

**Town of Waterford
Planning Board
65 Broad Street
Waterford, N.Y. 12188**

October 13, 2008

The meeting began at 7:30 p.m with attendance taken. Present were members Peter Fletcher, David Wendth, Harriett Fusco, and Chairman David Woodin. Absent was member Robert Lefebvre. Also present was Richard Hurst, Planning Director; and Rene Lipatas, Clough Harbour.

The minutes of the September 8, 2008 meeting were read and the Chairman made a motion to accept the minutes, seconded by Fletcher. The motion passed 4-0 with voting as follows:

Fletcher	yes
Wendth	yes
Fusco	yes
Chairman Woodin	yes

Christopher Marchand came before the Board to continue the Site Plan Review Phase of three four dwelling multi family units proposed for Mercer Street. He hopes to address the concerns of Clough Harbour's October 13th letter and any other issues the Board may have at this meeting.

Mr. Marchand referred to Section C, letter b, of Clough Harbour's letter and stated that he does have letters from the Water and Sewer Departments regarding the project. The Water Department has been unable to locate the water line under the site. They have used various forms of equipment but cannot definitely locate it. Ed Hernandez , from the Water Department, said they can officially connect the water once the work and construction begins. A map will need to be created with metes and bounds and an easement as there is no easement on record for this water line.

Ms. Lipatas stated that Mr. Hernandez is from Delaware Engineering and that the water line may run under one of the proposed buildings. The water line should be found and located first before site plan approval. An easement will allow the Town permanent access to the line. No structure should be near it; this is a concern as it is an eight inch water line. We know its there, if something has to be relocated because of the location of the water line, this can change the whole site plan. There are other locating options available. We need to think about the impacts this location can have on the site plan.

Mr. Marchand replied that before the metes and bounds for the easement were done, he wanted to know where the line actually is located. The A and B valves are shown; the line seems to take a bend somewhere.

Ms. Lipatas asked if the Title Search showed this easement.

Mr. Marchand replied that he talked with Mr. Early regarding tax maps and Ed Hernandez from the Water Department and no easement for this water line can be found. The original owner does not remember an easement.

Ms. Lipatas asked Mr. Marchand to try harder to locate the line prior to site plan approval. Maybe drilling more test pits is necessary. If this can impact the site plan, we should address this now. She also addressed that the Water Department would be “ok” with just a metes and bounds map for the water line.

Ms. Lipatas questioned the parking and spacing. Certain areas seem to make it hard for fire trucks to maneuver. The number of signs and placement was also discussed.

Mr. Marchand stated that no parking signs seem to appease the neighbors with concerns about people parking on their lawns. He will do what the Board wishes on this topic.

Chairman Woodin replied that each sign covers 200 feet in each direction. Signs are needed if you don't want people to park in certain areas.

Mr. Marchand answered that he very much wants the project to relate to the neighborhood and not look like a separate lot at the end of the street.

Ms. Lipatas replied that it does look like a continuation of the street.

Mr. Marchand asked about the installation of a stop sign.

Chairman Woodin replied that this location is not appropriate for a stop sign. There is no reason to stop there. If Mrs. Mullahey parks on the street, she will block access to the property and it may be difficult to see her vehicle at night. Has there been any correspondence about providing her with an off-street parking space?

Mr. Marchand answered that portions of her property are on his land, such as her sidewalk and deck. He hopes to address this issue before he gives her a driveway. He cannot prevent anyone from parking on the road. He has tried to come to an agreement with Mr. Mullahey and has contacted her but she has not been willing to respond.

Chairman Woodin asked about a possible emergency access road to Van Schoonhoven.

Mr. Marchand replied that he has talked to the management facility and was recommended to speak with other groups; the decision will come from HUD ultimately.

Chairman Woodin instructed Mr. Marchand to document everything, such as name and dates of conversations, and then he can provide this to Councilman Ball.

Mr. Marchand addressed the parking space concerns and he is within ADA compliance. He took into consideration the concerns from neighbors and he did not want to cut into the hillside. His recent submission shows an increase to twenty one spots. He is still meeting the 170 square foot regulation for Town Code.

The Chairman replied that any large size car or SUV will not be able to get the doors open. Most commercial spots are 9x18 feet or 9x20 feet now.

Mr. Marchand asked what the target number of spots is.

