoning compliance issues that they note, they suggest the Code Enforcement Officer and Building Inspector take a look at the letter and the proposed zoning and come up with a determination to see if there are any zoning

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compliance issues. The Zoning Code requires one principal use per lot, here there are multiple uses on one lot, it is hard to describe what those uses are. If the applicant suggests this is one use with accessory uses there should be a narrative in the record demonstrating the same. There is a single-family residence with part-time use, a track tack room that is turned into a residence, someone is always on the property managing the horses. This will require having more than one use on a lot they will need subdivision approval to separate the uses with individual lots. He stated they heard tonight there is potential for a new single-family house in the front part of the property and the Planning Board should figure out whether or not that would trigger SEQRA review as a subdivision. As to not consider that as part of this application would result in SEQRA segregation. The Town Attorney, Mr. Brennan will advise you on that.

Mr. Gottlieb then went through the photos he submitted; proposed alternate location of the barn as their suggestion, taken from his clients house, horses using the location and the clients dogs and there doesn't appear to be any issues showing that not putting the indoor arena in that location is somewhat fabricated, they have an aerial of the driveway entrance, aerial of the project site, picture of the proximity of the project site to the Forman's house, narrowness of the driveway, the land disturbance which has occurred prior to approval, the damage of the common driveway that has occurred from that construction, the elimination of vegetation that has already occurred and the ponding and flooding that occurs. He stated he will submit, for the Board's consideration, to think about the easy fix, the location of the indoor facility, he is surprised the applicant has already disturbed ground and started construction at his own risk the Planning Board should not be bound by any claim that he has already done the work because you heard the applicant say that he was going to use that area for a riding area and there would be not adverse impact to the applicant if the location was moved. He reiterated the simple fix is as a request of his client is to move the location of the indoor facility or at least explore the possibility. He asked if the Board had any questions. None were noted.

Chair Martindale asked if there were any other comments from the public? None were noted. Ms. Susan Nixon, Esq. introduced herself and stated she is Counsel for Mr. Cornell from Lemery Greisler LLC. She stated she would like to point out issues raised by Mr. Gottlieb, she has not seen Ms. Farradinos letter or documentation in front of the Board so she will go off his comments, the updated site plan before the Board should alleviate any concerns the neighbors have, they stated before they have an easement that was a concern and that should no longer be of concern because the new road goes completely within the bounds of her clients property and no longer goes on theirs and it also takes into consideration what the Board was concerned about as access and parking concerns. She stated the argument from the neighbors that 400' will impact the visibility as one, and as far as a subdivision this has been a working horse farm at the time her client purchased it and when the neighbors purchased their home. She feels the Board should ignore any concerns of a single-family home, that is speculative, she asked them to dismiss that in the consideration. As far as removal of vegetation, ponding damage construction of the road, they note there has been a summons and complaint provided but she has not received a copy of it yet but per the terms of the easement the proper venue is arbitration and not in the Supreme Court of Saratoga and it is not subject to the jurisdiction of the Planning Board. She asked if there were any questions, none were noted.

Mr. Green, he is a neighbor of both properties, these two properties have had difficulties in coming to an understanding it is his point of view as an immediate neighbor that simpler is better and there has to be a way to figure it out. He does not particularly care what neighbors do with their property, that is why people buy property is to build it the way they want it to be. He does not care what he sees out his window, if he did care he would have bought the property. The Board has an unenviable job as long as they are staying within the rules, laws, setbacks and fire code he would like to see the Town stay the way it is, people come here to have separation from their neighbors. However, this fits into the Town's rules and regulations so be it, but the Board needs to give consideration to all those things, water and traffic and whatever else. There are two properties there he doesn't

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know why the fire code was considered on that road prior, one of the owners of one of the properties was on either this Board or another Town's Board so the driveway issue with fire should have been addressed when there was two residences there. If there is just a barn that is one thing, there are a lot of barns in Town, he has a barn and a fire truck would have a good run to get to his barn, so whatever the rules are stick to the rules, if someone buys a piece of property and wants to build on it they should be allowed to do it as long as it fits within the rules of the Town.

Chair Martindale asked if anyone else had any comments? None were noted. She stated they would go into the new business part of the agenda and leave the public hearing open for application #0018-21, Mr. Cornell, as the applications come up on the agenda the Board will address questions and concerns that were brought up.

Next item on the agenda; Application #0020-21, 2 lot subdivision for JLMR Realty LLC, Gailor and Homestead Roads.

Matthew Van Doren, surveyor and representative for the application; Mr. Van Doren explained the proposal, the owners have owned the property since 2007, their intention is to subdivide it into 2 lots as a minor subdivision, approximately 76 acres into 36 1/3 and 35 1/2, discussion with the owners they thought the best access for the North lot would be Gailor Lane and the best access for the other lot is an existing gated entrance off Homestead Road. The main intention was to keep them large lots, they have been approached by developers, they do not want it developed and this is their best choice to keep it all large lots. There are wetlands that generally follow Colebrook, (he indicated on the map, the DEC wetlands) he added at the moment there is no intention to build it is just to divide it into two large lots, they will keep one and sell the other. He stated the Clerk advised he will need the "right to farm" verbiage added to the maps. Chair Martindale asked if this was part of a past subdivision on Homestead Road? Mr. Colozza said no, not as long as he has been here. Mr. King said Mr. Van Doren stated the wet lands have been delineated, is the total shown on each parcel? Mr. Van Doren replied on this site plan there is no acreage but that can be added. Mr. King asked Vice Chair Heber if they showed on the map he was looking at, Vice Chair Heber said they do show delineated, yes. Mr. Van Doren interjected yes; they just don't show the acreage. Review of the proposed subdivision and discussion ensued on road frontage, current use and wetlands. It was determined there was plenty of road frontage for each lot and minimum of wetlands. Chair Martindale asked if there were intentions to build at this point? Mr. Van Doren replied not at this time, it is just to subdivide and sell one lot and possibly use for their horses, it is vacant right now. Vice Chair Heber asked if there were farm fields on it, Mr. Van Doren replied no, it is wooded and there are some clear spots but it is not grown and farmed. Vice Chair Heber said they have to do SEQRA, State Environmental Quality Review Form and a public hearing, Mr. King asked if they were sure, it is a minor subdivision, do we need to do research first? Mr. Colozza said as long as he has been here it has not, it is possible years before it was but that shouldn't affect it because the subdivision regulations started around 1985, he said they can research it but the only thing that changes for minor or major is the fee schedule. Mr. Brennan asked if they were going to do SEQRA first, SEQRA is suppose to be done before you schedule a public hearing. Chair Martindale asked if the applicant has completed the SEQRA, Mr. Van Doren stated he submitted parts 1 and 2 of the short form, Vice Chair Heber stated it is in the AG district, Mr. Colozza said it is adjacent to County Land and it is along side a regulated stream, Mr. Brennan interjected that would not cause the long form to be needed. Mr. Colozza stated the County property is on the opposite side of the road. Vice Chair Heber asked if it was within 500'? Mr. Van Doren asked if the 500' triggers the long form, Vice Chair Heber responded yes. Mr. Brennan disagreed, discussion ensued on the form required, long or short. It was determined the short form was sufficient. Mr. Van Doren asked if there were any additional notes needed on the maps and mylars? Vice Chair Heber responded the right to farm law, Ms. Eggleston added the acreage for each lot, Vice Chair Heber said all surrounding property owners' names, he added they have most of them except the other side of Homestead Road and Gailor Lane.

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At this point Chair Martindale said they are going to Application # 0018-21, John Cornell, 165 Beaver St, agricultural district, site plan review. Chair Martindale asked the Board if any of them had the opportunity to go and look at the parcel, Ms. Rippon-Butler said she had, Chair Martindale asked if she would share her thoughts. Ms. Rippon-Butler said she did have questions, she understood what Mr. Colozza was saying about the driveway and she didn't want to address that because she does not have as much expertise in that as he does. She added she had a question about putting another driveway further down Beaver St, even coming out of the current driveway, coming over the crest of the hill she felt like she hesitated, she said it definitely looked wet there but her opinion was that it would be fine to extend the road off the existing where it currently curves and she would look to keep the up-front field as much as possible. Vice Chair Heber asked if the Highway Superintendent looked at the proposed driveway location, the Clerk replied the Highway Superintendent expressed he was fine with it and did not feel a culvert was needed, Mr. Cornell stated there is a wet area that is closer to the existing driveway and he explained and pointed out a crest and the wet area he stated there is a culvert there and a telephone pole and that is why they did not move it there because of the wetland and the power. Chair Martindale asked Mr. King if he had visited there, He responded no, however he is very familiar with the property and he added it appears that the new proposed driveway would fix some of the issues; emergency vehicles and they need to determine if it is this driveway or the other. He asked Mr. Colozza if there is a proposed use in a proposed building and a potential number of people does that impact the size of the emergency equipment that has to have access. Mr. Colozza replied the fire code calls for dimensions of the road based on the length of the road, driveway for public use. Mr. King asked if that was the same if it were a single-family residence with the same length of driveway? Mr. Colozza said there is a difference with a single-family residence, there is a certain amount of forgiveness for a single-family residence than when you are dealing with the public and not knowing how many people are in the structure. The size of the structure also determines the size of equipment they have to bring in and, in this case, servicing the residence there is a question if the fire apparatus would be able to get there. We are not on a public water supply so you can't have trucks going in and backing back out after they dump water, the object is to try to get it in a circle or a loop or a turnaround to come back out, it does have its own driveway 20' wide and that is all it calls for. Mr. King interjected it seems he can accomplish that, Mr. Colozza agreed and said this is a better layout it has curves instead of direct 90 degree turns there are good visibility and a good wide driveway. Mr. Cornell stated he received from the Town the requirements based on the length of the driveway, and a hammer head that is why they extended it and added access on the back so the firetrucks do have the ability to go around the building and drive back out so they addressed the fire code with that and also every so many feet it has to be a minimum of 20' wide and they have more than enough room for 2 vehicles to pass each other. Chair Martindale Asked Vice Chair Heber if he had a chance to look at it, he replied yes, it looks better and seems it will be safer for the neighbors and everybody. Chair Martindale stated her observation was that the road was needed and now he has 2 accesses to the property, she stated she assumes Mr. Cornell will be keeping his right of way, Mr. Cornell replied yes. Chair Martindale stated that makes it better in the event of an emergency if either one of the roadways becomes blocked the other one would be available for use for each of the properties. She reiterated concerns brought up during public comment; noise that maybe created, Mr. Cornell stated they are not anticipating any additional traffic, he stated currently they have children, farriers, veterinarians, people that work on the farm and they have someone that comes and mows the fields. They currently have boarders and they are not adding boarders at this time and that is why they want to direct the traffic onto the new driveway. He stated they emphasize with the concerns and that is why they are doing it, it is a significant investment even though he is rightfully has an easement that they purchased he is willing to do create this driveway and direct the majority of the commercial traffic onto it, family, farriers, veterinarians. Chair Martindale asked what are the responsibilities of the boarders, boarding horses. Mr. Cornell explained it is what the farm has always been, to care for someone else's horse. Chair Martindale stated she knew someone that boarded a horse and their responsibility was to go there everyday and clean the stall. Mr. Cornell replied no, they have some boarders that don't even ride, they come to see them

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and use them as pets. He said they also have a couple of retired Thoroughbreds that are not ridden they are just kept. He added the majority of the horses are personally owned, they breed horses, they have 4 pregnant mares and 3 more coming between February and March. Mr. Brennan asked how many stalls were in the barn, Mr. Cornell responded 10. Chair Martindale asked about the new building, Mr. Cornell said still 10, they would like to add a couple more for the pregnant mares, he explained the main reason here is to have a safe place for the mares in the winter, mares bulk up in the winter but when it is rainy and windy it is nice to bring them inside and a one-month-old or a baby horse inside is also a good thing. Mr. Brennan reiterated they have 10 stalls but they have more than 10 horses so some are outside, Mr. Cornell agreed and said they rotate them. He explained horses come and go, they had 2 leave the day before not to return. Mr. Brennan asked if the boarders have stalls or horses outside, Mr. Cornell replied both.

