

PLANNING BOARD MINUTES

A hearing before the Village of Hudson Falls Planning Board was held on February 6, 2023, at 6:00 p.m.

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

Absent: Robyn Cronin, Board Member
Richard Wagner, Board Member

Public Present: 4 members of public present

Chairman Hutchinson called the meeting to order at 6:01 pm.

The first item on the agenda is a continuation of the Public hearing for the Site Plan Review application submitted by Russo Developers, 12 LaBarge Street, Hudson Falls, NY 12839 to subdivide the property known as 11-13 Fourth Street, Hudson Falls, NY 12839.

Chairman Hutchinson began by explaining that the last meeting had been tabled for a couple of reasons, the first was needing more of a definitive opinion by Village Engineer Thomas Jarrett, which a final opinion was submitted in letter format from Mr. Jarrett to the Planning Board. The second item was a question asked by Chairman Hutchinson as to; is the containment volume of the new proposed containment area equal to, less, or greater than what is already there. Chairman Hutchinson opened the floor to Ms. Bitter, the Russo's attorney to review the updates to the project.

Stephanie Bitter, Atty. with Bartlett, Pontiff, Stewart & Rhodes introduced herself as well as Brandon Ferguson with Environmental Design Partnership as representatives for Russo Developers. Ms. Bitter reviewed the project briefly with the board as well as touched on the conclusions and recommendations made in Mr. Jarrett's final findings (shown below*). Ms. Bitter stated she wanted to be certain that whatever they were implementing is what would be implemented village wide. She was looking for a sample of a Stormwater maintenance agreement that is referenced in our code and is hoping that is something Village Attorney Nikas can provide. Ms. Bitter touched on points A through E as referenced in the attached transmittal from Village engineer, Thomas Jarrett.

*With the provisions noted above, we note the following conclusions and recommendations:

a) The current subdivision design, ie the current grading and planting plan, should largely mimic the existing depression that has been functioning as a natural retention basin. The applicant believes that the proposed design will not cause more severe flooding than is now experienced, and based on the fact that no new runoff is being introduced onto the property, that may be true. However, precipitation patterns are changing, so there is no guarantee.

Ms. Bitter stated that EDP is here to show that this is not what they are presenting, the project is not creating any new problems, they are not solving the world, they are just able to obtain the development that is being proposed within the infiltration system.

b) During normal precipitation periods, some buildup of water may be visible within the retention basis until it infiltrates into the subsoils. Conversely, during heavy precipitation and/or during wet seasons, the basin may fill or even overflow. Based on the grading plan provided, it appears that properties to the east and west of the Russo property might be impacted before King Avenue floods (which appears to be the case currently), and several properties might be affected.

Ms. Bitter stated as Brandon from EDP can respond if this is happening now, they cannot solve it or make it better, but their proposal is not making it worse, it will remain the same.

c) The retention basin and stone infiltration trench proposed should be maintained in good working order in perpetuity, as should the trees on the lower portion of lot 2. A maintenance agreement between the owner(s) of lot 2 and the Village should be filed with the County and noted in both the property deed and on the final subdivision plans.

Ms. Bitter stated Mr. Russo is willing to execute said maintenance agreement and they would anticipate the Village Board would be agreeable to do the same.

d) No additional impervious area should be allowed on lots 1 or 2 without the review and approval by the Village of Hudson Falls.

Ms. Bitter said they have no problem implementing this on a subdivision plan to act as a condition or stipulation that this would occur.

e) The Village should require a contingency plan to be put into effect in case of overflow of the Russo property so that adjoining owners are not severely impacted. The contingency plan might be a collaboration of the future owner(s) of the Russo parcel(s), nearby landowners as appropriate, and the Village.

Ms. Bitter understands this area has been an area of concern, the applicants have no problem if the Village chooses to pursue that, they would just think that the two would run independent of each other on this project's development.

Chairman Hutchinson asked if the proposed stormwater maintenance agreement that the Planning Board has in their hands may change language? Ms. Bitter said Attorney Nikas had sent a letter asking for changes. Attorney Nikas said they would work out the terms so that it is satisfactory to the Village Board as they are the ones that have to approve the agreement.