The Chairman answered that the ZBA wanted to require twenty four spots, but they left it to the Planning Board to decide. There may not be room for that many spots, but what you need to keep in mind is that if one family from the apartments has a party, that may take up the remaining spots in visitor parking. This issue leads to others having to park on Mercer Street which then creates a narrow passage. In winter, this will be even more of a hazard with snow banks and if an accident occurs, the people from the apartments will likely be obvious target for blame. You should try to provide as much parking as possible.

Mr. Marchand asked what the Board is looking for in this case. There is one area on the plan where a tree is proposed, that could become two additional spots.

Mr. Wendth expressed concern that if you put spots near Mercer Street the neighbors may utilize those spots, especially the ones who park on the street.

Mr. Marchand stated as far as the vegetation was concerned, the poplars will be removed. He is not cutting any other vegetation. He is trying to keep everyone happy.

Mr. Wendth asked about the elevation of the buildings and the lighting that will be provided. It is usually foot candles in these projects.

Mr. Marchand replied that the architectural plan of the building façade is not finalized yet. There will be lighting at the entrances. The buildings will be two stories less than thirty feet high, timber framing with colonial styling.

Chairman Woodin asked about the handicapped spots and their accessibility.

Ms. Lipatas asked if the buildings are ADA ready or will they need modifications.

Mr. Marchand replied that the law does not state that he needs to have ready modifications.

Mr. Wendth answered that they need to be ADA adaptable.

Ms. Lipatas said that modifications to this site plan can be made later after checking into ADA regulations.

Mr. Marchand added that he has not gone into too much detail regarding the Knox Box and being able to access someone's apartment in an emergency. He also asked if there was another public hearing to be held on this project.

Chairman Woodin replied there would be one in November.

Mr. Marchand would compile the feedback he has received for the next submittal and then after the Public Hearing would he be able to get a go ahead on the project?

Chairman Woodin replied that it was feasible for an approval to be granted at the November meeting.

The Chairman made a motion for a Public Hearing to be held on November 10, 2008 at 7:30 p.m. to discuss Site Plan Approval for the Marchand Project on Mercer Street. The motion was seconded by Fletcher, the motion passed 4-0 with voting as follows:

Fletcher	yes
Wendth	yes
Fusco	yes
Chairman Woodin	yes

The Chairman informed Mr. Marchand that Ms. Lipatas needed his submittal by October 31, 2008.

Tim Fitzpatrick, representing Ed Jubik, came before the Board to discuss a proposed recycling plant to be built at 74 Hudson River Road.

Mr. Fitzpatrick stated the current site was an auto recycling plant that they are in the process of cleaning out under DEC regulations. They wish to operate a deconstruction recycling plant on the premises. They would handle wood, brick, and stone and make it reusable. The materials would be broken down on site and then repackaged. There would also be a small retail store open to the public with materials on hand. There would be no automobile processing done, metals would be separated by like kinds and shipped off site. The concern of the ZBA was the return of abatement materials to the site. This will not happen.

Mr. Fitzpatrick went on to say that M1 Zoning does allow for these types of materials and a warehouse storage facility is acceptable.

Chairman Woodin stated that originally this application went before the Building Inspector and was denied, it then went to the ZBA for a Special Use Permit, now it is before this Board as part of the SEQRA process for a Deconstruction Facility.

Mr. Jubik added that there will be no milling and they will sell vintage product.
Mr. Fletcher asked if other contractors will be bringing in demolition or will it be your own.

Mr. Jubik replied that there will be no outside contractors. It is DEC regulated, no dump load on site.

Ms. Lipatas asked about a permit for use, and more clarification. It does not include metals?

Mr. Jubik answered that metals are not regulated by DEC even though they were included on his permit application.

Mr. Fitzpatrick replied that this will upgrade the site; it will be an improvement from before.

Chairman Woodin said the applicant should start the SEQRA process.

Ms. Lipatas asked Mr. Jubik to fill out the FEAF, part 1 and then we will take it from there.

Chairman Woodin asked about the fees.

Ms. Lipatas replied that for sketch plan submittal and site plan review there needs to be \$7,000 sent to Bill Coutu at the Town to set up an Escrow account.

Mr. Fitzpatrick asked if there would be a conflict with his working on this project as he has been affiliated with Clough Harbour in the past.

Ms. Lipatas will look into this.

Mr. Fitzpatrick asked if they should be working on site plan modifications.

Ms. Lipatas suggested they wait till the ZBA meeting.

The Chairman made a motion to end the meeting at 9:05 p.m. seconded by Ms. Fusco.