

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Adam Greenberg Bridgit Burke William Hennessy Dan Leinung
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

**1. Call to Order**

Supervisor LaGrange called the special meeting to order at 6:00 PM. This is to discuss a couple of things. One, the workshop is intended to go over some potential changes in a draft update of our subdivision regulations that our Town Planner, Nan Stolzenburg, has been working a lot on. We also would like to give the Board a quick update on the CCA. Councilperson Greenberg said he didn't mind doing that at the end. That way people who aren't interested can leave. Supervisor LaGrange added that we might have a quick Executive Session on a minor personnel discussion. Supervisor LaGrange said he called Nan the other day because he was curious about the minor and major subdivision and tying the Planning Board up with minor subdivisions. He didn't recall any minor subdivisions causing us grief in recent years but somebody can correct him. Councilperson Greenberg said that he thinks the one across from Mr. Naughton has been a problem. Supervisor LaGrange said that that wasn't a minor subdivision. Mrs. Stolzenburg said that that went to the Planning Board. Councilperson Greenberg knew it went to the Planning Board but technically it was a minor subdivision of three lots. Attorney Peck said it would be except it required infrastructure. It had to go for major subdivision approvals. Councilperson Greenberg said as an example that that was a three-lot subdivision that otherwise would not have gone to the Planning Board. Supervisor LaGrange agreed adding that that's why it was sent. He knows that when Jeremy gets these he is very particular about what he sends and discusses it with Crystal. Having said that, it's neither here nor there.

Attorney Peck noted that the Clerk said we didn't do a roll call attendance. Supervisor LaGrange then took a roll call of those in attendance. Also listening in was Chris Galvin as a Planning Board member, and Crystal Peck is here as our Planning and Zoning Attorney along with Nan Stolzenburg our Town Planner.

Supervisor LaGrange asked Nan to correct him if he's wrong. Do you feel that this is state law that requires this to go to the Planning Board whether it's minor or major subdivisions? Mrs. Stolzenburg said yes but she wanted to take one step backward. That's just one piece of a much larger update. She just wanted to get everyone up to speed on how this whole thing came about if you don't mind. She'd have to go back and figure out what date it was, but quite a while ago the Board asked her to do an audit of the local land use regulations. That audit was looking at a comprehensive plan that the Town had adopted and reviewing the land use laws of which the subdivision is one of them and identifying places in the subdivision law that were either consistent or not consistent with the Comprehensive Plan and its goals and recommendations, if it was out of date or the procedures were off from state law. The audit was to identify places where there could be improvements to the subdivision law to both make it more efficient and clear as well as address whatever inconsistency we would need to have to bring it up to speed with the Comprehensive Plan. With that background, the changes that you see in here in addition to the one that we were just talking about with deciding who is the appropriate entity to review minor subdivisions. You'll see in here changes in the purpose statements. She brought in some of the language actually from the Comprehensive Plan to again make it consistent looking at timeframes, procedures, and clarifying when SEQRA is needed and all those kinds of things. You see it added in. So going back to Doug's question, she thinks it's something that Michael and Crystal certainly need to weigh in on the issue of minor versus major subdivisions. Right now the way the subdivision law is written, the Building Department reviews minor subdivisions and that's unusual. It's my understanding, and, again I will defer to the lawyers, that the Planning Board is the entity authorized to do both minor and major subdivision approvals. There is the legal end about whether it's legal and how you get that set up whether you are superseding state law to make it your Building Department, but from a planning perspective her broader concern with that is that there is a good number of subdivision activities and building activities going on in the Town that are minor

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

subdivisions. We don't have tons and tons of major subdivisions going on. There are a lot of subdivisions that aren't really being reviewed in the context that the Planning Board would review them. In looking at the Town's goals in terms of community character, environmental protection, and all of the things that are discussed in the Comprehensive Plan, it was her recommendation that the Planning Board and the review process kind of flow through the state. Town law offers an opportunity to ensure their review. We want them to be reviewed efficiently but to be reviewed in the same manner of meeting the Town's goals as well as all of the other development activity in the Town. That's why she recommended changing it from the Building Department to the Planning Board. Let Michael weigh in and Crystal weigh in on the advisability of that from a Planner's perspective. That was certainly her recommendation.

Councilperson Greenberg said that from other towns you work with that's what most towns do as well, correct? Mrs. Stolzenburg said that's right and, to be honest, not that I am the be all and end all, but she's never seen a town not have minor subdivisions go to the Planning Board. That's not saying that you can't figure out the right way to do that or that you shouldn't do that. She hasn't seen it in any of the communities she's been involved with.

Supervisor LaGrange said that before Michael chimes in on the legality, the only concern he has is that he gets 3 and even 4, but say you have an Adam Greenberg who wants to lop off an acre or two for a child that's going to build a house there and he has 200 acres. It seem like there is a potential to cost a simple applicant on a simple subdivision a lot of time and thousands of dollars to go through a similar process. Can we have a separation of some way of addressing these to the Planning Board? He thinks Nan mentioned some areas to do a one-night approval of a subdivision of one or two lots. Could we do something like that? Those are the only things he is concerned about as far as keeping things moving for folks that truly have a minor subdivision. He wouldn't call 3 or 4 minor. That's his opinion.

Michael, do you have anything to say towards the legality? Attorney Naughton said that he had a conversation with Crystal about this today. She was very helpful and provided the basic rule. We know that town law says that subdivision should be done by the Planning Board. Like many laws, under the municipal home rule we can change what that says. We could change that rule and there are certain areas where we cannot change it. This does not appear to be one of those. From a legal point of view, Nan's position is correct. That's what town law says and that's how it will be done. With the setup we have now, you can't say that it's illegal or in violation of the state statue because we do have a zoning law, and the municipal home rule allows us to change that kind of rule. So, it's really a matter of policy about what you want to be doing on this. He would agree that in his experience with land use, subdivisions are done by the Planning Board. Then you talked about timeframes. The subdivision is one of the rare rules allowed by statute that gives the applicant a default approval. So, if the Planning Board does not act within 62 days of the hearing and there is no mutual consent to extend that time if there is no decision, then the applicant gets a default approval on a subdivision. Site plan approvals are not the case, special use permits are not the case, but subdivisions are the case. Supervisor LaGrange asked if that means the 62 days are triggered at the subdivision application time and does it have to be approved within 62 days? What is the timeline? Attorney Naughton said that you can't schedule a hearing until it's complete. If you want a more restrictive timeframe to do that you could. You can get yourself into some situations where it may take more time to get the proper information you need to be able to handle the thing. You are splitting it up and creating another lot, but are there other easements? We get a lot of plans where no one has shown what kind of easement and other problems there might be on land because they are not done with an abstract title. It may be some people get raised about that and all of a sudden the Planning Board might be in a situation where they've got to make a decision within 30 days from when the application was filed. So, you have to watch out for those kinds of things, but that's all policy. Supervisor LaGrange thanked Attorney Naughton. Attorney Naughton asked if Attorney Peck had anything else on that. Attorney Peck said she agrees with what Attorney Naughton just said. The way the subdivision law is written is in line with municipal home rule law which makes it so it's not illegal. It is permissible to supersede the state and town law zoning regulations. The only thing she would add to it is that she agrees that the minor subdivisions, when we're talking about subdivisions with buildable lots, are typically handled by the Planning Board with other municipalities. The one place she would say she disagrees with it is when you're talking about boundary line adjustment like lot line adjustments. It is common and she's seen it in Colonie and Saratoga Springs where those are handled at an administrative level resulting in a new buildable lot. Saratoga Springs in particular actually lays out some very specific factors to make sure.

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

You have to somehow fall into a new buildable lot area. That is one thing that you may want to consider if you're going to have minor subdivisions for new buildable lots going to the Planning Board. You may want to consider allowing for administrative approval for just boundary line adjustments and capping them from SEQRA. Mrs. Stolzenburg said that she might just add that this update starting on page 11 §164-5 adds boundary line adjustment procedures and she had a little sidebar question posing that very same question about whether the Town Board wants that to be administrative. She tried to clarify the boundary line adjustment process and what is involved. That is in there for you to consider.

Christine Galvin asked to jump in for a minute. She just wanted to say that she thinks there are a variety of issues that can arise in a minor subdivision that the Planning Board could be helpful with in terms of a review. Right now we are reviewing a request to subdivide. It just so happens to be before the Planning Board because it's a modification of a prior, more major subdivision that was reviewed. We have a responsibility in the Town to protect our streams, and this subdivision is creating concern and issues about what needs to be done to protect the stream that runs through the property. If that's not reviewed by the Planning Board, that's not consistent with our Comprehensive Plan. In addition, she thinks Nan can remember a long time ago in her town we had somebody that subdivided unfortunately without our knowledge when she served on that Planning Board. It would have been really nice to know why they were doing it because they sold the property to a gas transmission company which then proceeded to go forward and obtain a permit from the Department of Energy to construct a major gas transmission facility. You know things might look minor but they can present some very significant issues. Supervisor LaGrange said that he's not arguing the point or anything. His only concern is for residents not being put through a whole lot of extra money and extra time for a single lot carved out in the example he gave earlier. If there is some way we can lessen the onus on that type of applicant, whether they come to the Planning Board or not, that's all he's looking at, just that particular component of it all. Mrs. Galvin said that she thinks the lot line exception makes sense. There's really not a whole lot to review there but otherwise from her perspective the Planning Board should be reviewing all subdivisions to make sure that they comply with our overall Comprehensive Plan.

Councilperson Greenberg said that he wanted to say a couple of things in response to Doug about minor subdivisions and things we've historically had in the Town. We have an entire road that's been developed basically through minor subdivisions that actually used to be a commercial district. Because it could never be looked at holistically because it never went to the Planning Board for the actual subdivision part we have 20-some houses on what is still zoned Commercial that was developed without any overarching view from the Town. It was just done through the Building Department for the most part. There were occasionally things that had to be looked at. That's a major problem to him. Toby Lane would have been a minor subdivision or some extensions of water lines and sewer lines; otherwise, that would have been looked at. There were issues there with keyhole lots with the layouts and access to the road. So, he does think these can be major problems for the Town. The law that Nan has proposed or the changes that Nan has proposed don't do away with minor subdivisions. It doesn't necessarily put the onus on the person subdividing their property. It just means that instead of a single person at an administrative level making a decision, the Planning Board will make the decision on whether or not it's a minor or major subdivision. Is that right, Nan? That's how he has read it. Mrs. Stolzenburg replied yes. The minor subdivision process will still exist. So, we're not adding a minor subdivision process; we're changing how it gets reviewed. Councilperson Greenberg said that we're not doing away with the minor subdivision process. Mrs. Stolzenburg said that we are not doing away with it. Currently people still have to have a map and they have to describe the characteristics of the property. There are still requirements even now when it goes just to Jeremy.

Councilperson Burke asked if the requirements are different under this proposal other than going to the Planning Board which she has no problem with? Are the requirements in terms of how to justify the minor subdivision different? Mrs. Stolzenburg replied, "Not really. We haven't really changed the standards. There are a few edits to the standards. Since I haven't ever been involved with Jeremy on a minor subdivision, the other concern that I have is that the SEQR process still includes minor subdivisions as an action that is subject to SEQRA. I don't know if he does that. I don't know the process of how SEQRA is done but SEQRA still needs to be done on minor subdivisions. Again, it seems to me that the Planning Board has the authority to make those discretionary decisions. Maybe the SEQRA is going just fine through the Building Department. I don't know. That was another concern that I had about the proper way of doing SEQRA." Attorney Naughton said that on this

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

SEQRA thing there is an exemption. Mrs. Stolzenburg added lot line adjustment. Attorney Naughton agreed adding that it's not the intent to have an administrative building inspector under SEQRA making SEQRA determinations and taking a hard look at those. He doesn't believe it actually happens. Supervisor LaGrange added that he can't imagine. Attorney Naughton said that that's a very good point. That's the place where you want a hard look to happen and create your SEQRA record at the Planning Board level.

Supervisor LaGrange said again, going back to what he was saying, he's not arguing the point. He sat on the Planning Board for four years, Town Board for 10, and now here. It's always been done the same. It's good to know that there are opportunities here. Maybe we should narrow the definition of a minor subdivision to only two lots or something. Maybe that type of thing can be pushed through the Planning Board at a little quicker pace with a little less onus on the applicant. It's just food for thought. That's what this whole workshop is, just to hash these things out and get a better idea of what we should be doing and what we might do to make it easier.

Councilperson Leinung said he just wanted to piggyback on what he was saying there. That was his initial thought, as well. If someone has 10 acres of land and wants to carve out an acre here but then Adam brings up the point of what happens when they subdivide just one lot and then two years later they take off another acre, then another acre, and another acre. Even if you limit it to one it still gets around that holistic approach that we are really trying to get out with this. Maybe not take it out of the Planning Board but he doesn't know how to have a faster process. Supervisor LaGrange agreed. Councilperson Leinung added that a process is a process. We need to have a public hearing. You need to do SEQRA. It takes a while. It takes time to do that. He understands the concern about someone who literally just wants to build a house for their kid when they have 10 acres of land and want to subdivide an acre off to build another house. Maybe there is a way. He doesn't want to say fast track it but make that a slightly less onerous process.

Councilperson Leinung said that his other concern is more of a practical concern. He thinks it's a great idea to have the Planning Board do this. It is something that will help with the holistic approach of looking at all these subdivisions in an area and also in the Town in general, but from what he's seen being involved with the Planning Board the past few years this is definitely going to put a couple more agenda items on every month's meeting. Right now Jeremy said he has a handful in front of him. I don't know how many we have in a year. This would probably come out to 2-3 a meeting and that would be over the course of several meetings. This isn't going to be okay, we're done. This is going to be on three agendas in a row probably with this 62-day period. When it first comes in, the Planning Board is going to ask them to finish their application and make sure everything is on there. He doesn't think that's necessarily a bad thing. He thinks the Planning Board can handle it but he just wanted to note that this would add a substantial amount of work to the monthly agendas. That being said, the whole thing about the timeline (and this isn't a knock on Jeremy by any means) he thinks at the last meeting or two there haven't been any new minor subdivisions approved because it just hasn't gone through the process yet. They've been on his desk but he hasn't had the time to go through them. Again, I know he does it and I know he has a lot on his plate. This might be a way to kind of actually move some things along because we're going to have deadlines and we're going to have a set-up process. His view on this is that it's kind of formalizing the process and maybe make it a little more transparent for the actual applicant to know what they are going to be going through and know that they are going in front of the Planning Board. Neighbors will be able to weigh in. A lot of time when you're subdividing it just goes through. Having the public hearing is a big transparency aspect of this, as well. He does agree with the lot line adjustments; those are very minor. There might be issues but usually when there are issues you're getting into a setback or something, and it goes to the Zoning Board anyway. So, if there is an issue with a lot line adjustment our other processes will trigger that. He doesn't think we would need a lot line adjustment to go to the Planning Board. He just wanted to get those points out.

Attorney Peck wanted to comment on what Councilperson Leinung said about lot line adjustments. She would still say that if you're talking about an adjustment on a subdivided plat that was already approved by the Planning Board she would still consider that something that the Planning Board may want to review. If it's on a parcel that's already on for Zoning Board approval she would still consider putting that lot line adjustment before the Planning Board. Supervisor LaGrange said that that's the example that Chris brought up that you're dealing with right now. Mrs. Galvin said that that's not really a lot line adjustment. It's a whole new lot. Supervisor LaGrange said he thought it was a lot

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

line adjustment. Attorney Peck said that we do have another scenario like that before the Planning Board. Mrs. Galvin said that we do ask Jeremy how many minors he's had and have him report to us. She doesn't get the sense that there are that many. She hasn't heard that many. She doesn't know and asked Crystal if she knows? Attorney Peck said that she thinks there actually are quite a few. She just doesn't think we're seeing them get approved every month and that's why we may not be hearing them. She does think that there are quite a few throughout the year that kind of get put in the pipe. Sometimes we might have a meeting with say three of them, and then the next meeting we don't have any.

Councilperson Burke said that she wants to more fully understand the whole thing. Has anybody done an analysis of how this change will impact individuals financially and in terms of time? Mrs. Stolzenburg replied that she can't say that there has been a separate analysis. You still have the same fees for a minor subdivision. On your fee schedule you have something for minor subdivision. This is changing what that fee is. It simply refers to whatever fee schedule the Town Board has developed. The current requirement still requires a subdivision plat to be developed and submitted. They still have to have certain things on the map showing the lines. She added a couple of things to that list like identification of zoning district and identification of whether it's in a NYS Ag district. The one thing that she did add that might add cost is that she added something to add to the map, contour lines, which could mean that it has to have a level of a survey to show the contour lines. That is costly and she doesn't know what level you were expecting that on minor subdivisions now. In recognizing that there is a cost for that she did add in on page 15 number 2A. She said that the Board can waive the requirement for that field topography. Sometimes you have a flat area and there is hardly any topography to survey out, so it doesn't make sense to put someone through a parcel that is already flat. That is one area that might add some cost. Now, again because she's unfamiliar with how the minor subdivision has been filed, most counties when you file a subdivision they require a survey lot. When you file it with the county it's required to be surveyed. It can't be just a line drawn on a piece of paper and call it a subdivision. So, someone is having a survey done or had a survey done that they can pull from anyway. She wasn't thinking that as a whole new thing. They are probably having a survey done for a minor subdivision now. Councilperson Leinung said that he thinks that's true. He's pretty sure there are official plans that have to be filed with Jeremy. Supervisor LaGrange said that we also have the topography GIS mapping and stuff that should cut the cost of anybody needing to supply that. Mrs. Stolzenburg said that if there was ever a situation where a parcel was so steep, there were cliffs on it, or there was like so much that you couldn't create a buildable lot, that's really what you're looking for when you do a subdivision is to make sure there is someplace on it that's buildable to put in a septic system and a driveway. The contours are important but there are lots of other less expensive ways. You can check the existing maps. The Planning Board can say there doesn't look like there is any problem of slope and we're going to waive the requirement to have the contour lines on the map. Councilperson Burke said that what she's hearing Nan say is that what this changes in process does it: 1) make it more consistent with State law and 2) gives us an over study on sort of the big picture issues and it does still increase the cost per individual with the time? Mrs. Stolzenburg said there may be some extra time because they would have to go through a public hearing and that would have to be scheduled. She thinks it could potentially add time but she doesn't think it would add cost. Councilperson Burke asked if there are any ways you can think of reducing the time? Obviously you can't do away with a public hearing. Are there any ways to make it more efficient?

Councilperson Hennessy asked to bring up a couple of points that might consider that point or give us something to think about. As far as this whole thing is concerned, he personally is very supportive of it. He thinks it's something we've been pointing toward ever since the "big box" days. We need a little bit more ability of the entire Planning Board instead of one or two positions that have a lot of authority on a lot of different matters together with all of the minor subdivisions that have existed and that have provided some sketchy planning if any planning at all. He's fully supportive of it. There are a lot of tweaks to deal with, and he has a few that we can go through. One of his questions is to Nan. The old law said the Building Inspector can defer a minor subdivision to the Planning Board. He thinks he read in this, or an earlier version, that in this change the Planning Board could actually defer a minor to the Building Inspector. He's not sure it's in there. He just searched for it and didn't see it. He thought he read it several months ago. Is that wrong? Mrs. Stolzenburg said that she thinks he is referring to something in there where she talks about the lot line adjustments that go to either the Planning Board or the Building Inspector. That might be what you're referring too. She does not believe that she would have written in there that the Planning Board could do it for the Building Inspector, but the lot line was a policy decision for you to make on who you feel is the best group or

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

entity to make the approval for a lot line adjustment. Councilperson Hennessy said that that might be something that we'd consider. He's not necessarily in favor of it though. That might be an avenue to consider allowing one lot or an obviously simple lot configuration. That might be something where we would consider having a clause in here allowing the Planning Board to defer it to the Building Inspector or whatever the authority having jurisdiction in case we have Planners involved. We defer some of this to our Planner. He doesn't know how the Board feels about that. We can talk about that amongst ourselves. That might be an option to consider. That might help the timeframe issue on small, minuscule-type applications.

Supervisor LaGrange asked Nan if she mentioned something to him about a case like Bill is talking about and he spoke of earlier that some of the municipalities have a quicker process, a "single night process" you termed it. Mrs. Stolzenburg said that what she was talking about several communities she's aware of that have an abbreviated site plan review, not the subdivision approval. It's shorter and has a requirement that the Planning Board reviewed it in one meeting. That was an example that she gave. Some communities have created this abbreviated kind of a two-step for looking at site plans so, she doesn't know. Again, she would leave that up to Michael and Crystal about how that could be fashioned; that might be a policy decision. One thing to think about too in terms of the efficiency of these is that a lot of times in her experience the slowdown of approval of these applications is not the Planning Board. It's when the applicant comes with incomplete information. So whoever is reviewing it, whether it's the Building Inspector or when the Planning Board looks at it and says you don't have this and you don't have that and you need to have a survey or you need to get XY and Z and then there is another month of time lost. So, one of her recommendations is to always help applicants understand what they need to submit to whoever is reviewing it so it's complete. Once it's deemed complete, that starts the process moving forward. Those of you working on the Planning Board know better than she does, but her experience is that 9 times out of 10 it's the lack of information that prevents the application from moving forward. So if we can figure out ways to help these people know what they have to submit and what it needs to look like and how to get them to have a complete application so when it comes to the Planning Board they have a check-off list, boom, boom, boom. Yes we got all of these things. Now let's start the clock and move forward. Mrs. Galvin said that that's why she recently tried to redo the checklist for all of these parts because they weren't 100% following the law. Part of that was because we've been struggling with just exactly what to say. They get put on the agenda but we don't have everything so then they get frustrated, we get frustrated, and we have to send them back. We've been struggling with the same question on the Planning Board. That's why she went ahead and said let's come up with a 100% clear list of things you have to produce and make sure that they get that. Jeremy said he's been handing out a checklist but still we get applications that are incomplete. Councilperson Burke asked if she shared the checklist that she created with us? Mrs. Galvin said that she sent it to Dan. Councilperson Greenburg said that he's seen it. It mostly went to Chuck Voss and he was going to pass it along. Mrs. Galvin said she initially sent it to Chuck Voss. Councilperson Greenberg said that when he talked to Chris about it and she had forwarded it to him he told her we were having this workshop, which is why she is here now, and we could discuss some of it then. He thinks everybody would agree that we need a clear checklist. Anybody applying would want to have it. The Building Department would want to have it and the Planning Board would want to have it. Mrs. Galvin added that Crystal has drafted for us a proposed procedure so we can be a little stricter on not putting things on our agenda incomplete which we're hoping might resolve some problems.

Councilperson Greenberg said that he kind of wants to move along because Nan has a fair amount of questions on this but he really doesn't see the big debate here. He's all for it. All he is really hearing is that it possibly would take one month longer for somebody to subdivide a lot or three lots off. That's not a long time. He doesn't know who's ready to build tomorrow so having an extra month but having it clearer what the application needs to go through is better for everyone involved in the process. You could take a little less time and end up with a mess. So, that's his position on this specific issue.

Supervisor LaGrange had a couple of things that caught his eye. On page 16 we're talking about notification. It's pages 16 and 25. It talks about list names, lot numbers, addresses, and phone numbers. Are phone numbers something an applicant is going to be able to find now that we don't really have phone books and so forth? Mrs. Stolzenburg said that that's a good point. You're looking at page 16 under "I," a list of names. Supervisor LaGrange replied yes, adding also under page 25 "I" also. In conjunction with that in the same sentence it says to notify people within 500 feet. He thinks

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

we extended that to 1000 feet unless the Planning Board waived it. Councilperson Leinung agreed. Supervisor LaGrange said that that was just a quick simple thing he saw. Councilperson Greenberg asked Nan if that had changed. Mrs. Stolzenburg agreed. Councilperson Greenberg said that that's what it is now. Mrs. Stolzenburg said that she didn't know it was 1000feet, and the phone number for adjacent property owners would be very hard to get these days. Supervisor LaGrange said it just struck him when he read it, that's all. Councilperson Leinung said that if we're updating it, we can update that part too. Mrs. Stolzenburg agreed. Supervisor LaGrange said that he believes the addresses may come from Assessing. Mrs. Stolzenburg said that she thinks those are good points.

Supervisor LaGrange said that on page 42 under Street or Highway System he doesn't see where we mention, you mentioned, or we should add the green road design. Is that something we should be considering? Mrs. Stolzenburg said we should. Supervisor LaGrange replied okay. We did it recently so it caught his eye. Councilperson Greenberg said that Nan has all that, right? He thinks we forwarded it to you. Michael, you worked some of the new road regulations out with Kenny. Supervisor LaGrange said that those are the newer ones, but we had the green design from before. Councilperson Greenberg said that he thought it was all part of the same document we passed on to Nan. Councilperson Hennessy said he would check. Mrs. Stolzenburg said she'd check too and she made a note to make sure we add that in. Supervisor LaGrange added just to be sure we're consistent. He then added that the other thing is on page 49 and again on 52. Supervisor LaGrange added that quite frankly he didn't get a whole lot further in the document. Under procedures for installation of required improvements talking about bonds and so on and so forth. Am I wrong to say that that should be a certificate to the Town Board from the Board Engineer for cost and stuff and bonds like #4. That says a bond shall run for a term to be fixed by the Planning Board. Should that be Town Board or is he off on that? There are a couple of places that say Planning Board. He thought that when it comes to that type of a payment and securities it's usually a Town Board thing. Attorney Naughton said that that's correct; good catch. Supervisor LaGrange said that he wanted to be sure he wasn't off on it. Attorney Naughton said that it gets approved by the Town Attorney. Supervisor LaGrange said that that's something to look at on pages 49 and 52. He then corrected himself and said not page 52.

Supervisor LaGrange said that the other item was on page 52 that totally confused him. When it comes to slopes he thought our standard was 17% everywhere but you talk about 25% and some places say 15%. He got a little confused on it. Isn't 17% generally the standard? What were you trying to express here? Mrs. Stolzenburg said that this is in the definition section and you didn't previously have a definition for slopes so I wanted to add one in but wasn't sure how you wanted to define a steep slope. Different places use different percentages to define steep slopes. Sometimes it's 15%, sometimes it's 20%, and sometimes it's 25%. If you look down below it has under unbuildable land and it talks about slopes of 17% as being unbuildable so that could be your definition of steep slope or you could make it a different percentage. That's up to you guys. She just wanted to make sure she had the right definition. Supervisor LaGrange said, again, he thought that was our standard and he didn't know where it came from. It's like minor subdivisions wherever it originated in our law. He always thought the standard was 17% but if we need to massage that one way or another. He's just throwing it out there as a question. Mrs. Stolzenburg said that she thinks that is one of the reasons why we want to add a definition for steep slopes so we clarify what it is. Wherever we use the slope or steep slope we know what we're talking about. Let me know what your policy is. That's for you to decide. Supervisor LaGrange asked Michael and Crystal if we intended to go with 17% as unbuildable? Attorney Naughton replied that that was correct and there are different sections in our zoning law that address that so we could probably plug in 17% and do a word search for our zoning law that's now updated and we'll find out where those provisions are. Supervisor LaGrange said those were my few questions and comments.

Supervisor LaGrange asked if Councilperson Hennessy had others to go through. Councilperson Hennessy said that his second one was the design standard for the new road that Doug already mentioned, so that's covered. His first one is in the purpose. He doesn't know what page it is. Mrs. Stolzenburg said she thinks it's page 6 §164-2. Councilperson Hennessy said items like 1, 2, and 3 come right from the Comprehensive Plan. One of the results of the Comp Plan also said "encourages affordable housing." Is that something we should put in here? He believes it has relevance to subdivision law. He suspects we should have it in here. What do you think? Mrs. Stolzenburg said she agrees that's it's an important component, but the reason she didn't add it in subdivision was because she thought it was more part of zoning. The subdivision kind of takes the zoning. You have to have the right size lot, you have to have the right size frontage, and the right setbacks. The

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

subdivision law really looks at where the lines are and how those lines relate to the road and the environmental features. The subdivision itself isn't going to affect affordability. That's the zoning. Whether you have a small lot, a big lot, or other kind of requirements that might make it more or less affordable. She doesn't object to having it in there. She just notes that it was more zoning related. Councilperson Hennessy said that part of his concern on that is that some developers probably aren't going to read zoning. They're going to read the subdivision law and then may not know it. It's probably a strong part of a conservation subdivision, but he kind of leans toward having it in here somewhere, maybe not in this section but somewhere. Mrs. Stolzenburg said we can certainly add it in. Supervisor LaGrange asked if Councilperson Hennessy had anything else. Councilperson Hennessy said that that's really all he had.

Supervisor LaGrange asked if Councilperson Greenberg had anything. Councilperson Greenberg said that he didn't. He was more interested in the questions Nan had. The way we've been talking about it when he and Bill have been working with Nan on this is that she had questions that she felt she needed answered to finalize the document she would then submit. We could then take a final look at it before we pass it onto the Planning Board and other boards maybe for a look and their comments. He doesn't feel like we are finalizing anything tonight. He thought we were just answering questions so that Nan knew how to complete the document to submit it to us. Is that how you feel about it, Nan? Mrs. Stolzenburg said yes adding that some of those were comments explaining why she made a recommendation to change things, but there were some questions in there one of which was answered tonight about the lot line adjustments. We talked about the steep slope. She's just going through to see if there were any specific questions. She is looking at page 54 at the bottom, #8. It's talking about this being in a major subdivision. It does have something in here actually about affordable residence requirements. It says of each 10 lots proposed one must meet the affordable residence requirement. Her note, again this goes back to her thinking that was more of a zoning item, and again she would defer to Michael and Crystal on whether that is appropriate in the subdivision law or the zoning law. Going back to the definitions, her other issue with that one is that there is no definition for that in this. So what is it? Councilperson Leinung asked what is an affordable residence requirement? Mrs. Stolzenburg asked what is it and how do you define it? How does someone know what that is? Councilperson Hennessy said that we should have in the Comprehensive Plan probably, I would think. Mrs. Stolzenburg said again that that's why she was thinking it's more of a zoning thing. If you want it here, that's fine; I just need to know what it is. Attorney Naughton said that he tends to agree with you on the concept. We're talking not about affordable housing; we're talking about affordable lots. So, if you want to make lots cheaper, generally you make them smaller and that would require more density and you would require more infrastructures to be able to do that normally. In our town where we don't have septic, we don't have public sewer especially, and many places we don't have public water, that's more of the issue than anything else. So, where you made decisions about creating spaces in Town for affordability it's going to be based on your determination of what zoning districts it's going to be in and whether it can handle small dense lots, small dense residential development. He doesn't know how you do that with this subdivision. If you have a minimum lot size that's what you're stuck with; you can't create a substandard lot size in the subdivision process if it doesn't meet the zoning. Councilperson Greenberg said that in zoning we allow for the cluster and that allows for smaller lots. Attorney Naughton agreed. Councilperson Greenberg said that that's how we've taken care of that. Attorney Naughton asked if Crystal had anything else on that concept. Attorney Peck said that she generally agrees with what was said. She agrees with Nan's comment too that if we're really going to be looking at affordable housing this paragraph is not really getting the job done. We need to flesh something out more in our zoning law to be able to address this, but she generally agrees with what Michael said. Mrs. Stolzenburg said that when we do the zoning update we could certainly add in that same sentiment about having to require affordable, that's really called inclusionary zoning. We would have to define it and we could flesh that out to what that means and how it would be applied. So, we could certainly take care of that and kind of move it into the zoning when we do that.

Mrs. Stolzenburg said that there were a couple of little minor things like there were different places that a different number of copies need to be submitted. On the Planning Board what is the number of copies you need to be submitted? Sometimes it was 12, sometimes it was 7, and sometimes it was 5. How many do you need? Mrs. Galvin said sometimes it's 12. She reviewed every different number and every different type of application. Some are 14 and some are 12. It's not consistent. She doesn't know how they got moved up to 14. She doesn't know who the extra people are that need the copies. At this point she doesn't know. They're old laws and she doesn't know why they say 12 or 14. Attorney Peck said that this is something she and Jeremy have been discussing a lot lately with the

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

applications, especially since we've gone remote with these meetings, but there should be a requirement for particular copies. We get these huge plans, and we're trying to get them into some sort of electronic form for the public which is a nightmare. Mrs. Stolzenburg added that that was actually one of her questions. Would you accept a digital form? Mrs. Galvin said yes because when they finally get sent to us on the Planning Board for review they are miniature; she can't even read them. Attorney Peck said that she thinks we need a few extra copies but this could be in there too. Councilperson Leinung added that he was going to say we probably need hard copies in addition to digital too because some of these maps are big. She remembers on the Planning Board unfolding the whole thing. It's really hard for Jeremy to copy that and hand out paper copies to the Board so having both is good. She thinks seven in general is probably good for the five members of the Board, Jeremy, and whoever else. If we have to make more copies than that's okay. She's trying to be cognizant of cost on the applicant. She thinks a lot of these were before we had digital copies where the department could easily mail a copy around or print out additional copies. That being said, this is a point that Chris made earlier. It's all over the place throughout the law and stuff that we probably should address. Mrs. Galvin said that we now have a planner sometimes and we always have Garrett. There is maybe a need for 8 or something. Councilperson Leinung said that's true.

Councilperson Hennessy said that he had a couple more points. On 164-3 general, page 7, paragraph C we say applicants are encouraged to see the Code Enforcement Officer for information about requirements. That should probably be Building Inspector instead of Code Enforcement Officer. Crystal, Michael, Doug? The Code Enforcement Officer is really Jeff Pine. Shouldn't this be Building Inspector? Here's the thing. The Building Code used to call it AHJ (Authority Having Jurisdiction). Now the Building Code has changed that to Building Official. It's kind of funny. So, maybe we should just go back to Building Inspector. He doesn't mind having something like AHJ. That terminology seems to be gone now from the Building Code. Supervisor LaGrange said that that's a good point. Councilperson Hennessy said that Crystal and Mike might want to think about the best way to term that. Mrs. Stolzenburg said that if you have two different people, one does Code Enforcement and one does Building Inspections. Supervisor LaGrange said that that's correct. Mrs. Stolzenburg said that you can have either one. You can assign that duty to either one. Whatever you want. Councilperson Hennessy said that the Code Enforcement Officer is not just a civil service position; it's more of a state-regulated position than the Building Inspector isn't it? Supervisor LaGrange replied that they are both civil service. It's just how we treated the position that didn't make it such in the past. The Code Enforcement Officer full-time is civil service. In our situation, Bill is totally correct; it goes through the Building Inspector's office. The code enforcement officer is going out, doing inspections, doing reviews of complaints and things like that. In this case at this time right now it's the Building Inspector. Attorney Naughton said that he thinks it's defined in our zoning law now. We use that as a defined term. We should look back at that and see how we did it. Councilperson Hennessy added to Nan that there are a couple of instances of that. Mrs. Stolzenburg said that we'll make it consistent.

Councilperson Hennessy said that the other thing he had was something he thinks we touched on but we didn't address it in the conservation subdivision. You had a question about the size of the lots in the conservation subdivision and it was a list. You said this is large, this is small. Attorney Naughton said it's §164-43 on page 48. Mrs. Stolzenburg said not on page 48. Attorney Naughton said that's how it prints off on his copy. It's §164-43 Conservation Subdivision. Mrs. Stolzenburg said it's on a different page on hers. On hers it's page 59, Conservation Subdivision Design Standards. Is that what you're looking at? Councilperson Hennessy agreed. Supervisor LaGrange said that it must be on page 60 where Bill is talking about. Mrs. Stolzenburg said I she's not sure where you are looking. Councilperson Greenberg said that it's Nan's comment on page 60. It's off to the side. Mrs. Stolzenburg said the one that starts with this is really a zoning issue? Supervisor LaGrange replied yes. Attorney Naughton said that it's number 37. Mrs. Stolzenburg said that what this is saying is that these are the design standards for Conservation Subdivision. Basically what it's saying is that if you have 100 acres of land and 10 of those acres are wetlands and steep slopes that are not buildable you can only use 90 acres to calculate how much density and how many lots you're going to get. Again, that is normally a zoning requirement. Zoning tells you how to calculate zoning, not a subdivision law. Again, it's fine to have it here but that's a policy to use what's called net acreage. If you want to do it, that's great. It creates density that more aligns to the actual conditions of the lot, but what she was saying was that right now you only have this for a conservation subdivision. It's not applied evenly. It's not applied to all major subdivisions or all minor subdivisions, either. It's specifically saying that for a subdivision that is designed as a conservation subdivision you will use net density.

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

Again, that's a fine policy if you want to say that but we also have to make sure the zoning reflects that rule. So, that's what that comment is if that's your policy. The reason that she added it in there is that with the conservation subdivision technique it's hallmark is that it doesn't change the density. It's a siting method. The density is governed by the zoning law, not by how you're putting the houses on the lot. So the conservation subdivision method simply says that where the lots and the houses are going to be how many you get is governed by the zoning law. Again, it's just mixing apples and oranges and she was just trying to straighten it out.

Attorney Peck said that she actually thinks we do have it in our zoning law somewhere. We were just looking at it for an application that was before the Planning Board. So she knows that that's actually referenced somewhere in the zoning law. She's trying to find the section but she can't pull it up fast. She will email it over to you after all of this. Mrs. Stolzenburg said that was okay. Attorney Naughton said he agreed with Nan's approach on that. Councilperson Hennessy said that the one he was talking about is on page 55, Dimensional Requirements, the minimum lot sizes, lots with sewer, lots with water, lots without, and it talks about dimensional requirements and minimum lot sizes. Mrs. Stolzenburg said that she sees where he is now. She highlighted those because that's what you have now for minimum lot sizes in a conservation subdivision, but her perspective was that you have a half-acre lot required when you're already providing sewer and water. Again, from a planner's perspective, a half-acre is still a big lot when you have water and sewer. If that is the policy you want fine, but she was just pointing out that one of the advantages of having sewer and water is that you can have smaller lots and in a conservation subdivision where you are trying to preserve open space and rural features that still may be too big. So it was really just pointing that out as a discussion for you. Again, it's a policy decision. Councilperson Hennessy said that he totally agrees. These are too big. His first knee-jerk reaction was what if you made it maximum lot sizes? Would that be wrong? He didn't give it a lot of thought. I would rather have a planner give it a lot of thought but that was his first knee-jerk reaction. They could still make them those sizes but they could be smaller and it would give them a lot of leeway and jurisdiction from a designer standpoint. What do you think of something like that? Mrs. Stolzenburg replied that again that's a policy decision for you guys to make, but most conservation subdivision laws that she works with do have a maximum lot size. They might say a minimum has to have a certain amount, a very small minimum, but the purpose of a conservation subdivision is to preserve open space and not to create big lots. Councilperson Hennessy said that maybe we should have both. Let's do a little bit of work on that and see if we can come up with a good idea. That's his suggestion. What does anybody think of that? Councilperson Greenberg said that he thinks it's a good point. Councilperson Hennessy said that maybe Nan will try to pick up some examples. We can look at some examples and we will compare them to our current situation and come up with some good answers. Mrs. Stolzenburg replied okay.

Mrs. Stolzenburg said that before she jumps into a couple of her questions she wanted to know if Councilperson Hennessy had anything else. Councilperson Hennessy said that he probably did but he can't find them. He then added that he's all set, thank you. Supervisor LaGrange asked if Bridgit or Dan had anything. Mrs. Stolzenburg said that she had something. It may be that she has to go back to our highway standards. If you look at hers, it's page 43 §164-24. She didn't change these. If you look at the street widths and lengths, she just didn't know if those were still accurate or not. We ought to make sure we correlate those with the highway law. She doesn't know if they're still the right construction requirements for roads that you have someplace else. So, do you know off hand? Attorney Naughton said that he wanted to get back to that. We started to talk about green roads and we have some other road design in the works. We are trying to overhaul all of that. We haven't finished that. Mrs. Stolzenburg replied okay. Attorney Naughton said that we have a draft from Stantec and it hasn't been advanced though the Town Board. He thinks they were going to look at that in connection with the zoning process. So, as you go back to try to address that and whether it matches up, until we finish that we won't be able to do that. Mrs. Stolzenburg asked if we could just take this out and say to refer to whatever the law is. Attorney Naughton said that that's a good idea. He would say that we should take that project off the shelf and get that moving. Councilperson Hennessy said let's be careful taking something out without giving it some more thought. It's somewhat common to have these things in the subdivision law but we may want to check on that. Councilperson Greenberg asked Attorney Naughton, "Before we take it out, Michael, we're not that far away, right?" Stantec and Kenny have been working on it. Attorney Naughton replied that he doesn't believe we are that far away. Councilperson Greenberg said that maybe we can take care of it in the next month and then just incorporate it in. Attorney Naughton said that we're probably going to need some kind of workshop on that, too. There are some policy questions in relation to the road

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

design stuff. That's something that could go in tandem really with what we are doing on the subdivision. Generally he thinks there is some benefit to having it refer to the road designs for the appropriate location. A general thing just as we say refer to the schedule of fees because the Town Board can change that from time to time as new designs come out and new materials come out, etc. Mrs. Stolzenburg said okay adding let's keep in touch with where you are with that and make sure that they are coordinated.

Mrs. Stolzenburg said one of the big decisions actually still to be decided is on page 52; it's §164-39. This is really talking about how conservation subdivision is applied. Different places do it different ways. Some places make it completely voluntary at the request of an applicant, some places make it mandatory under certain conditions, and other places kind of have a mix of where they say the Planning Board may require a conservation subdivision under certain circumstances. So this is a really important policy decision here on how you are going to apply this. This was based off of a conservation subdivision model that Tom Hart did a number of years ago and she changed it. He originally had it so a conservation subdivision will be permitted wherever practical. Who knows where that is? She changed it to a conservation "shall." If you go all the way through the cross out, somewhere it says that it shall be required for all major subdivisions because that is what it said in the Comprehensive Plan. She made it mandatory based on that, but that's a policy decision for the Town to make on how you want to apply conservation subdivisions. She thinks that's an area that you really need to discuss. Councilperson Hennessy said okay. Mrs. Stolzenburg added that there is no right or wrong way. She can give her experience with an all voluntary as they are never done. No one wants to go through that process. They just take a piece of land and cut it up into however many lots the zoning says they can get. So, if you really are serious about having a conservation subdivision as a preferred method of development then you have to at the very least put some boundaries and box that in and say it shall be required under such and such circumstance, or the Planning Board shall require it, or some communities even say for any major subdivision you have to bring us a sketch plan that's a conventional subdivision and a conservation subdivision. The Planning Board picks the one that meets the most goals of the subdivision law and the plan. She doesn't know how fair that is to make someone go through two of them. There are a bunch of ways to skin the cat on this one. It's a very important policy decision for you to make so that one we should highlight. Her question is there but it should be in yellow for you to go back to.

The other thing just to make sure is wherever a sketch plan was talked about she made it from the applicant to do a sketch plan meeting so there will be a sketch plan meeting. Going back to what we talked about earlier to try and get this efficient for the applicant the sketch plan meeting is probably the most important meeting you can have with the Planning Board. That's an opportunity for the Planning Board to say we're concerned about this, this, and this or we would like to see you consider blah, blah, blah, or here are the things that you need to have on the plat. Before they spend a lot of time and effort on it they have this more informal meeting with the application to get these things on the table. So, she made it a "shall." That's a policy decision for you to make as to whether you want to make it a "shall" or a "may." Attorney Naughton said that from the applicant's point of view it's a waste of time to go through the sketch. You've got a meeting and there goes a month. You know it's just going to slow the thing down but he agrees with Nan that it actually is a way in some respects to make it cheaper and more efficient. It may be that you've got an absolutely flat plot and you're going to say we don't need topographical, we don't need this, and we don't need that, but we are interested in this and make sure you provide this information or this is what we're generally thinking about before you go and spend a whole lot of time with your engineers coming up with a real detailed plan. What's expensive is the engineering side when they have to go and figure out all the details and put it on a plan and cross all the T's. This sketch plan aspect is the ability for the Planning Board to propose their general view on how it ought to look. It should save the applicant money. Mrs. Stolzenburg asked if he is saying that the sketch plan should be mandatory or keep it as a "may?" Attorney Naughton said that he likes mandatory. Supervisor LaGrange said that from his point of view it would help make things more efficient but even expedite the process. If somebody goes in with a sketch plat and has some early designs and things like that and the Planning Board has some direction to give at that point before they go through a whole full-blown site plan it just makes it easier in his opinion and experience. Councilperson Greenberg said that he agreed. He can see it being mandatory for both the efficiency and also giving the Planning Board some ability to waive certain things they don't need which will save the applicant money. That's a major consideration. Councilperson Leinung asked if that starts the 62-day clock? The Board wouldn't be limiting themselves by doing this. They wouldn't be putting itself in a box. Mrs. Stolzenburg agreed adding part of this is public relations. The sketch

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

plan really should be sold to the applicant as a really great opportunity for them to come and explain what they want to do, talk about the parcel, and it's to their benefit to do it. If you say it's another month, onerous, and you have to do it versus this is really for your benefit to make the process better she thinks it's a good way to promote these kinds of things. Councilperson Leinung said if they came in and everything was submitted and perfect would it necessarily add more time? Mrs. Stolzenburg said that if they come in to a sketch plan meeting and everything is perfect the Planning Board could say this is great and we're going to schedule the Public Hearing. They could do the public hearing and potential approval that month if they've got everything all lined up.

Councilperson Hennessy asked a question about the zoning districts. You didn't include RA, R2, or RF. Mrs. Stolzenburg asked where he was looking? Councilperson Hennessy said that she writes the zoning districts there in that paragraph. In major subdivisions, you proposed it. Supervisor LaGrange asked what section Councilperson Hennessy was referring to and he said §164-39b. They are the same requirements for eligibility that we have. Mrs. Stolzenburg said that that's a good point. Councilperson Hennessy said that he I doesn't see why not R2 and then RF. Why wouldn't we include residential forestry? He's just thinking out loud. Clearly there are more trees and rock involved in the RF district, but clearly there is a lot of farm land in RF. R2 and RF probably should be part of the list. Mrs. Stolzenburg said okay adding that what you had there was the other ones and I didn't think about whether it was appropriate for the others. Councilperson Hennessy said he doesn't know if we have the land in the residential hamlet districts so it might be a moot point. Supervisor LaGrange said that we might have it in Unionville; he's not sure about Clarksville. It depends on how broad it is up there. Councilperson Hennessy said that there are some. Maybe we should have RH. It might be appropriate for that type of hamlet district given the size of the lots. It might be a little bit more in concert with that whole desire to have it in the comp plan's desire to have that kind of development in the hamlet. Mrs. Stolzenburg said it certainly could be designed as a traditional neighborhood that would be very hamlet like with a village green or some other sort of open space saved. Supervisor LaGrange asked if this would still just state major subdivisions proposed in all zoning districts? Mrs. Stolzenburg said that that's right unless you have an industrial or commercial district that you would not want this in, like all residential districts. Councilperson Hennessy asked why we don't just use the term residential district? Supervisor LaGrange said it would be a special use in those districts. Let's go back to Adam again. He wants to carve out two acres now for his son to build on in 10 years. There could be various reasons for that. He's seen subdivisions made in anticipation of doing something in the future. How would that fall into all of this? Mrs. Stolzenburg asked if he meant the conservation subdivision? Supervisor LaGrange said no, in general in the subdivision law going to the Planning Board. Who is to say if somebody is going to subdivide something to hang onto like it's a wedding present and they're thinking of building in another five years or something. A situation like that where they're not necessarily going to be bringing a site plan or a proposal to the Planning Board at the time of the subdivision. How would that be handled in all of this? Mrs. Stolzenburg said that you don't have to build. It's approving a subdivision. It's proving out a new lot. If someone doesn't want to build on it for 10 years then it just sits there as an approved lot. Supervisor LaGrange said that that would be a simple situation for the Planning Board. He'd come in and say we're not going to build now. We're not going to do anything. We're just subdividing, and the Planning Board says okay, it's approved. It's just that somebody could just say that too. Mrs. Stolzenburg said lots of subdivisions are done without someone ready to build a house. Supervisor LaGrange replied right, exactly. Mrs. Stolzenburg said that she was taught that the purpose for doing subdivisions ultimately was to ensure you are creating buildable lots. If the lot is buildable and it's approved and they don't want to build on it for 10 years that's not really what you're looking at. You're looking at whether the lot meets the requirements of the local laws and the boundary lines are in the right place. Some communities in their subdivision law do include what's called a building envelope where they not only approve the boundaries of the parcel but they also include the location of where the actual house can go in the envelope. So, even if you do that and someone didn't want to build right away in 10 years they would have to pull that approval out and say oh the building envelope was here but we didn't add that into this subdivision law to look at the building envelope. Supervisor LaGrange said he just thinks it would prevent something from happening in the future. It slips through let's just say. Mrs. Stolzenburg said that the slipping through is what you brought up before that. You do one lot one year and then you do another lot the next year and another lot the next year and before you know it you've done a major subdivision not going through the major subdivision rule. That usually is handled by the definition and she'd have to look. Usually there is something put in there that talks about a major subdivision. A major subdivision has a timeframe; she doesn't remember the exact wording. There is a timeframe put in there. If you've done so many minor

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

subdivisions to equal five over x number of years then it isn't a major subdivision. She doesn't know if we want something like that in here or not. Attorney Peck said that ours actually has something similar. Councilperson Greenberg said that it's a certain number over three years. Mrs. Stolzenburg said that that takes care of this then. Supervisor LaGrange said it sort of does because that's kind of what happened in Adam's earlier example. Attorney Naughton added on Youmans Road. Supervisor LaGrange said that's correct adding that it was at the stroke of midnight that it was applied for, three years and one minute. He's exaggerating but it was pretty close to that. Attorney Peck said that it was administratively approved though. They didn't go through Planning Board approval. It was all administrative. Councilperson Greenberg said that they didn't have to. Councilperson Hennessy said correct. Supervisor LaGrange said that he thinks there might have been one or two that did; he doesn't remember exactly. He thinks there were five in one of the subdivisions. The point is that it was done to the letter of the law but it didn't go through the Planning Board so there wasn't that opportunity.

Supervisor LaGrange then asked Bridgit and Dan if they had any questions or points to ask about. Councilperson Burke said that she just wanted to make sure that Nan had an opportunity to ask all of her questions and to hear from her about various policy issues. Supervisor LaGrange said thanks and then asked if Dan was good. Councilperson Leinung said that we talked about this really early about when there is a determination between minor and major. Currently four and under is minor. So every subdivision would go to the Planning Board, and the Planning Board would decide this in minor or major and set it on those two different tracks. He didn't see the number of plots. That was taken out in this version. He doesn't see it described. Like what's a minor versus a major anywhere in here. Mrs. Stolzenburg said that it's in the definitions. It's still four lots. Councilperson Leinung said that that was just one of his clarifications. That was helpful. Another one too, and maybe it's because he hasn't worked on many major subdivisions, is what's the main difference between the minor subdivision track and the major subdivision track? He knows that with major there are maybe some SEQR issues but besides that it seems like it's fairly similar. Attorney Peck said that when the minors go to the Planning Board they are reviewed in a very similar format to how the Planning Board would do a major. Obviously there is going to be some consideration that comes into play when you have a major that may not come into play with a minor such as interior roads and that sort of issue, but otherwise their review is very similar. Councilperson Leinung said that that's what it looked like. Mrs. Stolzenburg said that a major is like a two parter from her recollection. It's got a preliminary approval and a final where as a minor just has the one. Attorney Peck added that she knows that now when she's looking at the minors that are being deferred to the Planning Board we are going through the two-part process too but we're doing a preliminary and a final. Councilperson Leinung said okay, thank you.

Supervisor LaGrange asked if we are in a good position tonight for the draft and where we stand at the moment. Attorney Naughton said Nan has done a great job. It's a boring thing to dig into but she's highlighted policy parts for us and cleaned up a lot. He just wanted to thank her for doing a great job. Mrs. Stolzenburg thanked Attorney Naughton saying she appreciated that. Mrs. Galvin said that she agreed. Supervisor LaGrange said that that was going to be his next comment. Having said that, he told that if you want to drop off he will postpone that personnel issue; it's not a problem. It's not a major issue by any means. He needs to get a little more information and we will discuss it next Wednesday in Executive Session at a Board meeting.

Mrs. Stolzenburg and Mrs. Galvin left the meeting.

Community Choice Aggregation

Supervisor LaGrange said that it's important that Adam and I update you. We did have a call today after yesterday's webinar that we were both extremely disappointed with. MEGA reached out to the two of us for a phone call today. We had a long discussion. I think we went about an hour. I'll let Adam give you his overview.

Councilperson Greenberg said the long and the short of it is that it looks like they're not going to get pricing at this time. They had 13 municipalities that were involved with the process that passed all the CCA legislation that need to pass he would say that zero of them have told them that at this point that they want to move ahead with pricing and a number of them, especially some of the large municipalities, have told them that they don't want to move ahead at this point. So, would it be possibly for a few of the municipalities to possibly do it, yes, but the pricing wouldn't be any better

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

and it might well be worse. It just doesn't make any sense at this point anyhow. He doesn't think New Scotland would be interested. He certainly wouldn't be on a personal level be interested in raising anybody's electric bill now or in the future. One of the main reasons we were looking at this was to go greener and also to help people financially. At this point, neither of those things can be done together. We are back in a wait-and-see mode. They are going to continue to monitor the market and see if there is a better time once the market shakes out to be more stable and also once NYSERDA and the state have decided on how they are going to deal with the fact. He doesn't want to get too far into the weeds here, but green energy is done through what are called tier-2 recks, and they are very expensive right now relative to where they've been the last few years. NYSERDA and the State are trying to deal with that issue and in the next few months hopefully they will have done something. That may make the green energy price significantly less. Everyone is kind of in a wait-and-see mode. All the municipalities are really on the same page and that's where we are now. Supervisor LaGrange said to build off that, and again everything there was true, we tried to change MEGA's focus into dealing with NYSERDA, setting up kind of a press to our legislators telling them we have folks, like Patricia Fahy, who are very much behind this. As a group of 13 municipalities with a large regional area that we take up, it should give us at least a loud voice to try and advance those NYSERDA issues and State issues. We are hoping they will focus on that now while we're in this pause to maybe advance that a little quicker. Councilperson Leinung said that we are in a similar boat like we were earlier in the year. We thought we were getting pricing earlier and then they decided to hold off. It seems like we are much further along this time so we don't need to re-pass anything; we're just in a waiting game again until they're ready to provide prices. Councilperson Greenberg said we have an agreement with MEGA and the other 13 municipalities that goes through 2022. Basically they have until then to figure this out. He would say it's a very similar situation. We were supposed to get pricing in May but obviously because of the pandemic that didn't happen. MEGA was kind of ready to move forward and that's why we had scheduled this meeting initially. They told us they would get pricing yesterday or today. Doug and I didn't find out until yesterday's webinar that we were not going to get that pricing. That was one of the frustrating things. They have not been communicating real well with what they are thinking. Albany pulled out yesterday or today. Supervisor LaGrange said it was within 24 hours the way they spoke. Councilperson Greenberg said that it was yesterday, and when I say pulled out I just mean they alerted MEGA to the fact that they did not want to move ahead with pricing, not that they are pulling out. Councilperson Greenberg said Bethlehem has also alerted them to that. They said Troy had just alerted them to that along with Saratoga Springs. So they are coming to the realization that nobody is interested at this point. We never even got the price. There is nothing to discuss tonight in terms of do we want to do this even at a certain rate. We're just waiting to hear from them when they think it's a good time again. We will see what other municipalities do at that point. Councilperson Burke asked if the other municipalities were anticipating that the prices would be high and that's why they didn't even want to see them? Councilperson Greenberg replied yes, adding that it was more than anticipating. MEGA has been getting updates from the bidder which is Constellation Energy. They had been getting updates on what the bid would be at this point if we went ahead for this length of time and so forth. We knew not exactly what the number would be but very much in the ballpark of what the number would be. It was going to be about 12% to 13% higher than what the National Grid mixed price is now. Councilperson Hennessy asked if there was any discussion or consideration for offering a package where you maintain the status quo with what you have and do at least offer a green package to a user because even though it will be higher most people would not take it but I suspect some people might still pay more for the green package. Councilperson Greenberg said that there was talk of that. Had we moved forward with the pricing each municipality at that point would have decided whether they wanted to move ahead with the green pricing or with the brown energy pricing, the same mix as National Grid has. If, for instance, New Scotland had moved ahead with the brown mix then any New Scotlander at that point would have been able to say they don't want the brown mix, they want to upgrade to the green mix. That would have been a possibility. Likewise if we had decided to move ahead with the green mix and they had gotten pricing any New Scotlander could have said they don't want the green mix, they want a brown mix. Councilperson Hennessy said that it's almost like an opt out unless you want the green mix. There's no brown mix or other mix. It would just be to maintain the status quo and no program except for the option to have green if they wanted it if that's even a possibility. Councilperson Greenberg said he didn't think you could do that. He doesn't think you would have the numbers to do that. We're in that position. Let's say you wanted to go green. You can do that now. Councilperson Hennessy said that if the Town had the town price it might have saved them a few bucks. Councilperson Greenberg said that that was the idea behind the CCA in general but until people want to move ahead and do that it's not going to work. Supervisor LaGrange said that he and

Town of New Scotland  
Special Town Board Meeting  
09/02/2020

Adam were really disappointed to say the least after yesterday's meeting and we did resolve some of those questions and issues today to an extent. Maybe we had some misconceptions that were possibly satisfied. He thinks we left the discussion in a good position. He thinks they were a little shocked by our perception of some of the program, the issues, and where we stand today, but he thinks we left on a positive note with the expectation of MEGA leading us, the 13 communities, and going after the State and NYSEDA on this with the knowledge that we still want to pursue this. This is a hiccup. It's another 2020 issue that we're encountering that we never expected we would. He and Adam haven't lost hope by any stretch of the imagination. Councilperson Greenberg added that it's a timing issue, not a motivation issue. Supervisor LaGrange said exactly. That's a great way to put it. Supervisor LaGrange said that he's a little disappointed but still excited about moving forward. Councilperson Greenberg asked if there were any other questions. Councilperson Leinung said thanks for the update and for keeping us informed on this.

Supervisor LaGrange thanked everyone for the workshop. He thought it was beneficial. He thinks we hit it good. Let's keep molding the document and we'll be very close to getting it set to start to distribute.

Councilperson Greenberg asked if they could have a very quick talk. Nan had a couple of policy issues we need to work out. Do you guys want to set up another workshop or do you want to do this through email? What do people think is the best way to move it forward? Councilperson Hennessy suggested that Michael comment on some of the procedural matters. We should just revise this according to tonight and submit it to us so we can consider putting it on the agenda. The rule is that we have to refer this to the Planning Board for comments since it's part of the Planning and Zoning law. Councilperson Greenberg said that there are still a few things left. Councilperson Leinung said that he thinks there were a few things that we didn't have an answer for Nan for tonight. He doesn't remember off the top of his head what everything is. Will it be helpful if an email could go around with the things that we still need to talk about? He doesn't know if we can make a determination through email. We might need to talk about it more but at the same time if Nan could provide a determination we could come back and always change it later if need be when we talk about it more once we actually have the official draft moving forward. Having an idea of what we still need to decide would be good, too. Attorney Naughton said that, having been in a position where he has comments from clients and four lawyers telling him about a document for Nan to kind of turn that into something with comments that are all over the place puts them in a very difficult position. He would suggest that we have Nan give us a bullet point of the 5 or 6 policy issues she feels are still open, and then we can review that and maybe do a 30-minute workshop where we come to some rough conclusion on those points and then tell her to finish it up from there. Otherwise there are too many emails and lots of comments and you don't know where you are at the end of it. It's just tougher for Nan to find out where the thread is. Councilperson Burke said that she would like that list of five things. She thinks that she did a good job in framing what the policy issues are. She would just like a little time to study it herself. Some of them she doesn't have an opinion on because she doesn't feel like she has enough sense of what the alternatives are. Supervisor LaGrange said that he would shoot Nan an email tomorrow and just ask for concise bullet points on the questions that weren't answered. Remember we did answer a couple, and then we will distribute that.

Councilperson Greenberg asked if we want to set a workshop up now or wait and see? Supervisor LaGrange said let's see when she gets it to us and what it looks like. We can always set up a workshop Wednesday night at our Board meeting. It's only a week away. Councilperson Leinung said for the meeting next week should we put it in a discussion point either way? Supervisor LaGrange said he'd rather put it in and take it out. He'd rather have it on the agenda, so yes.

**2. Adjourn**

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 7:55 PM.

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Diane R. Deschenes, Town Clerk