

Town of Northumberland
Planning Board
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Planning Board Members Present: Michael Haag, David Williams, Jeff King, Holly Rippon – Butler, Vice Chair James Heber and Chair Susan Martindale

Members Absent: Melanie Eggleston, Brit Basinger and Lisa Black

Town Employees Present: Dave Brennan, 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 7:02 pm. Quorum was established.

Chair Martindale announced **Application # 0009-24, PUD Application, (Planned Unit Development District), TriCity Associates LLC and TriCity Systems, LLC, 165 Route 4N, 6.151 acres in the Hamlet Zone.** She asked the applicant to explain the proposal.

Mr. Michael Bouchard introduced himself as Project Assistant, and Anthony Vaccarielli, Operating Manager of TriCity Associates and TriCity Systems, stated there are two parcels, one is owned by one company and the other is owned by the other company, they are adjacent to each other. Mr. Bouchard explained this application is a proposed PUD, the developer is looking to gain approval from the Planning Board / Town Board to construct some multi-unit rentals on that property, maintain some green space, 2 driveways for access to the property and that will all be consistent with the proposal to the PUD approval and have the Town Board enact that amendment to the Local Law approving multiple structures of multi rental units in that area.

Chair Martindale asked if there were currently buildings on the property? Mr. Bouchard replied yes, there is a building that was an old wallpaper mill previously used as an old cement mixing plant, Mr. Williams asked if that was the only building on the property or if he was also talking about where the oil company was also? Mr. Bouchard stated that is the Muzikars property. Mr. Vaccarielli asked the Board if they had the maps he had submitted to the Town Board. Vice Chair Heber replied yes, it looks like it is AmeriGas property. Mr. Vaccarielli stated it is the previous cement plant and the AmeriGas properties.

Vice Chair Heber reiterated they are looking for a referral from the Planning Board to the Town Board, Mr. Bouchard stated they were at the Town Board on October 10th, we had a discussion with the Town Board and the Town Board decided to refer it to the Planning Board before going back to the Town Board. Chair Martindale stated she read the Town Board minutes and she does not believe there were any major concerns. Mr. Terry stated the Town Board didn't express any position, he added Mr. Brennan will be in attendance tonight but he is going to be a little late, the Town Board wanted to send it to this Board to test the water and see if there are any issues before they put a bunch of money into engineering, they wanted to get this going if it were something feasible.

Vice Chair Heber stated he is concerned with three things; water, sewer and school impact. Mr. Williams agreed. Chair Martindale added and density. Mr. Terry stated Mr. Vaccarielli had mentioned bring the water and sewer in from the Village, Mr. Williams stated they need more information he asked if they were doing 50 or 150, Mr. Vaccarielli stated it is 50 in phases up to 200, Mr. Williams reiterated the total goal is 200 units, Chair Martindale asked if they were studio apartments or for families where they would have 3 bedrooms, Mr. Vaccarielli explained the scenario it is like chicken and egg, because you have the Planning Board and then the Town Board for the PUD, the PUD gets accepted in some form, a PUD is generic zoning within the zoning, the concept right now is the apartments, he said two of the concerns are basically taken care of, Mr. Williams interjected, he is talking the

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Village of Schuylerville and the Town of Northumberland, Mr. Vaccarielli stated he is glad to address it, but it is very preliminary right now. He stated there is a situation of engineered sewage packaged system, a common sewage system as a backup, they spoke with the Village of Schuylerville about bringing the sewage lines in and they were open to it, but again a chicken and egg situation. He added there are a bunch of different players and municipalities in all of this. He added water is the same scenario, you have Victory and Schuylerville, now that is two municipalities for the water, he stated they are on board with it, he said they have been to their meetings and they have had discussions, Chair Martindale asked if he had that in writing, Mr. Vaccarielli said it will be in the meeting minutes, you can get the minutes, they are open for discussion, they didn't say they "take a walk", he added this Board can get ahold of both of those Boards. He said the impact on the school system, they have not investigated, and they are not sure if that is an impact because 3-bedroom units are not really feasible anymore, they will be potentially studios, one bedroom, two bedrooms, that is the configuration that is out there in the industry right now. He said the water system is drilled wells, he stated he talked to a well driller and they are confident they can supply a package for the water system. Mr. Vaccarielli there's the wells, but will the sewage system they will need an operator, the same for the water, Vice Chair Heber stated he understood, if they are hooking to the Victory water, but if not, they will have to have their own water plant, which is very expensive, you will have to have about a 60,000 gallon holding tank for 200 units, Mr. Bouchard stated it is up to the engineers, Vice Chair Heber agreed and said as far as he thinks the Town is concerned they are going to give you an approval for a PUD without knowing if they will have water and sewer, if you are going to do it or if the Village of Schuylerville is going to accept it, he stated they would rather have the Village of Schuylerville supply both. Mr. Vaccarielli stated he agreed, but the scenario for the PUD doesn't mean the project is approved. Vice Chair Heber agreed and added but it re-zones it, the zoning stays with the property, Mr. Williams added and it sets a precedent. Mr. Vaccarielli replied it doesn't really set a precedent because you have it in your zoning, which makes it legal if he has the acreage or not. Mr. Williams stated he did not know if he would have an engineered sewer and water system or from the Village, that is his question, it is up in the air. Mr. Vaccarielli stated it is up in the air because it is one step of many steps, Mr. Williams said he feels more information is needed and an agreement from the Village of Schuylerville and Victory, he added they haven't worked together in a long time, it is just recently that they have tried to work together. Mr. Williams stated he has been here since 2005, and his wife's family has been here for 3 generations, and the water and sewer authorities have never wanted to go outside the village. Mr. Vaccarielli stated he has been to their board meetings, and they didn't throw him out, he added he is not from Northumberland, he is from Saratoga County, so he knows a lot of people. Mr. Williams stated he would love to see it, you have 6 acres, and you are going to put a sewer plant and a water treatment plant, maybe, but you have to have a backup. Vice Chair Heber stated it is feasible, but first off you are going to have to get a SPDES (State Pollutant Discharge Elimination System or Stormwater permit for Construction), and that is like pulling teeth, now they want you to take the water and either chlorinate or UV it, and if you chlorinate it, you have to de-chlorinate it, before you can dump it. Vice Chair Heber said it is not hard to get but it is a process, he added he doesn't think the Town wants a sewer or water plant. Vice Chair Heber stated Mr. Vaccarielli may run that place for his lifetime, but the Town has to look at it after him, something happens and the new owner can't run the sewer and water plants and then they have 200 plus people screaming to the Town Board, that is what this Board looks at. He added that if Mr. Vaccarielli can get a solid answer from Schuylerville for sewer and water, he does not think there would be a problem. Mr. Bouchard asked what they would be looking for from Schuylerville, a letter? Vice Chair Heber stated he thinks that is what they are going to recommend to the Town Board, basically, the process is you go to the Town Board and the Town Board sends it to the Planning Board for a referral and then it goes back to the Town Board.

Mr. Haag stated he is on page 30 of the Zoning Ordinance, and the way he reads it is this project needs 25 acres for residential use. Mr. Brennan, Town Counsel explained Mr. Vaccarielli went to the Town Board and did a similar

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presentation to the Town Board, his thoughts about re-developing this property, principally with apartments, the Town Board had many of the same questions and concerns you are talking about tonight, the Town Board didn't want to spend a lot of time on this itself and have it get to you and have things go off track, he added the thing was to send it to the Planning Board for a high level review of the concept. Mr. Brennan asked the Board what they thought of taking and converting an old concrete plant to an apartment type use, Vice Chair Heber asked if he was going to convert, or just tear it down? Mr. Vaccarielli stated that building could be used for the sewer plant potentially and the other building, steel metal building on the other property could potentially be used for the water treatment plant or vice versa, there could be utilization or take them down. Mr. Brennan stated it is very conceptual, the idea is before you get somebody spending money, they need to spend money at some point but before they do the Board wants a confirmation and then say ok, spend money. He added they don't want to spend a lot of time saying the water and sewer are on site or off site, what about the overall concept of apartments and maybe a little bit of commercial underneath it? Mr. Haag stated it raises questions about requirements for size, Mr. Brennan stated they will deal with that, but before they deal with it, what is the feedback, is this a good spot to re-zone as a PUD and have apartments there? Mr. Williams asked what it was, is it 6 stories, he has 6 acres of land, the cement building will be sewer, metal building water and plan B if the village pushes up the water and sewer he has the whole 6 acres to work with, it is a little postage stamp for 200 apartments and he is not telling the Board what he is thinking about, 4 stories with commercial underneath it like city of Saratoga, because that is not going to fit in the Town, or will it be 2 stories? Mr. Vaccarielli stated they haven't asked that, this is the first time, we are in the conceptual stage, the preliminary sketches they have completed, he can share with the Board, they are not something he is happy with right now, but it is 30% green area, 4 story buildings, % of parking for the units that are 2 bedroom and there is still 30% green area, 6 acres is not a lot but it is certainly enough. Mr. Williams stated with 30% green area on 6 acres he is at 1.8 acres green space from the 6 acres so now there is 4.2 acres to put all the buildings on and parking. Mr. Vaccarielli stated the scenario is they may not build all those buildings, they are proposing 50 to 200, he said they would hate to ask for 50 for the PUD and then say he wants another 50 and then another 50. Mr. Williams stated they are not coming to them with any hard information, Mr. Vaccarielli said he is trying to lay it out on the table, he stated the area would support 200 units and that is what they are asking for, if it is something in between it is all fine and good. There are a lot of players involved, Schuylerville, Victory, Town of Northumberland, DEC it goes on and on. Mr. Williams added and canal corp.

Ms. Rippon-Butler asked Mr. Brennan if he could speak to page 30 of the ordinance that was referenced, with 25 acres for the residential use, Mr. Brennan stated the Town Board is aware of that, they have to make a legislative determination if they want to adjust that for this project, he said 25 acres for a PUD is not unusual but it is a lot of land to try and fill up with something, he said they talked about that but they didn't want to get into if they should fix that, they can change that number if they want to or create a PUD for a smaller piece of property, he said they can talk about the density, he said he believes it 35 plus units per acre, in a different Town they did a project and the zoning said it was 4 units per acre, they got a variance up to 12 units per acre for the PUD there, he went through the project and they got sued on it, they looked at all the codes in Rensselaer and Albany Counties for units per acre for housing and he recalls there was no number that was 35, maybe in the City of Saratoga or the City of Albany, the more suburban rural Towns did not have that level of density. He stated that is a point that will be explored if they go forward, he said he gives the same speech at the Town Board, lets not waste people's money and time going back and forth and have 5 iterations of a project just to get to no. He asked is it feasible to put apartments there with what they know, the community character, location and everything or is it a non-started that no iteration of the project, weather it is 4 units per acre or 30 per acre is going to satisfy this Board, the Town Board just wants to know that, you can go thank you but no thank you this is not the right fit, and the Board will provide that quickly and most developers are happy to not spend a year of time and money getting to no, they would rather know upfront.

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Mr. Haag stated there was concern it is in the Hamlet and overlay district, Mr. Terry agreed, the shoreline overlay district, Mr. Brennan asked if it is in the Hamlet district, Mr. Terry replied yes. Mr. Haag stated according to the new land use plan (Comprehensive Plan), hamlet is for one or two family, Vice Chair Heber stated that is where the Town Board can do what they want, he stated in his opinion is it a good spot for apartments, yes, they can make it look beautiful, but he is not sure of 200.

Mr. King stated he thinks they are headed in the same direction, he thinks regardless of sewer and water there are a lot of details that have to be worked out, he does not see himself or likely the Board (not speaking for everyone) supporting a concept of this type, it doesn't exist in our Town right now, it is probably not in harmony with what the Town people would like to see things develop, he said most people would say this is not what they envision he stated that is his personal opinion, it's the density, the placement, the land use, it is quite a change of what we have in our Town, it is kind of a 180, some Towns are happy to have that. Mr. Vaccarielli said they are ½ mile out from the intersection and he gave this pitch to the Town Board and they were in agreement, it is not like they are in the soil fields, agriculture area what so ever, it is right outside an industrial area it stands by itself, it is ½ mile out from Route 29, it is not impacting up here, this end of Town. Mr. Williams stated they are in the Hamlet, Mr. Vaccarielli said they were in the industrial.

Mr. King said Mr. Brennan clarified the Town Board is looking for feedback from the Planning Board, we are not here voting this down. Mr. Brennan agreed and stated it is not an official referral, he submitted an official application for a PUD and they thought before they got that far, they should come and get feedback from the Planning Board, if nothing else out of an abundance of caution and fairness to the applicant lets know where this Board stands it is not inexpensive to submit an application for an official referral and then have this discussion in 2 or 3 months, it is better to get it out there now. Mr. Brennan stated there are different ways to handle it, the Town Board talked about housing stock in the community apartments being useful for children or people in transition, people need apartments and whether there is a need for that, and there was some sense that apartments are a good thing, but it is whether it is a good spot and the details are correct, you can do a couple different things at this point. Mr. Brennan said they can talk about it for another hour, provide feedback through consensus, there are 6 people tonight so if 4 people feel the same way you can pass a motion saying that is the way you feel, or each person can send their thoughts to the Town Board separately, none of it is binding, he stated he gets the sense that 4 or 5 people feel the same way, but you give feedback so the Town Board and the applicant can say is this worth spending more time on this version. Mr. Brennan stated the applicant has to figure out financially if he is going to build all this stuff how much money will he need to make a reasonable return on it. Mr. Brennan reiterated they are looking for feedback before the applicant starts paying engineers and spending money.

Ms. Rippon-Butler asked Chair Martindale what she thought about the options, Chair Martindale stated she felt they each have to submit their own thoughts, she referenced Vice Chair Heber and agreed that the Town could use housing, she was unsure of 200 apartments on 6 acres. She stated she did not know what number of apartments would work providing the sewer and water and that is a different type of project, and it depends on what the Town has envisioned. Vice Chair Heber stated there are some people that have apartment complexes that are not in sync, he stated he could see a suburban complex, 2 story with garages, he added with 2 stories how many are you going to get in there.

Mr. King stated the applicant doesn't have details, they have a concept, keep that in mind, it is all a concept and the Town Board wants this Board to give a comment on the concept. He added the concept can change, he stated he is comfortable with giving a comment directly to the Town Board or if everyone agrees in a motion.

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Mr. Bouchard stated it is his position that there is potential opposition to the 200 units, the opposite of that spectrum would be one single family home which it would not be necessary for the Town Board to create new zoning or a PUD, so there has to be some figure between one home and 200 units, what does each member of the Board think would be a minimal figure for this property in terms of number of units, Mr. Vaccarielli indicated they may be one or two bedroom units.

Vice Chair Heber stated they know what a suburban complex might look like, they are all over, he stated what he sees with the 200-unit idea would be in a city. He added nobody wants a city apartment building sitting out there, he stated he is sure the rest of the Board agrees but he is not going to speak for them. A suburban complex, you have parking, garages, only 2 story buildings they look nice, he said with that amount of acreage they may be able to get 80 units maybe 60.

Mr. King stated he did not think he was in the position to say what the magic number is.

Ms. Ribbon-Butler asked if Mr. Vaccarielli could speak to other projects he has worked on in the area, something they may have seen that he managed. Mr. Vaccarielli stated he has only managed single family construction. He said back to the suburbia scenario, he tries to build environmentally with a small footprint, utilizing fewer buildings, going with city buildings, but it is really about the need and there is a housing need, he stated he would not bring this location if it were in the middle of Northumberland, it is right in a kind of suburban area, it will not have a negative impact, zero impact and they are not looking to go big, potentially they are land banking adjoining properties, he has a checkmate kind of situation, they are not together but potentially available, they are not looking to get approval for 200 units tomorrow, they will phase it out. He added he believes the Attorney has the concept, there is the Town Board, and they want the Planning Board to be familiar with the project, and they are looking for the PUD and adjust the units and the impact back to you, that is the process.

Mr. Brennan explained in his experience the PUD will layout the zoning parameters for this particular project and parcels of land they work under, it will almost be like a use table and a density table, like here are the allowed uses, here is the density, setbacks, maximum height all those things are in it, then it comes with a site plan that complies with those requirements. The Town Board says it is 35 feet or 125 feet of height, whatever it is and the density is an acre or whatever that is, that is what the Town Board would put in there, and part of it is whether or not it is realistic, the carry capacity of the land, he stated that is his expectations, the Town Board would draft or review a proposed amendment that has the nuts and bolts of some perimeters of what it would look like in this district, height, density, setbacks from property lines, amount of parking requirements and then it would come back to the Planning Board and you work out the details of the plan that works and meets these requirements.

Mr. Williams said he is taken back to the other applications they have had, and they have always said show us your plan, show us the concept and they are asking the Board to make a motion, and we don't even know what the project is. He said there was the subdivision application that started with 35 lots and then came back with 13 lots, it had roads that they couldn't work with there were all kinds of problems, he said he understands helping them by not spending a lot of time and money, but this project they are talking about is possibly 200 units, he said he thinks they need to see a map, is there any waste water, is there any fresh water he said he thinks they need to know first. Mr. Brennan stated the concept of coming here first before spending a lot of money and time in his mind was the overall land use not so much the details, is it an appropriate location within the community multi-family residential? Mr. Brennan said what he is hearing tonight is this Board thinks it has the potential to be a viable location for multi-family residential, the density initially strikes the Planning Board as to much and you need more details to evaluate it, but again if he goes through all the engineering for apartments and he comes back and you

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say this is a horrible place for apartments it is a waste. But if the Board says ok, this is an ok location for apartments, but you have to drill into the details of how many, they (the applicants) can make a decision of if they want to put the money into drilling into the details, in fairness he doesn't want to see after he spends the money he comes back and this Board says no, it should only be single family homes. If that is the case the Board should just cut it off and say no, we can't support apartments here, but he stated he is hearing they can support apartments there but it is subject to a lot more details, he was going to tell the Town Board apartments here seem to be a reasonable use, you don't think the density of 200 will fit but you think it is worth spending the time on the concept of apartments. Mr. King said in his opinion he is not sure he would endorse that statement; he is not sure he could say it is a good spot for apartments because there aren't any details of what it will look like, he stated he is not saying no, but he is not sure he is saying yes, it is a great spot for apartments.

Discussion ensued on density, and overall fit.

Mr. Haag said if they read the new Comprehensive Plan, this would allow for about 12 single family houses, or 6 duplex 2 family houses. He added and you have the question about it is in the Hamlet, next to the river in the overlay district. He said he realizes it was a former industrial zone, but it is Hamlet now. The Town Board can do whatever you talk them into, but looking at it now there are things in the Comprehensive Plan about maintaining the scenic views and that type of thing. He stated even if the Town Board approves it, he thinks there would be a lot of opposition to it.

Ms. Rippon-Butler stated her opinion on this project is she agrees with needing more affordable housing in Town, she thinks it would be an ok location for apartments, it is too big and should be smaller, key reasons she thinks that would be a good location for apartments is that spot has been empty for a long time, it would be great to see something happen there and we do need more affordable housing, she has concerns about sewer and water with it being close to the water. She added for her to support the project she would need to see there will be Town sewer and water or that she felt confident about the plan for sewer and water. She said she would like to see it done with community growth mindset in that there is collaboration with Schuylerville's group of small business owners, like having a conversation with them and ask what resources they need. If we are building something with a high concentration of people, sewer and water to it, it has a plan with green space done in a way that builds on what people have already been building and address some of the challenges of the people in Schuylerville who own the small businesses, that is something she would like to see. She added she appreciates that we will get more people wanting to build houses and she likes they are not putting them on agricultural land, she would also like to see it maintain the historic character if they are going to do it in the Hamlet. She summarized she will be looking at the character of what it looks like, is it relatively small, what is the plan for sewer and water and will it support small businesses in the area. Mr. Vaccarielli asked if she could address the small businesses, Ms. Rippon-Butler stated there is a specific group of small business owners that have meetings and identify needs for the Town, Mr. Vaccarielli stated he is dealing with a group like that and the on going thing with that program along with preserving trails is housing, Ms. Rippon-Butler agreed and said she wants to see they are creating housing and supporting businesses by maybe creating some commercial space or in coordination with them and what they want to see. Mr. Williams added and the impact on the school, Ms. Rippon-Butler agreed. Mr. Williams said if there are 60 kids it means busses.

Mr. King stated he is in favor of coming to some kind of resolution, whether they are going to submit comments individually or make a motion. Mr. Haag stated he is ok with individually, Chair Martindale stated they have to make sure they are going to follow through with that and she asked if the Board was ok with letting the Town Board know via email to the Clerk, Mr. Williams asked Mr. Brennan what the legal ramifications of submitting

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comments individually like if this goes to something later on, they are putting their thoughts on paper for a plan they don't have specifics on, if it went to a civil matter or something, how would it affect each of them personally. Mr. Brennan said personally it doesn't impact you, because you are acting in your official capacity as Planning Board Members that are tasked with providing guidance as to planning matters within the Town in the scope of your appointed positions and as far as if it every goes to litigation he would be surprised, that would be throwing good money after bad, at the Town Board level this is completely in their discretion of whether they even want to entertain this, they can say, as a legislative body say thanks but we are not interested, don't bother submitting an application and if an application is submitted they have to take no action, he added this is one of those high school or grade school separation of powers, for a legislative body there is no Court that can compel them to adopt legislation, so as a separation of power the Court is not going to review their legislative decision.

Mr. Willaims stated he only asked because of the pending issues, they have not brought that up yet but there is a pending study in this specific area of Route 4N and now you are possibly going to add up to 200 more units, what is the traffic going to do there, he stated within the past week there have been two major accidents. Mr. Brennan stated it is well within the purview of the Planning Board if it gets that far along to insist on traffic / accident information and then rely on the experts, whether it be DOT or other people that collect accident information, engineers that specifically deal with traffic. Mr. Williams asked if the 3 year limit still applies because he just spoke with him when he was out in front of Mr. Willaims house, Mr. Brennan questioned the 3 year? Mr. Williams stated the Town requested the traffic study so they can't do another one for 3 years, Mr. Brennan said that is DOT, but there are engineers that the applicant can pay for a study and analyze data and speak to that. Mr. Brennan said he looked up is a Planning Board liable, say if they approve say a cell tower and the tower falls over and hurts somebody, he said what about Chic-fil-a, if someone turns into a Chic-fil-a and causes an accident, is a Planning Board liable for that, not that an apartment complex is the same thing, but in Clifton Park it seems once a year one of the apartment houses catches on fire, the questions is; is the Planning Board liable for that, he doesn't think there is liability on those sort of things. Mr. Brennan added he does think they should be exercising due diligence and good judgment in asking all those things and having professional assistance if it gets to that point to assist you in evaluating those questions to make the best decision possible.

Mr. King asked if it was consensus to submit comments individually, and the Board agreed.

Chair Martindale asked when the next Town Board meeting was, Mr. Williams asked if they were reviewing this at the Town Board meeting again? Mr. Brennan stated they left the last Town Board meeting to bring it here and get feedback so if this Board can put it in an email to the Clerk with your thoughts individually so she can gather them up and get them to the Town Clerk so she can include them in the packets to the Town Board Members we would have executed what the Town Board asked for. Chair Martindale suggested setting the deadline for Friday November 8th to get comments in.

Mr. Boucher said there is opposition to the number of 200 units, he said Mr. Brennan was talking about a different perimeter for the PUD for a different number of apartments approved and the gentleman on the far left (Vice Chair Heber) through out numbers like 60 or 80, which is still a lot but better than 200, he said if the Board within the communication to the Town Board could maybe layout what they think would be the maximum number of units.

Vice Chair Heber stated if he were the applicant he would have some kind of sketch, if it is a two story it looks like this, there is nice parking, maybe a gazebo, how many can you fit in that area, he stated he doesn't know until you draw it, going to have sewer, water are you going to have a sewer plant or just a line, a line makes more sense to him, there is parking and green space. Mr. Haag stated there are a ton of A&E firms in this area that do that kind

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of stuff, if they want to figure out those numbers. Mr. King stated it is not the job of this Board to figure out, Vice Chair Heber stated this Board's job is to do the job that was given to them by the Town Board.

Chair Martindale asked if there was any additional business for the Board, none was noted.

Vice Chair Heber made a motion to adjourn at 8:15 pm,
Mr. King 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk

DRAFT