

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, November 28, 2022
7:00 pm
Page 1 of 5

Planning Board Members Present: Melanie Eggleston, Marybeth McGarrahan, Brit Basinger, Lisa Black, Jeff King, Holly Rippon – Butler, Vice Chair James Heber, and Chair Susan Martindale

Members Absent: None

Town Employees Present: Dave Brennan, Town Counsel, Charlie Baker, Town Engineer, Michael Terry Code Enforcement Officer and Tia Kilburn, Clerk

Chair Martindale opened the meeting and addressed all in attendance and asked them to stand and salute the flag at 7:02 pm. Quorum established.

Chair Martindale announced the first item on the agenda; public hearing for application #: 0002-22, major 2 lot subdivision (due to previous subdivision), James and Jaclynn DeLessio, Duncan Road.

Ms. DeLessio explained they are proposing to subdivide one lot into 2 lots, one they wish to build their house on and the other for a future house of a family member. The Board reviewed the maps.

Chair Martindale asked if there was anybody from the public that would like to make a comment? None were noted.

Vice Chair Heber stated there were questions about the wetland, Chair Martindale asked Ms. DeLessio if that issue has been resolved? Ms. DeLessio replied yes, she has letters that are saying it is buildable. Chair Martindale asked who the letter was from? Ms. DeLessio stated from NYS Department of Conservation, she added she believes she emailed it to the office. Chair Martindale asked the Clerk if she had that information, the Clerk replied yes she believes so. Discussion ensued on wetland and setbacks.

Chair Martindale stated there are no questions or concerns from the public, she asked if there is a motion to close the public hearing.

Vice Chair Heber made a motion to close the public hearing,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Chair Martindale stated in the interest of efficiency the Board would continue to the agenda and this application, then return to the continuing public hearings. She stated there is a note from the Clerk that said she received an email from the County that this application did not require review by Saratoga County Planning Board. She asked if SEQRA, State Environmental Quality Review Form was still needed, she asked if a board member would like to volunteer to complete the SEQRA for this application. Ms. McGarrahan volunteered and asked Vice Chair Heber to assist her if needed. Vice Chair Heber agreed. Ms. McGarrahan read aloud the questions from the form and the board discussed and answered.

Vice Chair Heber made a motion to declare a negative declaration on the SEQRA, State Environmental Quality Review Form for application #: 0002-22,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed. Chair Martindale signed the SEQRA, determination.

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, November 28, 2022
7:00 pm
Page 2 of 5

Vice Chair Heber stated the only thing he noticed is the map did not contain the verbiage for Right to Farm, discussion ensued.

Vice Chair Heber made a motion to approve the 2-lot subdivision for application #: 0002-22 contingent upon the addition of the Right to Farm verbiage added to the map, he stated the applicant could get that from the Clerk. Mr. Basinger 2nd the motion,
All in attendance unanimously agreed.

Chair Martindale stated they would return to the continuation of public hearing for Irony Alliance, Site Plan / Shoreline Overlay, application #: 0002-19, West River Road & Thompson Island, construction of a bridge.

Mr. Basinger explained he is recusing himself for this application and Mr. O'Donnell application due to business interest, as his company conducts business with them regularly.

Mr. Phillips, Counsel for the applicant made a brief presentation to update the people in attendance on the application. He explained this application has been around for a while, first interrupted by Covid, he displayed a large sketch of the project area, he explained a small red dot on the plan is proposed to be the bridge, a small bridge across the inner channel of the Hudson River, it is not the main channel which is to the east of it, and not even the canal that is further east of that, it is located across the western channel. He stated he also put other bridges that go over the Hudson River, he explained the location of each of them, there is one over the locks, there is one over the channel of the river and there are also dams in the river. He stated that entire part of the river is bypassed by the canal, he stated he wanted to put that into perspective that there are other bridges over the Hudson River going all the way from New York City to Newcomb as well. Bridges over the Hudson are not unprecedented. He added looking at the environmental aspects of this project, it seems to him the big environmental aspect the public may be concerned about is the aesthetic aspect of it, what it looks like and as we know there is one party in particular that lives just up river of the bridge, he added he thinks they have in the record, a schematic of basically how far the bridge will be from that adjoining landowner, just north of this property. They did measurements of how far this bridge would be from that property and it is like two football fields away, down river by somebody that might be bothered by the presence of a bridge in the are. He said knowing that they have had to deal with that aesthetically with the SEQRA, State Environmental Quality Review Form, they thought they could get an "outside" opinion on what a bridge over the Hudson in this location would look like, and he believes the Planning Board has received a submission from Saratoga Associates, dated October 4, 2022, written by Saratoga Associate, Matthew W. Allen and he has given a before and after of what the site would look like, and he shows what the site would look like downstream from the adjoining neighbor in a before kind of state, which is the natural state and he also included as part of his analysis what it would look like after a bridge is constructed. The Board can determine for themselves what the visibility quotient of that bridge would be once constructed. Mr. King asked if it has been submitted to them or if that was the only copy, the Clerk stated each member has one in their packet, Mr. Phillips stated he wanted to bring it to their attention because he thought it would be interesting going through the SEQRA process on this. Mr. Phillips added with the pictures, Mr. Allen also renders an opinion, on page 3 of the document, where he reaches a visual impact conclusion, he stated they can read that, but he would like to highlight a couple things. Mr. Philips read from the letter; *The bridge span itself is low profile comprised of thin and semi-transparent timber-and-cable structural elements which create a low sinuous arc-like form with minimal visual mass. The use of natural earth tone colors helps to blend the structure with the background wooded shoreline. Minimal tree removal is necessary allowing existing shoreline vegetation to provide a meaningful visual screen of the shoreline support towers, approach span and ramp from vantage points along the western shoreline of the Hudson River. Based on the photo simulation, the location and design of*

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, November 28, 2022
7:00 pm
Page 3 of 5

the proposed residential suspension bridge results in minor visual contrast with the local riverfront landscape. As such the design provides a minimally intrusive method for direct access to Thompson Island. Mr. Phillips stated he read that because he thought it was important to hear it from someone that is an expert in the field, knowing that one of the reasons for this bridge or the big reason for this bridge is the safety of the inhabitants that live on the island, there is a safety factor they are trying to alleviate. He added he wanted to highlight that as far as the County Planning Board is concerned; there is a letter in the file dated June 21st 2019 that indicates that this bridge would have no significant county wide or intercommunity impact, and a letter in the record dated July 30th 2019 written by NYS DEC, Heidi Krahling, Environmental Review Specialist of the NY Natural Heritage Program, that indicates they have no record of rare animals or state-listed animals or plants, or significant natural communities at the project site or in its immediate vicinity, yet she notes at the same time that bald eagle has been listed as nesting within a half mile of the project site. Mr. Phillips said Mr. Story, who lives on the island told him that the eagles fly up all three courses of the river as they are fishing up and down the river as do other waterfowl and wild life, but the thought is there will not be any impact on them. He stated he wanted to bring those things to the Board's attention as they proceed through the SEQRA process.

Chair Martindale asked if there were any questions or comments?

Ms. Claudia Braymer, Esq. of the Law Office of Braymer Law introduced herself stating she is representing Bob Walsh, Mr. Walsh was unable to attend the meeting tonight. She stated she had a letter for the Board and rather than reading it out loud in its entirety she would just highlight some points. She said at the last meeting she provided a lot of comments about SEQR so she is not going to repeat herself on those, but she will refer them back to her letter dated October 24th, 2022. She stated they are asking the Board to deny the application, she wants to point out that, she stated it is here in front of them so in their authority they can approve or disapprove it, that is the language in the Town Code to disapprove the application, let the Zoning Administrator know and the process would proceed from there, or the process would end basically at that point. She explained Mr. Walsh is the adjoining property owner to the North and aesthetics is one of their major concerns, she said she wanted to note that they have the map that was provided by the applicant tonight, some sketches and some other information but she questions if the application is even complete to be in front of the Board for review. She explained she came into the Town Hall and looked through all of the files and she had a hard time finding a complete site plan with all the details that the Board would need for the review, including the information that the Board's consultant she believes asked for information about the anchoring and how the bridge was exactly designed and a full-scale survey. She added it is very hard to find the updated application information in the file, she stated she wanted to point that out to the Board and be sure they have everything they need. She stated she also wanted to bring to the attention of the Board this is in an agricultural zone and also in the shoreline overlay district, the Town Zoning Ordinance has specific uses that are allowed in the agricultural district and it lays out things like farms and single family homes are allowed and there are certain accessory uses like garages and swimming pools, a steel suspension bridge across the Hudson River is not an allowed use in this zoning district she stated she is asking them to deny the application simply on that basis alone, it is not an allowed use in that zone and it is not allowed by the shoreline overlay district either, it is not a permissible use. She said she knows the Board is probably questioning her on that and she appreciates that she stated she would ask that if they are then they would get a written interpretation from the Zoning Administrator on that question specifically, as to whether this is an allowed use in the zoning district. She stated she would skip ahead to the shoreline, she stated the Town shoreline ordinance requires the Board to make three findings in order to approve something; one of them is that there is no

adverse impact what so ever on the environment, public health or safety, she stated she submits to the Board they are not going to be able to make that finding that there is no adverse impact what so ever, she stated they had

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, November 28, 2022
7:00 pm
Page 4 of 5

provided information to the Board and she knows it is in the file because she saw it about the PCB contamination of the Hudson River, anyone that has lived here knows there was dredging around the Thompson Island shoreline. She stated she questions the Board can say construction in that area for the bridge would not have an adverse impact on public health by disturbing PCBs on the shoreline. She added there is nothing from the applicant saying they tested the soil and found no PCBs, if the Board wants to be safe, the Board will request that and the results showing no PCBs in the river. She said as far as the site plan review criteria, yes, aesthetics is very important to them and yes there are some other obstructions in the river, but this particular section is unobstructed. She stated it is a beautiful area and she had pictures she could send to everyone by email, they show that this bridge is going to be visible not only from her client's property as indicated but it is also very visible from the road as you are traveling north on Route 29. Anybody going along that scenic route is going to be able to see the bridge from the road and anybody going along in the river will be able to see it. She stated she finds it is not an apt comparison to say there are other bridges going across the Hudson River, she finds it difficult in her own mind to find a place where there is another private bridge of this particular nature. She said she did a google search and the nearest suspension bridge is in Poughkeepsie and that is a public bridge, not for a private owner to get from the shore of the mainland to their island, so she does not think that is a comparison they want to make here in the Town of Northumberland. She stated additionally under the site plan review the Board is to look at access and parking; here it is a dangerous situation right off the curve as you are traveling North on the road, you are coming around a pretty tight curve with very little to no site distance for the proposed access and parking spot, so they are asking the Board deny it on that basis alone, also the Town code does not allow parking within 15' of the right of way, she stated she was not sure exactly where the parking is to be located because she hasn't seen a site plan showing those details, but if it is where she thinks it is, just past the curve it is going to be 15' within the right of way. She stated they have another parking area down by Purinton Road, the code requires people limit the access onto a public road, she is asking they deny the parking near her client's property, around the curve where there is bad site distance and make them put it down where they already have parking by Purinton Road where there is a long stretch of road and not site distance problems. She stated the code requires landscaping for parking areas and for the bridge itself which would be hard to landscape in the middle of the river, it requires the preservation of existing trees on the shoreline, there are very limited exceptions. She stated they are asking the Board to identify the trees that have already been cut by the applicant and require him to replant those trees, they should not have been allowed to do that while this project was pending, yes, it has been a long time, but they should have, and the code requires them to wait until they have approval. All of those trees should be identified on a landscaping plan as to what was cut and if the Board denies this obviously everything needs to be replanted, that is in the Town code and says re-vegetation along with other remedies of enforcement including fines. She stated they are not looking for that they are looking for the project to be denied. She reiterated she submitted why this should receive a positive declaration, it is a Type 1, the Board should go through the long form EAF and if the Board is not ready to make a decision on the project tonight they ask the Board keep the public hearing open as they deliberate so she and her client can participate in the process as the Board goes forward in the process of review of this application. Ms. Braymer submitted her letter to the Board.

Chair Martindale stated they would give Mr. Baker, Engineer to the Board, an opportunity to go over information he has on this application.

Mr. Baker stated for the applicants benefit he apologizes that the letter was just prepared today, he received information the beginning of the prior week and with the Thanksgiving holiday it took a while to review he

discussed the contents of his letter dated November 28, 2022. He said it identifies the documentation that has been provided to his office, that has been presented to the Town since 2021 until most recent, the letter also has a total of 8 comments that were made, he asked the Board how much detail they wanted him to discuss for each one or if

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, November 28, 2022
7:00 pm
Page 5 of 5

they wanted him to briefly discuss each one or if the Board had questions specific to it? Mr. Brennan suggested an overview and they can talk about that.

Mr. Baker discussed the eight comments that were made; the 1st comment gives the specifics of the bridge that is being proposed and the elevations of the 100 year and 500-year flood plain, it mentions that the Hudson River is a navigable waterway and in NY State DEC Environmental Conservation Article 15 – Protection of water permit will be required. The 2nd comment notes that there are no proposed permanent structures located within the insurance map 100-year flood or 500-year maximum flood limits. Number 3; refers to erosion and sediment plan, there was one submitted in relative basic form that shows that sediments will not be added to the river and they will be controlled. He stated he would like to see a little more work done on that, and show specific details on how erosion and sediments will be controlled. 4th comment is requesting additional documentation related to the disturbance of the shore banks in the location of the bridge abutments, he stated they think a detailed drainage and grading plan needs to be presented that shows limits of project disturbance and there should be documentation from the applicant that verifies whether or not there are any PCBs in the area of where the abutments are proposed. Comment #5 talks about the DEC reference to the bald eagles, they are wondering if the applicant has done any studies on the island to show if there might be any habitat on the island. #6; the project documentation does not appear to contain a project review sign off from the NYS Office of Parks, Recreation and Historic Preservation. #7; the construction of the proposed structure may be considered a visual impact by surrounding neighbors and potential travelers on West River Road. The applicant provided a photo simulation that consist of two photos simulating views of the bridge from the river upstream and downstream. The Planning Board may want to consider if additional photo simulations should be provided from other perspective locations such as, the property located across West River Road at the bridge location and vies that will be seen by travelers along Wets River Road. #8; the proposed bridge is to allow pedestrian and atvs access between West River Road and Thompson Island. The proposed plans sold show parking for any vehicles that will be delivering the pedestrians and the atvs. The parking area should be included on the detailed grading and drainage plan and sediment and erosion control plans. Should a parking area be proposed, it should be show in any photo simulations.

Chair Martindale stated she feels Mr. Bakers letter does take care of Ms. Braymer's comments to the Board, Mr. Brennan agreed. She asked if there were any other comments from the Board? Vice Chair Heber stated it looks like the applicant needs to respond to this, he added they can keep the public hearing open.

Mr. Brennan stated he would like to take a minute and go through part 2 of the full EAF, he stated he doesn't want to try to answer all the questions, but maybe touch on them and see if there is one they want to save for further discussion at a subsequent meeting when they have the additional information or if they need additional information before they look at it. He stated he would run through it quickly;

Chair Martindale asked if there were any additional business for the Board, none was noted.

Ms. McGarrahan made a motion to adjourn at 7:19 pm,
Mr. Basinger 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk