

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board

Monday, August 12, 2013 7:30 pm

Page 1 of 4

Present: Susan Martindale, James Heber, Lisa Black, John DeLisle, Melanie Eggleston Brit Basinger and Wayne Durr, Chairperson

Absent: CJ Lofgren and Jeff King - Vice Chairperson.

Town Employees Present: Tia Kilburn, Clerk and Richard Colozza, Code Enforcement Officer.

Wayne Durr, Chairperson, opened the monthly meeting at 7:11 PM.

All in attendance stood and recited the Pledge of Allegiance

NEW BUSINESS

Proposed Zoning and Comprehensive Land Use Changes

Doug Ward, Town of Northumberland Legal Counsel.

Mr. Ward introduced himself to the Board and stated the Town Board reviewed the Saratoga County Final Report (attached) pertaining to sale of the Saratoga County Landfill at their last monthly meeting and asked if this Board had a copy of it, the Clerk responded no and Mr. Ward said he would forward it to them. He then explained the County began to have difficulties in 2012 and started to consider selling the Saratoga County Landfill located on Peters Road in the Town of Northumberland. He stated in the very beginning years ago the Town fought the County over the landfill and after a long battle the Town lost, in an appeals process the Town lost again to the County, however the landfill was never used after the construction and the County has now decided to sell it and has revoked their Resolution. The County has received 3 bids for the purchase of the landfill, one from Finch, one from Capital Region Waste Management and a third from Cassella Consolidated Waste. He stated now Northumberland can decide to be a part of this or not, Willard Peck, the Town's Supervisor, has decided to work with them and get the best deal for the Town. He has looked at the proposals and urged the County to go with Finch for a couple of reasons, Finch already has an existing landfill in the Town he feels they have been a good neighbor and the footprint of the County Landfill along with everything proposed in the Part 360 Permit has already been approved by New York State Department Of Conservation. Finch is negotiating a contract with Saratoga County for the landfill, they have stated if this Town creates problems for them they don't want it and will back out, if that happens the County will have to sell to Capital Region Waste Management and we do not know what kind of a neighbor they would be. What all this means is the Town needs to change our laws to conform with the change, the Town Board is proposing a Landfill District, noting the aerial photo Mr. Ward indicated the proposed area which includes SBL#'s: 104.-1-84.21, 104.-1-85.2 and 104.-1-85.1. Mr. Heber defined the area with a marker and Mr. Ward agreed that was the location for the district. Mr. Heber then asked if they were creating another landfill, Mr. Ward stated no, the landfill is already there and the expansion of it has already been approved by DEC along with the "valley fill". Mr. Basinger asked about the "valley fill", Mr. Ward explained it as the valley between the two landfills being utilized by Finch to make it one landfill. Mr. Basinger asked how this area was determined usable; Mr. Ward stated the County conducted studies during the 360 part. Mr. Heber asked if it has already been approved why does the Town have to approve, the County supersedes the Town and why would the Town want to add liability to itself, Mr. Ward stated it will not create a liability for the Town or the Board, DEC regulates the 360 permit and DEC will follow the Town's setbacks and height limits on buildings. The Town Board when contemplating setting up the district only for landfills and took out the height limitations. Mr. DeLisle asked if the setbacks are from the material itself, Mr. Ward responded yes, 100' setback and part 360 will regulate that. Mr. Durr asked about the heights, Mr. Ward stated height limitations are in the DEC 360 Permit process, the Town Board will reinsert limitations for accessory buildings and fences at 35' heights. Mr. Heber asked if they were going to accept municipal garbage, Mr. Ward said yes and sludge, they will take up to 500 tons of municipal garbage from Northumberland free each year and pay a host payment to the Town. They can also accept municipal waste from the surrounding counties. Mr. Ward explained to Mr. Heber it is the County's deal, Finch got the permit because they are owned by the IDA, Industrial Development Agency and the IDA supersedes the Town Zoning and the County supersedes Town Zoning, therefore it could become non-conforming and cause trouble without any benefits to the Town or the Town can work with them and get benefits. He explained there are two parts to the process, part 1 involves creating a Landfill District and in order to do that part 2 is necessary to amend or repeal laws and make them conform, Local Law #2 of 1991 pertains to Soil Disturbance and will be amended, repealing Local Law # 1 of 1992 because it says in part you can't put landfills in unless licensed by the Town

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board

Monday, August 12, 2013 7:30 pm

Page 2 of 4

Board, which basically says if you are licensed, you can do it, amend Local Law #1 of 1989 which prohibits landfills in Northumberland to read "except in Landfill District", repealing Local Law #2 of 1989 which just reaffirms Law #1 of 1989. The purpose of repealing Local Law #1 of 1992 or taking it off the books is there is no sense in letting someone push their way in if they are "licensed" and it also includes amending the Town Comprehensive Land Use Plan. Mr. Ward then said the County wants to have this finalized by the end of the year therefore the Town needs to be finished by the end of August, and they are holding a public hearing August 29th. He then asked the Board to take a look at a Resolution he prepared. Mr. Heber asked what the definition of a landfill was, Mr. Ward stated he tracked the part 360 from Dec and wanted the landfill definition to be parallel with DEC. Mr. Heber stated that is a State definition not in the Town's Zoning Definitions. Mr. Ward said he was trying to track the DEC language and they will add landfills to our definitions. Mr. Durr reiterated the public hearing will be August 29th for the Town Board, Mr. Ward confirmed. Mr. Heber stated this Board doesn't have power in this, the Town Board does. Mr. Ward explained what they are trying to do is amend this Zoning District in part from Agricultural to a Landfill District the definition of landfills and solid waste that DEC part 360 regulates gives the Town control to set it in stone. He then referenced the "red items" as being amended in the copy of the Comprehensive Land Use Plan the Board received in their packets, he said only the red items are of concern everything else is staying the same. He stated it is important that solid waste is narrowed in definition and doesn't include nuclear waste or hazardous waste as prohibited on page 2 in the plan. The principal permitted use for the Landfill District will be just one, bulk storage with 100' setback from the landfill pile and 50' for others and 35' for buildings. Mr. Ward reiterated only the RED items are being changed the rest of the marks were created with the conversion from a PDF file to a Word file and will be fixed in the final copy. He then paused and asked if there were any questions so far. Mr. Heber asked what is the Town's liability for a 360 part because as an airport owner he has the liability he then added he cannot find where the variances for the landfill were granted, he asked if Finch will take care of the birds and any other problems under the 360 permit or will the Town be liable. Mr. Ward stated the Town has no liability and the problems will go to DEC. He added the Town is happy with Finch's track record they appear to have been a good neighbor. Mr. DeLisle said it is easy for them, they can get it now and sell it later and he asked about the route the trucks will take. Mr. Ward stated there will be more trucks per year and combined with Finch and the landfill it is estimated on the 360 permit to be about a 17% increase. Mr. Heber stated this Board doesn't know what is in the 360 permit. Mr. Ward said they have to send a copy of everything sent to DEC to the Town as well. Mr. DeLisle asked where the protected Harrier Hawk habitat was. Mr. Ward responded he was not sure. Mr. DeLisle then asked if there were any open space designated, Mr. Ward said that is part of 360 and DEC will be stringent. Mr. Basinger said he had some concerns, he can see it would be providing a service for our neighbors but will our community receive contributions from them, also concerned with the neighboring properties and their quality of life, their real-estate values and road safety with the increased truck traffic, in addition we are suppose to be preserving agricultural and rural areas he is concerned with the visual impact, he stated he cannot make a decision to support it at this time without additional information. Mr. Ward said any bonding and or road requirements probably will not be included in the contract. Mr. Basinger stated the benefits appear to be more for the neighboring counties and not us and this Board was not included in any of the decisions. Mr. Ward stated as a host community Northumberland will receive benefits including 500 tons of free dumping per year and % of the tipping fees received by the County and a host payment. Ms. Eggleston asked how much waste is produced in Northumberland; Mr. Ward responded he was unsure however 500 ton has to be close. Mr. Basinger stated he would feel better if the community was involved and they knew what the benefits were. Ms. Eggleston asked why the County chooses to go with Finch, Mr. Ward explained Cassella Consolidated Waste had the lowest bid, Waste Management wanted to expand all the way to the River and they have already mentioned litigation against the County and Finch is already here and willing to work with them. Ms. Martindale asked what the expected life span of the landfill was, Mr. Ward said he thinks about 20 years, Mr. Colozza interjected that they are currently in their 11th year at the current location. Mr. Basinger reiterated the contract is with the County, Mr. Ward said yes, Willard Peck is working on it for the Town & Finch as Northumberland being a host community the agreement with the County and Finch includes the 500 free ton and we will receive a % of the payment to the County for the tipping fees from the surrounding Counties over a certain amount, Northumberland will get the largest share. Mr. Basinger then asked who will make the presentation to the public on the 29th, Mr. Ward responded Mr. Peck and himself. Mr. Durr asked if there were any other questions, he then asked why the Board did not receive the information until Friday, Mr. Ward said the packets were not ready, they were waiting on Finch and their lawyers and then the County had to forward the information to us. Mr. Durr stated this Board could have gotten some preliminary stuff to begin the consideration he added the community usually comes to the Planning Board for answers first and the more prepared they are to answer their questions the better it would

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board

Monday, August 12, 2013 7:30 pm

Page 3 of 4

be. Mr. Basinger asked if they were looking for a signed Resolution tonight, Mr. Ward said yes. Mr. Basinger stated he was not prepared to do that. Mr. Durr asked what happens with their Resolution on the 29th for the Public Hearing, Mr. Ward stated it will become part of the record and would be helpful to the Town Board, he explained the Resolution is just recommending a change in zoning, if this Board would like more time they can come back for another meeting as long as they can get a quorum. Mr. Basinger stated he was unsure if he supported it maybe with some conditions. Mr. Ward stated the Resolution or not doesn't change anything it will isolate the Town Board on a tough issue, he added they have the permit and do it anyway, it is important that the Planning Board be aligned with the Town Board. Mr. Durr stated they work hard to listen to people and look at the Laws, they like to keep both ears open. Mr. Ward stated the public hearing is not for the Planning Board. Mr. Durr asked why the Public Hearing is at the end of the month, Mr. Ward responded because they have to give the County 30 days to respond with comments and they needed 10 days to get notice to the public. Mr. Basinger reiterated he cannot make a decision based on 2 days to review the information. Mr. Durr said he wanted time to absorb all the factors including responses from the public and County. Mr. Ward asked if the Board was prepared to vote tonight, Mr. Basinger stated the intention is to support it and get the most out of it for the Town, however, with the lack of details it is hard to support. They do want to support the Supervisor and the Town Board in a way that benefits the community. Mr. Colozza said he thinks the Board is confused, they are only asking them to change to a Landfill Zone they are not asking them on the issues. Mr. Basinger stated he understood that, Mr. Colozza disagreed, Mr. Durr stated he will wait for the information, Mr. Colozza said they are only asking to create a Landfill district and if it is a good idea. Mr. Durr said the Board understood and was still unsure, Mr. Colozza stated they did not know the Zoning Book. Mr. Durr said people live near this and he was interested in their thoughts and concerns. Mr. DeLisle asked if there were other options besides changing agriculture to landfill, they are trying to preserve the agriculture. Mr. Colozza stated it was created by the IDA and that is it. Mr. Ward asked does this district make sense. Mr. Durr asked if the Board if they were ready to vote to make a Resolution based on the packet of information they received and this presentation tonight, role call vote as follows;

Ms. Martindale	Nay
Ms. Black	Nay
Mr. DeLisle	Aye
Mr. Basinger	Nay
Ms. Eggleston	Nay
Mr. Heber	Abstained
Mr. Durr, Chairman	Nay

Mr. Ward asked the Board if they could schedule a special meeting after they attended the public hearing for another vote, the Board agreed and Mr. Durr asked if the 5th of September was ok, the members and Mr. Ward agreed. Mr. Durr then asked the Clerk to schedule a special meeting for the 5th of September at 7:30 pm and send reminders to each Board member for the Town Boards public hearing on the 29th of August.

ACTION

[Town Board Public Hearing August 29th, 2013 and Special Planning Board meeting September 5th, 2013.](#)

OLD BUSINESS

Application #: 0003-13 - Subdivision

Applicant: David and Cynthia Swota

SBL#: 117.17-1-20

Location: 115 Forest Lane Dr.

Zoning: Agricultural

Not present, the Clerk stated Mr. Swota had come into the office and requested a postponement until spring as he was not prepared to continue at this time. Mr. Colozza stated they can deny the application based on lack of information and Mr. Swota can continue after he submits the required information.

Town of Northumberland Planning Board

Minutes

Accepted by the Planning Board

Monday, August 12, 2013 7:30 pm

Page 4 of 4

Mr. Heber made a motion to deny the application# 0003-13, for David and Cynthia Swota due to the lack of information.

Mr. Durr 2nd the motion,

All in attendance unanimously agreed.

ACTION

Application denied due to lack of information.

Application #: 0006-13 - Subdivision

Applicant: Penny Gifford Hargett

SBL#: 103.12-5-6

Location: Route 32.

Zoning: Hamlet

Ms. Hargett explained her request for a 3 lot subdivision, one will remain vacant for the Fire Company to purchase at a later time and 2 will be for single family residences, 1 is existing. The Board discussed the driveway easement over the sewer district granted by the Town Board, and the perk and deep hole test results.

Mr. Heber asked if she changed lot 2, Ms. Hargett responded no.

Mr. Heber made a motion to schedule a public hearing for the next regular meeting September 9th, 2013

Mr. Durr 2nd the motion,

All in attendance unanimously agreed.

ACTION

Public Hearing to be scheduled for September 9th at 7:15 pm.

Application #: 0005-13 - Site Plan Review

Applicant: Amerigas

SBL#: 103.-2-17

Location: Stump St / Pettis Rd

Zoning: Industrial Zone

Not Present, Mr. Heber stated they have the report from the Town's Engineering Firm, The Environmental Partnership (attached) and asked if there were any additional information received from Amerigas. Mr. Colozza stated Amerigas has hired a Local Engineer to sign off on the plan, however we do not have anything at this time.

MISCELLANEOUS

Mr. Heber made a motion to accept the May Planning Board minutes as submitted,

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed.

Mr. Heber made a motion to adjourn the meeting at 9:12 PM,

Ms. Martindale 2nd the motion,

All in attendance unanimously agreed.

FUTURE MEETINGS:

Special Planning Board Meeting September 5th, 2013 at 7:30 PM

Public Hearing September 9, 2013, 7:15 PM, regular monthly meeting to follow

Respectfully Submitted, Tia Kilburn, Planning Board Clerk