For clarity, Mr. King stated they are doing a site plan review, are they issuing a special use permit with that? The Board and Mr. Brennan replied yes. Mr. King asked if it is a change in current use, Mr. Brennan said the current use is agricultural, it's the indoor riding arena that is a separate use category from his perspective because it is a separately defined term for a riding academy or indoor arena that triggers the special use permit.

Ms. Rippon Butler stated her general opinion is this board look at safety but her opinion is they should avoid breaking up farm land so for the record she prefers there is not a house and barn in the middle of a contiguous field, on this project it significantly breaks up the front field, they can do what they want with their property, she stated it was her opinion it is a good thing to have better access for emergency vehicles. Mr. King stated he agrees, however the farmer in him hates to see the new driveway just because, but he feels in this instance it may be the best answer if there are issues with the use of the current driveway. Mr. Cornell stated there intentions because of the drop in the land the majority is remaining a field and you can't do anything in the rest of the field, it is significantly wet, their intention is to put a house upfront, he pointed out on the map where there would be paddocks because they need paddock space. He discussed the existing paddock space and hay field that would be preserved, he will not disturb it and the back of the parcel will never be developed. He stated he agreed with the board and that is why they purchased it, it is a beautiful piece of property but there is some level of improvement that is needed, the reason the previous owner didn't do it was because they had the house because it was all one property at one point. Mr. Cornell said there was a question about the ravine, he explained the location of the fence and ravine, he stated the ravine is beyond their property.

Chair Martindale stated lighting was brought up during public comment, she asked if there were a lighting plan on the original document he submitted, Mr. Cornell stated that was not requested, he said there are barns on the property that have soft white light, one on each side of the building, they have no intention of lighting up the field, they will have landscape lighting and there is landscape lighting through the back paddocks. Chair Martindale asked if there will be lighting on the proposed building, Mr. Cornell stated there needs to be one light over the sliding door on the side of the building. Mr. King interjected that it seems reasonable to have him define what that lighting will be, a lighting schedule would be helpful. Mr. Cornell agreed, he said they have no need to light up the area but he will do what is asked of him.

Ms. Rippon Butler stated there was a request to see a rendering of the proposed structure, Mr. Cornell stated he had it at the last meeting with the dimensions, he stated his builders are Amish and they do not have cad drawings or sophisticated software, they are happy to supply a sketch and it is an 80 x 150 rectangle and there will be a small bump out off the front, he showed a photo and stated it would be similar. Chair Martindale asked with 10' sidewalls? Mr. Cornell stated the peak of the building will be 30', ceiling inside is 16', 14' up will be the rafters. Mr. Brennan asked for a response to the comment that 16' is not enough to jump in (with horses), Mr. Cornell stated it is tall enough to jump in as a ceiling height.

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Chair Martindale asked if there were any additional questions or comments, Vice Chair Heber said they should give Mr. Brennan a chance to review the booklet of information they received tonight, the Board agreed. Mr. Brennan agreed and stated they can review it and formulate their thoughts and the applicant and his attorney can take a look and respond in writing.

Ms. Rippon Butler asked what Mr. Brennan thought of the pending litigation and if it impacted this Board, Mr. Brennan stated it does not impact at all, even all the Attorney's have agreed that is a property dispute amongst those parties. He added he suspects the new driveway is addressing most of those concerns but he cannot commit to that.

Mr. Cornell stated they did receive an anonymous complaint to DEC, the DEC did go out and review everything they were doing, he has a copy of the email from them that everything is fine in regards to any kind of stormwater, they are comfortable with what is current and what is proposed. Mr. King said they should address a stormwater plan because he will have a new barn, roof water and more driveway area, so a plan for treatment of where the water will be directed. Mr. Cornell agreed and stated that is why this is (location) convenient because there is a natural drainage, they did put a culvert in because it is an existing problem with regards to the pooling (of water) and he agreed it needs to be addressed. He displayed a hand drawn map and explained what they had done to direct the water with a culvert pipe. Application was tabled.

Application # 0017-21, Site Plan Review, John Knotek, 134 Thomas Rd, 47.3 acres, Agricultural District
Dave Ingalls, P.E., Ingalls & Associates, LLP Engineering, Environmental, Surveying.
No new comments were noted, Chair Martindale asked if there were a motion to close the public hearing.

Vice Chair Heber made a motion to close the public hearing for application #0017-21,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Vice Chair Heber stated he saw a comment from the Highway Superintendent, due to the topography it is recommended placing the driveways on the top of the hills. Mr. Ingalls agreed and said they moved the main driveway to the North to take advantage of the site distance and the single-family homes is up on the higher elevation as well. Site distances were discussed. Mr. Ingalls stated when they did the survey they looked at them to make sure they were at the most opportune locations, he added they can add a note that the final driveway locations are subject to the highway permit. Vice Chair Heber suggested Mr. Colozza speak with the Highway Superintendent and show him the layout, so there are not any problems in the future.

Chair Martindale asked if Mr. Baker, Town Engineer has reviewed this proposal? The Clerk replied yes, he had stated the previous month that they were thorough and he was satisfied with it. Vice Chair Heber asked if there were a letter from Mr. Baker. Mr. Ingalls stated they went beyond the standards and they did prepare a full SWPP for this project considering it to be a minor commercial development and they did a full drainage analysis, as well as water treatment, they did a bio retention to pick up the indoor arena and main barn portion and any impervious gravel, there is another area upfront for bio retention. He discussed the grading.

Ms. Rippon Butler asked if they have something on what the sign will look like? Mr. Ingalls indicated the information on the plan and stated they followed what was allowable, the Board reviewed. Chair Martindale asked if it would be lit, the Applicant replied they will have landscape lighting pointing toward the sign on the ground.

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Mr. Ingalls discussed the emergency access and stated they have a full 24' wide access, the residential driveway is at 20' and a hammer head turn around. He reiterated they have all emergency access and stormwater covered.

Vice Chair Heber made a motion to approve application #0017-21, site plan and special use permit with the condition the Highway Superintendent looks at the driveways.

Ms. Eggleston 2nd the motion,

Mr. Brennan interjected page 51 there are special permitted uses, #1-15, he reviewed them with the Board; Adjacent land uses, Location and size of the use, location, nature and height of the buildings, walls and fences and the nature and intensity of intended operations, Vehicular Circulation, Pedestrian Circulation, Parking, Layout and arrangement of the buildings, Drainage Facilities, Well and Septic, Vegetation, Impacts on adjacent Land Uses, Emergency Access, Flooding, Driveways and Lighting. Each he believed have been covered. He asked Mr. Ingalls to describe briefly the lighting, Mr. Ingalls stated they will only have land scape lighting for the sign, they show a couple pole mounted lights downlit for the outdoor arena and anything in terms of the barn and arena would be pedestrian, there is nothing intended to light up the entire property. Mr. Brennan stated he will note the site plan requirements with different language mirror the special use permit requirements so he need not to read through them. If the Board is satisfied, they have covered all the requirements he will turn it back over to them.

Chair Martindale stated they had a motion offered and seconded she asked who was in favor and opposed. All in attendance unanimously agreed, motion passed application for site plan and special use permit approved.

Mr. King stated noise was brought up on agricultural property, he wondered if there is livestock on a piece of agricultural property in an agricultural zone and a neighbor's pets were a nuisance to the livestock, say dogs were barking at his cows across the fence line and scaring the cows, causing injury, Vice Chair Heber asked how many dogs, 12, he asked if they had a permit for a kennel? Mr. Brennan stated it was addressed with them and they are saying they do not breed them and sell. Mr. King stated he was wondering if there is precedence for animals causing a nuisance because there is the verbiage for farms and animals causing dust, noise, smells etc.

Mr. Brennan stated they have received Article 78 paperwork from Mr. Rosse, which was anticipated, he stated the Chair has a copy, he has the original we will scan and email to the Clerk if anyone wants to review it. He explained he will be responding to it but he doesn't see a Judge saying he can mine that property, but if a Judge does say they were wrong then they will see.

Vice Chair Heber made a motion to accept the November meeting minutes,

Ms. McGarrahan 2nd the motion,

Ms. Eggleston, obtained from vote as she was absent.

All others in attendance unanimously agreed.

Vice Chair Heber made a motion to adjourn the monthly meeting at 8:27 pm

Ms. Eggleston 2nd the motion,

All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk