

Town of Northumberland
Planning Board
Accepted by the Planning Board
October 24, 2022
Town Hall

Members Present: Chair Susan Martindale, Lisa Black, Vice Chair James Heber, Marybeth McGarrahan and Brit Basinger

Members Absent: Jeff King, Holly Rippon-Butler and Melanie Eggleston

Town Employees: Dave Brennan, Town Counsel, Michael Terry, Code Enforcement Administrator and Tia Kilburn, Clerk

Chair Martindale was not feeling well and distanced from the population in the room, she asked Vice Chair Heber to Chair this meeting, Vice Chair Heber opened the public hearings at 7pm. Quorum established, Ms. McGarrahan, alternate would assume as member. All in attendance stood to salute the flag.

Vice Chair Heber introduced the first public hearing for application #: 0015-21 & 0016-21, Laura Fivel, Major Subdivision, Shoreline overlay and Lot Line Adjustment located at 120 & 126 Austin Road and West River Road.

Ms. Fivel asked if there was anything specific she should discuss or a general overview of the project? Vice Chair Heber asked for an overview and stated they will take questions after she is done.

Ms. Fivel explained the first application is a lot line adjustment, the proposal is adding about 3 acres to the back of one lot (as she indicated) on Austin Road, as far as the subdivision the other area of land is currently 2 lots and they propose it to be 3 lots, as color coded on the map. She pointed out each lot, the new lot in orange which is a little over 5 acres will be the new lot on the other side of West River Road.

Vice Chair Heber asked if there were any questions or comments from the audience, none were noted, he asked if the Board had any questions, none were noted.

Vice Chair Heber asked if the SEQRA, State Environmental Quality Review form has been determined, Mr. Brennan replied yes. He asked if there was anything else to cover, none was noted. Vice Chair Heber stated he would entertain a motion.

Ms. McGarrahan made a motion to close the public hearing, Mr. Basinger 2nd the motion,

All in attendance unanimously agreed.

Vice Chair Heber asked the Board if there were any discussion, Mr. King stated he was not in attendance the previous month and asked for an update. He stated it sounded like everyone was satisfied with the proposal. Mr. Brennan discussed the map with Mr. King showing him the changes. Mr. Basinger asked if all the lots comply with zoning, Vice Chair Heber stated they are all greater than 5 acres and they all have the frontage required.

Mr. Basinger made a motion to approve application #'s: 0015-21 & 0016-21 as submitted.

Ms. Black 2nd the motion,

All in attendance unanimously agreed.

Vice Chair Heber introduced the second public hearing for application #: 0006-22, GLPJ Real Estates LLC, 5 Wilton Gansevoort Rd / Route 32, aka Gansevoort Mansion Site Plan & Special Use Permit for a Boarding House.

Mr. Ramesh Srini representing the LLC: Mr. Srini explained they are a group of people that own the LLC and properties, the GLPJ stands for God please help us have Love Peace and Joy, He introduced another member of his team and Beth Tracy the member / owner that resides in the house, he stated she has lived there 4 years. He said this is a nice community and they are willing to do whatever they have to do to be in compliance with the Town Codes. They have already put on a new roof and upgraded the septic system and they are doing other work to improve it. He explained they have a strict application process for tenants they scrutinize all in a screening process. He said if there are any additional processes they would like to suggest to them they would be happy to add them to their screen process for tenants. They want to make the neighborhood nicer and even better. He gave some background on himself and stated he lives in the Silicon Valley and he is an musician as well. (inaudible)

He asked Ms. Tracy to share something about herself, Ms. Tracy said she has lived there for almost 4 years now, she is excited about changes, it is a nice community, it seemed out in the middle of nowhere but now she likes it.

Mr. Sirini stated they like the property and are making improvements, they are working to get the windows replaced, some of the top have been replaced with vinyl previously they want to do the bottom windows. They have talked to the Historical people and they said if it is being done by a private party and not funded it is ok to do it.

Vice Chair Heber instructed the people in attendance if they had questions or comments to stand up and state their name and address the Board, Mr. Basinger asked to be clear the questions from the audience are directed to the Board or the Applicant? Vice Chair Heber said the Board.

Mr. Bret Bolesh, 5 Wilton Gansevoort Rd, stood and stated he has questions; he asked Mr. Sirini and

Ms. Tracy to elaborate on the process of how they would get applicants (tenants). Vice Chair Heber asked him to address the Board. Mr. Bolesh stated he would like the owners to explain how their screening process goes to determine an acceptable tenant for the Gansevoort Mansion, Mr. Brennan interjected and asked Vice Chair Heber if he wanted immediate answers or if he wanted to wait until the end? Vice Chair Heber replied wait until the end if there are going to be a lot of questions. Mr. Bolesh stated he had a lot of questions. Mr. Brennan stated they can hear one person speak, this is not a deposition to go back and forth, he instructed the audience to give the Board questions and then the Board will give the owners an opportunity to respond. Otherwise, it is a dialog between the two of them. Mr. Bolesh asked if he meant they want him to ask all his questions specifically and then answer them after he sits down, he stated he did not know the process. Mr. Brennan explained the process is tonight a public hearing for the community to speak to the Board about any questions or concerns, the Board and applicant may or may not have those answers, he stated he is the Attorney for the Board and typically when they have this much interested in a project the public hearing is held open for a couple of weeks for anyone to follow-up with written comments in case they weren't here and then normally the matter is taken up at the next meeting and they continue with the process. He added the Board is here to receive the comments and particularly something that is being raised the Board will press the applicant for responses whether tonight or after in writing afterwards. Mr. Basinger said he was wondering if they could write the questions down and have the applicant respond at the next meeting, otherwise they could be here in dialog with the guest and the applicant for quite some time. Mr. Bolesh asked if they are trying to make this a short meeting? Mr. Brennan said no, but it is a public hearing it is not a question and answer, it is for the Board so they want to hear the questions and concerns and the Board will direct what the next steps are. Mr. Basinger stated it is not typically a dialog between the applicant and the public, so they are trying to determine the most efficient way to ask the questions and get the answers.

Ms. McGarrahan asked Vice Chair Heber if he wanted her to keep a list of questions, Vice Chair Heber agreed and said the first question was the process of screening applicants for tenants, Mr. Bolesh replied yes, how are they going to screen the applicants if it is a Boarding House? Mr. Bolesh reiterated the Board wants him to ask all his questions, they will write them down and then they will be answered at a later date?

Mr. Bolesh questions;

How many people are on the Planning Board? Is everybody present today?

Vice Chair Heber replied no. Mr. Bolesh again asked how many people total are on the Board. Mr. Brennan stated it is a 7-member board, 1 alternate and there are 5 present.

Is a Boarding House consider section 8 housing, we are not voting on this tonight, is that correct? The Board replied that is correct.

Can the Planning Board vote no on this project if they so choose?

If the Planning Board was to vote no, would there be any negative repercussions of that vote no, like would the landlord be able to litigate against the Planning Board?

Why does the landlord want to make this change compared to what it is right now?

How will this new designation benefit the Town, meaning would the Town get money from the County or the State or the Owner?

Mr. Bolesh stated that was good for now.

Mr. Doug Johnson, lives across the street from Mr. Bolesh at 14 Wilton Gansevoort Road in the other Gansevoort House, he asked if this was going to be section-8 housing, and if so is the landlord going to get money from the State or County to have section-8? He stated he doesn't have any trouble with people in there, he has met people in there that are currently living there, they are delightful. He stated he has a guy working at his house and he is great, he stated he has no trouble with recovery and / or mental health. He added what he doesn't want to know is that they are changing this because they are going to get money from NY State or the County to have section-8 housing, that would be a catastrophe, that was his question.

Vice Chair Heber asked if there was anybody else that would like to speak? None were noted.

Mr. Brennan said he would address the question of can the Planning Board turn it down, the answer is almost always yes, if it were not something they could turn down it would have been a building permit issued by the Code Enforcement Officer, so there is a level of discretionary review, there are standards associated with special permits, the Board has a decision to make once they gather all the information. Mr. Brennan added what is the repercussion if they say no, sometimes they get sued sometimes they don't and sometimes they get sued when they say yes. There is typically not money damages involved in that, it is a Court saying they made the wrong decision, sometimes they tell them to make a different decision, more likely it is go back and look at it and explain the reasoning more. There is a potential for litigation, he added they just got finished with litigation at a different site and it is almost no factor, he likes to make sure they win when they make a decision.

Mr. Brennan said the rest of the questions relate to the nature of the housing, section-8, except for is there anything in it for the Town, he said directly no, he does not believe the Town gets any revenue, it is assessed at what it is assessed at he can't imagine it would change it markedly one way or the other as far as tax dollars and to his knowledge he has never heard of giving direct money to the Town. The rest of the questions are really for the applicant, and he would like to ask the Chairperson how they would like to proceed? Vice Chair Heber stated it looks like the biggest issue is section-8 housing, the public don't want that in there so he will ask the applicant to address that.

Mr. Srini stated he can do that right away, they are absolutely not going to do that, they have a process. Vice Chair Heber stated what the Board will do is, IF they want to approve this they can put it in the standards / conditions there will be no section-8 housing, so they wouldn't be able to do it. Mr. Bolesh asked do what? Vice Chair Heber replied section-8 housing, he said he wouldn't do it so IF they want to approve this, the Board can put it in conditions of an approval, the Board can condition the approval. Mr. Bolesh said just the designation of a Boarding House, because he said he has been on the phone with Saratoga County Social Services and traditionally they don't house people in a Boarding House but they can, just that designation alone opens up a door, and yes they are saying they won't do that and the Board is saying you will make a little note in the file, but who is going to monitor that consistently year in and year out if we have a room empty for a week in a Boarding House because, Boarding Houses can offer a room for a night or a week, a month or many many years. Mr. Bolesh asked who is going to be in charge of making sure the applicants they are getting are not sex offenders, criminals, or things of that nature? He added the Gansevoort Mansion is in the center of Town and there are some other issues surrounding some homes in this area that are causing a stir in the community that makes it unsafe, he is very fearful that the new applicants at the Gansevoort Mansion might have a similar background, the property is right in the center of Town, it is close to many of their homes and they have young children and that is a very large concern he has. Mr. Bolesh continued there is not only Saratoga County Social Services there are a number of non for profit organizations that house applicants in places like Boarding Houses, there is a company called Rise, there is the Hudson River Housing Corporation, Solutions to End Homelessness, the Emergency Rental Assistance Program and those are usually folks that have come onto economic hard times, or for another reason, maybe it is bad luck, maybe it is just poor choices but allowing the designation as a Boarding House opens up the door for who knows who? That is very concerning to him and the community especially since he owns property in the Town, and he plans on growing his family here. Vice Chair Heber stated that is understood.

Vice Chair Heber asked Mr. Srini if he could answer how they are going to do the screening process. Mr. Srini replied basically they have all the standard screening processes, they make sure the applicant has a good job, payments, and all that. He continued a background check will be done and they can start all that right now once they get the permits. Whatever other suggestions the Board has on what they should do they would be glad to do that. He stated he has a bunch of other partners in his team, Ms. Tracy added she is also a concerned citizen that would not want to live in an environment that she felt unsafe in or that she felt anyone was unsafe in, she doesn't like drama, she likes to live a peaceful life she stated two of her grown children live at that home and she has concerns for their safety as well. She stated she typically shows the rooms that people are interested in so she tries to get a good feel of them whether they would be a good fit or not, and it isn't that she can't be wrong and she doesn't want to appear to be discriminatory in any way shape or form but there are types of neighbors that she doesn't want or that wouldn't work as well. Ms. Tracy stated she feels they are all on the same page in terms of that. She stated since she has lived there, they did have one issue and it was taken care of immediately, and he was gone. (Audience member addressed Ms. Tracy, inaudible)

Vice Chair Heber instructed everyone to address the Board, Mr. King suggested they get all the comments, make sure everyone gets their comments in and then try to move through the comments efficiently and realize you are still able to make comments after tonight when you go home and find there is something else you want the Board to know, write it on paper and get it to us. He added they want to make sure they hear everybody's comments, he added he would like to get through the comments tonight and then move to the next phase of the meeting.

Ms. Joann Bolesh, stated she lives at 7 Wilton Gansevoort Rd, right behind the mansion and she never got a letter as to what this meeting was about, she doesn't understand why? Other members of the audience also spoke up they did not get notice. Vice Chair Heber asked if she was an adjacent property owner, did she touch the property? Ms. Bolesh replied yes, Vice Chair Heber stated she should have gotten one, Ms. Bolesh stated she is a renter. The Clerk interjected it is in Paul Bolesh's name as owner. Mr. King stated it is addressed to the property owner.

Ms. Wendy Gifford – Garnsey stated they did not get notice, they were not advised they are friends with someone on Facebook that posted it, she stated people NOT on Facebook did NOT get the notice, and they are NOT here. Mr. Brennan stated they do not send notices out a thousand feet.

Mr. Brett Bolesh asked what is the process of who you send the letters to regarding the radius of 5 Wilton Gansevoort Rd? Vice Chair Heber stated the adjacent property owners. A member of the audience interjected he didn't get one. Vice Chair Heber asked what his address was, the member replied 1 Wilton Gansevoort Rd, the Church. The Clerk replied that the Church did get notice. The member disagreed and stated he is the administrator of the Church; he gets all the mail and they did not get one. The Clerk explained she takes the owners and addresses off Saratoga County Real Property Tax Roll, Mr. Brennan asked the speaker how the clerk is suppose to get the address if she doesn't look it up where they get tax bills? The speaker argued that is not the statement, he said Vice Chair Heber stated they send it to adjacent properties, he claimed he owned and managed the Church property and he did not get one, he stated he is not arguing what the process is he said he is just saying they said something that did not happen. Mr. Brennan explained the process is people have their addresses on file for their tax bills and that is where the mail goes. (inaudible)

Vice Chair Heber stated it is the process in the book / regulations, it is the only way the Clerk can get addresses. He then asked Ms. Bolesh if she had a comment or question? Ms. Bolesh stated she is saying this is a little Town, that is a property and how many people are going to be in there? There are more people around and just basic people got the notice. She stated more people should have gotten the notice, out of consideration to what is happening in there now. Mr. Basinger asked the Clerk if she did a public notice in the paper? The Clerk replied yes, Mr. Basinger stated that is a way it can reach everybody else. Mr. King stated that is the standard operating procedure, notify the surrounding property owners and in one publication, the Clerk replied two publications, the Post Star and the Saratogian.

Mr. Basinger stated it is worth reiterating what Mr. King said, we the Board want to hear all the questions and comments, but they don't want to have arguments about it, this is not a one meeting and done process, he said all they are asking is that the members of the public present help them be organized about it. He instructed the room, if you have a comment or a question, stand up, state your name, and ask the question. He added they do want to hear from every one of the people present. Asking for an organized approach.

Mr. Bolesh stated he didn't see it unorganized and pointed to Mr. Brennan's and asked what his name was, Mr. Brennan stated his name and said he is the Town Attorney.

Vice Chair Heber noticed William Gifford, Mr. Gifford stated the procedures of how this goes is another issue to be dealt with at another time, because they can change the procedures, they can make sure the whole Town knows about something similar to this in the future. He added right now what is important is they would like to know whether this is a tradition Boarding House as defined in LAX Law Dictionary very similar to "Ma Bailey" on "It's a Wonderful Life", or people just passing through Town, do they stay here for a week or two, a month or two get a warm meal and maybe a warm bed to sleep in at night, they don't get to stay here in Town and add to it? Or is it a halfway house, where people are coming in, we don't know their background, they are just here being released from prison or a drug rehabilitation house, maybe they bring their old habits with them, some of their old friends, then we have a small cancer cell growing in our community here. Do we need this, and if that were the case what would be the steps to get rid of this cancerous cell that develops, if it is indeed a cancerous cell in the future what are the steps to get rid of that cancerous cell? Can we change his (the landlords) permission to have it act as a halfway house or I it a true Boarding House, where we can go and visit the people and become part of our community? Ms. McGarrahan asked him his name because she did not catch it, Mr. Gifford stated he is William Gifford and he resides at 13 Saunders Drive.

Vice Chair Heber asked if there were any more questions or comments?

Mr. Doug Johnson said he lives across from Mr. Bolesh and he doesn't understand WHY they want to change to a Boarding House? He added is it financially more lucrative? He stated he doesn't understand why they want to change from where they are right now? He stated they have nice tenants. Mr. Brennan said he would like to ask so everyone is under the same set of information, what is the common knowledge of what you think is going on now? Mr. Johnson questioned **common knowledge**? Mr. Brennan reiterated Mr. Johnson stated they are changing, so he wanted to question and understand, Mr. Brennan said he wants to understand what people think. Mr. Johnson stated right now they rent to people who come and rent apartments and they probably have a lease and they most likely will have a year lease, he said he is assuming because that is the way it works. Mr. Johnson continued he didn't understand the advantage of going to a Boarding House for the owners. Mr. Johnson stated he didn't want to be sinical but the idea of wanting to make the community better doesn't work for him because they are in California. He said he doesn't care what happens in

California, he doesn't understand one element of why are they changing to a Boarding House?

Mr. Bolesh stated the previous speaker brought up a good point, WHY the change of the business plan from currently a rental where you are doing background checks and credit checks because you want tenants that can pay their bills, so assume you are doing background and credit checks so they can pay their bills. He said section-8 housing, you won't be able to check the background, while we know their background may be checkered, will it be more money for you? The question is WHY are they changing the business plan? Because currently for section-8 housing you cannot do a background or credit check because the bills are paid by the State or Federal Government.

Mr. Wesley Garnsey stated his name and said he has lived here his whole entire life; he lives on Third Street. He asked how many other places the owners have, can they get names so they can look into it a little bit, the other places, the other Boarding Houses, to see what kind of tenants they have, what kind of properties they are running.

Greg Farnham, tenant at 5 Wilton Gansevoort Rd stated he is a Gansevoort fire fighter, and he works on chemical engineering at Global Foundries.

Wendy Gifford-Garnsey, 12 Third St she stated she has lived here her entire life, it is not really a concern about the current tenants it is what they are going to bring with them when there is a change, she stated she thinks the applicants think they are being attacked and they are not.

Mr. Brennan interjected he thinks what they have to have a discussion about why everybody is asking, it is more about the zoning, he asked Mr. Terry to explain the history. He stated they don't want to change what they have right now they want to make it legal, because what they have right now is not compliant with zoning, they asked to come in and build a new roof.

Mr. Terry explained currently it is zoned as a Bed and Breakfast, owner occupied, and they are allowed to rent up to 5 rooms, that is the problem, when he took over for Mr. Colozza (previous Code Enforcement Administrator) it came to his attention they are renting out 6 rooms. There are 9 rooms total, Ms. Tracy lives there with two children that each have a room, they were trying to put a roof on and he shut that down because they were out of compliance, they had one extra person (room) in there. The change comes to bring them in compliance with the zoning. Whatever is going on over there has been going on and it is going to stay that way, the number of tenants, he stated he has gone over there for a couple of safety inspections, Ms. Tracy showed him around he doesn't know if there were any tenants there at the time during the day so everybody was out working, he couldn't check out all the rooms, one tenant came home, took some time off from work so Mr. Terry could see his room and see what needed to be done and what had been done. He stated he spoke with Mr. Srini and the Town Attorney; Mr. Brennan and they gave them the ok to do the roof because they were working with the Town to correct it. The roof was in disrepair. They are out of compliance with zoning by one room, it started the process of here we are now, they are putting in a new septic, they are working on the electric

and like Mr. Srini stated they are doing some windows. He cannot speak to what they are going to do, but what has been going on since 2019 is still going on today, there haven't been any new tenants. He stated he was not here in 2019 but if there hasn't been any trouble since then he doesn't know what trouble is going to come about. This will be owner occupied just like the Bed and Breakfast, Mr. Srini is in California but Ms. Tracy is here if she has second thoughts about a potential tenant, she is probably going to say no to them. He reiterated they are out of compliance by one room, Bed and Breakfast is 5 and Boarding House is 6 that is why we are here. Mr. Terry added he is just going by what the Zoning Book says.

Mr. Brennan explained it goes to what Mr. Gifford asked if it was defined by the LAX Law Dictionary, it goes to the Boarding House as defined in the Town's Zoning Law, and under the Zoning Law there are definitions of Boarding House and Bed and Breakfast, at some point before Mr. Terry and himself Mr. Brennan stated it was a single family home, it went for sale, people bought it, and they were running it as a traditional Bed and Breakfast and that didn't pan out for whatever reason he can't speak to that. Then it got sold and got sold and now there are people living in it where there are 6 people living in these rooms and they come in for a permit and that is when the Town says sorry, we are not giving you a permit, you are not in compliance, you were approved for a Bed and Breakfast that is not what you are operating. They can't operate an apartment house there, what they can do is operate what is defined as a Boarding House, they are trying to run the process to bring them into compliance to the extent it is possible. This part of the application, notice to the neighbors, a public hearing and here are the issues. He said he will let Mr. Srini speak to this Board directly, it is not like he came in and said he has a new better business plan, it was him coming in and saying he needs a new roof and what Town's say is no were are not giving you a permit until these other what is considered enforcement issues are fixed and that is what drove this process. At some point we have to get reasonable and we don't want to be there saying you can't fix the roof on your house and let it get trashed. Now they have to go through the process and decide if they are going to permit as a Boarding House. He stated from his perspective whoever they are worried about living there could have been living there the last four years under what they were doing or what they are proposing to do. He said he is not diminishing or demeaning concerns those concerns are valid anytime you have rental property whether it is a Bed and Breakfast, a Boarding House or an Apartment House you run that risk, that is what they are talking about to understand the concerns, let the Board know about them and let the Board figure out what can be done. That is why we are here he and Mr. Terry told Mr. Srini he is operating something that is not permitted under Zoning and we have to go through the process and bring it into compliance if possible and this Board approving it is part of bringing it into compliance. If it happens is up to the Board to make the decision, he added he will tell them they don't make a decision tonight having heard so many questions and concerns until they gather the information.

Mr. Bolesh asked Mr. Brennan if he lived here, in Town? Mr. Brennan replied no. Mr. Bolesh said he speaks of State or County Ordinances of Rules and Regulations of what a Boarding House can be. He asked if he could get those set of rules? Mr. Brennan corrected him and said it is the Town Zoning Law and it is on the website as far as he knows. Mr. Bolesh asked if he could make it more accessible

because he looked for multiple, multiple times on the internet and could not find what it means to be a Boarding House. Ms. Gorman interjected it is on there, he has to go to the Town Web Site, because she found it, there is a lot there. Mr. Brennan thanked her. Mr. Bolesh reiterated it was Town of Northumberland website.

A member from the audience stated New York State allows 15 residents in a Boarding House, Vice Chair Heber stated the Town only allows 6, from the Ordinance Book, he said they are not going by New York State, they are going by the Town Ordinance.

Vice Chair Heber asked if there were any other different questions?

Steve Lushomb, Brownville Road, he asked for the future questions should they send them to the Town Clerk's email? Vice Chair Heber asked the Clerk where to send emails. The Clerk responded BZA@Townofnorthumberland.org, Mr. Brennan said they can send it to the Town Clerk or the Building Department Clerk. Mr. Terry added there is a little blue house card holder on Building Department counter with the email on it they can grab on the way out and if we need more cards he can get more.

Mr. Gifford said they mentioned owner occupied, he asked Ms. Tracy her name and asked if she was part owner of the LLC? Ms. Tracy replied yes. Mr. Gifford said that is all he needed to know.

Chair Martindale asked Ms. Tracy if there was a code of conduct that the residents sign, is there a written list of expectations that you have? Ms. Tracy responded yes, there is two or three pages that have the expectations. Chair Martindale asked if they sign and date it before they are accepted? Ms. Tracy stated she hasn't made them sign it up until now but that is certainly something they can require.

Mr. Bolesh asked Mr. Terry his name, he confirmed he was the Building Director, Mr. Bolesh said that Mr. Terry said he had walked through and looked at the property inside and out, he asked Mr. Terry if there was a report that the public can look at to see what the findings were so they can get an idea of what it looks like inside. Mr. Terry responded he did not write up a report, he went with Mr. Colozza to address the safety issues, but he can type something up. Mr. Bolesh said he thought there was a document that he had already done. Mr. Terry said no they did take notes on things like exhaust fans, fire extinguishers, alarms and stuff like that. He said he suggested Mr. Srinu get an electrical inspection, he complied with that, after the electrical inspection the electrician was in the process of handling the repairs. It will all done before the Board votes, he is not going to have them approve it until they get all the safety issues done.

Vice Chair Heber asked if there were any more questions or comments.

Ms. Stacy Baxter, Putnam Rd stated her question is when you say 6 and you have a family of 3 that is just one person? She asked what defines an occupant?

Ms. Debbie Gorman, Forest Drive, she asked what do they mean by “make a difference in the community”? She thinks that is important because she doesn’t think she has clarity on that. She stated she is also interested in the Historical Foundation of that building and whatever improvements go by code that they maintain that according to State Law that we maintain the Historical aspect of that building.

Mr. Gifford asked what happens if Ms. Tracy decides to move out? What remedies do we have in that case? Vice Chair Heber stated it is a violation and it would be closed down, well it would be a violation and they would have to go to Court. He added because one of the rules is it has to be owner occupied, which should make you feel better that the owner will be there.

Vice Chair Heber asked for any additional comments, none were noted. He stated they are going to keep the public hearing open. Mr. Brennan said he thinks Mr. Srinivasan wanted to reply to some questions first, Vice Chair Heber stated the questions are stopped for tonight, the public hearing is open and anything you want to add please put it in writing and submit it either to the Town Clerk or the Zoning Clerk, and the Board will look at it before they make any decisions. Mr. Brennan asked Vice Chair Heber to explain what holding it open means, so people know. Vice Chair Heber explained for public hearings there are time slots, nothing will happen until the public hearing is closed, Mr. Brennan added the Planning Board meets once a month on the 4th Monday, when Mr. Heber says it is being held open, it doesn’t mean they are going to close it when they leave tonight, it will be held open until the next month, you can submit anything in writing over the course of that month and when we reconvene next month the hearing will still be open the Board will then typically then go around and say if you have additional things you thought of in the last month you can raise them again, and once the Board feels they have full and fair airing of the concerns they will then close the public hearing and move towards deliberating and making a decision at some point. Vice Chair Heber added making conditions that they see fit. Mr. Basinger asked if they have to re-schedule the public hearing for next month? Vice Chair Heber said no, it just stays open.

Vice Chair Heber stated they will move to the Board for questions, he stated the public has brought up a bunch of questions that should be answered, they will see if they can get some answered tonight. He said he knows when people rent apartments there is an application, screening, rules and regulations 100% of the time the people have to sign them, so it is something legally bound. He stated his suggestion is they have to bring something and show the Board what you want in your rules and regulations, what your application looks like, and he knows there are certain questions you can ask and certain questions you can’t ask, he said he thinks that would be one of the 1st steps. He then asked the Board if they had questions or comments?

Ms. McGarrahan one question she has is does Ms. Tracy act as the onsite manager? Do you do solely perform all the application and screening processes?

Mr. Basinger stated there are questions about screening and he asked if they could tell them a little bit about screening whether it is for ex-convicts and sex offenders? How do you deal with that in the screening process? Ms. Tracy stated she will usually engage in conversation with them because to her knowledge, and she added she is not an expert, but she did is not sure if she can out and out ask them. She stated during conversation she can usually get a general idea about a person, but if she is allowed to legally do it she will absolutely do it.

Mr. Srini stated there is two screening processes, the first one they short list them and go over all the information, he added to be candid they have not been consistent the last few years, the 2nd process as with all the properties is they come and take a look. They do have pre-screening processes. But the people were already in there when they got the property, so they have left the people where they are. He stated now they will formalize what they do even with all their other properties too, they usually only rent to working professionals. Mr. Srini stated if the Board has any request on what to add they are happy to do so. (inaudible)

Mr. King reiterated it would be nice to have a copy of the application, agreements and screening process to look at. Vice Chair Heber agreed, and Mr. Srini agreed he would send what they have. Discussion ensued on rules and regulations given to applicants. Vice Chair Heber stated most apartments, rooms, hotels, and motels you go to you will sign and that is one of the things the Board would like to see.

Mr. Srini stated it was clarified nicely by Mr. Terry, they do not wish to change anything, what they have has been working nicely and they want to keep it the same and be within the rules and regulations.

Mr. King stated people have asked about section – 8, he asked if someone could explain what section – 8 housing is to him? Vice Chair Heber replied it is rent paid by the Government, Ms. McGarrahan added subsidy. Mr. King stated it was brought up by the public as a concern and he asked Mr. Srini if he is willing to stipulate that you will not have section – 8 housing? Mr. Srini replied absolutely. Mr. Bolesh interjected and said not necessarily just section – 8 but applicants that are being housed by a number of different organizations, Saratoga County Social Services, Rise, all the companies and non-profit he mentioned earlier, all house folks by cutting the landlord a check, part of a Boarding House is to maximize profits especially as a Real Estate Group based out of San Jose California, from his perspective it looks like they are trying to maximize profits, which is understandable as an investment property. Mr. Bolesh continued and asked if they get applicants from organizations like this or do applicants just come to them directly seeking a place to live?

Mr. Brennan stated some Board members are asking questions of what are the rules of perspective tenants, he stated he is the Board's Lawyer and he doesn't know every last legal thing about it because he is not a landlord / tenant lawyer, he will look it up, he does have concerns about it. He continued there is a whole new thing here in upstate New York where you can't ask people if they ever have been

convicted of a crime. He said he would want to look that up because it has been changing very quickly and he is not sure of what a landlord can ask. He doesn't want the Board making the promise they are going to make a condition they can ask because we cannot enforce something that is illegal. The other thing is on the section – 8 housing, he is concerned, and he will look it up because he doesn't know if they are told it is section – 8 housing until the person comes in and says they need somewhere to live and you interview them and offer them a lease and then they go find out they are section – 8. He stated section – 8 people are not stupid, they go and say they are section – 8 and the landlord says oh sorry it got rented yesterday. Mr. Brennan stated he thinks there is a process the Government goes and says here is a tenant and then it comes out they are offering to pay some or all of the rent, he said he will investigate it but he doesn't want to make promises that the Board isn't going to be able to enforce.

Mr. Noah Gordon, 3 Circle Drive, stated they shouldn't have to ask on the application it should show up on the background check.

Mr. Brennan agreed and said he is hearing what everyone is saying and he is concerned about what can be on a background check, it is getting crazier and crazier what can be on a background check. Sometimes, even if it is on a background check you can't deny people on things. He stated he wants to give the Board and people what is the lay of the land on some of these things. Mr. Basinger asked if they will have the information before the next meeting, Mr. Brennan stated yes, he will get it to the Board and they can talk about it at the next meeting.

Mr. King asked to confirm the real estate is owned by the LLC that is listed? Mr. Srimi replied yes. Mr. King asked the Clerk if she had a copy of the members of the LLC in the file, the Clerk responded yes.

Mr. Bolesh asked when the LLC took ownership of the Gansevoort Mansion (the property)? Mr. Terry replied 2021 he believes. Mr. Brennan stated there is a deed filed. Mr. Bolesh stated he knows the taxes were not paid in 2021, according to the Saratoga County website. Mr. Srimi said he believed they were paid and thanked Mr. Bolesh for the information.

Ms. McGarrahan stated the Boarding House is for rental of 6 rooms, but they have a total of 9 rooms, what is the over site they have to make sure the additional 3 rooms are not being rented. Mr. Terry replied that is where Ms. Tracy and her two children live at the moment, he added he does annual safety inspections. Ms. McGarrahan reiterated all 9 rooms are occupied, 6 are rented and it is owner occupied with the other 3. Mr. Terry agreed.

Ms. McGarrahan asked if they are single rooms, efficiencies, or bedrooms with one bath? Mr. Terry replied there is 4 bedrooms upstairs, he believes each with its own bathroom on the 2nd floor, on the 1st floor there are 3 rooms, one is a studio and there is a single apartment studio with 2 bedrooms that Ms. Tracy lives in basement. Ms. McGarrahan stated Ms. Gorman asked about historical improvements, is there historic designation on the property that NY State or any agency, Mr. Terry replied yes, and he gave Mr. Srimi the name of the man in charge of the NY Historical Registry, he is going to work with

them. Mr. King reiterated it is listed on the registry.

Mr. Srimi stated he had a question, they have to get permission for any work, he stated he spoke with the gentleman from the registry, and they told him because the top floor has vinyl windows already done there he said they could use the same for the lower windows. He added the gentleman told them if it is not funded by the registry then it is up to the owner to do. He explained it is better for all their tenants to install new windows and vinyl siding, he stated it everyone is ok with that they can get started. Vice Chair Heber stated they can't say yes on that, it is not in this Board's purview. Mr. Terry stated he would talk to him before they say yes or no on that.

Mr. Johnson said that is not right, the vinyl is on the top, they took off the original windows, he added there has been a multitude of sins committed in that building already, as much as he appreciates the windows need to be replaced, if they are original windows why not repair them because it is a very historic building, the Town is very historic. He added living in one of the General Gansevoort Houses he would like to make sure it can continue to be historic.

Vice Chair Heber asked if there were any additional questions, concerns or comments. None were noted. He stated people can still make comments, no decisions are made, the public hearing will remain open so they can write in anything on it until next month it will still be open until the Board closes it. Vice Chair Heber stated the next meeting is November 28th, the Monday after Thanksgiving, 7 pm.

Vice Chair Heber announced the next item on the agenda, Site Plan / Shore Line Overlay application #: 0002-19, George Story, Irony Alliance LLC.

Mr. Dennis Phillips, Counsel for the applicant representing the application. Mr. Phillips explained this project began in May of 2019 then it got interrupted by Covid, then it dragged because of applications to the Army Corp of Engineers and DEC. He stated they are back at the open public hearing that has been open for a long time, now he thinks they are in the SEQR, State Environmental Quality Review phase of this. He introduced Sarah Hale, an owner of Irony Alliance. Mr. Phillips stated they are here to look at the SEQRA and in the interim they submitted to the Board the non-jurisdictional determination letter of the Army Corp of Engineers and one from DEC. also going back you have a letter from Saratoga County Planning Board that was ok with the project that is also in the file. More recently they submitted a visual impact opinion relative to what the prospective bridge will look like going over the west channel of the river, with all that it gets us from 2019 to 2022, where we are tonight.

Mr. Brennan asked Mr. Phillips to give the Board a refresher on the site plan, is there a special permit what are the approvals that you are seeking? Mr. Phillips replied a site plan, Vice Chair Heber added and the Hudson River is the shoreline overlay district. Mr. Phillips explained they had a diversion on it where it went to the Zoning Board of Appeals and the Zoning Board of Appeals upheld an earlier determination of the predecessor Building Inspector, Mr. Brennan interjected on the lot line adjustment. Mr. Brennan explained they are passed that now and they have been sidetracked for a variety of

different reasons, he added they have not covered SEQR for this site plan. Mr. Phillips stated the Board also has a letter from Office of General Services (OGS) and they have said they consent to this Planning Board being lead agency for purposes of SEQRA and they will follow the lead of the SEQRA that is done by this Board. Mr. Brennan asked if OGS is done with their review of the permit on technical grounds but they are waiting on SEQRA to issue the permit? Mr. Phillips replied they are waiting, they have not told them what they are done with and what they are not done with, Mr. Brennan stated sometimes they will say they have a draft permit or something, on the topic they consent to the Town being lead agency have we circulated for lead agency yet it has been 3 years or so?

Mr. Phillips said he does believe it has been circulated for lead agency, because they have consented to the Planning Board being lead agency. Mr. Brennan stated they can always consent in advance because they know it is coming. Mr. Brennan asked the Clerk if she remembers if they sent lead agency letters, the Clerk responded yes, she believes they did. Mr. Brennan asked if any Board members needed additional refreshers? Mr. Basinger asked who were the involved agencies, OGS how about DEC? Mr. Phillips stated DEC has said they have no jurisdiction over it so he believes the involved agencies at this point are OGS, and even though they gave the Canal Corp notice of the application they have not responded in any respect. Discussion ensued on involved agencies. It was determined a Coast Guard permit is not required (via letter received). Mr. Phillips read the requirements that must be met contained in the letter; requirements of navigation lights at the bridge are waived, any spillage of oil or gas during construction must be properly reported to the Coast Guard (by calling a certain number). Ms. McGarrahan asked the date of the letter, Mr. Phillips replied July 16, 2019. Mr. Phillips reiterated permit by the Coast Guard is not required and the requirement of navigation lights are waived, and there was no intent to have lights, and during construction if there are spills they have to be reported. Mr. Basinger asked if they had a letter from DEC stating they are not taking any jurisdiction over this? Mr. Phillips replied yes. Mr. Basinger stated they have the Coast Guard and DEC letters, the only thing he thinks they need to proceed is some kind of correspondence from OGS, the Clerk stated Mr. Brennan has the OGS response, Mr. Basinger asked what OGS said? Vice Chair Heber stated regarding SEQRA they said this Board can do it. Discussion ensued on proceeding with SEQRA and OGS issuing a permit. Mr. Basinger asked if they decide to give a negative declaration could they make it contingent upon receiving a permit from OGS? Mr. Brennan replied yes, he said they don't have to do everything tonight.

Mr. Brennan reiterated the Board has sent out the lead agency co-ordination letter, and he asked if any other Board members had questions to catch up to the status of this application due to the COVID and other interruptions on this project? Ms. McGarrahan asked if this was a pedestrian bridge (she could not recall), or for automobiles, what is the size? Ms. Black replied pedestrian and Mr. Phillips agreed. Mr. King stated from the last rendering it looks like it has changed, Ms. McGarrahan stated that is why she asked, she was unsure of the size? Mr. Phillips stated like for a small 4-wheeler or something, Mr. King reiterated it would take a small atv, Mr. Phillips agreed. Discussion ensued on the downsize of the proposed bridge. Mr. Story said they don't need to bring big stuff they can bring that on the ferry. Ms. McGarrahan asked to be reminded if the bridge had anchors in the water or on the land sides, Mr.

Phillips stated they are on the sides and suspends across over the water, there is nothing in the river. Vice Chair Heber asked what the mass is in the river, Mr. Phillips stated it is a rock that is there.

Mr. King asked to refresh his memory if there is a land use permit they need? Vice Chair Heber stated it is a site plan / shoreline overlay. Mr. Story explained it is for when there is bad weather or ice so they can get across, he explained there are times when the river freezes, and it is not safe and they are stranded there on the island. Ms. Hale explained there are times when the river rises or freezes and they can't use the ferry, they can't get people on or off it (the island), it is not safe.

Ms. McGarrahan asked if there were any electricity to the bridge, anything electric, any lighting? Mr. Phillips said no, nothing is required, the Coast Guard said it was not required. Vice Chair Heber added there is no navigation in that area, it is after the dam. Ms. McGarrahan asked if there is lighting on the other side of the bridge when you get to the island, in an emergency at 3 am are there any lights that will be on the other side of the bridge? Mr. Phillips replied maybe reflectors, Mr. Story agreed and stated there will be no lights because there is no power out there, it is a half of a mile away from the house. Ms. Hale stated she assumes if there is an emergency at 3 am they would be on an ATV with headlights on it, they are not planning on permanent lights on either side of the bridge unless for safety reason they have not become aware of.

Mr. Basinger asked if there were a gate with an access code, so people / kids can't go across it? Ms. Hale stated a gate on the mainland side with a code on it and they will make sure emergency services has the code, because they are not the only people that could require rescue from the island. She stated there have been a lot of people that have required rescue from the dam on the other side, they want to make sure emergency services can get across so they will make sure they have the combination to the bridge but they also want to make sure there is nobody not authorized to use it is on the bridge.

Ms. McGarrahan asked if there is any signage required on the road side? Mr. Basinger asked if she meant like no trespassing? Ms. McGarrahan replied yes, Mr. Brennan said they can or they can have a Knox box or whatever rather than have a code.

Mr. King asked about the height of the bridge, if somebody took a canoe down there, is it to low? Vice Chair Heber asked if there was clearance from the water? Mr. Phillips stated yes there is a requirement / specification for the bridge to be from the level of the water, Mr. Story stated it is 1 foot above the 100 year flood. Mr. Basinger asked what about a person in a fishing boat? Mr. Phillips stated it is over 11 feet above the water, Mr. Story stated it is 9 feet to the 100-year flood. Mr. Basinger stated they are just talking safety for someone that may be out there fishing at night. Discussion ensued on the height of the bridge being 11 feet over the normal flow of the river, it was determined the Corp of Engineers made the decisions for the height. It was determined they need a permit from OGS, and an easement from OGS, which has to wait for the SEQRA determination.

Mr. Phillips stated as a refresher there are 3 water channels, the one to the far east is the canal, which is

under the jurisdiction of the Canal Corporation, then there is the middle, natural main flow of the river, and this west branch is what he mentioned before is the back water with not necessarily a lot of flow there and this area of the river is cut off by the dam to the north and a dam downstream to the south, Mr. Story interjected it is 3 miles between dams. Mr. Phillips added that is why the canal to the east by passes the whole stretch of the river.

Mr. Brennan stated his last question was under the code for site plan it says a public hearing is mandatory, he state he knows there have been public hearings over the course of this, he feels they were mostly zoning, he asked the Clerk if there was a public hearing opened on this for the Planning Board? The Clerk responded she does not recall, she stated she believe they did because she remembers people coming, Ms. McGarrahan agreed and stated she remembered people attending the meetings. Mr. King stated because of the length of time lapsed, he thinks they should have another, Vice Chair Heber stated he doesn't believe it was closed. Mr. Brennan stated it has been a while, it thinks it is not fair to the people interested because of the time, he suggested the Board instruct the Clerk to re-issue & advertise the public hearing for this application. The Board agreed.

Chair Martindale stated the reason the public hearing was left open was because they did not have a clear design for the project and so they left it open, now they have a clear design if this is what they are going with. Mr. Brennan agreed and said they are talking about re-noticing the public hearing. Vice Chair Heber asked if there were a motion to re-notice the public hearing?

Mr. Basinger made a motion to re-notice the public hearing,
Ms. Black second the motion,
All in attendance unanimously agreed.

Ms. Claudia Braymer, Esq. of Braymer Law, representing the neighbor Mr. Walsh, she stated she understood they are re-opening the public hearing for this application and she does have comments tonight regarding the SEQRA process. She stated she wanted to bring to the Board's attention this is a significant project, talking about over 300' span of a bridge that will potentially be there forever over the Hudson River. She explained they have submitted comments to OGS to oppose that application, they do not believe it is permissible to even cross the Hudson River with a bridge, but that is another argument she is disagreeing with her colleague about, she sad as they heard tonight it is not just a pedestrian bridge, they do intend to have atvs and probably golf carts or something of that nature. It is a significant project, and she does have a letter with a different date, you sent out the lead agency notice so you did already deem this to be a type 1 action for SEQRA, she added she is sure they appreciate as the lead agency you need to do your due diligence and take a hard look at all of the protentional environmental impacts here. She stated they believe there are significant adverse impacts that need to be looked at through an environmental impact statement, she said a type 1 action under SEQRA is presumed to have a significant adverse impact, so you have that presumption in the Law built in already and there are the presence of potentially adverse impacts and she went through a couple of them. Mr. Phillips asked if this would be more appropriate to go over at the public hearing? Ms.

Braymer stated she did not appreciate being interrupted, she does understand the purpose tonight is to go through SEQRA, she asked to be allowed to finish she will leave the Zoning comments for another night. Vice Chair Heber instructed her to continue.

Ms. Braymer stated; one is PCB issue; we all know there are PCBs in the river and they do not see anything in the record saying they have tested for the PCBs or that they have a plan for mitigating them while they are doing the construction process. Secondly, there is a concern about traffic, they will not be able to drive across with cars so they are planning on parking on the main land side and it is a very narrow space, they have argued it is not a problem and they will have space but it is a narrow road there and site distance is not very good they are asking the Board to find there is a significant adverse impact there on traffic and require that they do a traffic study as part of that. She continued; Visual impacts, this is a very aesthetic and scenic character of the area, the Hudson River and it is designated as a unique area and there is also a potential for archeological impacts there and they are asking the Board flag that and do an EIS, Environmental Impact Study, to make sure all of those potential impacts have been fully avoided or mitigated. Another point she wants to bring to the Board's attention that they talked about it is the shoreline overlay district it has a potential for flooding it is in a flood plain, they have concerns about impacts to life and property, if you have flooding there with the new bridge and the potential for debris to get caught against the bridge and cause issues there or release later and have a problem downstream. She concluded for all those reasons they ask the as the Board goes through the EAF part 2, you flag at least one of these as a potentially large impact that will trigger the need for EIS, make sure they do everything possible to avoid or mitigate all the environmental impacts to the community. She stated she had a brief letter to submit to the Board tonight.

Discussion ensued on moving forward with the SEQRA, Vice Chair Heber suggested the Board go and see the site. It was determined they would re-issue the public hearing prior to SEQRA. Mr. Brennan explained they can do what they have done in the past, move through the public hearing, go through part 2 of the SEQRA, make a determination and direct him to write up a decision then they come back at a subsequent meeting with a written negative declaration, he added when you have 2 or 3 attorneys in the room at a meeting you may ultimately get a lawsuit so when you get to the point of making a decision one way or the other direct him to write up a draft determination under SEQRA and then the Board will come back, review it, make any changes and adopt it, from there depending on the direction you go you will talk about the next steps. Vice Chair Heber asked if that was the wishes of the Board, the Board agreed.

Vice Chair Heber instructed the Clerk to re-issue the public hearing notices for the next meeting. Mr. Brennan asked if everyone could go through their files and see if there is any kind of response from Canal Corp. as Mr. King was asking, something that would say it is out of their jurisdiction, something like that would be helpful to have for the record, even an email.

Vice Chair Heber reiterated they said the bridge would be above the 100-year flood, Mr. Basinger asked if that is what the Corp. wanted them to do? Mr. Phillips replied yes it was a requirement from

the Corp. Vice Chair Heber added that takes care of the risk to dam up the river. He stated for the PCB concern, they are not going in the river, they are not digging in the river it is bank to bank so he is unsure where the PCBs come into it, Ms. Hale agreed. Mr. Brennan said they can talk about it at the next meeting. Vice Chair Heber stated they should talk about it and make them get the stuff the Board wants. Chair Martindale asked if when they did the dredging of the river, did they do that channel you are proposing to build a bridge across? Ms. Hale replied no they did not because it is rock, Mr. Story said they did a few spots where it isn't rock but where the bridge goes across it is a rock base, solid ledge, there are no deposits there. Mr. Basinger stated the only place it may have an impact would be the shoreline, Ms. Hale and Mr. Story stated they did the shoreline where there wasn't ledge and there were traces, they did do the shoreline. Mr. Basinger asked if where they are going to put the structural supports for the bridge is that ledge too? Mr. Story replied yes, it is outside of it, it is up on the bank solid ledge, there will be nothing in the river. Mr. Basinger asked if they have performed soil borings at the location where the supports will be? Mr. Story said yes, and it is ledge, rock, they are going to anchor into that ledge, part of the foundation is the rock ledge.

Vice Chair Heber stated he believes they are going to need an actual site plan of the construction of the bridge, showing where it is anchored. Mr. Brennan asked if there was a revised set of drawings? Mr. Phillips stated that is in the file and the parking plan off the road is in there as well. Vice Chair Heber asked them to bring a couple copies to the next meeting to make sure. Mr. Phillips agreed and stated they will make that part of their presentation. Mr. Story added the Canal Corp. said it was non-jurisdictional and that might be in there too.

Vice Chair Heber asked if there were any additional questions or concerns, Ms. McGarrahan asked about a traffic study? Mr. Brennan stated they are not going to do that; they will look at the site distance, but they are not making them do that. Vice Chair Heber agreed. Ms. Hale said the County already did a traffic study; Mr. Phillips interjected the County signed off on the site distance, Mr. Story added the traffic and the driveway. Mr. Brennan said he is just saying traffic studies for trips vs. looking at site distances and making sure so they will go back to that issue, it is not traffic like it's Cross Gates Mall, it is more like can you pull out or are you on a blind curve for visibility. Mr. Phillips stated they will make sure everything is refreshed, he added they will work with the Clerk to make sure everyone is on the same page regarding what is in the file.

Vice Chair Heber announced the next item on the agenda; application #: 0002-22, James and Jaclynn DeLessio subdivision, Duncan Road. The Board reviewed the updated survey. Vice Chair Heber stated they changed it from 3 lots down to 2 lots. Mr. DeLessio agreed. Ms. McGarrahan asked when did they first see this application? The Clerk responded February or March. Vice Chair Heber stated it is basically a 30-acre lot broken into 2 lots. Ms. McGarrahan said they are looking at a major subdivision? The Clerk explained it was part of a previous subdivision that now makes it a major subdivision even though it is only 2 lots and the reason it took so long since February is because they had to get the survey. Mr. Brennan asked what the heavy dark line was on the survey, is that the wetlands? Mr. DeLessio replied yes, it is a ditch with water. Mr. Brennan asked if on the larger lot, #2

if anything was built there yet? Mr. DeLessio replied no. Mr. Brennan then asked about lot 2a, it looks like it is marking the jurisdiction of the wetlands, his question is where is the proposed house and septic going? Mr. DeLessio showed him on the map. Discussion ensued on remaining 100' from the wetlands.

Mr. King asked if they are building on both parcels? Mr. DeLessio replied they would like to eventually, the main parcel they want to building their home on soon and lot 2a would eventually be for her parents or maybe one of their kids. Discussion ensued on the house location and the wetlands. Mr. Basinger suggested they get a wetland biologist to determine the 100' setbacks from the wetland where they can build. The Applicant agreed to have someone go out there and flag the wetlands and determine if they are State or Army Corp. wetlands.

Ms. McGarrahan asked if there is already a driveway off Duncan Road for lot 2? Ms. DeLessio replied, yes, they have a permit for a driveway.

Mr. Brennan asked what the next step is, Vice Chair Heber stated if they want to make sure it is going to work, they should get it delineated, Mr. DeLessio agreed. Mr. Brennan stated if they want to move on, they can schedule the public hearing and see if the line is going to shift a 100' or not, they are not trying to hold it up. The applicants agreed to keep going.

Vice Chair Heber asked what the wishes of the Board were.

Mr. Basinger made a motion to schedule a public hearing for the next monthly meeting,

Ms. Black 2nd the motion,

All in attendance unanimously agreed.

Vice Chair Heber announced the last item on the agenda, application#: 0005-22, Brit Basinger, lot line adjustment for 5 & 11 Homestead Road.

Mr. Basinger recused himself to present the application. He explained he presented the application to Zoning Board of Appeals and received an approval to move forward regarding the existing non-conforming lot. He stated they held a public hearing and there were not any of his neighbors in attendance. Mr. King reiterated it was ZBA because he is maintaining a non-conforming lot, Mr. Basinger agreed and stated the lots were created prior to the 5-acre zoning. Mr. Brennan stated this Town Code does not allow lot line adjustments unless it is conforming. Discussion ensued on waiving the public hearing. It was determined because the ZBA held a public hearing this Board would waive the public hearing, as it is the Boards usual procedure to waive public hearings for simple lot line adjustments after review of it meeting other requirements.

Mr. King made a motion to waive the public hearing, and issue approval of the lot line adjustment,

Ms. Black 2nd the motion,

All in attendance unanimously agreed.

Vice Chair Heber moved to miscellaneous business, discussion on meeting minutes, the Board did not recall minutes entirely the Clerk suggested she could resend them to the members. Minutes tabled.

Ms. McGarrahan stated she and Ms. Black had taken notes on the boarding house public hearing and the questions and she would type them up and forward them to the Board. Mr. Brennan agreed, he stated the Board is not supposed to deliberate but they can communicate that sort of assembly of what you need to hear, he added he is in favor of her sending the questions so they have one list and they can present it to the applicant, he added he took notes and he will come up with a list so if everybody wants to do that then create a list so the Board knows what they want to hear.

Mr. Brennan stated the Town won the Law Suit with the Two Lions Farm and the dogs next door; he asked the Clerk to forward the decision onto the members of the Board.

Mr. King made a motion to adjourn the monthly meeting at 9:14 pm,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk