

## PLANNING BOARD MINUTES

A hearing before the Hudson Falls Planning Board was held on February 27, 2017 at 6:00 p.m. in the Council Room of Village Hall.

Attendees: Richard Wagner, Acting Chairman  
Deborah Breeyear, Board Member  
Lynn Leland, Board Member  
Mitchell Potvin, Board Member  
William Nikas, Village Attorney

Absent: David Hutchinson, Chairman  
Helena Doerfler, Board Member  
Robyn Cronin, Board Member  
Michelle Wood, Alternate

Public Present: A few members of the Public Present

Acting Chairman Wagner called the meeting to order at 6:00 pm.

The first item on the agenda was approval of the minutes from the January 23, 2017 meeting. A motion was made by Board Member Breeyear, seconded by Board Member Leland and agreed by all to approve the January 23, 2017 minutes.

The second item on the agenda was a continuation of the Public Hearing for the Site Plan Review requested by Miller, Mannix, Schachner & Hafner LLC on behalf of The Pine Knolls Alliance Church for a proposed Christian Sober Living House at 2 East Street, Hudson Falls, NY 12839. Acting Chairman Wagner opened the floor to public comment.

Mark Layden of 5 North Oak Street addressed the board with the question as to why we are meeting over this topic before the Planning Board. Attorney Nikas explained to Mr. Layden that the property is intended for a different use, so Site Plan kicks in for subjects such as parking, hours of operation and things like that. Attorney Nikas explained that the only difference is under village code the family in the home would be related, this is what would be waived under constitutional law in this situation. Mr. Layden asked if the reason we were here were the issues of parking and the definition of family. Attorney Nikas explained to him that no, the definition of family will not be applied because of constitutional restrictions. Anything that falls under Site Plan Review would be up for discussion, such as parking, exterior lighting, etc. Mr. Layden asked if this was an issue of zoning or if someone wanted to purchase the home and turn it in to a two-family home would that be allowed as well. Attorney Nikas replied "no", the home is a single family home. A discussion ensued with Village Attorney Nikas explaining the definition of "family" and how the constitutional restrictions apply to this situation as it is a home that is protected under constitutional laws due to having handicapped or disabled residents.

Mr. Layden then addressed the church and attorneys representing them with the question as to if they would be giving priority to the people chosen to reside in the home as being from the Hudson Falls Community or at least from Washington County. Pastor Steve VanDixhorn of the Pine Knolls Alliance Church explained that the churches first priority will be given to people who stand the most chance at being successful in the program. The Pastor explained that the people that will be placed there would need to meet the criteria and requirements of the program. The people will be known by the church and most likely from the Greater Glens Falls Area. The church has no interest in taking people from the Capital District or Buffalo areas, so to speak, and placing them in the program. Mr. Layden reiterated that he felt it would be more palatable if the individuals were from this community. Pastor Steve stated the people living in the home will become members of Washington County as they will be in the home for 1 to 3 years. They fully expect them to become contributing members to the communities in which they live.

Mr. Layden asked what the church's plan is for the betterment of the property in order to help improve the value of the property. He knows the church is planning on tearing down the garage for parking, he stated Board Member Potvin had mentioned at the last meeting that the home needs painting, he also feels the sidewalk is in disrepair and it would be more aesthetically pleasing if the driveway were paved as opposed to having a gravel drive. Jackie White introduced herself as one of the attorneys' representing the church as well as other members in attendance that would be involved in the care of the home. A discussion ensued as to the churches plan to paint the home and their intention to keep the home in good repair.

Mr. Layden asked if the church was going to be exempt from paying taxes and if so would they be willing to make a "good will" donation to the village instead. Pastor Steve responded that the church is not ready to make that type of commitment at this time as the final sale has not been completed. Attorney Nikas informed him that the Assessor will be the one to determine if the property will be tax exempt.

Chairman Wagner asked the board to share any concerns or questions they had at this time. He stated the attorneys for the church had provided the board with documentation that covered some of the concerns brought up at the last meeting. Board Member Potvin asked if anything was set up as to any visitors coming to the home signing in and out. Attorney Nikas informed Board Member Potvin that to put this into context, we had to treat this as if this were a six member family that were related and buying the home, and if that were the case there would be no questions about gravel versus paving, no questions about taxes, no questions about paving, or visitors at all. A discussion ensued as to what the church has voluntarily provided to us and the feeling that they have gone above and beyond what was required of them to assure the neighbors of their intent to be a good neighbor and keep the home in good repair. This discussion included the things that could be enforced by Code Enforcement for the Village.

David McDonald and Celeste McDonald of 13 Clark St. addressed the board asking the question then why exactly are they here? If the church has rights, what are the neighbor's rights? Attorney Nikas reviewed the definition of "family", and the constitutional rights that protect the church and the people living there. A discussion and explanation ensued in regards to what this Site Plan Review covered, again issues such as; hours of operation, lighting, parking, etc. The only reason we are here is because the people living there are not the true definition of a "traditional family". If it were not for constitutional protections they would not be able to use this house for six unrelated people. They are however allowed to use this house under constitutional protections if they have a handicapped resident, disabled resident or for religious freedom issues. If a traditional family had purchased this home we would not even be having a meeting.

Acting Chairman Wagner asked the church if their plan is to still take down the garage, to accommodate parking for six cars. Pastor Steve explained to the board that a member from the Chazen companies met with the Yaw's, who own the neighboring property to discuss with them what plan would be most acceptable to them as far as keeping the garage or removing it for parking. It was decided it is still the plan to remove the garage and then create a gravel apron to allow for parking which allows them to retain the open/grassy area that borders the Yaw's property. The plan remains the same as the drawing that was submitted in the January meeting. They also discussed with the Yaw's having the property surveyed before the installation of the fencing proposed so as not to encroach on anyone else's property. Code Enforcement Officer Cortese informed Attorney Schachner that they would need a fence permit as well before the installation of the fencing could be completed.

Mr. Layden stated he has looked in to other Oxford Houses in different states and that states are taking closer looks at them. A discussion ensued with Village Attorney Nikas as to examples of these types of homes. Attorney Nikas stated that we are fortunate to have a responsible operator, which is the church that actually cares about the community and has strict guidelines for running this home. Ms. McDonald inquired if she were to buy a home in the village and wanted to run a Safe Sober Living House in the residence would she have to come before the planning board if the house did not need any work at all? Attorney Nikas informed her she would for the waiver of the family restriction. She would have to prove she has six people that are handicapped or disabled or meet the requirements covered under the constitutional protections.

Board Member Potvin asked if it was the churches intention to tear the garage down and paint the home before allowing anyone to move in to the residence. The church stated this would be based upon the

weather conditions as the house is a short sale, the time line is in question as to when the church will actually take ownership of the home. It is the churches intention to begin plans for the demolition of the garage as well as painting the home as soon as they take possession of the home, weather permitting. Attorney Nikas stated the conditions could be that the house is painted within a certain amount of time once the church takes ownership and that parking would have to be addressed before occupancy. Board Member Potvin agreed with these conditions.

Chairman Wagner asked Village Attorney Nikas for the next steps. Attorney Nikas reviewed the conditions the board would like to impose, the site plan that has been proposed involving the six parking spaces be approved and painting as soon as possible, weather permitting.

Acting Chairman Wagner moved to close the public hearing. Mr. Layden asked why we would not make it a stipulation to have a paved driveway. Code Enforcement Officer Cortese explained village codes as they apply to the apron of the driveway. A discussion ensued in regards to paving the driveway and how the village codes would pertain to existing driveways and new driveways. As this is an existing driveway they are not required to pave the driveway, but the apron will need to meet village codes.

Acting Chairman Wagner moved to close the public hearing. Mr. Layden asked if they were going to be voting on it. Acting Chairman Wagner informed him the board would be voting and the public could remain, he was just closing the meeting to public comment. Mr. Layden asked if the board had a quorum. He was informed there was a quorum.

There being no further public comment, Acting Chairman Wagner closed the public hearing.

Attorney Nikas reviewed the Short EAF form with the Board.

Upon motion made by Board Member Potvin and seconded by Acting Chairman Wagner and carried it is

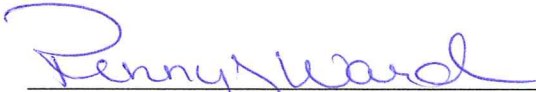
**RESOLVED**, the Board has designated itself lead agency, has determined this to be an Unlisted Action, and, after reviewing a short form EAF and taking a hard look at all potential effects upon the environment, has determined that the action does not present any adverse environmental impacts. The Board further determined that, based upon the foregoing, a negative declaration be issued.

Upon motion made by Acting Chairman Wagner and seconded by Board Member Breeyear and carried

**IT IS FURTHER RESOLVED** to accept the Site Plan Review for 2 East Street as submitted with conditions of completing the parking provided for six vehicles as proposed as well as painting of the structure, once obtained by the church, as soon as possible weather permitting.

Roll call: Board Member Potvin - Aye  
Board Member Breeyear – Aye  
Board Member Leland – Aye  
Acting Chairman Wagner – Aye

There being no further business to come before the Board, the meeting was adjourned at 6:56 p.m.

  
Penny J. Ward, Deputy Clerk/Treasurer