

## PLANNING BOARD MINUTES

A hearing before the Village of Hudson Falls Planning Board was held on January 25, 2021 at 6:00 p.m. via Zoom.

Attendees: David Hutchinson, Chairman  
Joelle Timms, Board Member  
Diane Santa Croce, Board Member  
Richard Wagner, Board Member  
Lynn Leland, Board Member  
Deborah Breeyear, Board Member  
Robyn Cronin, Board Member  
William Nikas, Village Attorney

Absent: None

Public Present: Four members of public present

Acting Chairman Wagner called the meeting to order at 6:10 pm.

The first item on the agenda is a continuation of the public hearing for Site Plan Review application submitted by Rucinski Hall Architecture on behalf of Ed and Mark Russo to subdivide a 2.46-acre lot located at 96-98 Feeder St., Hudson Falls, NY 12839 in to a seven-lot subdivision to include existing home on property. Notice of Public Hearing published in the Post Star on January 14, 2021.

Village Attorney Nikas stated public hearing was still open and the floor was opened for Ethan Hall from Rucinski Hall Architecture to bring the board up to date.

Mr. Hall addressed the board and spoke a bit about the previous meetings and some of the items they were asked to obtain for the board. They have since worked with the Village Engineer Thomas Jarrett and have received a final sign off from his office. They have also worked with the Washington County Sewer Agency, Joe Brilling, have paid the required fees and received their final sign off as well. Mr. Hall understands that Village DPW Superintendent Mike Fiorillo has a few contingencies that were received by the board members today and although he has not spoken to Mr. Fiorillo today, he has discussed these contingencies for lighting and deed restrictions with him previously. Mr. Hall stated he has informed Mr. Fiorillo that the lighting would be on posts on each individual property and the responsibility of the homeowner. The entire length of the street is about 1000 feet, therefore would not require much in the way of streetlights.

Attorney Nikas informed Mr. Hall that what Mr. Fiorillo is talking about is a brand of streetlight called Sternberg lighting which adheres to the village's standardization of lighting. Mr. Nikas stated he is certain Mr. Hall can work further with Mr. Fiorillo and this be a condition of the site plan final approval. Mr. Hall agreed he would work with Mr. Fiorillo to finalize the lighting plan as a condition of the approval. A discussion ensued as to the type of lighting on each property as well as street lighting and the need for coordination with the Village DPW Superintendent Mike Fiorillo.

Attorney Nikas stated the other item on that line of Superintendent Fiorillo's memo was village standardization of village water main materials and equipment including fire hydrants. The village last year went to a standardization rule which means you will buy from the same company the village purchases from so in the future parts and equipment for these items will remain the same.

Attorney Nikas addressed Superintendent Fiorillo's other item for deed restrictions on each parcel as it pertains to the storm water/infiltration basins. He stated Mr. Fiorillo would like a covenant in each deed that prevents any modification or filling in of the passive infiltration basins outlined on the subdivision plans. Mr. Hall stated they have provided this language to Tom Jarrett; village engineer and he has signed off on that.

Attorney Nikas informed the board members that obviously a CO (Certificate of Occupancy), will not be issued until the Code Enforcement Officer sees those restrictions are in place.

Attorney Nikas stated that should be everything included in the memo from Superintendent Fiorillo.

Attorney Nikas asked if the tree buffer zone discussed at the last meeting is now shown on the final plans. Mr. Hall answered "yes".

Attorney Nikas stated in the final plans we have the Washington County Sewer Agency sign off as well as Village Engineer, Thomas Jarrett's sign off. The above items have covered all the open issues that remained on this project.

Board Member Wagner stated his concerns about residents being able to attend the meeting via Zoom. It was determined that there was only one member of the public at previous meetings that had concerns and they felt they had answered her concerns satisfactorily by requiring the tree buffer zone. Mr. Wagner was also concerned about the tree buffer zone and if the person or company that buys these properties will take the trees down after purchase. Attorney Nikas explained that a covenant would be placed in the deeds as well to protect the tree buffer zone and anyone removing trees would be responsible for their replacement. All neighbors within a 500 ft. buffer zone received notification in the mail about the meeting and no phone calls or concerns were received at Village Hall.

Board Member Cronin asked, Attorney Nikas to refresh their memories as to the last meeting and was there any other issues that needed to be addressed during this meeting. Attorney Nikas explained the main issue was the sign off from the engineer, Thomas Jarrett, the payment of the sewer connection, which has been met, as well as any concerns from DPW Superintendent Fiorillo. The memo the board received today from Mr. Fiorillo is nothing that cannot be met with conditions in the approval.

Board Member Breeyear asked if there were any other comments that had previously been made by the public that the board should be concerned with. Board Member Wagner stated he only recalled the tree buffer zone and if the existing home on the property was to be taken down or if it would remain. Mr. Hall stated the existing house would remain and would be one of the seven lots created.

This is a continuation of a public hearing and the meeting is still open to public comment.

Kim Therrien of 86 ½ Feeder St. lives two lots from this project. She has concerns about the underground water. In the past when they disrupted the ground and did blasting on Dean Rd. it affected them on Feeder St. and cellars were flooded. She knows currently there is talk of a large project on Dean Rd. and that combined with what is happening on Feeder Street would there be water issues?

Shelly Munger of 1 West St. joined the meeting for the same concern. She is worried about ground water issues as well. Have any ground water studies been done?

Ms. Therrien had a second concern with the sewer system. It has already been an issue for quite some time and will adding these homes just add to the issue? Has this been addressed?

Mr. Russo, the owner of 96-98 Feeder St. explained that a brand-new sewer system has already been done on Feeder Street and has been approved. He also said a new water system was done as well; he is not certain as to how far they went with the water. Ms. Therrien was happy to hear this.

Mr. Hall said there has been all kinds of testing done on the lots. Test holes of all different levels have been dug and no water was found, the land is well drained sand and there will be no blasting done. The storm water that runs off hard surfaces will be maintained in rain gardens on each lot, and these rain gardens have deed restrictions. So, he feels that the above concerns have been addressed in the past meetings.

Ms. Therrien said she is happy that these are single family homes and not apartments going in.

Chairman Hutchinson joined the meeting and asked if all the items from the previous meetings had been addressed. Mr. Hall caught him up and stated he would be working on the conditions from DPW Superintendent Fiorillo. Chairman Hutchinson asked if Mr. Hall was okay if each of these conditions were part of the approval to move forward. Mr. Hall was agreeable to these terms.

Board Member Wagner asked about the sewer and storm drains, if they were being contained on site. Mr. Hall explained there will be a system of dry wells and catch basins throughout the new driving area and are all designed to take in to account the requirements set up by DEC, so all storm water will run in to the lot and not out on to Feeder St. There is detail on the drawings as to how the dry wells are to be designed. A short discussion ensued.

Chairman Hutchinson asked if there was any further public comment.

Ms. Therrien of 86 ½ Feeder Street asked if these would be ranch homes or two-story homes that are built. Mr. Hall stated the homes shown as samples on the drawings are ranch homes. The lots are all larger than village zoning requirements. Board Member Wagner asked if the homes would have basements. Mr. Hall replied there would be basements with the homes as they have found no high ground water in the area and it is the intent of the developer to put basements in.

Ms. Therrien asked what would the asking prices of the homes be. Will they be comparable to any other new homes in the area? Will they be entry level homes for small families? What types of neighbors can they expect to have there? Mr. Hall said all the model homes shown in the drawings are all three-bedroom, 2-bathroom homes with the intent of them being family homes. The pricing will be comparable, and each home would be approximately 1800-1900 square feet. Board Member Cronin asked Mr. Russo if he knew the asking price yet for some of these homes. Mr. Russo replied he did not know the asking price but would estimate around \$200,000 dollars.

Board Member Leland asked what type of material would be used for the driveways on these lots. Mr. Hall responded they would be asphalt pavement.

Chairman Hutchinson asked if there was any further public comment.

There being no further comments from the public;

Upon motion made by Board Member Wagner, seconded by Board Member Santa Croce and carried, the public hearing was closed.

Chairman Hutchinson asked if there were any further questions from the board. There were no further questions from the board.

Attorney Nikas stated the board should put on record at this time the conditions they would consider as part of the potential approval.

Chairman Hutchinson stated the conditions put forward by Supt. Fiorillo as well as the board are listed as;

1. Deed restrictions must be placed on each parcel preventing the adverse alteration/modification (filling in) of the passive infiltration basins outlined on the subdivision plans.

Attorney Nikas suggested that rather than having the restrictions in each deed that a declaration of convenience and restrictions be prepared and filed in advance so there is no need for concern that it appears in a deed, years down the line. Mr. Hall stated he believes this to be done. This was sent to engineer Thomas Jarrett and he approved them. Mr. Hall and his applicant have no objections to this declaration.

Attorney Nikas stated the next item was the lighting. Superintendent Fiorillo was asking for the following:

2. Lighting must be addressed

Attorney Nikas stated the applicant would confer with Mr. Fiorillo the actual selection of the lighting that would be installed including if necessary, Sternberg streetlights. The applicant had no objection.

3. Developer must adhere to the Village's standardization of water main materials and equipment including fire hydrants as well as Sternberg streetlights.

Attorney Nikas also stated that the applicant understand the materials for the water main and equipment including fire hydrants would be governed by the Village's standardization requirements. The applicant agreed.

Attorney Nikas stated that final plans be submitted prior to a certificate of occupancy being given and that the declaration of restrictions also cover the tree buffer zone, so that anyone down the line that cuts the trees knows in advance the village can enforce the restriction and require a replacement if that is called for. The applicant had no objection.

Attorney Nikas told the board these are the items he sees as the conditions and that the board could review the SEQR questions at this time.

Board Member Wagner asked a question as to how much lighting there would be and stated he would be comfortable with what Supt. Fiorillo requires. Mr. Hall stated there will be a post light at every home that the homeowner will be responsible for and he will discuss any further lighting with Mr. Fiorillo.

Chairman Hutchinson said he felt it okay to address SEQR review at this time.

Village Attorney Nikas reviewed the short EAF form with the Board, the environmental assessment form questions were read aloud, and the Board answered each of them stating no or small impact.

Upon motion made by Board Member Breeyear , seconded by Board Member Cronin and carried it is

**RESOLVED**, after reviewing a short form EAF, the board 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.

AYES : Chairman Hutchinson, Board Members Santa Croce, Wagner, Cronin, Timms,  
Breeyear, Leland  
NOES : N/A  
ABSENT: N/A

There being no further questions from the board;

Upon motion made by Board Member Santa Croce, seconded by Board Member Timms and carried,

**NOW, THEREFORE, BE IT RESOLVED**, to approve the Site Plan Application for 96-98 Feeder St. as submitted with the following conditions;

1. Declaration of convenance and restrictions be prepared and filed in advance preventing the adverse alteration/modification (filling in) of the passive infiltration basins outlined on the subdivision plans.
2. Lighting must be addressed and agreed upon between applicant and DPW Supt. Fiorillo.
3. Developer must adhere to the Village's standardization of water main materials and equipment including fire hydrants as well as Sternberg streetlights.
4. Final plans be submitted prior to a certificate of occupancy being given and the declaration of restrictions also cover the tree buffer zone, so that anyone down the line that cuts the trees knows in advance the village can enforce the restriction and require a replacement if that is called for.

Duly adopted this 25<sup>th</sup> day of January 2021, by the following vote:

AYES : Chairman Hutchinson, Board Members Santa Croce, Wagner, Cronin, Timms,  
Breeyear, Leland  
NOES : N/A  
ABSENT: N/A

Upon motion by Board Member Wagner, seconded by Board Member Santa Croce and carried the minutes of the December 28, 2020 Planning Board Meeting were approved as submitted.

There being no further business to come before the Board the meeting was adjourned at 6:48 pm.

  
Deputy Clerk

JOHN E. BARTON  
MAYOR

ELLEN M BRAYMAN  
CLERK TREASURER

## VILLAGE OF HUDSON FALLS

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TRUSTEES:  
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DANIEL HOGAN  
MICHAEL HARRIGAN

WILLIAM L. NIKAS  
VILLAGE ATTORNEY

### NOTICE OF FINAL DECISION

The Village of Hudson Falls Planning Board met on January 25, 2021 and approved the Site Plan application submitted by Rucinski Hall on behalf of Ed and Mark Russo, for the subdivision of the property located at 96-98 Feeder Street, Hudson Falls, NY 12839 with the following conditions:

**NOW, THEREFORE, BE IT RESOLVED**, to approve the Site Plan Application for 96-98 Feeder St. as submitted with the following conditions;

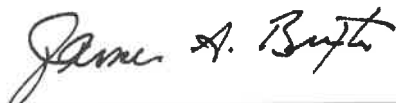
1. Declaration of convenience and restrictions be prepared and filed in advance preventing the adverse alteration/modification (filling in) of the passive infiltration basins outlined on the subdivision plans.
2. Lighting must be addressed and agreed upon between applicant and DPW Supt. Fiorillo.
3. Developer must adhere to the Village's standardization of water main materials and equipment including fire hydrants as well as Sternberg streetlights.
4. Final plans be submitted prior to a certificate of occupancy being given and the declaration of restrictions also cover the tree buffer zone, so that anyone down the line that cuts the trees knows in advance the village can enforce the restriction and require a replacement if that is called for.

Duly adopted this 25<sup>th</sup> day of January 2021, by the following vote:

AYES : Chairman Hutchinson, Board Members Santa Croce, Wagner, Cronin, Timms,  
Breeyear, Leland

NOES : N/A

ABSENT: N/A



Signature of Local Official

1/25/2021  
Meeting Date

1/27/2021  
Date Signed