

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, May 23, 2022
7:00 pm
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Planning Board Members Present: Melanie Eggleston, Brit Basinger, Lisa Black, Holly Rippon – Butler, Vice Chair
James Heber and Chair Susan Martindale

Members Absent: Jeff King, and Mary Beth McGarrahan

Town Employees Present: Dave Brennan, Town Counsel, Richard Colozza, Code Enforcement Consultant,
Michael Terry 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. Quorum established.

Chair Martindale explained they would change the agenda and address the major subdivision for James O'Donnell, it is in the shoreline overlay district application #0012-21 at 1439 West River Road. She asked Mr. Phillips, Counsel for the applicant to give a brief synopsis of the packet they submitted to the Board this evening.

Mr. Phillips stated he is now going to give to the Board the original subdivision maps, he explained they are the original maps, dated 2005 from 2006 approved subdivision. On the two maps there are two tax map parcels, one is 91.-2-2, that is the parcel right on the road, that parcel based on the 2005 subdivision maps has 13.77 acres, that consumed all of the road frontage on river road, behind that was the bulk of the land, that included the 11 lot subdivision approved by this Board, that is the 11 lot subdivision that appeared on the map S799, he stated he believed the Board has that map in the file. With those 2 tax map parcels when the subdivision was designed between the road frontage and the back lands primarily agricultural lands, there was wet lands and the flowage easement of the Canal Corp. He explained when they did the subdivision, they did the logical thing and looked at the physical properties of the land and said they would use everything on the west side of the wet lands to the road as "other lands" and everything on the other side of the wet lands and flowage area they used as the 11 lot subdivision. So even though they had 2 tax map parcels going in when they came out after the subdivision they had 2 different land components, they had the 11-lot subdivision and then they had what they called the "other lands of Stoneybrook". He stated they discovered at the last meeting, they had decided to subdivide out the house lot, which was a 5-acre subdivision because Mr. O'Donnell was originally going to buy the house lot. They got approval from this Board to subdivide the house lot out they allocated the 5 acres to the house lot and expanded lot 1 of the original subdivision by 20 acres and brought that original lot 1 up to 35 acres, and there was a note on the map for "no further subdivision" of that without Planning Board approval, then they reversed that subdivision and restored the original "other lands of Stoneybrook", when they restored the "other lands" that had about 25 acres, they gave the 20 acres back to lot 1 and basically put it on the other side of the wetland area, that restored it to the original subdivision. He explained there were a lot of changes, but he feels it is important that when they created the 11 subdivision they used the wetland, Canal Corp. flowage area as the boundary, and with the 11 lot subdivision there is no further subdivision without Planning Board approval, but they are dealing with the "other lands" that they feel are not subject to that condition and even so it says no further subdivision without Planning Board approval, even though they say that the "other lands" do not fall within that, they are here asking for approval of the subdivision for "other lands".

Chair Martindale stated at this point the Board would like to have an opportunity for the Board's Counsel, Mr. Brennan to review the maps and the deeds that have been submitted, she asked if the deeds were submitted. Mr. Phillips stated the deeds are attached to the letter that the Board has. Chair Martindale stated they need the opportunity to review that information, they will carry the application on the agenda for next month. Mr. Phillips agreed.

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Mr. Brennan interjected that he thinks the concern he talked about the previous month can be taken care of with this, he will take a look at it and then they can come back and talk about processing an application for the subdivision approval going forward. Mr. Phillips stated in that phase of the process, they have been in contact with wetland engineers that will talk about the impact on the wetlands with building in the area both directly and indirectly. He added they talked to the engineers about the fill that will come in on these sites to satisfy the flood plain issue, they have also been looking at the septic issues so they understand they will have to satisfy the Board as to the environmental aspects of this project. Mr. Brennan stated it won't take him long to go through it within the next 2 weeks and get a response to him. He added he expects they will be at a point where they have untangled it as of the history of no further subdivision, he feels they are past that issue. Mr. Phillips agreed and the application was tabled for the next meeting.

Chair Martindale announced application #0018-21, John Cornell, Site Plan / Special Use permit, 165 Beaver Street.

Mr. Brennan stated he has copies of a prepared written decision, he apologized for the late submission and explained there were issues with covid in his family. He asked if the Board would like to take a few minutes tonight read it, see if there are any changes and vote on it and be done.

Mr. Brennan stated he took what they went through at the last meeting, the history, the SEQRA, State Environmental Quality Review Form questions, Special Use Permit questions and Site Plan questions, he stated he reviewed Clerks notes (minutes), he followed them with the time line of events and added some detail where warranted. He stated it followed very closely the rational that was provided that was the addition of the driveway solves the problem with respect to access route, emergency vehicles, the location of the barns is acceptable for the agricultural protection district and a barn structure in our agricultural district is not inappropriate or offensive. The Board reviewed the written decision.

Chair Martindale asked what was the consensus, Mr. Brennan stated there is a potential for the neighbors to sue on this, so he wanted a written decision so if it goes to Court the Judge will have it, he stated on the last page he added an exhibit of what the aerial photo looks like, the distance between things, the vegetation. He suggested they go through the decision and if the Board sees anything wrong it can be corrected and then he will issue a final determination that Chair Martindale can sign.

Ms. Rippon-Butler stated she missed the previous meeting and she asked if there was anything from Mr. Baker, Town Engineer's letter that needed to be addressed. Mr. Brennan explained the open item was the amount of disturbance, Mr. Baker requested an erosion control plan, he stated what was submitted was consistent, he said the construction entrance was added and the cross-section detail of the driveway, how it would be constructed and basically Mr. Baker signed off on that. Mr. Basinger asked if there was a copy of the final site plan here at the meeting, the Clerk said yes in the packet they have in front of them, Mr. Cornell submitted a larger map to the Board for review. Mr. Basinger asked if he heard they are installing a new driveway? Mr. Brennan reiterated the driveway access satisfied the emergency access concerns and it also addresses some of the concerns of the neighbor over the shared driveway, he stated the applicant is not necessarily walking away from the shared driveway explained the turn around other added items to the site plan. The Board reviewed the site plan.

Mr. Brennan stated they received in April a revised set of renderings of the barn showing the cupolas, the lighting and things like that, it is nice looking. Mr. Basinger agreed and stated it adds architectural character to the community.

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Mr. Basinger asked about the SEQRA, Mr. Brennan stated he continues to believe that from everything they have received it is a Type II action and is exempt, they did walk through the short form part 2 last month and answered all the questions so if at some point in the future someone disagrees with the idea it is exempt from SEQRA they do have a SEQRA analysis and determined there is no significant adverse environmental effect. Mr. Basinger asked if there were any outstanding business they need to cover. Mr. Brennan stated he feels they have covered it.

Vice Chair Heber made a motion to accept and approve the Site Plan and Special Use Permit after a through review and adopt Mr. Brennan's written decision on this application,
Mr. Basinger 2nd the motion,
All in attendance unanimously agreed.

Mr. Brennan asked Chair Martindale to take the written decision home and review one final time if there are corrections, they will be corrected he stated there are a couple of dates that need to be entered on page 2, then Chair Martindale can sign, it will be filed in the Clerks office. He stated they will get copies to the applicant and attorney. Mr. Brennan stated he spoke with the opposing Attorney and basically said if this Board gets sued, they can fix anything that was done incorrectly so they are wasting their time and their response to him was they will get a TRL, temporary restraining order, and Mr. Brennan stated that is fine, he explained to the applicant they will get it signed, filed and then they are either headed for a building permit or litigation.

Chair Martindale asked if there were a motion to accept the March Minutes, discussion ensued if there are enough members to approve minutes that were in attendance at the March meeting, March minutes were tabled.

Vice Chair Heber made a motion to accept the April meeting minutes,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Discussion ensued on scheduling the presentation from American Farmland Trust regarding solar projects. The Clerk stated the Town Clerk Denise Murphy will be handling the scheduling. Chair Martindale asked where the Town Board was on the process, Vice Chair Heber stated they extended the moratorium, the Clerk stated it expires in September.

Ms. Black made a motion to adjourn at 7:25 pm,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk