

**Town of Waterford
Planning Board
65 Broad Street
Waterford, NY 12188**

Monday July 14, 2008

The meeting began at 7:30 PM with attendance taken. Present were members Peter Fletcher, Bob Lefebvre, Richard Hurst, and Chairman Woodin. Also present was Rene Lipatas from Clough Harbour. Absent was David Wendth. Member Harriett Fusco arrived late.

The Chairman made a motion to waive the reading of the minutes from the June 9, 2008 meeting and accept as is. The motion was seconded by Lefebvre and passed 4-0 with voting as follows:

Fletcher	yes
Lefebvre	yes
Hurst	yes
Chairman Woodin	yes

Michael Cuerdon of Belanger Avenue came before the Board to discuss an addition onto his house. This will be a 600 square foot addition that will become a family room. The shape of the home will become “L” shaped with one great room on the first floor and a drive in garage in the basement. The current home is at 1400 square feet and the addition increases the overall floor space by a percentage that will now require Planning Board approval. There was a variance granted for the side yards. A copy of the conditions from the ZBA was given to the Board to review. These conditions require an engineer to develop a Grading Plan.

Mr. Cuerdon stated that he has spoken with Ron Bova, the Town’s engineer, and the grade will not change with this addition. There is no drainage in front of his home and he has spoken with Councilman Ball to see about installing a catch basin. His sump pump discharges to the surface. Mr. Bova had suggested a drainage swale if an agreement can not be reached to install a catch basin. The driveway will be moved with this project.

Mr. Lefebvre questioned Mr. Cuerdon about the location of the swale. He is very familiar with the area and water has always been a problem. There is a natural spring in that area. He is afraid that this may make matters worse. Water drains in to the road now and this is very dangerous in the winter. Where will the water be directed with the swale?

Mr. Cuerdon replied that he is hoping to get the catch basin installed so that the water will drain across the street. It will drain in his yard otherwise. He will also be using gutters and the placement of his sump pump was discussed.

Mr. Lefebvre replied that the water will still go into the road due to the slope; there is no where for it to go. The adjacent neighbor's properties were also discussed.

Mr. Hurst referred the Board to the ZBA conditions, specifically numbers five and six regarding sump pump discharge. The ZBA does not want to aggravate the discharge.

Mr. Cuerdon stated that he is hoping to improve drainage with this project. He is looking for the Town to help financially. He will purchase all the materials for the catch basin if the Town will do the work.

Mr. Lefebvre replied that this will also benefit the whole area.

Chairman Woodin stated that less yard space means less space for the water to be absorbed, and more roof surface creates more water runoff. Gutters may not be the best idea as they concentrate the water to one area.

Ms. Lipatas replied that it is better to have the water runoff freely.

The Chairman discussed the paperwork needed in order to have a Public Hearing such as the notification of neighbors.

Mr. Cuerdon asked if he needed to notify the residents across the pond.

The Chairman replied no.

Mr. Lefebvre discussed the shape of the house and questioned the change in grade for the property.

Mr. Cuerdon replied that the grade will remain the same, but the retaining wall will be removed.

Chairman Woodin stated that ideally the drainage work will be done before the addition work.

Mr. Cuerdon confirmed that the drainage work would be done first. He is hoping to have the catch basin installed.

Mr. Hurst added that the home is located on a spring that has always been there.

Mr. Cuerdon replied that he had an idea of adding a waterfall and pond.

Chairman Woodin made a motion to set the Public Hearing for a site plan review of an addition to a home on Belanger Avenue for Monday Aug 11, 2008 at 7:30 pm. Seconded by Lefebvre. The motion passed 4-0 with voting as follows:

Lefebvre	yes
Fletcher	yes
Hurst	yes
Chairman Woodin	yes

The Chairman informed Mr. Cuerdon that he should mail out the notice of Public hearing to the necessary people by August 1, 2008.

Ms. Lipatas stated that Mr. Cuerdon needed to fill out the Site Plan application package.

Mr. Cuerdon asked if there was a chance of his neighbors getting involved and this being denied. He already has money invested in this project.

The Chairman replied that ‘beauty is in the eye of the beholder’. You will need to show that the water problem will be addressed and that it will not create a bigger problem. The drainage will be a big issue with the neighbors. As for the aesthetics (i.e. a Colonial vs Cape vs some other design, the Board does not try to pass judgement as to what is beautiful.

Mr. Hurst added that if the Town extends the stormwater system, then there may not be a problem. If the Town does not do this, then there will be an issue. The catch basin seems to be the way to go first. Also, according to the ZBA conditions of the variance you cannot discharge the water into the public roadway.

Mr. Fletcher stated that the swale may work in the summer months but in the winter it will freeze.

Mr. Cuerdon replied that he has a better sump pump now and he is hoping to remedy this issue with the build.

Christopher Marchand appeared before the Board to continue the preliminary Site Plan Review of his proposed project of three apartment buildings, four units each, located on Mercer Street in Waterford. Additional paperwork has been submitted to Clough Harbor since the last meeting in June. He has new responses from interested agencies and he is asking the Board to vote on SEQRA for this project. There were no issues from any of the agencies. This is an unlisted action and he is looking for a Negative Declaration.

The Chairman stated that he sees no impact or very minimal from what he is reading.

Ms. Lipatas replied that the sign off from SHIPPO is outstanding. The Board needs this letter in order to vote on SEQRA.

Mr. Marchand stated that SHPPO is concerned with the finding of artifacts and items of historical significance, the area he is planning to build on has been previously disturbed many times in the past years. The hillside will not be cleared, no trees will be cut down, and there will be no new disturbance of the area. A survey would not uncover new findings. The Board has no liability to issue a Negative Declaration on this project; the letter from SHIPPO leaves room for interpretation.

The Chairman replied that the Board needs something in writing from SHPPO stating their decision and that the applicant is free to go ahead with the project or not, or more study of the area is needed. Their initial letter has a very lukewarm answer.

Ms. Lipatas recommends a letter from SHPPO stating the project has “No Impact”.

Mr. Marchand questioned who SHPPO will consider a good source of information on the history of the site, if they require proof?

Chairman Woodin replied that their decision lies with SHPPO, if they have concerns or not. Have them give an answer one way or another.

Mr. Hurst referred to the comments regarding an archeological survey be performed “unless disturbance can be documented”, if the disturbance can be documented then you do not have to do Phase I survey.

The Chairman asked who makes the determination in this situation.

Mr. Hurst suggested taking SHPPO to the site and giving them examples.

Mrs. Fusco asked how SHPPO will receive documentation.

Ken Smith from Lawrence Street spoke to the Board about the history of the site on Mercer Street. There was fill taken in and out many years ago when Mr. Fanucci owned the site. There were gas main and sewer problems in the mid 1970’s and there are rumors of things that were dumped there. The bank has been a problem with erosion for some time. The Town should talk to the old timers about the site.

The Chairman asked where the Board stands on the SHPPO issue relating to this project.

Ms. Lipatas answered that they recommend a Phase I archeological study, we are looking for a “No Impact” letter from them.

The Chairman referred to Mr. Marchand and stated that this is standard procedure, we are sure you can demonstrate the history of the site to them, hopefully easily. The Board needs to have something significant from SHPPO. All other agencies have given a direct answer, this seems to be a grey area with SHPPO. It seems that they are politely raising flags regarding the site.

Mr. Marchand answered that the name Waterford raises a flag for any project, and does he have to wait till next month to get approval, this is the only holdup for SEQRA.

The Chairman replied that not everyone is available for a special meeting due to summer vacations.

Mr. Marchand stated that he did not want to get too involved with making changes to the plan if SEQRA isn't approved.

Mr. Lefebvre replied that the Board needs a more definite commitment from SHPPO.

The Chairman instructed Mr. Marchand to inform the ZBA that he will not be attending the upcoming meeting.

Mr. Marchand answered that he thought he was off the Agenda at the ZBA until SEQRA was complete.

Ed Jubik from Magnum Environmental spoke to the Board about a recycling plant he wishes to open on Hudson River Road.

Mr. Hurst replied that it would have to go through the Building Inspector first to decide where your need to go with the application, the ZBA or the Planning Board. We need to know exactly what you will be doing.

Mr. Cuerdon returned and asked what is involved with site plan review.

The Chairman answered that an architect is usually involved; plans have to be stamped by a licensed engineer.

The Chairman informed the Board that the attorney representing Mr. Hajeck sent a letter summarizing the progress of the project at Carriage Way and stating the holdup seemed to be on the part of the Planning Board accepting the grading plan for the lots and that the Board had concerns about the foundation design on lot # 5 since it did not involve a traditional design.

The Chairman also informed the Board that there are other problems on Carriage Way relating to the catch basin. The catch basin had collapsed due to a bad concrete pour. Mr. Hajeck has been instructed by the Town to fix this.

The Chairman made a motion to close the meeting at 8:45 pm, seconded by Lefebvre.