

Town of Lake Luzerne  
Planning Board Meeting  
January 25, 2023

After reciting the pledge of allegiance, Chairman Kurimski called the meeting to order at 7:02 pm with the following members present: Toni Springer, Howard Schaffer, Jason Tyler, and Barbara Conway. Also present were Zoning Enforcement Officer Karen Putney, and Deputy Enforcement Officer Kristopher Kassay.

Chairman Kurimski cited the agenda:

- I. Further discussion of the revision of an 11-lot subdivision approved in 2009 on Call St., Evergreen Estates, parcel numbers 318.1-1-81 through 318.1-1-92, looking for approval on the vertical alignment of the road and to modify the design of the stormwater conveyance system and treatment. The Engineer from Cedarwood will present his report to the Planning Board.  
Applicant: SRA Engineers for Evergreen Estates  
Parcel No. 318.1-1-81 through 318.1-1-92, RT (Residential Town) Zone  
Location: Call Street
- II. Approve minutes from December 28, 2022, Planning Board meeting.
- III. Old/New Business.

Jonathan Soukup, Engineer from Cedarwood has been in communication with Eric Sandblom from SRA Engineering reviewing the Town code compared to the previously approved preliminary plan with revisions to the roadway pertaining to grading, stormwater management, and the tie-in to the intersection with Call Street.

Soukup stated, in their cover letter the variances they're going after, Cedarwood didn't see any issue with their plan to tie-in to the intersection, that's comment 1A. 1B, the other comment Cedarwood saw regarding the variance was that there was a minimum roadway grade less than one percent for a minor local road. Within the code it allows the Town to move forward with approving something with less than a one percent slope as long as there are provisions for approved stormwater drainage facilities, which they are going to be moving forward with in their design, so it's not finalized (the engineering) on the plans so they'll have to comply with, (depending on the regulations) the DEC general permit with their stormwater pollution prevention plan and post-construction controls, anticipating minor adjustments to grading. The prior plan had a series of catch basins within the roadway that would transport everything to the ponds with treatment at the pond at the end. Another change they included in this submission was the surface drainage, so moving toward the final grading on the edges of the roadway, that'll have to be updated. That's where we get into the comments. 2(a), design of ditches and gutters, that 2(a) I made a mistake there that should be 5(a) at the end referenced on page 63, so that says "subdivisions shall be so designed at the length of flow or water in the roadside ditches does not exceed 400 feet, except as permitted by the planning board. Runs

exceeding the maximum shall be put in storm sewers or diverted to natural drainage ways". We don't have any concerns allowing open roadside ditches provided the updated final design meets the town code for drainage ditches, essentially having a positive slope. With the permitting they had to go through initially, it was a DOH Realty Subdivision approval. Being beyond the sunset period with the five years of approval, when they go forward with the permitting process, if the town is going to eventually take ownership of the roadway, you'll also have to submit a letter that'll be submitted to DOH stating the municipality's willingness to accept maintenance for the roadway and the drainage ditches.

ZEO: Does that letter come from the Town Board or the Highway Superintendent?

Soukup: As long as it's from a municipal official, you would likely need the buy-in from the Town Highway that is going to be doing the maintenance on the roadway, but it should be coming from an authorized representative.

Soukup continuing ...

2(b) is the depth and the shape of ditches. This was a preliminary plan, so the final edges of the roadway grading weren't fully delineated, that'll be handled moving forward as they progress their design to my understanding. There is a code that says you should have a minimum of three horizontal to one vertical side slope for the ditches and I believe that's a standard written just for maintenance. It could be something to do with mowing or future maintenance like that. Just so you don't get into any steep slopes or something that's going to be a little more difficult to take care of. We don't see any issue and that'll be adjusted moving forward and submitted to the Town for a final review.

2(c) is something we found in the code that seemed unique, but we wanted to list it so that the Planning Board has identified it. The prior approval references storm easement for the drainage right-of-way for the stream crossing lots to encompass a 25-year flood plain, easements necessary for stormwater infrastructure if it's outside the right-of-way, and all easements for open channels should be a minimum of 30 feet wide, so we wrote a response in there. In our opinion on a technical level, I don't see a concern with requiring an easement so that would be kind of outside of our jurisdictional review, it's just something we wanted to bring up to the Planning Board on how you wanted to handle it because we do have a stream running down the property line. I don't know what was done last time, but in the future once the design is done there could be driveways crossing over it and that permitting end of it is going to be jurisdictional, potentially with DEC moving forward. As far as an easement goes, to maintain a 30-foot wide for the 25-year flood plain on a technical level, I don't see what the concern would be. You have a restriction upgrading at the County Road crossing with a 30-inch culvert up above, so I don't know what the protection zone is, it's just something we don't really have a comment on, but just something that the Planning Board should consider.

The rest of the comments are generic design comments, it's just appropriate signage for the lane, provide estimated locations for driveways for each home, accessibility for lots three and four, and updated grading plan for the storm water end. The clearing plan, erosion control plan, that's all going to be handled moving forward with DEC permitting. One of the other comments is to delineate the wetland areas on the stream crossing on the upper end. We just checked the DEC environmental resource map and there is a wetland surrounding the stream up there so it's likely something that the DEC will want to see anyways just to ensure that there's no additional permitting needed and that the roadway and grading isn't going to impede on the existing wetland.

Our final comment is on roadway designs reviewed and approved by the Town Highway Superintendent and then the Fire Department. Just to make sure we're good on emergency vehicular traffic on the cul-de-sac and the overall roadway. We didn't really have any concerns with the overall plan.

Kurimski: I know when we discussed those last two lots where we have the pond, it sounds like maybe you didn't get a chance to go down.

Soukup: Yes

Kurimski: I thought you were going to comment on that tonight.

Soukup: Not tonight, so our understanding after talking with Eric is that this was a preliminary submission not a final submission with a roadway layout. Storm water design hasn't been finalized at this point and that'll be handled moving forward with DEC permitting process if they're going to comply with the general permit for stormwater pollution prevention plan for post-construction control practices which would involve the ponds, so we left that out of the scope of this review as it wasn't finalized at this point.

Kurimski: That would be something you have to look at again down the road.

Soukup: We would review it against the Town code, but we would stay out of anything jurisdictional to what DEC would be reviewing.

Kurimski: Okay.

Soukup: If the municipality is going to be taking over the road and you're sending in the letter stating your willingness to maintain everything within the right-of-way and drainage ditches, those are the critical items that we'd be reviewing for you. Anything above and beyond that if it's going to be handled by DEC, typically we would stay out of that process unless there was a particular concern by the Planning Board that you wanted us to look into.

Kurimski asked if they would be coming back in front of the board.

ZEO: I'm assuming that what will happen is that you'll proceed with going to DOH and DEC, and once you have their okay, you'll come back to us with final plans again. We'll review them at that point and at that point we'll probably have Cedarwood look at them one more time to see if anything has changed that might present an issue.

Soukup: I'm assuming their final intent as far as roadway and layout, they're going to try to keep as consistent as possible with this preliminary submission, but there might be minor tweaks as they go through their process with permitting with DEC on the final stormwater end if they have to tweak a few grades on the roadway that would come back to the town. Since this was previously submitted and approved, this is a unique situation where I don't think you would have to go through the whole process as far as a sketch plan. They're doing their due diligence to come to you with a preliminary plan before they progress their full engineering design and put

all the time and effort into it, so my understanding is basically come back with a final submission as they move forward. DOH realty subdivision approval is kind of one of the last steps of the puzzle. Once they get through all these pieces it would come back to the town for a final okay and then close out the permitting process and file the updated plat.

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ZEO: We did talk to Ron Deuel Highway Superintendent, and he didn't see any issues. He went and looked at the property and he said that he wants to review the final plans as well, but he doesn't really see an issue with the town taking over the road or the storm water as long as all the other approvals are in place.

Eric Sandblom from SRA Engineers, representing the applicant, took the podium.

Sandblom: When we first started working with Adirondack Industries on this, we came up with some ideas on how to improve the design for them. We noticed that it would require one variance from the subdivision regulations and that is the grade of the road coming off the intersection. Rather than redesign the entire subdivision in detail, we wanted to approach the board on that specific issue; if you're comfortable proceeding with the roadway design where the slope will exceed three percent within that 150-foot Zone there. I presented my justification for that two months ago when I was here. As long as we get a sense that this technical issue is okay from Cedarwood and from the Highway Superintendent that it is being properly vetted then we'll go away knowing that piece of it is acceptable and then we'll finish the details on the rest of it.

Kurimski: The only problem I have is that we have no lawyer tonight and I know it's just a preliminary thing, but to protect ourselves as a Board I think that we need to have a lawyer for any kind of a final approval to go forward. Some of us already went on the property and liked what we saw, I mean I don't see a problem with it. Are you planning on doing any work now?

Sandblom: No, but if you could tell me what you're thinking without making a formal decision we could feel comfortable moving forward.

Kurimski: I personally walked the whole thing with Steve, I really like the layout of the land. My only concern is the pond at the end.

Sandblom: I can tell you that um it most definitely can get much smaller.

Kurimski: That was pretty deep.

Sandblom: Yes, so I mean one of our other approaches is you know the previous design envisioned just channeling all the storm water to that one location and treating it there. What we want to do is break it up a little bit, spread out those treatment practices along the way so that we don't have to put everything in pipes. We want to remove some of that, open it up, and really to make that work we're going to need to incorporate stormwater treatment practices along the way. It's already been excavated but maybe it could become smaller in the future.

Kurimski: John, would that be something that they would look at, the Highway Department and all, at the pond in the back?

Soukup: Yes, I think what the Highway Department would be responsible for would be the drainage items, and the right of way. I don't know if you'd want to get into taking ownership of the actual storm water practices.

Kurimski: No, I don't think so.

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Soukup: I think headache but that would be looked at and it would be relatively low risk for them to move forward into design. We didn't have technical comments, I know they've contacted the county. There's going to be a county right-of-way permit that'd be needed for tying into the intersections, I don't believe that had any comments.

Sandblom: Right, for preliminary as far as those items go, that would be handled moving forward once you have updated engineering plans. What they're going to be doing on the stormwater practices, I personally see it at a low risk as far as the roadway goes. The only thing that would majorly shift, if you delineate the Wetland and you find out you have to shift [the roadway] slightly because of grading. You don't have too many options anyways.

Kurimski: I think it's a pretty good layout.

Sandblom: Yeah, there's no plan here to change the lot lines so it's got to stay within that that corridor anyway.

ZEO: I think basically what they're looking for is a preliminary approval.

Kurimski: I've walked the property, I think it's going to be fine. I don't see any problems at all.

Springer: I've been down there also, the only thing they are asking about is permission to move forward with the entrance way.

Sandblom: Which would allow us to deviate from the subdivision regulations.

Springer: Which there would be no issue.

ZEO: Ron looked at it from the perspective of trucks going in and out and he didn't seem to have too much of an issue with the slope of it either.

Kurimski: We should include the Fire Department.

Soukup: Yes, that will be on the final.

Kurimski: Does anybody have a problem with a preliminary approval on the board?

All: No.

Sandblom: John mentioned the wetlands that were delineated, those were delineated a long time ago when I'm sure they're going to need to be looked at again. The current design has such a big footprint right there that it starts to encroach closely on that stream. We're going to tighten it up and minimize that.

Soukup: The other thing to note in the process moving forward since there's been a long period of time, you're going to have to update the environmental review as well. My understanding is that it would be a Type 1 Action, so the applicants do part one, and then the Planning Board would likely act as lead agency, then to the coordinated review process that involves agencies DOH, DEC, and Warren

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County, and then DOH jurisdiction for Realty subdivision- it's really the entire subdivision. They're proposing the same for individual wells for each residence and then individual septic systems, there is no community system. As far as DEC's jurisdiction goes, they'll be involved in the permitting process early on. I believe there's a DEC Wetland there on the upper end, just surrounding the stream a little bit. They'll be involved in the stormwater review process with their stormwater pollution prevention plan which covers the erosion sediment control during construction.

Springer: Have you already laid out on the plans where you're thinking the septic and the houses are going?

Sandblom: We were planning on maintaining the exact spots that Gary Robinson had designed, we weren't planning on making any changes to that. I can say that John shared with me that he did contact the Department of Health to just see what they had as far as records go. The feedback that was provided was that we might have to redo the test pits and look at those soils again, but I don't anticipate changing the design unless they have to.

**Chairman Kurimski made a motion to preliminarily approve changes to the project at Evergreen Estates, seconded by Toni Springer.**

**All in favor: 5, Opposed: 0, carried.**

Kurimski: A couple questions on the project, what are you doing as far as the tree line?

Kyarsgaard: I like trees.

ZEO: When you sell these lots will the individual buying the lot do the clearing and the building, or are you going to be doing that?

Kyarsgaard: They could be excavating for the house when we sell, if not we'll just be selling a lot.

ZEO: Okay but people buying the lots will bring it in whatever design they want. You're not requiring a certain square footage of a home or anything like that?

Kyarsgaard: Yes

ZEO: Okay are the Deeds already done the for the individual lots?

Kyarsgaard: Yeah, because I believe we're paying taxes on it.

ZEO: Are there any restrictions for manufactured homes in there? The state law has changed where if we allow a single-family home in any zone, we have to allow manufactured homes in those same zones. If you put some kind of a covenant in your deed restricting that, I'm just curious, have you done any of that, are you

planning to do that?

Kyarsgaard: Yeah.

ZEO: Okay because for issuing permits, I'd be nice to know that on my end.

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**Chairman Kurimski made a motion to approve the minutes from December 28, 2022, seconded by Howard Schaffer.**

**All in favor: 5, Opposed: 0, carried.**

Howard Schaffer shared an article on tree buffer development standards with members of the Board as well as his thoughts on being mindful of the role that mature trees have in our community and the importance of keeping them, particularly with respect to upcoming development.

Kurimski: Are there any rules or regulations about clearing trees on a lot?

ZEO: Not in zoning, we will have to look it up in our subdivision book but there may be something about green space, conservation districts ...

Springer: I'm sure we can make recommendations when the development gets going further but my only concern was if somebody purchases the lot what's going to prevent them from cutting a tree down, you know they could purchase the lot and then cut down all the trees.

ZEO: Kris just brought up the subdivision book, there is a section that says trees and natural features and reads "reasonable requirements for the preservation of outstanding natural features may be specified, these include large trees or groves, water courses, and falls, historical spots, exceptional views, and similar irreplaceable assets in which there is general public interest". That's under General planning standards, on page 50. That gives you at least a lead way into being able to say something about it.

Conway: Instead of bulldozing everything.

Schaffer: You've seen those projects.

Conway: Yeah, and then they plant trees after they've done that, crazy.

Springer: Are you going to do any kind of bylaws or anything for the subdivision? Regarding the trees, if we recommended to you that we wanted so many trees left on the lots for privacy and then you've sold the lot, that person could cut down every tree on their lot if you didn't have any restrictions after the fact.

Kyarsgaard: I would say you could make that a mandate for your approval, you want which trees to stay ...

Schaffer: Is it something that you'd consider even though knowing you know this was passed a long time ago, for you to require a 12-foot or 10-foot buffer of mature trees between the roadside shoulder into the property to remain while allowing a 10-foot-wide driveway?

Kyarsgaard: If it was possible I could, but the way they designed it before it was so steep that you would lose a lot of the trees on the front lot, on the ones on the entrance where you go in it would be possible, so every lot is different, where they place their house and in what configuration.

ZEO: The other issue might be with the storm water drains, doing the ditches you might have to take down some of the trees closest to the road for that.

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Kyarsgaard: You have to keep a 60 foot right of way that they would own so it would all be in that.

Springer: Then you have their wells and septic, it's just something to consider.

Kyarsgaard: I believe the lots are a little over 1.2 acres so it would allow for some separation.

Howard: I want to give you a copy of this before you leave.

Kurimski: I don't think we can actually enforce anything, Karen?

ZEO: If you put it in as a condition upon approval.

Kurimski: I thought it was already approved back in 2009.

ZEO: Yeah, that's something we have to discuss with the lawyer because it's already been approved. There weren't any conditions that I can see that I have found on the approval from before so basically, they're changing the road pitch and they want to change the storm water drainage. I think the rest of the approval has to stay as it was, but you can be thinking about this for future subdivision. I know that we've got two coming down the road here, we've got Tom Reid and we've got that one up in the Heights that they already came in for a pre-preliminary approval on.

Kurimski: I want to see that subdivision. I think it's going to be really good and there was nothing we can find as far as any restrictions, but it's just a suggestion from the Planning Board and if you can't do it, you can't do it unless you put it in the deed.

ZEO: The only other thing I have to bring up is that was pointed out to me on the agenda sheet I had the date as 2022 so if you want to just write in 2023 make that correction that's all I had.

**Motion by Chairman Kurimski to adjourn the meeting at 7:48pm was seconded by Barbra Conway All in favor, none opposed.**

Respectfully submitted,

Kristopher Kassay



