

Town of Waterford
Planning Board
65 Broad Street
Waterford, New York 12188

February 9, 2009

The meeting began at 7:30 pm with attendance being taken. Present were members Peter Fletcher, David Wendth, Robert LeFebvre, Harriett Fusco, and Chairman David Woodin. Also present was Rene Lipatas from CHA, Inc, and Craig Crist, Town Attorney.

Christopher Marchand informed the Board that he has the written agreement for the Water Commissioners granting the easement for the water line on the site of the Mercer Street Apartments.

The Chairman made a motion to nominate Harriett Fusco as Planning Board Secretary, seconded by LeFebvre. The motion passed 5-0.

Town attorney Craig Crist informed the Board that the ZBA had just granted a variance to Stewart's to allow the height of the proposed gas canopy at the Stewarts on Middletown Road to exceed the fifteen foot allowable code. The current gas canopy has a height of 17'6"; this will be replaced with a new canopy of the same height.

Mr. Crist also informed the Board that he had requested Cotrell Hajeck Inc. to be at the meeting. He was hoping that Mr. Hajeck and his engineer would be here to address the Carriage Way matter. He received a letter from Mr. Hajeck's attorney late this afternoon saying that Mr. Hajeck would not be attending and was hoping to meet in a more informal setting. They declined the invitation and are reviewing their options and if applicable they will come before the Board.

Mr. Crist stated that the Planning Board is the only board that can approve plans. Mr. Hajeck needs to meet with the Planning Board. Mr. Hajeck's late response to the request was very disappointing.

Ms. White, a lawyer representing Cindy Hajeck, another party involved in this matter, stated that she is willing to do whatever it takes to resolve this matter.

Mr. Crist informed the Board that if he does not hear from Mr. Hajeck the Town will result in the actions of the Plea Agreement and Stipulation of Decision.

Mr. Crist stated that Ms. Hajeck is part shareholder in Cotrell Hajeck Inc., and he will speak with Ms. White on matters going forward.

Wendth	yes
LeFebvre	yes
Fusco	yes
Chairman Woodin	yes

Nick Bruno came before the Board to discuss property he has at 241 Middletown Road. It is a two family home; the lot size is close to 12,000 square feet. He has one acre of land adjacent to this lot and wants to take advantage of it. He is hoping to take thirty feet of the acre to make the legal 125 feet of frontage for his home, and with the lots combined this will make his original lot close to 15,000 square feet. He has two goals with the purchase of this one acre, he wants to make his lot in conformance, this will make it easier if he wants to sell it in the future, and two he wants to deed some property over to the Water Commissioners to make it easier for them to access the Swatling water tank.

He does not want to sell the lots openly; he would rather that they go to his neighbors.

The Chairman questioned the variance he received for a subpar lot; will he need to go for another variance?

Ms. Lipatas suggested that he go for a lot line adjustment first, but there are other conditions that may make this difficult.

The Chairman stated that we will need to consult the Town attorney on this matter. The lot requirements will never make it to meet the new code, but you will have to get a variance for a minor subdivision. The possibility of a lot line adjustment could still work here. The price difference between the two options would also be substantial. For the lot line adjustment the applicant needs to meet is the 100 feet of frontage for the 15,000 square foot lot.

Ms. Lipatas stated that they are still dealing with the wetlands on Lot 50 in Riverbend and making sure they are not infringed upon.

The Chairman made a motion to waive the reading and accept the minutes of the January 12, 2009 meeting, seconded by Fusco. Motion passed 5-0 with voting as follows:

Fletcher	yes
Wendth	yes
LeFebvre	yes
Fusco	yes
Chairman Woodin	yes

The Chairman made a motion to adjourn at 8:40pm, seconded by Fusco.

