

Town of Northumberland  
Planning Board  
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**Planning Board Members Present:** Melanie Eggleston, Lisa Black, Jeff King, Brit Basinger Chad Reinemann, Holly Rippon-Butler, James Heber, Mary Beth McGarrahan and Susan Martindale, Chairperson

**Town Employees Present:** Dave Brennan, Town Counsel, Charles Baker, Town Engineer, Richard Colozza, Code Enforcement Officer 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. he stated due to Covid-19 meetings are being conducted differently, social distancing, mandatory masks and limited number of people at one time physically in attendance. The meeting was in compliance.

Quorum established.

Chair Martindale introduced the first item on the agenda, public hearing for Application #0003-21, Adam Kolasienski minor subdivision.

Mr. Kolasienski explained the purpose for the proposed subdivision is for prospective sale of the 2<sup>nd</sup> lot.

Chair Martindale asked if there were any questions or comments from the public in attendance, none were noted. She asked the Board if they had any questions or comments, none were noted.

Vice Chair Heber made a motion to close the public hearing for application #0003-2, Adam Kolasienski, Ms. McGarrahan 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Chair Martindale announced the second application for public hearing, application #0011-21, James Heber minor subdivision. Vice Chair Heber recused himself and addressed the public regarding his application.

Mr. Heber displayed his map of the proposed subdivision and stated he wishes to subdivide 1.5 acres from 29 acres in an R-1 zone. Chair Martindale reiterated it is a residential one-acre zone and she reviewed the map. She asked if there were any questions or comments, none were noted.

Ms. McGarrahan made a motion to close the public hearing for application #: 0011-21, James Heber, Ms. Black 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Vice Chair Heber rejoined the Board, Chair Martindale opened the regular monthly meeting and re-announced application #0003-21, Adam Kolasienski, she asked for the SEQRA, State Environmental Quality Review Form and Vice Chair Heber completed part 2. Chair Martindale asked if Vice Chair Heber could read through each of the questions on the form and state the chosen answer, Vice Chair Heber agreed.

Vice Chair Heber made a motion to declare a negative declaration on application #0003-21, Mr. Reinemann 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Chair Martindale asked if there were any correspondence regarding this application, none was noted. She stated

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the Board received a response from Saratoga County Planning with a comment of No Significant County Wide Impact and the Right to Farm Verbiage should be added to the plot.

Vice Chair Heber made a motion to approve application #0003-21 for a minor subdivision contingent on the Right to Farm Verbiage being added to the mylars and maps,

Mr. Basinger 2<sup>nd</sup> the motion,

All in attendance unanimously agreed.

Chair Martindale stated they would return to application #0011-20 for James Heber, Vice Chair Heber recused himself.

The Clerk stated she received correspondence from Saratoga County Planning this application did not require County Planning review.

Mr. King reviewed the SEQRA, State Environmental Quality Review Form and read the questions and answers out loud.

Mr. King made a motion to declare a negative declaration for application #0011-20,

Ms. Eggleston 2<sup>nd</sup> the motion,

All in attendance unanimously agreed. (Vice Chair Heber abstained from vote)

Mr. King made a motion to approve the subdivision as presented on application #0011-21,

Ms. Eggleston 2<sup>nd</sup> the motion,

All in attendance unanimously agreed. (Vice Chair Heber abstained from vote)

Chair Martindale announced the next item on the agenda, application #0004-21, site plan for an addition to Stewart's Shop. She stated there was a joint public hearing with the Zoning Board.

Mr. Chris Potter, representative for the application stated they made a few small changes since they were in front of this Board, he explained they changed the front elevation for the sign above the door to center it, they equally spaced the windows out and currently the free air machine is mounted on the front of the building and the plan is to make it freestanding on the side of the building.

Chair Martindale stated the result of the public hearing were no issues noted and Saratoga County Planning response indicates there is no significant impact as far as they are concerned, the public hearing was closed and the variance was granted, the SEQRA, State Environmental Quality Review Form was completed by the Zoning Board with a negative declaration she then asked if there were a motion for the application. Mr. Brennan, Attorney for the Town asked if they wanted to ratify the SEQRA, he explained they should be doing a coordinated review or do their own SEQRA, so he asks them to ratify it in the resolution.

Vice Chair Heber made a motion to ratify the SEQRA from the Zoning Board,

Mr. King 2<sup>nd</sup> the motion,

All in attendance unanimously agreed.

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Vice Chair Heber made a motion to approve the site plan for application # 0004-21, Mr. Basinger 2<sup>nd</sup> the motion, All in attendance unanimously agreed.

Chair Martindale stated they will move on to new business and she announced the next item on the agenda, application #0006-21, Sky Solar, proposed solar farm at 64 Homestead Road. Mr. Basinger and Mr. King recused themselves. She asked who was present as representation?

Mark Coles, Sky Solar and Chris Konick, CT Male Associates introduced themselves. Mr. Coles stated they are proposing a community solar project, they have designed it to be an "as of rights" project and he stated they have reduced the size to be outside of the wetland buffer. He added they would like to build the project so the Town can benefit and residents and produce clean energy at less cost.

Mr. Konick went through a brief presentation, 64 Homestead Road in the Southwest portion of the Town, 60 acres owned by Steve Winkle, 960' road frontage on Homestead Road a Town Road, he discussed the land coverage, he stated some of it is currently being farmed, growing corn. He said there is foul area to the West of that and the remainder is wetlands and undeveloped. The adjoining sites are a horse farm, agricultural and the remaining surrounding properties are either rural residential or undeveloped in nature. He stated they submitted existing conditions, site survey. They had a delineation done of the wetlands up to a certain extent of the property and they confirmed the boundaries of NYS DEC wetlands. Chair Martindale asked him to indicate that on the map he displayed. She then asked if the map displayed was of the entire property, Mr. Konick said no and indicated there is a match line. He then explained the current use and coverage of the parcel. He stated there are more wetlands and they did not do any delineation of them because it is a 60 acre lot and they are not planning on doing anything in that area. He discussed the remainder of the site and gradual slopes he said they have 1 foot contour intervals on the site plan to show detailed topography. He then discussed the layout of the arrays. There will be a 7' high chain link fence, the area is approximately 10 1/5 acres, he stated he defined the envelope within that fenced area as the panels and the row spacing and areas where there is equipment or access proposed and that is 9 1/2 acres. Access is proposed off Homestead Road with a constructed pervious gravel surface providing access to 2 approximately 12' by 20' concrete equipment pads housing the electrical equipment. The proposed array layout respects the 100' adjacent area offset from the wetland area. There is no encroachment to that wetland area or the small wetland area that was discussed. There will be a temporary laydown yard proposed off the South side of the access road made out of gravel, Chair Martindale asked what he meant by a laydown yard? Mr. Konick replied it is just an area for equipment during construction, it is temporary and will be removed after construction. He stated they respected the 100' setback from the boundary in accordance with the Town Solar Law, and they are proposing vegetative screening consisting of 3 species of Evergreen Trees, Cedar, White Pine and Hemlock to potentially hide the project from the North, South and the Road with the exception of the access point off Homestead Road.

He explained there is some tree clearing proposed, and he illustrated where that would be. He stated most of the site is clear but some trees will have to be cleared to accommodate the project within the array and outside the array to account for shading, the limit of tree clearing on the site plan, approximately 2 1/4 acres total tree clearing. The ground disturbance about 1.75 acres, over the 1-acre threshold and they have prepared and submitted a SWPP, Storm Water Pollution Protection Plan to this Board and it outlines erosion control installation during construction and there is no anticipated long-term practices needed because the storm water will infiltrate into the ground off the solar panels. Coverage is approximately 10% of the site and is defined by the area beneath the panels and not the row spacing and that complies with the 20% coverage requirement for the Solar Code. Mr. Konick asked if there were any questions from the Board. Chair Martindale stated there was some research that needed to be done

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regarding the original subdivision of this parcel, Mr. Colozza, Code Enforcement Administrator interjected they need to look at it and see if it is part of the phase one. Mr. Brennan, Town Counsel asked if he meant part of Homestead Estates, a conservation subdivision? Mr. Colozza stated he believes that is part of it. Chair Martindale stated if that was the case it would need to remain open space, Vice Chair Heber agreed. Chair Martindale then said the 20% is calculated by the area within the fenced in area in total including the roads, spaces in between the arrays and connections. Mr. Konick asked if it included the offset off the fence, Chair Martindale responded yes. Mr. Konick asked if it was defined in the Solar Code? Mr. Brennan said yes that is how it is being applied. Vice Chair Heber asked if the total acreage was 60 acres and what the total acreage of the wetlands, maybe ½ the plot? Mr. Konick said they delineated 17 acres of the wetlands on the Western part of the property he said they did not delineate the entire property to the West because there is no activity there. Mr. Brennan asked what the nature of the property on the Western side, if it was wetlands or if there was dry land. Mr. Konick replied wetland and some undeveloped. Vice Chair Heber asked what the backend of the property look like? Mr. Cole said it is wetlands, brush and trees, Vice Chair Heber then said they could put the arrays back there. Mr. Cole said they would have to cross the wetlands, discussion ensued on moving the arrays back. Vice Chair Heber stated there will be enormous backlash with having this right along the road and they are basically taking all the agricultural land of that parcel. He added even though the Solar Law allows it in ag land it doesn't give them the right to take every piece of ag land, Chair Martindale interjected it is in the Town's Comprehensive Land Use. Mr. Konick stated he appreciates the conversation. Vice Chair Heber stated they are trying to be up front with them and it would be easier if they put it in the back, Mr. Reinemann added and to limit the impact to the wetlands. Mr. Konick said building a road over the State wetlands would be significant and maybe over the threshold of a 10<sup>th</sup> of an acre and might not be permissible by DEC, Vice Chair Heber stated they could work with DEC on it. Ms. Rippon-Butler reiterated the Solar Law says it will not have adverse impacts on critical Town and Community resources, agriculture is a critical resource to the Town as stated in the Comprehensive Plan, and are the wetlands, she stated she is not sure it would be no problem to have it in the back. Mr. Brennan asked what DEC's position was on putting the arrays in the wetlands? Mr. Cole stated usually you cannot put them in the wetlands, Mr. Brennan said he heard something on the Federal level something different so what is the distinction between the way the feds treat it and the State? Vice Chair Heber said it is legal to put a pile in a State wetland, Mr. Konick interjected that in his experience it is not permissible in a State regulated wetland, Federal regulated wetland it is under the Nationwide permit number 51 at Federal level. Mr. Brennan said he was under the impression it was not considered fill so it did not trigger the Nationwide permit. Mr. Konick replied it is the entire project as a whole as to how the Federal Government views the wetlands in issuing permits. Discussion ensued regarding wetland permitting.

Mr. Brennan said it is worth asking DEC the question and he asked if it was possible to push it back ½ way so it is not using all the ag, Mr. Konick stated they could probably get 50' into the adjacent area, he didn't think they would allow it because if they are not using all the other uplands DEC would say why aren't you using that area? Mr. Brennan said he didn't think the Board would say it is not being utilized, he thinks they would say it is being left to stay in agricultural production. Mr. Reinemann asked if this is active productive soil, Chair Martindale replied yes to the best of her knowledge it is being farmed, Ms. Black agreed and stated corn is grown.

Mr. Konick stated it is worth noting there is no grading proposed or striping of topsoil, essentially the solar array is a temporary land use with approximately 20 years of use. Mr. Brennan said he would not advocate that it is a 20-year lease and it is temporary, he said that argument has been heard and is not accepted because the next thing is you get an extension on the lease and extend it for another 20 years so the Board does not believe it is temporary. It is not like a farm stand that goes away at the end of a season. Mr. Konick said his point was the agricultural soils are preserved for future use, not removed from the site. Chair Martindale stated the Town's major industry here is agriculture. Vice Chair Heber stated they are trying to bring up all the arguments the applicant will have to answer.

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Mr. Konick said he appreciated the conversation and didn't want it to be adversarial, the Board agreed and Mr. Brennan stated he felt the Board is learning from experience and are trying to get to the point so the process will not take months, so you hear it all up front, it is not personal. Mr. Konick agreed and said they are happy with the feedback.

Mr. Reinemann confirmed it is in the ag protection district and stated they are trying to protect as much of the agricultural as they can. Mr. Cole stated one of the challenges is it is a 60-acre lot with a lot of wetlands, normally with a lot like this they can put 20 of coverage and then you are left with 40 of ag land, but this land has a lot of wet lands, that restricts unless they build in the wet lands, there is no ag land left for use. Vice Chair Heber agreed and said there is no more ag for use they are taking it all. Mr. Cole said they would be happy to build in the wet lands but the State won't allow them to, Chair Martindale stated that is what they have to research, Ms. Rippon-Butler stated it is possible this property is fit for a Solar project in the Town. Mr. Brennan interjected the Board might be saying on its face this may be a nice site with additional inquiry in pushing it into the back and he said it sounds like the Board is willing to talk to DEC and advocate, pushing it back you could do away with the neighborhood concerns, do away with agricultural impacts and you get the best of both worlds. Mr. Konick agreed and said they are not sure what the wet land condition is in that part of the property because their limit of jurisdictional determinations.

Vice Chair Heber asked about the contours on the site, Mr. Brennan asked them to point out which way they are going, where is the high end and the low end, Mr. Konick explained. Vice Chair Heber stated all they have to do is get a permit to go through the wet land. Mr. Reinemann asked how much of the lot is left that hasn't been delineated? Vice Chair Heber said about ½. Mr. Reinemann then asked where the line was, Mr. Konick said it is probably the Western third.

Chair Martindale stated they will confirm with Town documents for the site it's self and look into what is allowed for building in the wet lands. She then asked if there were any other comments or questions, Mr. Colozza asked if they were going to request Mr. Baker, Town Engineer to perform a complete review about the wet lands too? Chair Martindale stated that would be the research of the wet lands and if you would be allowed to build in the wet lands on this parcel, she then asked Mr. Baker if he could take care of that. Mr. Baker said it would be the applicant's responsibility too to get access and he can certainly do a detailed review of the plans as they stand now.

Ms. McGarrahan asked who were the property owners to the West side of the lot? Mr. Konick said Gerdes and Sutter.

Mr. Brennan asked where the point of interconnection was, Mr. Konick said up the road at the entrance, Mr. Brennan asked if it was a 3 phase, Mr. Konick said yes, it is on the East side of Homestead Road on an existing pole. Ms. Rippon-Butler reiterated there is existing 3 phase power, Mr. Konick said yes.

