

My name is Jill Flinton. I live at 2290 Maple. I am here to speak on the Ward subdivision.

I believe I have been present and spoken at all the prior public hearings on the various subdivisions of this property. Many of the board members have been on the board for the duration of these requested subdivisions.

As a short background:

I moved here in March 2006, into an existing home, and have owned my property at 2290 Maple since that time. My property is 1.71 acres, which is less than the current 2 acre minimum, and always has been.

In mid to late 2016, Norman Ward presented his first request to subdivide his property at 2049 Amsterdam Rd (aka State Route 67). That request started as 3 lots between 2290 Maple and Route 67. Through various hearings, reviews, and evaluations, that request was reduced to 2 lots, the lots now known as 2296 Maple (Gauthier) and 2298 Maple (Lashway). The lot that was supposed to be between those two was deemed unbuildable due to significant wetlands.

In early to mid 2021, Norman Ward presented his second request to subdivide his property at 2049 Amsterdam Rd. That request resulted in a long rectangular lot (informally known as 2270 Maple) on the south side of the parcel and a more conventional lot on Route 67 (Humphrey).

We are here now for the third request to subdivide the same property at 2049 Amsterdam Rd into 2 more lots, while retaining the original homestead.

Pursuant to Page 34 of the Planning Board Subdivision Regulations, last updated February 1995, a "Minor Subdivision means any subdivision containing three or four lots fronting on an existing street," and "any lot created from a previously subdivided parcel, within any consecutive fifteen-year period shall be included toward the three lot total. When the third lot is created the provisions of these regulations shall apply to all such lots thereof, including the first two" and "the fifteen-year period shall commence when the first lot is created from the original parcel."

Also on Page 34, a Major Subdivision is defined as "any subdivision not classified as an Exempt or Minor Subdivision"

The Subdivision Application and Review Guide, revised May 2020, defines a Major subdivision as "one that results in 5 or more lots" There is also a "Note: the original homestead parcel is considered in the count of the subdivision" and "Any lots created from parcel that had been previously subdivided with the last 15 years shall be counted in the total number when determining the type of subdivision appropriate to this application."

Based upon these definitions, the second subdivision in 2021 should have been classified as a major subdivision. If I remember correctly, I brought this issue to the Board's attention during that public hearing. The 5 lots were the original homestead lot, 2296 Maple (Gauthier) and 2298 (Lashway) from the 2016 subdivision and the Humphrey lot and the rectangular lot on Maple from the 2021 subdivision. I know we cannot change the past; I mention this now as it is more important that we understand it with

this subdivision request, as this will make potentially 7 approved lots, including the original homestead lot in less than 8 years.

Norman Ward has presented a request for a Minor Subdivision in September 2022, which included a lot line adjustment that was never formally filed.

So I am perfectly clear – I have absolutely no opposition to the lot line adjustment that was previously approved and was never formally filed.

I do have concerns relating to the other potential lots in this third subdivision request.

I have reviewed the minutes from the prior board meetings, and the Board did identify this as a Major Subdivision in October 2022 and requested the full environmental assessment, which was completed and filed at the end of November. The October meeting also requested a review by the town engineer and corrections regarding my parcel, which has had a house on it since before I purchased it in 2006. Houses behind houses, and lots behind lots were also mentioned as being potentially problematic, as well as an additional house on Route 67.

At the November meeting, there were concerns about perc tests, the “pinch point” by the pond, and whether there was the required 50 feet from the pond to the adjoining property.

At the January meeting, there was a request to eliminate the house envelope on the Route 67 portion of Lot 1A-1.3, there was a request for septic locations and some additional updates.

I am happy to see that the Board identified this as a Major Subdivision and required the additional documentation and paperwork to support that classification.

Unfortunately, the postcard that I received in the mail notes that it is a public hearing for a Minor Subdivision. As such, the public is not being accurately, adequately, and appropriately informed about what is being presented and the potential changes. I respectfully request a second mailing be issued, noting that this is a Major Subdivision, with a second public hearing being appropriately noticed to the neighboring property owners, and those property owners are provided an opportunity to attend the public hearing.

Speaking of neighboring property owners, in reviewing the list attached to the original application request, there is at least one missing property owner – the Ivey/Morgan lot at 2081 Amsterdam Ave, next to Humphrey. The back of their lot shares a common boundary with proposed Lot 1A-1.3. If the list attached to the original application was used for the mailing, that means that there is at least one neighboring property owner who has not been notified of these proposed changes and provided an opportunity to attend a public hearing.

With the change from Minor to Major Subdivision, active farms within 2500 feet need to be included in the property owner list. Are there any additional farms that need to be included beyond the originally anticipated 1500 feet for a minor subdivision?

The latest map available on the Planning Board webpage on the Town Website, is dated November 28, 2022, and as such my written comments are based upon that map.

If the rectangular lot to the south of the map has been sold, as Mr. Bogardus in October 2022 indicated it was, that property owner also has not been notified, and the name of the property owner is not reflected on the maps.

Lot 1A-1.3 is the "S" shaped lot with potential access on both Maple Ave and Route 67. This lot appears to be "gerrymandered" to fit within the regulations. Has the State or County been notified and consulted about a new potential driveway onto Route 67? Is there an existing curb cut in this location? If not, who is responsible for obtaining the curb cut permit from NYS or Saratoga County?

How wide is the "pinch point" next to the pond? How much of the proposed 17.654 acres is actually useable and not classified as wetlands or the buffer zone for the wetlands?

Moving to the Maple Ave side of Lot 1A-1.3, the narrowest point between my property and the Gauthier property is 60 feet, which is the minimum required for driveway access. At the moment, that 60 feet is wooded and quite uneven, with several deep ravines. Given the prevalence of wetlands on this entire map, even though there are no official wetlands at this proposed driveway location, would the proposed driveway be strong and stable enough to support fire apparatus or multiple pieces of equipment since there would be a need for an independent water supply? The building envelope is about 300 feet from the road.

Not reflected on the November 2022 map is the placement of the septic systems. My septic system is on the left side of my house, which would put it directly in front of the proposed house.

Now to proposed Lot 1A-1.2, which has the single access point on Maple Ave. There is an existing culvert and gravel driveway where indicated. Way back in the first subdivision request, this was the "middle lot" between what is now Gauthier and Lashway. This lot was deemed "not a buildable lot" due to the significant wetlands. Now this lot is ok to build on? Granted, with the Gauthier lot line adjustment, some of those wetlands are now being merged into that property.

If approved, what would the address be? Gauthier is 2296 and Lashway is 2298. This was done intentionally due to the "non buildable" nature of the "middle lot".

The building envelope for this lot is approximately 400 feet from the road.

For both lots, with the long driveways from Maple, does the grading exceed 10%, as mentioned in the Planning Board Subdivision Regulations, on page 27? The proposed driveway from Route 67 does appear to exceed that 10% threshold.

The Zoning Board also questioned whether there was a house behind house situation when a variance was requested in April 2022. The Zoning Board also noted that the request for frontage variance was substantial and "self-created". The Zoning Board requested changes and a return for review. There were no further appearances before the Zoning Board.

This Planning Board recently completed a public hearing on the Mancini application, where there were significant concerns regarding house behind house situations. This current proposed Ward subdivision has houses behind houses in closer proximity than the Mancini application. The current proposed Lot 1A-1.2 has about the same driveway length as the lot that was approved on the south side of this property (informally known as 2270 Maple) and, prior to that approval, there was discussion about access for fire apparatus.

As the Zoning Board stated, this is a “self-created” problem. There was never any thought put into how this property could or would be subdivided. As a result, there have been multiple applications before the Planning Board, dividing up this one large property into various small ones around the edges, with no real thought about what to do with the center.

In the current state, none of the lots make sense. The entire desire to make 2 more lots, is to sell them so the brothers have additional funds to divide up. None of these parcels are right-angle parcels, as the Planning Board likes to see, which makes it easier to divide land. Would making these parcels into traditional right angle parcels, like all the other parcels in the area, cause them to have too many wetlands? I don't have the answer to that.

Recently this Planning Board also approved a lot line adjustment on the Platt/Schmidt application. That lot line adjustment still left an unconforming sized lot of less than 2 acres, but it was closer to the minimum than it was prior. This current proposal for these Ward properties leaves my property in a true non-conforming lot size, with no additional way to increase that. If approved as presented, I cannot add land to the north, as that encroaches on that 60 foot access point to the back parcel. I can't go south, as that is a completely squared, right angled lot. I wouldn't be able to go east, as that would encroach upon the building buffer. To the west is Maple Ave.

When my husband and I purchased our house, we were surrounded by natural wooded land. Slowly, every available piece of land has been developed around us. We left the Town of Malta when it started to build up. This constant subdivision of land for development is not in keeping with the intentions of the Comprehensive Plan. There was a reason the 2 acre minimum was established – to protect the rural character of the town. This subdivision does not do that. It seems like it was hastily thrown together because the Ward brothers needed money. There have been “for sale” signs posted on the property for months – probably when this application was first presented to the Planning Board. From what I can see, this isn't about keeping the land within the family, splitting it among kids. There are no kids, they have been selling these parcels as quickly as possible.

Deny this application, and send it back for a more reasonable division of the land, into some parcels that make some sense.