Brandon Ferguson from Environmental Design addressed the board to address their previous concern about the volume of the existing storm basin. They have done some additional calculations and have upsized the basin a little bit to hold a greater volume than what sits there now. As far as some of Village Engineers, Tom Jarrett's other comments and concerns about flooding and how precipitation patterns have changed and there is no guarantee. Mr. Ferguson stated, the hard thing is they can not predict what precipitation can be like in twenty years, they look at what the design requirements are now a days for New York State DEC and they typically require us to design for a one-hundred-year storm event, which is what this is designed to hold without any infiltration, so with infiltration the proposed design should be more effective. Mr. Ferguson stated that other than that the other significant change to the plans are they have added some plantings as well as some trees along the King Avenue side as per Mr. Jarrett's recommendation.

Chairman Hutchinson advised that the public comment was still open from the December 27, 2022, meeting and asked if any members of the public would like to speak.

Sue Gaulin of 12 Third Street asked the applicants if they are saying this area will be like a pond that has standing water in it at all times, or will this area be for draining? Mr. Ferguson explained to her this area is meant for the water to infiltrate into the ground. Mr. Ferguson stated there is no reason to believe water should be standing in that area for very long. Ms. Gaulin attempted to pull up pictures on her cell phone that showed the current standing water on the property. Chairman Hutchinson was able to pull it up on the big screen. A discussion ensued as to how the ground water is supposed to infiltrate into the proposed system.

Board Member Santa Croce stated she could not imagine that it could get any worse and had spoken to a neighbor in that area that was in favor of anything that could be done that would make the current water issue better. Applicant Ed Russo told Ms. Gaulin, she would no longer see what looks like a swamp there, there will be grass and plantings in that area. A discussion ensued.

There being no further comment from the public, the public hearing was closed.

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

Chairman Hutchinson asked for a motion to approve the proposal with the condition of an agreed upon stormwater maintenance agreement.

Board Member Timms expressed concern as to the structure itself having a basement. She feels the house should be on a slab. If there is flooding there already and the new house recently constructed there has already had water in their basement, she feels this is a concern for the new homeowner of the newly constructed dwelling. It was discussed the basement would be designed with a sump pump; a discussion ensued.

There being no further questions from the board;

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

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

NOW, THEREFORE, BE IT RESOLVED, to approve the Site Plan Application for 11-13 Fourth Street as submitted contingent upon a satisfactory stormwater maintenance agreement between the Village of Hudson Falls and the applicant Russo Developers.

Attorney Bitter asked relative to the maintenance agreement would they be on the agenda for the next Village Board Meeting? It was discussed that the next Village Board meeting is being held on February 13, 2023. If an acceptable agreement is presented, it may be possible to be included on the agenda for that meeting.

The next item on the agenda is a preliminary review and motion for lead agency for Site Plan Review application submitted by William Nikas on behalf of Griffin Hall LLC, to open a restaurant on the first floor and event space on the second floor of 119 Main Street, Hudson Falls, NY 12839. Mr. Nikas discussed the plans for the building and informed the board the county had found this to be a matter of local concern. A discussion ensued.

Chairman Hutchinson asked for a motion to approve Planning Board as lead agency for the above referenced project;

Upon motion made by Board Member Timms, seconded by Board Member Breeyear and carried,

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

The Village of Hudson Falls Planning Board to be lead agency for Site Plan Review application for 119 Main Street, Hudson Falls, NY 12839.

Upon motion by Board Member Timms, seconded by Board Member Leland and carried the minutes of the December 27, 2022, Planning Board Meeting were approved as submitted.

There being no further business to come before the Board the meeting was adjourned at 6:37pm.


Deputy Clerk

Transmitted via email

February 6, 2023

Chairman David Hutchinson & Planning Board Members
Village of Hudson Falls Planning Board
220 Main Street
Hudson Falls, NY 12839

Re: Russo Subdivision
11-13 Fourth St at the intersection with King Avenue
Village of Hudson Falls NY
JE 19-016.03

Dear Chairman Hutchinson & Board Members,

This office has reviewed the proposed subdivision of the property currently owned by Russo Developers, LLC, including a number of submissions prepared to address issues raised by the Village and this office. (Note: the latest subdivision plan, January 2023, is attached) A draft memorandum in February 2022 related to the above referenced project enumerated a number of items that needed to be addressed. Subsequently, a number of the questions/concerns have been resolved, however, we remain concerned about drainage and stormwater management in this area of the Village. It is our understanding, based on oral reports from Village representatives, from our own observations, as well as historic Google Earth photography, that the southwest corner of King Avenue and Fourth Street is a low point that collects runoff from a significant area southwest of the corner. Additionally, there is shallow bedrock; that, and the resulting shallow groundwater, together preclude significant subsurface infiltration during wet periods of the year. Lastly, there is no outlet for runoff that collects in that corner. The Village contracted for a study of drainage in this area of the Village some years ago, and the resulting conclusion as reported to us, is that there is no cost-effective way to improve the drainage problems in this area of the Village.

The latest submission(s) from the developer's engineers have included a subdivision grading and planting plan, as well as stormwater runoff calculations. The latest plan includes the following components intended to address the concerns raised:

- 1) The former lot 3 has been eliminated from the proposal, and only 2 lots (in total) will be developed. The former third lot, closest to King Avenue, is to be owned by lot 2 and is to be used for stormwater management (and remain undeveloped).
- 2) Runoff from the entire parcel, along with other areas that currently drain to this corner, will continue to pond in the corner until the runoff can infiltrate into subsoils. (Note: the volume of runoff from the site will not increase as a result of the construction of homes and driveways) Due to the shallow bedrock and groundwater, infiltration is slow or non-existent during wet periods and/or when the ground is frozen.
- 3) A retention basin will be constructed on the former lot 3 which will mimic the current low area that traps runoff during storm events. A stone filled infiltration trench will be installed in the bottom of the basin with the intent that this trench could infiltrate runoff more efficiently during the shoulder seasons, ie: late fall and early spring, when groundwater levels are low.
- 4) The retention basin has been sized to mimic the original depression volume, and the basin will fill with water during wet periods until such time as the groundwater subsides.
- 5) Trees will be planted along the northern section of the retention basin; those trees and existing vegetation that can be retained (including along the west boundary of lot 2) will aid in transpiring

water, especially in the spring, summer and early fall. It is important that that vegetation remain viable in the future. Any trees that die or do not flourish should be replaced.

With the provisions noted above, we note the following conclusions and recommendations:

- a) The current subdivision design, ie the current grading and planting plan, should largely mimic the existing depression that has been functioning as a natural retention basin. The applicant believes that the proposed design will not cause more severe flooding than is now experienced, and based on the fact that no new runoff is being introduced onto the property, that may be true. However, precipitation patterns are changing, so there is no guarantee.
- b) During normal precipitation periods, some buildup of water may be visible within the retention basis until it infiltrates into the subsoils. Conversely, during heavy precipitation and/or during wet seasons, the basin may fill or even overflow. Based on the grading plan provided, it appears that properties to the east and west of the Russo property might be impacted before King Avenue floods (which appears to be the case currently), and several properties might be affected.
- c) The retention basin and stone infiltration trench proposed should be maintained in good working order in perpetuity, as should the trees on the lower portion of lot 2. A maintenance agreement between the owner(s) of lot 2 and the Village should be filed with the County and noted in both the property deed and on the final subdivision plans.
- d) No additional impervious area should be allowed on lots 1 or 2 without the review and approval by the Village of Hudson Falls.
- e) The Village should require a contingency plan to be put into effect in case of overflow of the Russo property so that adjoining are not severely impacted. The contingency plan might be a collaboration of the future owner(s) of the Russo parcel(s), nearby landowners as appropriate, and the Village.

If you have any questions, do not hesitate to contact our office at 518-792-2907, or me directly via email at tjarrett@jarrettengineers.com.

Sincerely,

JARRETT Engineers, PLLC



Digitally signed by
Katie Holmes
Date: 2023.02.06
13:13:56 -05'00'

H. Thomas Jarrett, P.E.
Principal

Encl: January 2023 "Fourth Street Subdivision" for "Russo Developers, LLC", by EDP; 3 sheets

Ecopies w/encl: Stefanie Bitter, Esq
Bill Nikas, Esq
Mike Fiorillo, DPW Supt.

JOHN E. BARTON
MAYOR

CASSANDRA ALLEN
CLERK TREASURER

VILLAGE OF HUDSON FALLS

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TRUSTEES:
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JAMES J. GALLAGHER, JR.
DANIEL HOGAN
MICHAEL HORRIGAN

WILLIAM L. NIKAS
VILLAGE ATTORNEY

NOTICE OF FINAL DECISION

The Village of Hudson Falls Planning Board met on February 6, 2023 and approved with conditions, the Site Plan application submitted by Russo Developers, for the property located at 11-13 Fourth Street, Hudson Falls, NY 12839.

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

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

NOW, THEREFORE, BE IT RESOLVED, to approve the Site Plan Application for 11-13 Fourth Street as submitted contingent upon a satisfactory stormwater maintenance agreement between the Village of Hudson Falls and the applicant Russo Developers.



Signature of Local Official

2/6/2023

Meeting Date

2/7/2023

Date Signed