Mr. Brennan explained the normal process is to have an escrow established and have the Town Engineer take a look at it for completeness, the question is do you want to start that process now or do you want to take a month to do research on some of the questions and concerns of the Board and come back with additional information and then send it for Mr. Baker's review or do you think it is ready now? Mr. Cole stated they thought they submitted a complete application, they tried to design it "as of right" and the other thing is these sorts of projects rely on subsidies and the subsidies are expiring, they have to get the right land at the right price and then you have the price of construction you have the subsidies and the subsidies are currently expiring. If this takes a couple of months the current subsidies are expiring right n and there is not a follow up program at this time, there may be

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one but the project just might not get built. He stated they try to make it “as of right” and not encroach on any wet lands, he said they are hearing the Boards views on ag lands and that is not something they have come across before. They thought they submitted a complete application and they would like the Town to look at it, if over the next couple of weeks, the subsidies expire they may have to freeze the project and what to see what happens. Everybody is up against expiring subsidies there are 200 mega watts left in the final block from NYSERDA once it is gone it is gone and without the subsidies this project won’t make sense so it won’t be built. Mr. Brennan stated it sounds like their position is to have Mr. Baker review it, Vice Chair Heber stated he did not feel the application was complete, they did not do the whole site and the Board doesn’t know if it can be put in the back or not. Mr. Brennan stated that could one of the comments from his review and they say the subsidies are expiring so when they say “as of right” they are meaning get issued without a variance, in the normal course of the procedure he said he did not know if there was enough time to get it through before expiration with review at another meeting, scheduling a public hearing, hearing from the neighbors, talking probably 4 months if it aligns to begin with. Mr. Cole stated that is a long time to what they have seen in other Towns, if they design something “as of right” they can get through in one or two meetings. He added they tried to design the project to be straight forward. Mr. Brennan explained the procedure for a project of this size, he stated he is not being critical only being honest.

Mr. Reinemann stated he feels everything has been pushed to the front and on the most prime agricultural land on the site, he would like to see if there are any other alternatives on this site. Mr. Konick asked Ms. Rippon-Butler to repeat what she read from the Solar Law. Discussion ensued on agricultural use and solar co-exist on the same parcel. Mr. Konick requested the Board consider the application complete. The Board discussed alternative placement and further review of the site. Mr. Brennan interjected to deem it complete as normal course the Engineer looks at it and gives his comments and professional opinion of whether it is complete or not and there are other questions regarding this parcel whether it is buildable or not. Mr. Colozza stated it should also have a ledger telling them exactly the road length the width, everything in the site plan, like how many panels there are, is the 20’ x 20’ pad for transformers deducted out of the area used? It all gets deducted, they need to see that it fits in the 20% lot usage, he added he does not see access roads between the panels, roadways for maintenance and fire accessibility should all be shown, all of that deducts from the 20%. Mr. Reinemann asked if there were any lighting? Mr. Konick replied no, he said they submitted an application and SEQRA, State Environmental Quality Review Form they would like the Board to classify the action, Chair Martindale stated they are not ready to do that yet. Vice Chair Heber stated they did not do the entire lot, only the part they want to use and this Board does not even know if this is buildable, thinking it is part of a cluster subdivision that was done years ago, and if that is the case you cannot put anything on it. Chair Martindale stated until the questions are answered there is nothing to do at this point. Mr. Konick asked if the Board is specifically asking them to conduct a complete delineation of the entire site? Chair Martindale responded once it is determined it is buildable through the Town’s documentation, yes the Board will need that information, Mr. Konick reiterated, buildable as in not a part of the cluster subdivision, Mr. Brennan replied they want to see if there is an existing deed restrictions or limitations on the subdivision that would preclude this from being used for something other than open spaces. The issue is popping up in that area so the Town is looking into it, the Board is saying they would like to have that information first because they don’t want the applicant to spend money on something that can’t be built. He then said they are asking about SEQRA, is it a type 1 or unlisted action by your analysis? Mr. Konick responded type 1, Mr. Brennan asked if there were any other permitting agencies by your evaluation, Mr. Konick said no, the only other would be the 239N referral, Saratoga County Planning due to the location in the ag district and farm operations within 500’, he stated on their form they mentioned in part B, Governmental agencies, Planning Board and the SPDES, State Pollutant Discharge Elimination System permit through DEC due to the disturbance over one acre.

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Mr. Cole asked about the Board's question on coverage, they are allowed to cover 20%, and the lot is 60 acres, that leaves 12 acres, the panels cover about 7, even with the roads they feel they are ok, Mr. Brennan interjected that Mr. Colozza is looking for a table on the plans that specifies, Mr. Konick stated the area in the fence is 10 ½ acres, Mr. Colozza asked if there are enough roads in there, Mr. Konick replied the existing access road provides access to the equipment pads and typically you don't need vehicular access within the array itself beyond the equipment pads, usually the roads lead to them and then they turn around and come out, any other maintenance is not needed for full vehicle access and a lot of that is addressed in the operations plan. Other Towns have them get comment from fire departments which is typical for site plans. Mr. Cole said they felt they built the plan "as of right" and a simple plan within code not considering the cluster subdivision. Chair Martindale stated they will work on it and if they can clear up the questions, they will see them next month. Mr. Konick asked who will be conducting the research and when can they expect a response? Mr. Colozza stated he has started research.

Chair Martindale announced application #0007-21, Saratoga RV Park expansion, applicant is Richard O'Brien, phase II expansion to add 143 sites that was approved by the Town Board in 2002 and when the project is complete there will be 297 sites. Mr. Colozza stated it is already an established PUD, phase II, so they are applying for the 2<sup>nd</sup> phase of the PUD.

Tom Hutchins, Hutchins Engineering introduced himself and stated he is representing the owners of Saratoga RV Park, Athena Saratoga, LLC. He explained; they owned 7 RV parks along the East Coast and are experienced in the operation, they acquired this property in 2018 and the history goes back, in 2002 the Town Board approved a Zone change to a PUD supporting up to 300 RV sites. 2003 – 2004 this Board approved phase I of the 2 phases, the current owners wish to move on with phase II with improvements to the original plan, phase II plan of the previous owners was not started and phase I was largely completed in the early 200's. The new owners would like to do a few things different than what was laid out in 2003, they are here tonight to present to the Board and get some initial feedback. This is primarily a seasonal park and operates 4/1 thru 10/31 with some year 'round sites used, they are behind the office and part of the expansion would expand those sites up to a maximum of 30 and they would all be in that general location. Vice Chair Heber asked if that would be considered a mobile home park? Mr. Hutchins replied he was not sure, it is an operation the current owner continued from the previous owners and they haven't added anything, Vice Chair Heber stated they will have to look at the language of the PUD to see if that is permitted. Mr. Hutchins stated it is not clear but they will. Mr. Reinemann said mobile homes in the Town Code is defined as year 'round living, it could be a trailer or permanent but it is year 'round living. Chair Martindale asked if they are recreational vehicles or mobile homes, Mr. Hutchins said they are predominately RV's, Chair Martindale reiterated people are going to live in the RVs permanently? Mr. Hutchins said they have the ability to use them year 'round but they don't live in them. Chair Martindale clarified they want 30 sites of year 'round accessibility to their RVs and not 30 people living there 365 days a year, Mr. Hutchins agreed. Mary Rivers, Manager of the park stated they currently have 24 sites that have the ability to be rented year 'round, they don't live in the sites year 'round and it is mostly contractors or military until they can find housing, linesmen working in the area. Mr. Brennan asked if they are permanently affixed trailer, Ms. River replied no, He then asked if there were another camp ground in the area that has it, She replied nobody has it, they are the only one that have the ability to offer winter time, Mr. Brennan said he did not mean that, he meant the type of trailer like a tow behind. She said yes, or a 5<sup>th</sup> wheel, He asked if they are on a pad, affixed facilities you rent when you don't own a travel trailer? Ms. River asked if he was talking about park models, Mr. Brennan said sometimes they are not park models but sided to look like they are structures even though they probably have a frame and wheels. Ms. River said no, there is only one on the property and it is already in the plans, she added none of the RV units will be permanent. Chair Martindale asked if the 30 sites set aside would have different water, Mr. Hutchins said



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the big difference is they have winterized water supply and waste water, she then asked if they would be clustered in one spot, Mr. Hutchins replied yes, and indicated on the plan where the location was. Mr. Brennan asked if the existing DEC SPDES permit and DOH permit allow full year 'round operation, Mr. Hutchins stated the DOH operating permit is for year 'round and they don't have coverage under DEC SPDES permit, nothing has been done since 2003, Mr. Brennan questioned what is done with the waste water, Mr. Hutchins explained there are all smaller individual systems that are less than 1,000 gal a day, they are all reviewed and approved as part of the DOH process. He added he has been there with DOH and been through it with their engineer recently introducing them to the project, they did a number of soil test and it will go to them as a coordinated review or submission. They primarily have looked at the lot sizes, water supply and waste water as their primary review.

Mr. Hutchins explained since Athena acquired the site, they have made a number of improvements, they corrected a lot of deferred maintenance, updated office, rec room and bath houses, they have updated fences around the property cleaned things up, repaired roads and general maintenance. Now they are looking to move forward and do a significant expansion and improvements. He stated another important part is the status of the old house, it was discussed in prior review, it is located along Route 50 it is in disrepair and their proposal is to remove it and replace it with what would be a camp store in that general area that would sell small stock items and groceries, camp site type supplies. They looked at repairing the old house but it doesn't make sense because of the physical condition. Mr. Reinemann asked if the store would be open to the public, Mr. Hutchins replied it will be primarily a camp store, it could be opened to the public they would consider that, it is a detail they will work out, there is an entrance there that could be utilized if it was publicly accessible.

The project would ultimately involve replacement of the existing swimming pool, with a larger facility, what the currently have is out dated and undersized for the population they will serve. Mr. Hutchins summarized the expansion would be for 144 new sites primarily in the central area a long way from the road, not visible, there are a couple new sites up by the road but primarily in the back on level predominately sandy soils, expansion of the pool, there is one existing maintenance building that would be converted to an employee residence and construction of a new little bigger better equipped maintenance building, demolition of the farm house, increasing the year 'round sites up to 30 and three new central facilities buildings located throughout the expansion area, part of phase 1 was a central facilities building and that was not built. Mr. Brennan asked what the definition of the building was, Mr. Hutchins replied bathrooms and showers. He stated DOH campground standards were developed before and camping was different, now most of the sites have water and sewer and it is still a requirement of DOH for central facilities in numbers that support the number of the sites within 500 feet and with this they will be doing that. Mr. Brennan asked if on the proposed sites if they were dry sites, Mr. Hutchins said no, there are no dry sites, Mr. Brennan reiterated they each have water, sewer and electric, Mr. Hutchins agreed and added cable and wireless internet. Mr. Brennan asked what happens as far as the operations on a typical night for the staffing, does someone live there? Ms. Rivers stated all of her staff stay there and are there for the summer then they go where ever they live in the winter. Mr. Brennan asked if there are DJ's or bands on the weekends, Ms. River said no, they have quite activities. Chair Martindale stated it has been a good park and she asked Mr. Colozza if there have been any complaints about the park, Mr. Colozza replied not sense they have taken over. Mr. Reinemann asked Mr. Colozza if he is familiar with the original PUD and have, they met all the requirements of the PUD to date? Mr. Colozza replied they have pretty much finished up with the exception of the bathrooms, they were allowed 4 permanent residences in the beginning that were there, Mr. Reinemann stated the fence they installed was part of the original PUD, Mr. Hutchins interjected phase I was not completed until these owners took over, Mr. Colozza agreed. Vice Chair Heber stated someone has to look at the PUD Law, Mr. Brennan agreed and said they have copies of the PUD Law, Vice Chair Heber stated it should have lot size and all in the PUD. Mr. Brennan said he has all the local laws from the Town Clerk that date back to 1990's, so it can be distributed to the



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Board. Ms. Rippon-Butler asked what this Board is reviewing and approving, Mr. Brennan said if the Town Board adopted a Zone change and created a PUD, Planned Unit District and in the PUD there are certain parameters for what you can build, so they are saying they were approved for 300 sites and they have 150, so they have 150 left in that Law, basically it becomes at a minimum a site plan review for this Board as long as they are within the PUD. He stated he will send the PUD law to the Board in the morning so they can review and he suggested it be referred to the Town's Engineer for review to make sure it is a complete application and any comments he may have that this Board should look at, he added this will probably take a few months and he asked what the goal for construction was. Mr. Hutchins stated the owners are ready to construct now, but realistically they would like to construct later this year.

Ms. McGarrahan stated she had questions as a newer member for the other Board members, she stated it looked like some of the new sites are close to the property line and she asked if there a setback? Vice Chair Heber stated the PUD will have all the law with the setbacks.

Mr. Hutchins stated they will be cutting some trees, not all of them but if you go through the sites there are a lot of trees and the goal is to maintain the character. He added he is showing the sites on the plan with dimensions basically to show DOH's minimum sq ft. He said each average about 4,000 sq ft, DOH requirement is 1,250 ft. Mr. Brennan reiterated it will not be an open field this will be a wooded site. Mr. Hutchins agreed. Mr. Basinger asked if they have reviewed the site for threatened or endangered species, talking about that many trees you are talking about the Northern Long Eared Bat, Mr. Hutchins replied as part of the SEQRA, State Environmental Quality Review they will. Mr. Brennan stated they may not be able to start cutting trees until November 1 unless they get a "takings permit". Mr. Hutchins stated as far as the SEQRA, he sees it as an unlisted action, it does require agencies, this Board and the DOH, it's not a realty subdivision so he does not believe they require a type 1, Mr. Brennan said he would look at it and see if there is a type 1 trigger for it one of them is 10 acres of disturbance, Mr. Hutchins said it would be close to that. What they would do due to the size is ask Mr. Baker to review for completeness and then send it out for a coordinated review, at the next meeting they can declare this Board lead agency and send out the coordination letter, he doesn't see it holding up the process, Mr. Hutchins stated he needs more details to work out before it goes to the Engineer, Mr. Brennan said that is a good idea, and not have the Engineer look at it twice. Mr. Brennan stated it is a good point for a site visit not immediate but talking about some of the sites near the property line, it maybe allowed with the PUD but if someone's pool is back there it might not be a good idea. Discussion on a site visit ensued.

Chair Martindale announced application #0003-20, Kim Renz Family Irrevocable Trust, Proposed Solar Farm. Mr. Basinger and Mr. King recused themselves. Chair Martindale stated materials were delivered to the Town Hall Tuesday, April 6<sup>th</sup> and they need Engineer review, need the SDS sheets and to open public comments for the re-design.

Mr. Csaplar representing Omni Navitas, Chair Martindale stated they were looking at the photo simulations they produced, Mr. Csaplar stated they were produced by C & S Companies, Mr. Brennan asked what was new with the application? Mr. Csaplar stated the item they needed to take care of was the photo simulations because mentioned in the last meeting they downsized the arrays. He discussed the photos and said they have taken away the central portion of the arrays and pushed it into the Northern most portion of the parcel that was in response to the public comments. Genevieve Trigg, Counsel for the Applicant, stated she submitted a letter to the Board on Friday, it included correspondence from Ag & Markets which was written to NYSERDA but it is part of the process for State Grants or incentives. Projects must be referred to Ag & Markets if it is in an Ag district, this project was referred and it was determined by Ag & Markets that there will be no unreasonable adverse impact on continuing

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viability of farm enterprises, and that is consistent with the States Environmental Plans. She stated they submitted a post community benefit agreement in which the applicant is offering a one-time donation of approximately \$16,000, which would be approximately a thousand dollars per acre of disturbance that would be submitted within 180 days after the project is up and running. Chair Martindale asked Mr. Brennan if he had a change to review that, He responded not in detail. Ms. Rippon-Butler stated she hadn't reviewed that latest letter mentioned from AG & Markets but she looked at the Ag District letter from back about a month prior and one part of the requirement is showing additional comparable properties, like showing 2 other properties that could have been sites, there were tax parcels listed but what are those parcels, she stated she tried to look them up but they would not come up on the County Website. Mr. Csaplar asked if it was regarding the public asking what other parcel owners did they reach out to? He said what he submitted was taken from their acquisitions team other parcels of land they thought were suitable for solar and part of the acquisition process is reaching out to property owners to see if they are interested, what the spreadsheet indicated is that Mr. Renz was the only property owner to express any interest in having solar on his property. Chair Martindale interjected in her opinion it shows how the Town considers the agricultural valuable land, Ms. Rippon-Butler agreed and said there is a form she believed to be 239m, you have to list additional parcels as part of the application. Ms. Trigg stated she was not sure what Ms. Rippon-Butler was referring to, she is not familiar with the 239m process. Mr. Kenna said the 239m is the referral to the County, if it's in ag you prepare an Ag Data Statement and the requirement is if there are farms within 500 feet you have to list it. Ms. Rippon-Butler said maybe that is what she was thinking.

Mr. Brennan asked if the drawing displayed was the current, Mr. Kenna said yes, the same as the previous month. He explained it was pushed North and everything that was to the South is gone, it is much less visible from some of the homes.

Ms. McGarrahan stated in the photos they refer to full maturity for the landscaping they are putting in, what is the time span to achieve that? Mr. Kenna replied it depends on the species, minimum of 5 years they are going to try to plant 6' which would be almost to maturity, the bigger bushes to reach the top of the fence, but they are going to try and pick evergreens that don't get much more than 15 or 20' max and at a foot a year, within 5 years could be 10, 11 or 12'.

Chair Martindale asked if there was a map, they could plot the photo marked 1A on, to see where they are looking from? Mr. Kenna stated the addresses are on each of them and he said he believed each cover sheet had a map.

Chair Martindale asked the Board for their thoughts or discussion, Mr. Reinemann asked what was still open on this application, has it been to County? Chair Martindale stated they have to agree this is the site plan they are going to work with, Mr. Brennan asked the Clerk if it has gone to the County? The Clerk said she doesn't have a final plan; the Board needs to decide the final as complete. Mr. Csaplar stated they are under the impression this plan is the final plan. Chair Martindale reiterated this is the plan the applicant plans to move forward with? Mr. Csaplar agreed. Mr. Reinemann asked if there were anything incomplete with the plan at this time? Mr. Kenna said complete application vs. final set of plans. Chair Martindale stated in her opinion they are still using the best of the agricultural land, according to the Town Comprehensive Land Use Plan, they want to preserve the ag land and this plan does not do that. She then said as far as the view shed, during the site review she asked if they were interested in developing the Southern most part of the parcel where in her opinion would not have such large ag impacts and protect the view shed as well, the project would have to be smaller to fit, trees would have to be cut and they would have to work around water issues but it could be done. She added at that conversation they told her they are not interested in that being done, she added she wanted that on the record that it was requested. Mr. Kenna said he doesn't remember saying absolutely not, Chair Martindale stated she did ask. Mr. Kenna then said the public was

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getting upset and said they didn't want trees cut and he doesn't see how it would make it less visible from the Beaver St properties who were the people very concerned about staying on the back of the land and seeing it. He said if he stands at the back of those properties at the fence looking to the South you are going to see just as much of it as if they left it right there. Mr. Csaplar interjected there was also concerns about wild life and the clearing of those trees. Chair Martindale said she understood, she added at this time they need to decide if they are going to accept this plan and she asked for input from the Board. Ms. Eggleston said it is either this plan or the other that is covering more of the property. Chair Martindale replied or don't approve the plan because it doesn't preserve the agricultural land according to the Town Comprehensive Land Use Plan. Mr. Reinemann said compared to the other plan he prefers this plan. Chair Martindale asked Mr. Brennan how to proceed, Mr. Brennan said at some point they need to move on, the applicant voluntarily reduced and relocated the project in response to comments, now this is the application package they are presenting, the public hearing was closed and now it is time to discuss if this is in compliance with the provisions and criteria in the Land Use Law. There is not unanimity with the Board so you have to get to the position where there are at least 4 people in favor of it, at some point he gets instruction from the Board to write a decision. He stated he is not writing a decision for and against, he said they can go through the criteria and the Board tells him there are 4 or more in favor or 4 or more against, then you have to provide the applicant and the public with a written decision, it gets filed in the Town Clerk's office and from there 30 days later we see which group is going to sue if they want. Start with evaluating the plan as presented and making some decisions viewing it against the criteria in the provisions for the code for solar and special permits. Mr. Brennan asked the applicant if they had any different opinion of what they are looking for, Mr. Csaplar replied they were under the impression action would be taken at this meeting, Mr. Brennan stated they are pretty close, that is what was discussed last month but because of the reduction in the arrays and location change the Board needed time to review and the affect on visibility, the Board is under no obligation to approve and no obligation to deny, they need to look at the criteria and say either 4 or more members will say either it meets the criteria or the reasons why it doesn't. The Board needs to tell him they are ready to pass a resolution, then we can come back and he will have a written decision, sometimes with simple application you can just take a vote and put it in the minutes, however, something like this needs more in fairness to the process. Chair Martindale stated they time to evaluate that, they can come back next month after the Board has time to deliberate. Mr. Brennan stated the deliberation needs to take place here at the meeting.

Mr. Reinemann asked if the old plan was submitted to the County, Ms. Trigg interjected it is clear where the Chairperson stands so she requests there be a motion whether the Board wants to move the application to the County because that is a required process. She added if they are going to move forward, they need to determine whether the Boards going to determine this plan is sufficient and the application is complete to move it to the County. Mr. Brennan stated they do not need to send it to the County to turn it down, certainly before they approve anything it needs to go to the County and have at least 30 days for them to have their opinion on it, even with that they can still deliberate tonight and as Ms. Trigg is suggesting they can go around the room and at least 4 people have to agree and talk about why they are of that opinion, direct him to write a decision and in the meantime if it's in favor they will refer it to the County and have that referral back before they adopt that decision at the next meeting, otherwise it will be a procedural misstep. Ms. Trigg stated to clarify she didn't think Mr. Brennan was suggesting a motion to approve or deny without sending it to the County, Mr. Brennan responded he is suggesting they direct him to write a decision to be formally adopted at a subsequent meeting. He said the felt they were spinning their wheels sending it to the County, waiting 30 days and then voting to write a decision for the next meeting, if they prefer to wait, they can send it to the County first. Ms. Trigg stated it would be helpful for this Board to have the feedback, Mr. Brennan agreed, and said they can use Ms. Trigg's suggestion and vote to refer to the County as the final plan, push this off and come back another month after they hear, he then asked the Clerk how they were as far as dates for submission and their meeting, the Clerk stated they missed if for this month,

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April, they won't review until May, which is after this Board's meeting, the County meets the 3<sup>rd</sup> Thursday of the month and their cutoff date for submissions is the Wednesday of the week prior to, this Board meets the 10<sup>th</sup> of May and the County meets the 13<sup>th</sup> of May, the cutoff for that meeting is the 5<sup>th</sup>, so that is not a problem. The Clerk said they will have it for their May meeting however, this Board will not have a response until the June meeting. Mr. Brennan suggested this Board holding a special meeting at some point after they get the County referral back, they don't have to.

Chair Martindale reiterated this plan was going to the County,

Mr. Reinemann made a motion to approve the current proposed plan as complete and submit to Saratoga County Planning,

Ms. Eggleston 2<sup>nd</sup> the motion,

Vice Chair Heber asked what it was in front of the array in photo picture #1C for 114 Wall St, if it was a hay field,

Mr. Kenna replied yes he believes so.

Chair Martindale asked who was in favor,

Ms. Rippon-Butler	yes	Ms. McGarrahan	yes
Ms. Eggleston	yes	Vice Chair Heber	yes
Mr. Reinemann	yes		

Opposed;

Chair Martindale                      Ms. Black

Motion passed 5-2

Mr. King and Mr. Basinger rejoined the Board.

Chair Martindale announced special use permit application #0001-21, Cell Tower for Centerline Communications, AT & T and they need to determine the final height.

Brenda Blask-Lewis introduced herself, Mr. Brennan stated they have the pictures of the balloon fly and he asked if they were at 140', 160'? Ms. Blask-Lewis replied 120', 160' and 199', the Board reviewed the photos.

Mr. King stated he reviewed the pictures and 199' looked good to him. Chair Martindale asked what the existing tower was at Ms. Blask-Lewis said 120'. Vice Chair Heber asked what the colors on the photos were and the Board discussed the color codes on the photos. Ms. McGarrahan asked Ms. Blask-Lewis about picture #1 or p01 looking Southwest from Blue Heron Ter, is the existing tower the tall structure, Ms. Blask-Lewis said yes, Ms. McGarrahan said if the orange on the photo is 120' and the tower is 120' it looks like they are different, Mr. Brennan interjected that the ground elevations may not be the same, Ms. McGarrahan asked how far away is the proposed tower from the existing tower? Ms. Blask-Lewis replied about 800' or so, Mr. Brennan stated he remembered measuring it and it is 400' or 500'. Mr. Brennan stated there were 2 or 3 photos where you could see a little of the balloons at a distance to get a sense of what would be seen; however, the majority of the packet wasn't visible at any distance.

Chair Martindale stated they need to determine the final height for a public hearing and send to County, Mr. Brennan said yes they need all those things however, recall this is a telecommunications planned development unit so the Town Board has to make a zoning amendment and change the map, the one that was approved for Verizon was specific to their 100' by 100' lease area for the PUD, he added he checked with the Clerk and Mr. Colozza

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and the entire parcel was not included. He explained the applicant started at the Town Board and was then referred to this Board for comments and he suggest they need a joint public hearing with the Town Board there is another joint public hearing for Stonebridge Farms PUD on the 2<sup>nd</sup> Thursday in May and you could add this to that agenda, the Clerk asked if they were aware the Town Boards meeting is after this Planning Boards meeting, so if they don't have a quorum to hold their meeting at the same time as the Town Board, this Board won't be able to act so both application's will be waiting until June because the 10<sup>th</sup> will be this Boards meeting and the Town Boards meeting is the 13<sup>th</sup> of May. Mr. Brennan said he didn't understand "to act", it's a joint public hearing either Board can act? The Clerk asked if this Board needed to vote after the public hearings, Vice Chair Heber said yes, Mr. Colozza said no, it was the Town Boards decision on the PUD. Vice Chair Heber disagreed, Mr. Colozza said this is a referral, the Town Board looks at it to see if it is feasible, sends it to the Planning Board for a site plan review and then this Board sends recommendations back to the Town Board and they approve it. Mr. Brennan said that is how he understands the process it does not come back to this Board. The Clerk asked why this Board had to attend a public hearing if they can't vote after, if it doesn't come back to this Board. Mr. Brennan stated he did not think it was necessary for this Board to have a public hearing for Stonebridge Farms, Vice Chair Heber said he didn't have the Law so he couldn't review it.

Mr. Reinemann asked if they had a site plan or just the balloon fly, he added in his opinion the balloon fly was helpful and they have gone through the process he thinks the tower can be as tall as it can so they don't have to add a 3<sup>rd</sup> tower, it doesn't have a visual impact on anybody but the property owner, he would recommend going to the 199'. Discussion ensued on the visual impact in the photos.

Vice Chair Heber made a motion to make a recommendation to the Town Board for a height of the Tower at 199', Mr. Basinger 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Mr. Brennan explained this application is different than the Stonebridge Farms PUD, this application will go to the Town Board with the recommendation, at their next meeting they will schedule a public hearing and it will come back here to this Board for a telecommunications siting permit as Vice Chair Heber was saying, so it does come back to the Planning Board. He stated a regular PUD does not come back. Ms. Eggleston asked if there would be a joint public hearing for this application? Mr. Brennan said they can but this Board can have their own from his perspective, instead of trying to schedule jointly and making it more difficult, it will come back to this Board for a site plan after the Town Board approves the PUD and Zoning, at the site plan normally a public hearing is optional, if the Town Board holds the public hearing and nobody comes maybe this Board will waive that, if a lot of people come up this Board may decide to have one.

Chair Martindale announced application # 0002-21, Angelo Rosse, Mining Permit.

Mr. Basinger stated there was a letter that said mining may not be allowed in the subdivision, Mr. Brennan stated he would address that.

Chair Martindale asked if there were any changes to the proposal since the last meeting. Mr. Norensky, Engineer representing Mr. Rosse said they did landscape changes a berm is around the perimeter on the adjacent roadways and the berm has a schematic on the map, 6' high with the appropriate slope, width 25', vegetated that will screen the mine site from any vehicle traffic along the adjacent roadways (inaudible). There are 30 to 50' high thick trees, so all the sides have been screened from any residences. Mr. Norensky said he reviewed Mr. Baker's letter and he wanted to address his concerns that he brought to the Town Board and it should resolve the concerns and any

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additional ones you may have. He asked if the Board wanted him to go through the responses to the letter? He said the 1<sup>st</sup> comment was regarding the duration of the mine, he calls it the “life” of the mine, not the area but the time period, doing calculations over a 20-year period he misspoke at the last meeting because over a 20 yr period if only 5500 cu yards were being removed it is not sustainable for any business, a moderate mining company averages 90,000 cu yards a year. In a 5-year period he (Mr. Rosse) is going to mine what a normal company does in one year and that is basically the duration of the mine give or take 5 years, but not 20 years. Mr. Rosse stated if upon him getting a renewal from the State every 5 years he has no problem reappearing to this Board to do a status check and it states here if any complaints occur, he would be glad to address that with the Board. The State would enforce it significantly within the 5 years or anytime the mine is in operation, they will monitor it and it can be discussed and revamped at that time. #2 discusses that he agrees that the roadway and accessway entrance on Virginia Pl at the current time is the best location, already established it all ready has stabilization rock and line of site has been in place. No complaints have come in from the Town and the Highway Superintendent also confirms Virginia Pl is the best access way. Mr. Rosse asked if he could interject, he said go back to #1, the condition to have to come back in 5 years, he suggests he come back about 6 months before, not just 2 months before to give the Board ample time to review any concerns and address a revisit if he needed a renewal at that time, Mr. Norensky said the State requires one month before so if this Board wanted to do 3 months or 6 months before and combine the renewal from the State and Town agency just to get a check over from the agencies sounds appropriate.

Mr. Baker asked if they provided a written response to his letter, Mr. Norensky said no, he wanted to bring it in front of the Board and discuss it first. Mr. Baker agreed and said in #1 they said it would be 20 years, Mr. Norensky said he had misspoken about that it would be about 5 years, Mr. Baker asked if he revised the DEC application, Mr. Norensky said he is preparing that but they have not finished it, they are here getting the Town’s take on it. For only 5000 cu yards King Enterprises wouldn’t be interested in doing business with him.

#3 Mr. Norensky talks about the vehicles being parked or stored, after the berms are erected and the first cut to the mine it will be well below 10’ and eventually 15 – 20’, the loader and excavator will only be there during the mining season and below grade. They will be parked there overnight; the miner will come back and mine on weekdays and on the off season they will remove them. Two pieces of equipment, similar to farming equipment.

Mr. Rosse stated he gave a letter to the Board and he believed the 1<sup>st</sup> one was from Carr, he partially read the letter aloud (see attachment). Mr. Rosse said Mr. Carr will start cultivate and seeding this Friday, he added Mr. Carr works 4 days a week for the Town so he will be working (on the lot) Friday, Saturday and Sunday, he continued to read the letter and said they are doing about 1/3<sup>rd</sup> and the bonding area is about 2 acres and Mr. Carr is going to do the other 5 acres right now, he explained they are not waiting until everything is done, 2 – 4 years, once they are done with one area Mr. Carr is going to come to another area. Mr. Carr will always have the 5 acers and eventually the 7 ½ acres when they are done. Ms. Rippon-Butler asked if it was out of line if she asks to address the permit issue first, Mr. Brennan said it’s whatever the Board wants to do. Ms. Rippon-Butler stated it felt like it supersedes some of the process. Mr. Basinger agreed. Mr. Brennan asked the applicant if they have seen the letter from the neighbors? Mr. Norensky replied no, Mr. Brennan gave him a copy of the letter and said it looked like it was emailed today. Mr. Rosse stated he met with a couple neighbors recently, Ryan Sherman came back from vacation and he has been talking to John Bowen, lot 2 owner, Ryan is the lot 3 owner. They were talking about where the property line was and where the 25’ setback would be. Mr. Sherman’s only concern when he talked to him on Friday was if they were mining to close to the water table where it would be disruptive to the wells and they were going to be 10’ twice as much as the State allows, 5’ and they are going to be 10’. Mr. Rosse said it is correct there were covenants that have expired. He stated he was aware of them expiring after 20 years.



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Mr. Norensky interjected and asked if they could sum up what the comments were? Mr. Brennan said it sounds like they don't want the mine, they don't come out and say it but they do say there is deed restriction for the entire subdivision that prohibited mining. Mr. Brennan stated he was aware of that from the beginning, he looked at it and saw it expired and it is not his job to advocate for the neighbors so he was waiting to see how it played out. He then said the question that relates to it, it was clear to him the covenants and restrictions had expired as of the end of 2020, the question is at the original approval of this subdivision, historically if it was a conservation or cluster subdivision this was suppose to be open space it may be inconsistent with the subdivision approval to mine the open space or conservation area of the subdivision. That he said is a little of their question is whether or not this is the open space set aside available for mining or is it suppose to be conserved. Mr. Norensky asked so farming or erecting buildings? Mr. Rosse said it can't have any structures but if they were to grade the whole thing that is allowed because we use it for farming, grading is one thing, mining is just leveling it to make it more appealing to farm it. He said whether they leave soil onsite or take it off site all they are doing is leveling it, he believes in reference to the mining it had to do with each specific building lot, this wasn't a building lot. There are only 23 building lots and you couldn't do certain things on building lots. Mr. Basinger stated it was part of the overall approval of the subdivision, he asked Mr. Brennan if that was something he could investigate? Mr. Rosse said it was something he put in place it was not part of the approval. Mr. Brennan replied that is what they are working on, he stated Mr. Colozza and the Clerk are investigating it, we are trying to get to the original approval. Mr. Rosse stated the restrictions and covenants were put in place by him in 1999, the approval for the subdivision was July 31, 1992, it wasn't part of the original subdivision approval. Mr. Brennan stated he is not suggesting the covenants are binding, he is saying if the original subdivision in '92, if the Board told it was set aside as open space or conserved area for some reason and he doesn't know if that is the case or not. Mr. Basinger agreed and said that is the root of all decisions. Mr. Norensky said if it is allowed to be farmed the state it is in now with steep slopes and drainage it would not permit for a garden, if he wants to farm it they will have to grade it. Mr. Brennan said he thinks people will say there is a difference between grading over the course of a couple of weeks vs. mining it over the course of several years. Mr. Norensky it will be a longer duration for drainage to go into the hay field and depression shape for farming. Mr. Brennan said this is the exact topic that came up for the Sky Solar panels that were in tonight for the first time, apparently that was part of the subdivision as well and the question is again whether there are any restrictions on what that land can be used for. He said what he gets from the letter is that it was not a ringing endorsement from the two neighbors you spoke to over the weekend, Mr. Rosse interjected he was proactive, he went to them. Mr. Brennan said he appreciates that. Mr. Rosse stated he spoke to Mr. Bowen a couple times over a 2 day period, like a lot of folks when he came back around 7 or 7:30 he was speaking to another neighbor down the road, Buck Hellwig, so he stopped and they were speaking. The words that were used were, not from John but the other neighbor was disturbing he said, gee John, you got him right were you want him, if I were you I would have him plant some trees on his nickel and be done with it, and he said some other things. Mr. Rosse said that is what it is about, what is in it for them, and again he said he went to them. He said John was in his yard doing yard work when he stopped to see him and Ryan was away so when he came back, he talked to him with John in the field to show him the steaks. Mr. Brennan said sometimes what neighbors say to the applicants face when you are in a driveway vs. what they say after they talk to their significant other or they sleep on it and put it in a letter is not always the same thing. He added like sometimes people say they signed a petition because they didn't want to tell their neighbors no. He said he doesn't know what the letter means other than we are in support of it, it says there are these covenants and we want to investigate. Mr. Basinger interjected they would investigate it between now and the next meeting, Mr. Colozza stated the Solar Farm has to be investigated too, it's the same subdivision. Mr. Brennan asked Mr. Rosse if he did the whole Homestead Estates in '92, Mr. Rosse said no, when Nick Lanaro, Phase II is less than 5 acres so there was a deal with the Planning Board, across the street Phase I was 50 acres or something, so there were restrictions placed, they let him have a subdivision for



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less than 5 acres, however, the field out front where he is trying to do the mining, 7.6 acres is to be used for agricultural uses only, that is why the restriction on the lot says no buildings, and across the street there were 2 lots and they were to remain but he didn't pay attention to Phase I because it didn't pertain to him. He asked if Mr. Colozza was going to look to see if the deed restrictions are pertaining to the building lots or to lot 1? Mr. Brennan said the deed restrictions have expired and the neighbors wanted to investigate them, they probably needed to be extended during their term and not after they expired, that was his guess. Mr. Basinger said it was an open space subdivision and he can't imagine, Mr. Brennan said there are 2 things, there are the restrictions Mr. Rosse put in as covenants deed restrictions, Mr. Heber interjected and said that has nothing to do with the subdivision, Mr. Brennan agreed and explained the deed restrictions say "as they then are enforced they may be extended from time to time for a successive period if by an affirmative vote", he said if they go to a Judge the Judge is going to say as they then are enforced and after they have expired they have lapsed and he doesn't know if you can extend them. He looked at it a couple months prior and he saw no mining, but then he turned the page and it said duration 20 years, he has never seen one that expires but this expired. Mr. Rosse reiterated they may be extended but that would be while they were in force. Mr. Brennan said the original subdivision in '92, a conservation or cluster subdivision says you can have smaller lots or more lots in exchange for open space it is probably inconsistent to say we are going to mine it for 5 years. Mr. Rosse asked what would be the open space, Mr. Brennan replied the 7 acre lot. Mr. Rosse asked what that had to do with taking the dirt off, mining, it is still open space for farming. Mr. Basinger said it could have a stipulation for uses on the original approval. Mr. Brennan said you don't set aside something for open space and then say you can mine it for 20 years. Mr. Rosse said the only things he saw on the maps was deed restrictions saying no buildings, no fences. Mr. Brennan stated that is why they have to look at it. Mr. Rosse asked if they could cover the other points from Mr. Baker's letter?

Mr. Norensky responded to Item #4 in Mr. Baker's letter; reclamation, they will put any features regarding the reclamation on the plan now, the berm around the perimeter will be coming out so that is not on the reclamation plan, he has the catch basin and he will put more detail of what will remain after the mine is closed and terminated, he went into discussion on the water table, they added test pits since the last meeting, the test pit by elevation was approximately 297.8 on the current floor, they did a total depth of about 14 or 15' and got water at 13.6' below the area of approximately 150' from the wetland area, the wetland on the map is below the water surface about 290 to 290.6', he took a survey shot on ground, the wet land surface area is probably around 289 or 285, but 150' away you are getting an elevation of more than 6 or 7 feet in depth and they also have the well record, on their side and going up hill that had an elevation of 289 and 307 was the surface. He stated he believes with the test pits they can show the wet land is perched as a shallow water body approximately 289 and a depth he got off the GIS is less than 2 or 3 '. Ms. Eggleston asked if he could give a response in writing? Mr. Norensky replied yes.

Item #5, SWPP plan, Mr. Norensky stated for one acre or over is for construction activities, he does a lot of mine sites and industrial SPDES, State Pollutant Discharge Elimination Systems, in this case it is SWPP not SPDES as long as you maintain the drainage runoff, you do not need, he will supply erosion sediment control plan, which could be considered a SWPP plan and any drainage or features you would like to see. They are doing an environmentally friendly plan in regards to surface water, there will be no discharge off the site. Inaudible.

Mr. Baker said the biggest concern he has is tracking material into the roadways, are you going to have a stabilized entrance you can add detail for that, dust control, the basic elements. Mr. Norensky agreed. Mr. Rosse stated Mr. Coffinger, Highway Superintendent submitted a letter dated March 16<sup>th</sup> with a recommendation to keep it on Virginia Pl, it is already stabilized and it works well, the letter is in the file. Mr. Brennan suggested they carry this on the agenda for next month with the idea they will have a written response and more detail and Mr. Colozza and the Clerk will have some success with the records for some history on the subdivision from the 90's.

Town of Northumberland  
Planning Board  
Location; Gansevoort Volunteer Fire House  
Subject to Correction by the Planning Board  
Monday, April 12, 2021  
7:00 pm  
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Mr. Basinger stated he had questions regarding the Carr family letter, it says you are going to be installing camera's and no trespassing signs, Mr. Rosse said yes and stated he provided photos of the sign the sign is about 2' x 3' and he has inquired with different companies to have cameras installed and he has contacted National Grid for power. Mr. Basinger stated he felt it would be a bigger visual impact than the mining operation, the fence and signage, Mr. Rosse asked if he was for it or against it, Mr. Basinger said against, he felt it gave it an industrial look, Mr. Rosse interjected there was a concern about trespassers, Mr. Basinger reiterated in his opinion it would be a bigger visual impact. Mr. Rosse stated he appreciated it but there are kids that ride 4 wheelers, Mr. Basinger said he was not sure how to deal with that but he would hate to see an 8' high chain link fence there. Mr. Rosse said they were only thinking about the orange fencing around the mining area, he asked if that would be an eye soar? Mr. Basinger said yes. Discussion on how to detour kids riding in the area.

Mr. Rosse asked if they were looking for certain wording in the original subdivision plan that would restrict him from doing this, what are you actually looking for? Mr. Colozza said they have to find the file, read through it and find out what they set it up as back then. Mr. Brennan said he is trying to understand the 7-acre lot was set aside for some reason with no building on it, Mr. Rosse interjected it was part of the phase 1 where they wanted the tree line, they wanted all the houses behind the original tree line, so they cut it off the houses went back there and the tree line is part of the deed restrictions, behind lots 2, 3, 4 & 5, the tree line has to stay. Vice Chair Heber said it was simple, it is in the ag district, they put the houses in the woods because it is an ag district, you don't put them in the fields, the same reason you don't put a solar farm in the field. Mr. Rosse said he did not believe there was anything in the file that has constraints on lot 1. Mr. Brennan said he is not convinced there is either but if someone asks the question, they have to do their homework, Vice Chair Heber stated they have to look at the verbiage, Chair Martindale agreed and said once that is answered they can iron out the rest of the details. Mr. Rosse said Mr. Norensky will respond in writing everything discussed.

Vice Chair Heber made a motion to adjourn the meeting at 9:48 pm  
Ms. McGarrahan 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Respectfully Submitted,  
Tia Kilburn, Planning Board Clerk