

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

**August 11, 2008**

At 7:30 p.m. a Notice of Public hearing was read involving Michael Cuerdon of 27 Belanger Avenue Waterford and his request to build a 635 square foot addition onto his house. The addition will increase his overall floor space by a percentage that necessitates site plan approval.

Attendance was taken and present were member Peter Fletcher, David Wendth, Bob Lefebvre, Harriett Fusco and Chairman David Woodin. Also present was Peter Lilholt PE, Clough Harbour; Richard Hurst, Planning Director; Ray Carmel, Building Inspector.

The hearing was put on hold for a moment while the Chairman explained to a few residents of Mercer Street in Waterford that Mr. Marchand did not stay for the meeting as he had no new information to present to the Board. The status of the project has not changed but Mr. Marchand was asked to consider an emergency road connecting Van Schoonhoven and the property being developed. He agreed to look into this and will be attending the September meeting.

Mr. Cuerdon stated that the addition he wishes to build will include a great room on the first floor with a street level garage with basement. He has entered into an agreement with the Town that he will purchase all the necessary materials and the Town will do the work to install a catch basin on his property. This will clear up the drainage issues on his property.

Ron Bova, Town engineer working with Mr. Cuerdon on the drainage aspect of the project, stated that he is responsible from the property line to the home. He has marked up the plan given to the Board and addressed the comments from Clough Harbour.

The Chairman informed the Board that Mr. Henry Dufresne of 29 Belanger Avenue is out of town and called to express his concerns over drainage. There are enough problems with drainage right now around his home and wants assurance that this project will not increase them or create new ones.

There were no questions or comments from the audience. The Public Hearing was closed at 7:37 p.m..

The minutes of the July 14, 2008 meeting were read. The Chairman made a motion to accept the minutes seconded by Lefebvre. The motion passed 4-0, 1- abstain, with voting as follows:

Fletcher	yes
Wendth	abstain
Lefebvre	yes
Fusco	yes
Chairman Woodin	yes

Mr. Cuerdon informed the Board that he has a “to scale” copy of the site Plan.

Peter Lilholt referred to SEQRA and this project appears to be an “unlisted” action. The Planning Board may wish to accept lead agency status, but not at this time. The applicant still has not addressed the conditions of the ZBA approval letter dated October 23, 2007.

Mr. Lilholt stated that base mapping and design plans that are stamped and signed by an engineer are required. A Grading Review should also be done but will this be done by Ron on behalf of the applicant or Clough Harbour on behalf of the Planning Board.

The Chairman answered that since Ron is working with the applicant it should be done by Clough Harbour.

Mr. Bova clarified that his line of demarcation with the Town is the right of way. He has already spoken with the Highway Department and the Building Inspector about the drainage project. He has annotated the site plan from the architect. There will be a drainage swale between 27 and 29 Belanger Avenue. There will be clean crushed or round stone backfilled for the drainage. The sump pump will have a separate line, but will drain into one line with the surface water. A HDPE Riser/catch basin will be used. It has been very accommodating in other projects and works well especially near utilities as in this case. There was a meeting between himself, Highway Superintendent Harry Martel, Foreman Mike Riel, and the homeowner to discuss the materials the homeowner will need to purchase for the project.

Mr. Bova went on to say that there will be roof leeders, a six inch underdrain that will drain to the catch basin

Mr. Lefebvre referred to the plans and questions the “L” shape design and what is the consideration for water runoff in this area.

Mr. Bova stated that the water drains in the other direction and will not be a factor.

Mr. Wendth referred to the ZBA conditions of approval and related to number four, the removal of the existing driveway.

Mr. Cuerdon stated that he will be moving the driveway to the opposite side and there will be seven feet of grass from north to south. There was miscommunication on the part of ZBA in regards to the ten foot lawn area that is required.

Mr. Wendth stated that this is the condition of the ZBA and cannot be deviated from.

Mr. Cuerdon replied that the driveway had nothing to do with the variance he originally sought.

The Chairman reread conditions three and four and provided Mr. Bova with a copy for his reference.

Mr. Wendth stated that the conditions were set based upon the design.

Mr. Bova clarified that the language in the ZBA approval is specific. The owner needs to maintain a ten foot lawn area.

Mr. Cuerdon replied that his driveway will go past the existing corner of the house if he keeps that measurement.

Chairman Woodin asked Mr. Lilholt if the plans were acceptable or are they still lacking information.

Mr. Bova went on to explain what he had included with the plans things such as addressing erosion control. He proposes to cover the swale with SC250 North American Green. This has proven to work well when working at the end of the season. He also suggests a Vegetative Requirements & Compliance Form which puts maintenance of the area the responsibility of the owner.

Mr. Bova stated that there will be three separate pipes/gutters which will be hard drained to the catch basin. A solid pipe which will be dedicated to the sump pump, a perforated under drain which will collect additional surface water, and a third pipe which will be from the roof leads.

Mr. Wendth asked about the existing contours of the property.

Mr. Bova replied that the water drains from the back to front of the property. The catch basin will intercept the water.

The Chairman asked for clarification that the lines will underground only about a foot deep.

Mr. Bova replied yes, due to the fact that there are utilities in the same area as the catch basin is proposed.

The Chairman stated that the property has a significant slope.

Mr. Bova replied that there is about a six or seven percent change in grade slope from back to front.

Mr. Lefebvre asked about gutters on the building.

Mr. Bova answered that they already exist, they drain to the front.

Mr. Cuerdon replied that the extra water comes from the sump pump.

Mr. Lilholt stated that Mr. Bova's information is well thought out. The design could work but without having elevations and grade information he cannot give a definite answer. He does not see any obvious issues from the material presented.

Mr. Bova stated that the spot between the property line and addition is very tight. There will probably be modifications. Can there be a provision for site inspection or field changes for Board approval?

Mr. Wendth referred to Clough Harbours Site Plan Review letter dated August 7, 2008, specifically number six on page 2 in regards to Zoning. A site grading plan sealed by a NYS licensed engineer must be submitted.

Mr. Bova said the existing grade will remain the same; the area in back of the pool will not be touched. His intent when he got involved was to make this project easier, not harder.

Mr. Lilholt replied that the interpretation of the plans can be questioned. What level of assurance does the Board need from Clough Harbour. The plan is well defined and thought out, it will work.

The Chairman answered that any other applicant would also have to submit a grading plan. It is obvious that the water runs from top to bottom of the property.

Mr. Bova stated to the Board and Mr. Cuerdon that he is not interested in spending time with a topographical survey. His main interest is the drainage on the property and how he can remedy this for the Town. These are his intentions with the project.

Mr. Wendth replied that the Board is interested in making sure the applicant's interests are protected.

Mr. Cuerdon added that the grade of the property will not change. The gutters will be taking the water away and all the earth disturbed will be restored.

The Chairman stated that the Board is concerned with "dotting the i's and crossing the t's". It is not a matter of this plan won't work; it's about documenting the process.

Mr. Cuerdon responded by saying he is a working man and this is money out of his pocket.

The Chairman replied that this process can be expensive. It is the applicants responsibility to determine how far he is willing to take the project. The Board cannot have two standards depending on how much an applicant can afford. The public has to be protected and in this case there is a neighbor who is very concerned about the drainage of this project and he even made a personal phone call to express his concern. The Board needs to be able to document the process to ensure all the bases were covered on behalf of the neighbors of any project that comes before them.

Mr. Bova referred to number 6 in Clough Harbours review letter and the conditions of the ZBA stated that the plans need to be signed off by him; he also interpreted that as being developed by himself also. He has also spoken with Mr. Dufresne.

The Chairman replied that he also sees that as Ron designing the plan and then approving his own plan.

Mr. Hurst answers that Ron designed the plan but crossed the line as wanting to approve his own plan. It should be another engineer to say give the ok but it will be hard for them when they don't know the history of the site as Ron does. We have confidence in Ron's design, but Clough Harbour cannot approve the plan with out the extra material requested.

Mr. Lilholt stated that they recommend backflow preventers be installed in case the pond ever overflows its banks.

Mr. Bova replied that sump pumps are required to have backflow preventers per code. He feels this is a building department issue.

The Chairman asked Mr. Lilholt to provide the applicant with a list of what needs to be finished.

Mr. Cuerdon asked why he is going through all this.

The Chairman answered that the percentage of your square footage has increased such with the addition that you need to appear before the Planning Board. You accepted this when you agreed to the ZBA approval. The conditions stay with you throughout the project. This is the reason for the site plan approval and there is a process involved. The major issue here is with the drainage. The neighbors have issues. The Board will not say they think it will work, we need proof. Money cannot be the excuse to not do something that needs to be done.

Mr. Bova replied that he feels money can be much better spent to ensure that the drainage is done correctly. Can the applicant show spot shots and grade percentage on the plans?

Mr. Lilholt referred to number five on the site plan check list handed in by the applicant. It states a grading plan is needed. They need to see the elevation along the swale, the proposed driveway and the corner of the house.

Mr. Lilhol went on to say the applicant needs to have design information on storm drainage system, elevations from the common property line to swale and driveway. There needs to be the finished floor elevations, spot elevations on exterior corners of house, both existing and proposed. Spot interiors of corner of house. We already know the back drains to the front.

Mr. Lefebvfe asked about the design of the driveway and if the driveway will have a culvert.

Mr. Bova stated there will an asphalt swale to encourage the water direction.

Mr. Lilholt reiterated the five points that the applicant needs to address for approval from the Board. The ten foot separation needs to be provided, plans needs to be stamped by a licensed engineer, spot elevation need to be shown/grade change, the design information on storm drainage system needs to be provided, and the notation of work the Town Highway Department will undertake. There should also be a sign off that the conditions of the ZBA have been met.

Mr. Bova stated that the plans have not been submitted to the Building Department as yet. There should be a document agreement with the Town in regards to the catch basin installation.

Mr. Lilholt replied that this should be notated on the plan.

Mr. Bova suggested the plan be approved contingent on these items being addressed; modified grading plan and the ten foot separation will be maintained. This way the project will not be delayed another thirty days.

The Chairman asked the Board if they could do a conditional approval. The grading plan is the key point.

Mr. Hurst replied that these items all have to be addressed before the building permit can be issued anyway.

Mr. Bova stated that this is a unique project in that the Town is involved.

Mr. Hurst replied that the Town also wants to start working on this right away.

The Chairman read the Negative Declaration and made a motion to accept seconded by Fusco. The 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 accept conditional approval of the site plan based on the five points addressed by the Board be met, seconded by Lefebvre. The motion passed 5-0 with voting as follows:

Fletcher                    yes  
Wendth                     yes  
Lefebvre                    yes  
Fusco                        yes  
Chairman Woodin        yes

Mr. Hurst informed the Board the Mr. Ed Jubik submitted a zoning verification for a recycling plant on Hudson River Road. He was denied by the Building Inspector and he appealed that ruling. The Town Attorney then sent a letter to Mr. Jubik informing him that the decision of the Building Inspector stands and he needs to go to the ZBA if he wishes to pursue the project any further.

The Chairman made a motion to end the meeting at 9:29 p.m., seconded by Fusco.