

Town of Northumberland
Planning Board
Location; Town Hall
Subject to Correction by the Planning Board
Monday, June 24, 2024
7:00 pm
Page 1 of 6

Planning Board Members Present: Michael Haag, David Williams, Melanie Eggleston, Holly Rippon – Butler, Vice Chair James Heber, Brit Basinger and Chair Susan Martindale

Members Absent: Jeff King and Lisa Black

Town Employees Present: James LaValle, Town Counsel, 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 was established.

Chair Martindale announced **Application # 0004-24, Anthony Woodcock, 4 Parcel Lot Line Adjustment, 218 Route 4**, Hamlet Zone. She asked Mr. Woodcock to present his application to the Board.

Mr. Woodcock stated he approached his neighbors about possible lot line adjustments, he stated his driveway and septic are currently on the neighbor's property, he indicated where his driveway and septic were located on the map, so he approached that neighbor, Mr. Humphreys, and Mr. Humphreys agreed. Mr. Woodcock indicated the new lot lines on the survey map and stated it will be a rectangle.

Chair Martindale asked about the lots becoming smaller, Mr. Terry stated Mr. Woodcock's parcel is currently non-conforming, but will be made bigger, it will remain non-conforming, but it will be an improvement to his lot. Mr. Terry explained Mr. Humphreys lot is the only one giving up road frontage and it is currently conforming, and it will remain conforming after the lot line adjustment. He said Mr. Woodcock's new lot will still be non-conforming but there is really nothing they can do about it; it will clean things up down there. Vice Chair Heber asked if it makes anybody else non-conforming. Mr. Terry replied no. Chair Martindale asked if all the neighbors were happy about it. Mr. Woodcock stated all the neighbors are on board with it, Ms. Eggleston asked if there was a signed approval from the neighbors, Mr. Terry said he talked to Mr. Brennan about that and he said it would be fine to make the approval contingent upon receiving notarized statements from the other parties.

Discussion ensued on the location of Mr. Woodcock's and the neighbor's septic, driveway and wells.

Mr. Haag asked if this needed to go in front of the Zoning Board for any kind of area variance or could they bypass that? Vice Chair Heber stated it is a grandfather non-conforming lot, no, all the lots are grandfathered. Mr. Terry agreed and said if there were no house on it they would have to get a building permit for it, but there is no reason to go to zoning.

Ms. Eggleston asked if they needed a public hearing, Mr. Terry said that was the issue they were having because they are not creating a non-conforming lot, they are all non-conforming, he said they could schedule it and talk to Town Counsel Dave Brennan and maybe he will say they don't need a public hearing, Vice Chair Heber said the last time they had this situation Mr. Brennan said they have to hold a public hearing.

Mr. Woodcock stated he believes his existing leach field is on the neighbors' property. Ms. Eggleston reiterated with the change it will be on Mr. Woodcocks property, she asked about the wells. Mr. Woodcock stated the neighbors' wells are far enough away.

Town of Northumberland
Planning Board
Location; Town Hall
Subject to Correction by the Planning Board
Monday, June 24, 2024
7:00 pm
Page 2 of 6

Discussion ensued on notarized permission from neighbors involved for Mr. Woodcock to proceed. It was determined any approval could be granted contingent upon the receipt of the statements. Mr. Woodcock stated his attorney was working on that. Chair Martindale stated the public hearing would be the opportunity for the neighbors to voice their opinions if they change their minds. Mr. Woodcock stated the neighbors are all onboard with the application, he stated they are happy with his proposal.

Chair Martindale asked if the Board had any additional questions or comments, none were noted.

Vice Chair Heber made a motion to accept the application and schedule the public hearing, Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Chair Martindale announced the 2nd item on the agenda, **major subdivision 13 lots, application #0010-20 for Stephen Spencer, Colebrook Road, 62.77 acres in an R1 zone.**

Mr. Wade Newman, engineer for the project from CITE Development, represented the applicant. Mr. Newman updated the Board; if asked if the letter they received from Mr. Baker, Town Engineer, was from March, he stated Mr. Baker only sent one. The Clerk said no, it is from May, and she had forwarded it to Mr. Newman.

Mr. Newman said he thinks he remembers getting it, he introduced himself and explained Mr. Spencer was unable to make it to this meeting, he lives out of state. He said they were in front of the Board most recently in March and prior to that is was 2022. He stated the project has evolved and he refreshed the members what the project was before, they received concept approval from the Board for 19 lots in a conservation subdivision, there was a road coming in from Colebrook Rd and a big loop going around the wetlands in the middle. Mr. Williams asked if he had that map to display, the one he had the previous meeting. Mr. Newman did not have that map with him. He stated it used to be 19 lots and have 3,170 feet of Town road, access from Colebrook Rd. In 2022 with the project that have gotten more information, the wells, they drilled 3 of them, they needed to have shallow wells with a larger separation requirement for the septic and because of that they ended up losing some lots, from 19 which is what they previously had to where they are now (13). He displayed the new design and explained they redesigned it with one cal de sac road coming in at Town standards, there was a lot of conversation on the cal de sac size, it is now showing a 240 foot right of way, also since 2022 Mr. Spencer has acquired the paper street that goes to Brampton Woods, it is not part of Brampton Woods it is a separate project. He stated it is the current plan and when he was here in March there were a couple take a ways, one was the Board wanted to revisit the conservation analysis, steep slopes, wetlands his understanding was that was going to be internal, the other bigger issue was what is proposed as a private road. He said there are 4 lots that are going to be serviced by the road and equally owned by the 4 parcels, and the Board talked about wanting to review that internally as well. Mr. Newman said he did not think the conservation analysis was a problem because this is less of an impact than it was before, it has changed, and he is happy to go through it and talk about the steep slopes and wetlands.

Vice Chair Heber stated what he would like to see is how he is going to draw up that private road, because what they usually see is 5 years down the road, they want the Town to take it over and if this is the way it is the Town does not want to take it over. He said he would like to see, and the Town Attorney would like to see, what language is going to be there so the owners of the 4 lots know it will never be a town road. Mr. Williams asked if that was possible, it is a question for the Attorney, can they put verbiage in there that the Town will never adopt that. Mr. LaValle replied yes, he stated they can have a restrictive covenant in the deeds for each of the properties.

Town of Northumberland
Planning Board
Location; Town Hall
Subject to Correction by the Planning Board
Monday, June 24, 2024
7:00 pm
Page 3 of 6

Mr. Williams asked if there were an emergency at the end house could they be sued for not adopting something they know is an issue, he added if the house at the very end had a fire and something is blocking the road, if someone parks a boat or refuses to move a car and then someone says we adopted the verbiage is that going to be enough to protect the Town. Mr. LaValle stated he would like to research that instead of giving you something off the cuff. Vice Chair Heber agreed it was his major concern. Mr. Terry stated when the Town has a private road, like they have one, Hickory Circle, when the kids are riding 4 wheelers up and down the road, Sheriff's can't enforce it and he can't enforce it because it is a private road, and then there is snow removal, he stated there are only a couple duplex's on there now and he stated with 4 homes on a private road it is going to create conflicts, he stated he does not like private roads. Discussion ensued with issues with private roads.

Mr. Williams asked if there were any other way Mr. Newman could move that and make it a roundabout, Mr. Newman stated they have tried, they have been working on this project since 2020. Mr. Terry suggested taking the last house out, Mr. Newman said to make it economically sensible because it is so expensive to put in a road the cost gets passed on to the people who buy them, he stated they have tried hard to come up with a project that meets Town standards, the cal-de-sac idea was really big, they wanted to see a smaller one approved but the Board didn't like that, so that is when they went to the big loop going around the whole wetland, then they dug wells and lost lots that way. Mr. Williams stated he copied the cal-de-sac that you see on the maps and he tried to move it to fit where they were talking about, he was looking at removing the last house and if you take a look at it, it pretty closely fits nicely, he displayed a tracing of the cal-de-sac over the map, he asked if that was possible. Mr. Newman said it is possible, but it is 600 feet of town road and he doesn't think the Town wants to take over another 600 feet of road for no reason. Mr. Williams said if they did have to take it over that would solve the emergency vehicle situation, snow plowing and all the other concerns they have by just removing one lot. Mr. Newman said he just found out that the private driveway would be subject to NY State Fire Code so there would be a turn around for the Fire Code, he stated he is positive they can meet all the Fire Code Standards, it is just a matter of shared driveways / private road.

Mr. Haag asked what the cost for the homes would be, Mr. Newman said his guess would be \$650,000 or \$750,000. Mr. Haag asked Mr. Newman to go back and discuss what happened before because he was not here in 2022, he reiterated it went from 19 lots down to 13 lots and that was due to what. Mr. Newman explained the Department of Health has jurisdiction over this subdivision, it is what is called a realty subdivision based on the number and size of the lots, they have to demonstrate 2 drinking wells for a development of this size for adequate yield meeting DOH standards, normally they would drill a well at least 50 foot deep to 200 or 500 feet, and when you have a deeper well like that you have smaller setbacks from the septic, he indicated the circles on the map representing the setbacks, it can be as small as 100 feet if you have a deeper well. He stated the wells that they drilled shows that the yield is shallower than 50 feet, he stated he thinks they mined out sand from there years ago, he stated Brampton Woods is higher up and it is the elevation that matters. He stated this demonstration is trying to develop the lower parcels with shallow wells and meet the setbacks. Mr. Haag reiterated they can't use deep wells. Mr. Newman said they probably could, but for DOH requirements they must show at least two, he said they drilled 3 and got 2 that met all the requirements for drinking water. Mr. Williams reiterated if they drill the wells deeper, they could get smaller circles, Mr. Newman said they did drill pretty deep and Rosick did the drilling and the better water is shallower, he added they are interested in deeper wells, but they also did not want to drill 15 wells, so they are assuming 150-foot separation for the wells. Mr. Haag asked if that was the reason it went from 19 to 13 lots, Mr. Newman replied yes. Mr. Haag stated his thinking on it is this is one acre zoning and in this Town we don't have that much money from zoning, for the most part everything is 3 and 5 acre zoning, he stated he would like to see more lots, he said the last meeting, the applicant that was just before he presented this application was trying to subdivide a 10 or 12 acre parcel she was trying to split in 2 because she was in 3 acre zoning, and you

Town of Northumberland
Planning Board
Location; Town Hall
Subject to Correction by the Planning Board
Monday, June 24, 2024
7:00 pm
Page 4 of 6

have large lots here, like 12 or 13 acre lots, her problem was road frontage, he said his thinking is that somebody is going to buy these bigger lots and say they can split it up because they have 1 acre zoning, and it is probably not possible for them to do that. Vice Chair Heber stated they put it on the map, no further subdivision. Discussion ensued regarding future subdivision of lots.

Discussion returned to the private road vs. Town Road accessing 4 lots. The Board determined they would like to see something different than a private road.

Mr. Newman discussed the challenges of building a longer town road around the wetlands, curves and steep slopes with minimal building lots, he added there is a maximum grade and minimum curves on town roads. He stated if they go all the way around, they are building a town road and not lots, won't do them any good and they are trying to add less impact on the neighborhood of Brampton with through traffic. Mr. Basinger asked if they put it over lot 11, and lots 13 and 12 would be on a public road, you could stretch part of the road up on lot 10, Mr. Newman stated it would be 600 feet of road. Chair Martindale stated it is not up to the Board to design the subdivision.

Unintelligible.

Mr. Haag asked what the thoughts were about putting in a common water district for the whole thing, if the wells are a problem. Vice Chair Heber stated they are not a problem; they can get water.

Mr. Newman pointed out the DEC wetlands, he stated the dash line on the map is tracing it, Vice Chair Heber interjected it is the buffer, and you can't build in it but they can own it.

Ms. Rippon-Butler said she would like to talk about the trail system and, she looked at something that said it might be enrolled in 480a program and she was not sure if Mr. Newman was aware of that. Mr. Newman stated he did not know about that. Ms. Rippon-Butler stated there are records that show it is currently in that program, so they will need to check and see if it is still enrolled.

Mr. Haag asked Vice Chair Heber about owning wetland but not building on it, Vice Chair Heber agreed and reiterated you can own it you just can't build on it, he added you can ask DEC because he knows people that have put septic in buffer zones, it is a permitting approval from DEC.

Vice Chair Heber suggested they move the stormwater management area to the private road area and they could get 4 lots in the current stormwater management area without building over where the private road is and get rid of the private road. Mr. Basinger asked what Mr. Baker thought of the private road, Mr. Newman said he was happy about it, but he thinks he was taking the ques from the Board, private roads happen all over. Mr. Williams said there are problems all over too. Chair Martindale stated they avoid them if they can.

Mr. Williams asked if it was part of an overlay district for the Colebrook stream, he stated it is in the Comprehensive Plan on page 15, he read in part; *Northumberland's Hudson River Overlay District is a 500-foot zone that was placed along the river to preserve and protect the waterways natural characteristics. A similar overlay district may be considered to protect the integrity of the Colebrook, a classified trout stream according to New York State Department of Environmental Conservation.* Vice Chair Heber replied no, it is the Hudson River and Colebrook isn't a trout stream anymore.

Town of Northumberland
Planning Board
Location; Town Hall
Subject to Correction by the Planning Board
Monday, June 24, 2024
7:00 pm
Page 5 of 6

Mr. Basinger stated he did not think they could put a trail in the 100' buffer, because that would be considered development, he asked Mr. Newman if he knew the answer. Mr. Newman said he thinks they could walk but not build, the trail would have to be built upland outside of the buffer. Mr. Williams asked how Hudson Crossing Park is building trails along the river, that obviously falls within the protected district. Vice Chair Heber stated that is the Government, Mr. Terry stated there is a difference between the wetlands and shoreline overlay district. Mr. Williams stated in Saratoga Springs they have several trails that go through wetlands, Vice Chair Heber stated there is a permit you can get, they can build a bridge through it with a permit, and it is still considered wetlands. Ms. Rippon-Butler stated Saratoga Plan has looked at the area and they are interested in a trail project, she stated they are interested in coming to the July 11th Town Board meeting to talk about that. She stated it is something she is pursuing and trying to get more information, she said if they get to a point that it is something the Board would like to pursue and if Saratoga Plan wanted to take on the project, this Board could make it a requirement of this subdivision, but that would require a parking area. Mr. Newman stated he cannot speak to what the applicant's position on that would be. She stated there are reports that say development of trails make a subdivision more attractive. Mr. Newman said he thought they had talked about that before and the Board said the Town really doesn't want to maintain that. Ms. Rippon-Butler said they are going to meet with the Town on that and after a presentation they will see where the Town is on that.

Mr. Newman stated they are looking for something definitive on the private road, he stated they feel what they have come up with is the most feasible for the applicant and he said if that is not acceptable the next design will probably be with less lots, and he realizes the Board is interested in more lots. Mr. Haag agreed, he said he would like to see more lots and he dislikes the shared driveway, and he doesn't like the big cal-de-sac. Mr. Newman agreed it is large but that is for town standards. Vice Chair Heber stated they had smaller ones, but they had problems with the town trucks. Mr. Basinger reiterated they are telling Mr. Newman they do not like the private road, the Board agreed. Vice Chair Heber stated that is the consensus of the Board and he didn't want them to go any further and then have the Board say no. Chair Martindale agreed and stated this plan does not work for the Board.

Vice Chair Heber stated he thinks one road straight through, without a cal-de-sac they could get more lots, discussion ensued on changing the road and gaining more lots. Mr. Newman stated he has done that exact layout, the topography it is difficult to do and get the horizontal curves and grades of the road. He discussed another plan they considered but that didn't work and they would need a variance, he turned it into a "T" so the cal-de-sac didn't have to be 300', and that would be all road and no lots, it didn't make sense.

Mr. Basinger reiterated the Board doesn't like the shared driveway, he said they should come back with a different idea. He added the Board shared a lot of different ideas with him, Mr. Newman said they tried that, Vice Chair Heber said if he changed the road they would have to cut through a knoll, Mr. Newman stated they would need a variance on the road one way or another and they have tried, Vice Chair Heber questioned a variance for the curve, Mr. Newman said for the curve or on the grade of the road, he said if you go one way you have all road and no lots, if you go around the other way (around wetland in the middle) you get all the curves and it is difficult. Mr. Basinger stated if they go in and then turn right, they are building 100's of feet of road that doesn't have a house on it, and if you go around to the left you have astronomical earth work, so you are making the decision not to do that based on the finance of the project. Mr. Newman agreed. Vice Chair Heber discussed the topography of the parcel, he and Mr. Newman reviewed the elevations. Vice Chair Heber said they could cut through and use the soil around the houses they are to build.

Town of Northumberland
Planning Board
Location; Town Hall
Subject to Correction by the Planning Board
Monday, June 24, 2024
7:00 pm
Page 6 of 6

Ms. Rippon-Butler said in terms of the number of houses, she agrees with the cluster and generally in this area she would like to see less houses, the information she got from Saratoga Plan includes a large number of endangered species in there, protected woods and she does think they want to see more houses in town but not in this area. Vice Chair Heber stated from his perspective when you think about the roads and these developments it cost the developer more to build it and the Town to maintain it forever, so when they say more houses, yes you want more houses because the Town wants the tax base, it has to work for the Town. Ms. Eggleston asked if any of the property was used for farming now, Vice Chair Heber replied no.

Mr. Newman stated what they are looking at next is having 2 lots coming out of Brampton, 2 flag lots coming off Colebrook and another, so just 5 lots and no roads, that is the maximum. Mr. Haag stated it is one acre zoning, Vice Chair Heber stated it is less than one acre zoning, this is a conservation plan, you could have a half-acre lot there is you wanted. Mr. Haag said a thirteen-acre lot in a one-acre zoned district is not efficient, Vice Chair Heber replied if it is not usable it is. Mr. Newman stated the wetlands became a major problem for them, originally that was unbeknownst to them, they just found out the entire thing became jurisdictional wetland.

Mr. Basinger asked Mr. Newman if he wanted to attend the July 11th Town Board meeting, Mr. Newman said he would not be available.

Chair Martindale asked if there was any additional business for the Board, none was noted. She stated the next meeting will be July 22nd.

Mr. Basinger made a motion to adjourn at 8:04 pm,
Vice Chair Heber 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk