

Town of Northumberland
Planning Board
Accepted by the Planning Board
Monday, June 10, 2019
7:00 pm
Page 1 of 5

Planning Board Members Present: Lisa Black, Jeff King, Melanie Eggleston, Susan Martindale, Chair, Chad Reinemann and Britt Basinger

Members Absent: Holly Rippon-Butler and James Heber, Vice Chair.

Town Employees Present: Richard Colozza, Code Enforcement Administrator, Tia Kilburn, Clerk

Chair Martindale opened the Public Hearing at 7: 00 pm; all in attendance stood to salute the flag.

Chair Martindale invited George Story, Irony Alliance, LLC, to explain the application to the public in attendance. Mr. Story stated he proposes to construct a suspension bridge for private use from the main land on West River Rd to his island, he stated it will be approximately 11' wide, 400' long and span about 320'. He then explained he purchased a small on lot on the West River Rd side and combined it with his island lot.

Chair Martindale asked if there were any questions or comments from the public and instructed any persons wanting to speak to please stand and state their name for the record.

Ms. Cooney stated her name and asked how much off the high-water mark would it be, Mr. Story responded it has to be a minimum of 9' above the 500-year flood plain however, it will be more like 11' off the water from the bottom of the deck. Ms. Cooney asked how high it would be, Mr. Story replied 50'. Ms. Cooney asked if there would be lights on it, Mr. Story said no, probably just reflectors, it depends on what the Army Corp of Engineers will require.

Mr. Lundquist interjected the towers won't be visible across the river, Mr. Story agreed. Ms. Cooney asked how long construction would take. Mr. Story said construction would take about a month to 6 weeks after the permitting process which could take a year to complete and get all the approvals. Ms. Cooney then asked if the driveway would be an ascending graduated entrance, Mr. Story said there is a path to the base already existing, Chair Martindale asked if they existed on both sides of the bridge, Mr. Story pointed out where it was on the map across from the cemetery. Ms. Cooney stated it starts parallel to the dam and questioned the existing road, Mr. Story stated it is more like a trail across from the cemetery.

Mr. Sipperly stated there are a lot of other agencies involved and needing approval. Mr. Story listed some involved agencies; D.E.C, Army Corp of Engineers, Town, County and he also needs to do an archaeological dig and SHIPO, State Historic Preservation is also involved.

Mr. Ferenzi introduced himself and stated he lives on the other island north of Mr. Story, he stated he is in support of the bridge and Mr. Story needs it. He added Mr. Story has a barge however, in the winter when there is ice the barge cannot go through it, he said Mr. Story has fallen through the ice and in addition to it being unsafe for him to cross his wife is sick and needs medical attention so the bridge is necessary.

Mr. John Caffry, Attorney at Law of the Law Firm of Caffry and Flower and he is here tonight representing his Client Bob Walsh. Mr. Caffry gave a presentation to the Board stating;

The application doesn't comply with the Town's Zoning Ordinance it is incomplete and there are a lot of unanswered questions. They feel the Board should require an environmental impact statement.

Town of Northumberland
Planning Board
Accepted by the Planning Board
Monday, June 10, 2019
7:00 pm
Page 2 of 5

The proposed lot is a non-conforming lot, it is only ½ acre and the ordinance requires 5 – 10 acres. Also the ordinance requires 300' lot width and this lot is only 200', he disagrees with Richard Colozza (Code Enforcement for the Town of Northumberland) in that it can be merged with tax map lot on the island to make it conform because they don't adjoin – the island is 300' away and it is separated by land or somebody else, the State of NY – the land and water is still 300' away so they don't adjoin.

The Zoning Ordinance defines a lot as “a defined parcel of land considered as a unit...”, this is different than having a small stream run through your property – the river is a separate parcel of land that separates them – have a ½ acre lot that doesn't conform to zoning and if it was already sold it should not have been and that is in violation.

Site Plan is very incomplete; the Shoreline Overlay District under Article VIII, the application doesn't provide any information needed for this Board to make all findings and determinations you need for Shoreline Overlay.

Nothing about erosion control, tree cutting plan, nothing on visual impacts – all are required by the Shoreline Overlay District. It is also in the flood plain, there is nothing in the application that addresses the requirements in Zoning Ordinance for the 100 yr flood plain.

The Hudson River is a designated Scenic Resource and there is no assessment of visual impact or historical impacts provided. Mr. Story did say the State will require an archeological survey and that should be completed before this Board makes a decision.

There is a lengthy list of requirements for a Site Plan review under Article X, none is included in the application.

Number of errors on the EAF, it states this is not in an area covered by Comprehensive Plan, that is not correct the Town's Comprehensive Plan of 2003, land use plan for Hudson River waterfront is mentioned a number of times as a scenic and natural resource that needs to be protected and is not addressed at all.

Says there will be no disturbance of bottom sediment or aquatic vegetation, it appears the piers will be in or near the river, it is hard to tell because the drawing doesn't show where the actual water level is.

The instances of unanswered questions whether a bridge is an allowed use in the Zoning District.

Erosion control plan

Analysis of site distance for driveway entrance

Are there PCB's on the shoreline, GE spent time and money dredging the river bed, they haven't done much on the shoreline yet, they are suppose to be assessing that, the EPA is requiring that, and the EPA recommends not disturbing the shoreline areas to prevent PCB's from being scattered, they are sampling that area (he submitted information for the record, see attachments) Until it's know whether or not there's PCB's on this site where the soil is going to be excavated for the deadweights – piers we don't think the Board can approve this site plan until all these issues are addressed.

Client is concerned the bridge can, depending on water levels, catch debris & ice that comes down the river and cause a jam that will cause the water to backup and flood his property, which is just upstream, also how is it going to effect navigation, like kayakers and fishermen on the river, what will the noise level be during construction?

Town of Northumberland
Planning Board
Accepted by the Planning Board
Monday, June 10, 2019
7:00 pm
Page 3 of 5

We think the best way to address all these issues is to adopt a positive declaration on SEQRA, State Environmental Quality Review Form and do an Environmental Impact Statement, especially with regards to flooding and erosion issues, visual impacts and disturbance of PCB's.

In conclusion, we think the application should be denied because it is not a legal conforming lot, there are too many unanswered questions at this point, and they haven't shown they have met all the requirements for Zoning or the Shoreline Overlay District or Flood Plain ordinance.

Mr. Basinger asked Mr. Caffry if the information he submitted could be found online, Mr. Caffry responded no it is from the EPA.

Mr. Coseo, Attorney at Law stated he represents Mr. Story and Mr. Story's land was merged with the island as one on the tax map and deed so it is more than 5 acres, the driveway into the parcel will be access for the owners of the island, he added there are other agencies involved and all issues will be addressed, the PCB's, the EPA has signed off the one parcel, it did not require Planning Board approval because it was a merger dissolving the lot.

Mr. LaFountain introduced himself and asked if it was merged with where the barge is, Mr. Story responded no. he then stated he and his wife are neighbors renovating their home, they use the river and love the location, they feel this proposal is well designed and will be well maintained, beautiful and will look nice, the towers are not taller than the trees and it will not be a disturbance to the river bed. Ms. Getty, his wife added she kayaks in the area and enjoys it, she is a 6th generation dairy farmer and feels the bridge could add to agritourism. Chair Martindale interjected the bridge is not intended to be open to the public. Ms. Getty said agritourism is not always public.

Mr. Story stated the Army Corp. mandates it be above the 500 yr flood plain, piers will be on the bank not in the river, the top soil and shale will be dug to put the towers in and cemented, the dirt will stay on the site, it is not that big of an excavation.

Mr. LaFountain stated they moved here about 1 ½ to 2 years ago, kayaks and boats go over the dam, the bridge could help with emergency access to the dams.

Mr. Walsh stated he has been there since 1978 and there have been 9 deaths over the water falls with boats, the bridge wont help, police take over his property so the bridge wont help. He stated he has a colonial road on his property and Mr. Story can build the bridge further down because it is going to ruin the scenic value of the river and his property.

Mr. Story stated the height of the banks is better at the chosen location, down the shoreline further there is not enough to build up and in some places there is hardly any room between the road and land.

Chair Martindale asked if there were any additional questions or comments from the public in attendance, none were noted. She then read responses received from NY State Canal Corp. and Saratoga County Planning regarding Lead Agency for SEQRA, State Environmental Quality Review Form.

Town of Northumberland
Planning Board
Accepted by the Planning Board
Monday, June 10, 2019
7:00 pm
Page 4 of 5

#

Dear Ms. Kilburn,

The New York State Canal Corporation has received the SEQR Lead Agency Coordination letter in addition to the Full Environmental Assessment Form (FEAF) part 1 regarding the Proposed Construction of Suspension Bridge to Island, in the Town of Northumberland, Saratoga County.

The Canal Corporation does not object to the Town Planning Board assuming lead agency status for the purpose of completing a Type 1 review under SEQR.

Thank you,
James

James Candiloro, PE
Director, Environment, Health and Safety

New York Power Authority

30 South Pearl Street
Albany NY 12207
(518) 433-6841 O | (518) 470-1079 C
james.candiloro@nypa.gov
www.nypa.gov

#

#

#

Dear Town of Northumberland Planning Board:

The Saratoga County Planning Department concurs with your request to be designated as Lead Agency for the proposed project consisting of constructing a private suspension bridge to connect the mainland and Thompson Island by the applicant Irony Alliance, LLC.

Please contact this office if you have any questions. Thank you.

Jeff

Jeff Williams
Planner, Saratoga County
50 W. High Street
Ballston Spa, NY 12020
(518) 884-4705
(518) 884-4780 (FAX)

Chair Martindale asked the Clerk how long does the Board have for the public hearing, the Clerk responded they have 60 days from the time they close the public hearing until they need to make a decision on the application. Chair Martindale asked the Board if there were any discussion and reiterated Mr. Story stated it would take 4 to 6 weeks for construction after permitting and that could take up to a year for all the involved agencies to approve. She stated the lots are joined and asked Mr. Story what the road frontage on West River Rd was, Mr. Story responded 200', Mr. King asked what was required, Chair Martindale reviewed the zoning ordinance and Mr. Colozza stated they need 25' for a driveway on the road and this is considered a keyhole lot, Chair Martindale

Town of Northumberland
Planning Board
Accepted by the Planning Board
Monday, June 10, 2019
7:00 pm
Page 5 of 5

agreed and said it is merged with the island so it has over 25', Mr. King asked if he had the driveway cut approved,

Mr. Story said the County has reviewed it and said yes but not formal approval until this Board is satisfied with the site plan, and then they will probably put up a sign, Mr. King asked what sign, Mr. Colozza responded indicating the driveway, but they want to make sure this Board is ok with the site plan.

Ms. Eggleston asked for confirmation the Army Corp of Engineers would design the bridge, Mr. Story said yes, he has talked with them and they said when the site plan is approved by this Board he needs to go back to them for the design, they will not spend the time or money until it is approved here. Mr. Reinemann stated he is concerned because it is difficult to visualize as the application stands, can't guarantee the bridge design so it is difficult to get a true feel of the visual impact. Mr. Story said he is not cutting any trees, Mr. Reinemann asked what the weight limit would be, Mr. Story responded 14,000 lbs. Mr. Reinemann said they need the visual overlay to see the impact, Mr. King suggested a photo rendering of the river view and road view. Mr. Colozza suggested a balloon study, Mr. King stated a graphic artist could help. Mr. Reinemann said the problem with a photo overlay is it will not be to scale and a balloon study, maybe.

Mr. Basinger for legality the Board can contact the Town's Attorney to insure a correct application and information. Mr. King added they can request the Town's Engineer assist with the SEQRA, State Environmental Quality Review Form , Chair Martindale agreed with both and stated it could ease this Planning Board's process for review. Mr. Reinemann expressed concern about the visual, Mr. Basinger said legal counsel will help decide the requirements.

Chair Martindale stated they will leave the public hearing open and continue to review the application. She then stated this was the only application on the agenda.

Ms. Eggleston made a motion to accept the May meeting minutes as submitted,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Mr. King made a motion to adjourn the monthly meeting at 8:47 pm,
Chair Martindale 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk

Attachments (2), Submissions from Mr. Caffry, Atty