

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

November 10, 2008

The meeting began at 7:35 p.m. with attendance taken. Present were members Peter Fletcher, David Wendth, Robert Lefebvre, Harriett Fusco and Chairman David Woodin. Also present was Rene Lipatas, Clough Harbour and Richard Hurst, Planning Director.

The Notice of Public Hearing was read for a Site Plan Review for three apartment buildings, four units each, at the end of Mercer Street.

Christopher A. Marchand spoke about the project stating that he has already completed the SEQRA process and is now seeking Site Plan approval. He has taken the necessary steps and has no new additions to present at this time.

The Chairman asked the audience if there were any questions.

Donna Mullahey, Mercer Avenue stated that she did not know there was Public Hearing tonight.

The Chairman asked Christopher A. Marchand if he notified the neighbors with the mailer.

Christopher A. Marchand replied that he was under the impression that the Chairman handled all that, he was confused and apologized for the mix-up.

The Chairman made it clear that he handles the legal notice and the applicant notifies the neighbors of the project. Just as the process has been handled in the past by this Board and for the Zoning Board, although their address proximity requirement is slightly different than this Board. Another Public Hearing will have to be scheduled since there was not sufficient notice given. This explains why no one is here from the neighborhood. The Board will take comments tonight, but everyone should expect more to come from the rescheduled hearing in December.

Christopher A. Marchand apologized again for the misunderstanding.

The Chairman replied that he can't let the insufficient notice slide, especially if a problem arises after the project is approved. A Public Hearing needs to be done correctly.

Donna Mullahey from Mercer Street asked if any changes have been made to the plan, such as parking.

The Chairman explained the parking changes that have been made. The Town Code is outdated as to its wording regarding parking, but the applicant has made the adjustments the Board recommended.

Ms. Mullahey asked about the handicap parking ratio.

The Chairman replied that the applicant has to be ADA compliant.

Rene Lipatas stated that the bottom floors need to be ADA compliant. This is due to the four extra apartments.

The Chairman commented on the common parking lot between the two buildings. There is a five foot wide sidewalk around the perimeter.

Ms. Mullahey commented that looking at the maps it seems nothing else has changed.

The Chairman replied that no trees are being cut down with the exception of a few that were in the building footprint.

The Chairman made a motion to close the hearing at 7:50 pm seconded by Lefebvre.

The Chairman stated that the Public Hearing will have to be rescheduled for next month.

The regular meeting began and the Chairman made a motion to waive the reading of the minutes from the October meeting, seconded by Fusco.

Attendance was taken and present were members Peter Fletcher, David Wendth, Robert Lefebvre, Harriett Fusco and Chairman David Woodin. Also present was Richard Hurst, Planning Director and Rene Lipatas, Clough Harbour.

Ms. Lipatas went on to state the issues she wants to address such as lighting; the use of foot candles, parking, utilities, and stormwater.

Christopher A. Marchand replied that the two issues he disagrees with are 1) stormwater and 2) accessibility. He has designed the parking lot by the Town Highway guidelines of twenty four feet wide. There are other options besides using Autoturn software. Chief Fairclough of the Fire Department sent a letter stating that he did not have any concerns with the maneuverability of the lot. He trusts the guys that drive these big rigs everyday. The Board had problems with the hammerheads so he added eight feet at the end, then that wasn't big enough so he made them ten feet.

The Chairman explained that the hammerheads needed bigger space and he has a lot of faith in Autoturn, he uses this quite often in his line of work. There doesn't seem to be a problem with the trucks backing in and out with this new plan. As a word of advice, the applicant should always consider the suggestions of the Board they are appearing before seriously, as this may prevent issues down the road.

Christopher A. Marchand replied that he feels he is jumping through hoops.

The Chairman stated that he was concerned with the three new parking stalls especially in the winter. Where will the plowed snow go? This will make the area more difficult to navigate with snowpiles.

Christopher A Marchand replied that this area can be plowed, just like a residential driveway. Snow will be placed elsewhere.

The Chairman noted that adding more parking will cut into the greenspace.

Christopher A. Marchand went over the topography of the project and he is trying to keep a level terrain along the entrance. He appreciates the input of the Board.

The Chairman added that it is a very tight space for this project, it is enclosed by trees.

Christopher A. Marchand replied that he is trying to minimize the disturbance of the area.

The Chairman expressed his concern about the parking on Mercer Street. It is a Village street that turns into a Town street. Not everyone has a driveway and when they park on the street it becomes almost a narrow one lane street.

Christopher G. Marchand questioned where Donna Mullahey would park if there is a no parking sign in front of her house.

The Chairman asked Ms. Mullahey where she will park.

Ms. Mullahey responded that she has no idea.

The Chairman replied that he can't tell her too park on Washington Avenue, but the land in front of her home is privately owned. It will be difficult at night for cars to navigate around her; you will need to get off the road. You don't own the property you are parking on.

Ms. Mullahey asked about the plowing in the winter.

The Chairman answered that the Village street goes to the Village line and the Town road takes over at this point. You will not see the Town come and plow Mercer Street for such a short section; about 50 feet.

Christopher G. Marchand replied that wherever the Village leaves off plowing they will take over, not a problem.

Mr. Hurst added that if the Village plows through the end of Mercer Street then they will continue to do that.

Chairman Woodin informed Mr. Marchand that the address of the complex will be 20 Mercer Street.

Christopher G. Marchand stated that Ms. Mullahey will need to pull her car onto her lawn to park.

The Chairman replied that a Town ordinance may be necessary for no parking along that stretch of Mercer along with three no parking signs.

Christopher A. Marchand asked if the accessibility issues were solved.

The Chairman replied that as long as Ms. Mullahey is not parking on the road, then we are ok.

Christopher A. Marchand went on to discuss the issue of stormwater. The NYS DEC does not require a stormwater management plan for disturbances less than one acre, such as this project. The Board asked for a two, ten and twenty five year Floodplain Development Plan. The Board then asked for a 100 year plan, and that was also done. In a torrential downpour no water from the site goes anywhere. There are no water issues at Van Schoonhoven, the swale is adequately designed. Regarding pre treatment, DEC requires this when you don't meet the threshold. He contacted DEC to confirm these findings and he is correct.

Ms. Lipatas replied that the area is very tight, Waterford is an MS4 community and she has recommended from the beginning to do a SWIP and do it properly. It seems that you are trying to keep it under one acre so not to have to do the extra work. Almost one acre is rooftop and pavement. You need to preserve the integrity of impervious land.

Christopher A. Marchand stated that he has his reputation and engineering background at stake for this project and he is following all the guidelines where DEC is concerned. He feels that Clough Harbour wants to bill him to review his SWIP.

Ms. Lipatas stated that after all your work what you have essentially done is a SWIP.

The Chairman asked the Board for their thoughts and suggestions.

Mr. Fletcher stated that he is not an engineer, but the Board has hired Clough Harbour just for this reason. He yields to Rene's recommendation that a stormwater SWIP review be done.

Mr. Wendth agrees with Mr. Fletcher, a SWIP review should be done.

Mr. LeFebvre questioned the amount of impervious area. He would want to make sure any issues were dealt with before building begins and we find out it's too late.

Christopher G. Marchand interjected that this is absurd. Water will not runoff that property. He is asking the Board for a little common sense here.

Christopher A. Marchand stated that he meets the DEC requirements. He has a letter from DEC. There are no questions to be asked.

Ms. Lipatas replied that she has not seen the letter he is referring to. She will not dispute that project is less than one acre, but that one acre is now paved.

Mr. Hurst asked if Ms. Lipatas was questioning the fact that if he paves this area he loses saturation.

Ms. Lipatas clarified that they are talking about .97 acres and he is working hard to maintain that less than one acre cutoff. The .97 acres are almost impervious. The area does infiltrate very well. Without pretreatment the concern is the runoff, which will now be dumped into the infiltration basin and will clog.

Mr. Hurst asked how to address these concerns.

Ms. Lipatas stated that this was reviewed by the stormwater department of Clough Harbour.

Christopher A. Marchand asked why the stormwater basin would be clogged. This is such a vast area, what exactly is going to clog it? The swale won't overflow. Test pits were done in this area at nine feet. The water flows down by pure gravity.

Ms. Lipatas asked to see the test pit sites shown on the map.

Christopher A. Marchand said it is not his intent to have one engineer's opinion over another on this matter. It is a tremendous expense to purchase pretreatment devices that can fail in five years.

Christopher G. Marchand asked Ms. Liaptas if she knows of any of these devices that are in existence now. What other options are available besides these devices.

The Chairman replied that with this question he will refer to the expert.

Ms. Lipatas answered that there are towns that use these devices. She has used them on her own property. Filters were discussed.

Christopher A. Marchand asked Ms. Lipatas how they move forward.

Ms. Lipatas answered that she will defer to her expert and have him give you a call. There are other options such as a forbay or trench. Infiltration is a wonderful treatment, better than retention ponds. DEC has guidelines to follow; she asked to see the letter Mr. Marchand received from DEC.

The Chairman read the letter from DEC dated October 29, 2008 which supports Mr. Marchand's claim that he does not have to do a stormwater management plan for this project as it is less than one acre.

The Chairman stated that while this project may not be under DEC regulation, the Town has the right to be more restrictive.

Christopher G. Marchand asked the Board for common sense in this area.

The Chairman replied that he would like Christopher A. Marchand to meet with the soils expert from Clough Harbour and maybe come to an agreement.

Mr. Hurst asked who will maintain the filters if they are used?

Ms. Lipatas replied that Chris would as they would be on his property.

The Chairman stated that the meeting may be a five minute conversation or it may be more involved.

Mr. Fletcher answered that he feels that is a fair compromise.

Mrs. Fusco asked if the meeting can be set up quickly to not delay this any further.

Ms. Lipatas replied that she will set it up right away.

Mr. Hurst added that the expert from Clough Harbour will also need to view the land.

The Chairman stated that he feels the accessibility issue of the project has been satisfied.

Christopher A. Marchand asked the Board what Autoturn movement he needs to show on the plan.

The Chairman explained that it should be shown that a truck the size of a standard fire truck could make the necessary movements. The Chairman also replied that the applicant needs to cross his i's and dot his t's. If the Town engineer suggests something, it can be a lot easier in the end if you just do it when initially asked.

Christopher A. Marchand stated that for safety reason he was asked to use foot candles for lighting at the last meeting. Now it seems there is problem.

Ms. Lipatas replied that you try to shield the neighbors as best as possible and the lighting seems to cast on the next lot by almost two feet.

The Chairman answered that there is an empty lot in this area and the lighting is fine by him.

Mr. Fletcher was in agreement.

Christopher A. Marchand spoke regarding the water and sewer. The water easement was going to be given during construction as soon as they located the line. They were able to locate the waterline sooner and they will be able to get a metes and bounds by a surveyor and grant the easement to the Town. In regards to the emergency access, he has contacted the proper people and was told it can take up to six months to get a response as it involves HUD and Catholic Ministries. He does have a letter from them also.

The Chairman replied that you need to keep documentation for Councilman Ball. It will not delay anything. We cannot make an outside party do anything but it will show due diligence on your part.

Christopher A. Marchand asked if it was possible to get Site Plan Approval with conditions.

Ms. Lipatas stated that the easement for the waterline will be to the Waterford Water Commissioners, the sewer line will be to the Town. We all seem to be on the same page with these items. In regards to the sewer and water line placements, Van Schoonhoven does not have to give you approval to run the sewer and water over their land.

Christopher A. Marchand replied that he is connecting to a municipal manhole.

Mr. Wendth asked if he needs this approval prior to a Building Permit?

Ms. Lipatas asked if there are other options for the placement of the lines?

Christopher G. Marchand replied that they could tie into Mercer Street, but looking at the map they may not even be on VanSchoonhoven's property.

Ms. Lipatas advised the Board to hold off on approval until they know for sure where the sewer line will release to.

The Chairman stated that VanSchoonhoven will have to grant an easement.

Christopher A. Marchand replied that Rich Thyrring from the Sewer Department did look into connecting with Mercer Street.

Ms. Mullahey replied that Mercer Street can't handle any more; she has had several issues with her sewer backing up into her home. Many of her neighbors also have problems with water backing up into their basements.

Mr. Lefebvre asked if it would all be gravity aiding the release through Van Schoonhoven.

Christopher G. Marchand answered yes, but if they have to tie into Mercer Street they will have to pump one building.

The Chairman stated that they will need to have a backup plan if an easement from Van Schoonhoven is not granted. The Board will need a letter from the Sewer Department stating that you have approval to tie into Mercer Street if needed. If you have to tie into Mercer Street you will only have to pump one building as the other two will be taken care of by gravity?

Christopher G. Marchand answered yes, and he will talk to Rich Thyrring tomorrow.

The Chairman replied that he is not comfortable going forward until he has that information from the Sewer Department.

Ms. Lipatas added that the sewers may be combined on Mercer Street, which may be the reason for the water backing up. There should be an easement for ingress and egress. Ownership of the easement should be shown on the plan over the driveway. What is Town owned and private owned needs to be clearly defined on the plan. Easement for ingress and egress should also be clearly defined.

The Chairman made a motion to set a Public Hearing to hear comments for Site Plan Approval for the Mercer Street Apartments on Monday December 8th at 7:30 pm. Seconded by Fusco, the motion passed 5-0 with voting as follows:

Fletcher	yes
Wendth	yes
Lefebvre	yes
Fusco	yes
Chairman Woodin	yes

Christopher A. Marchand asked if he was to send out notices to the names on the letter that gets sent into the Gazette.

The Chairman replied that he will submit the Notice of Public Hearing to the Gazette and Mr. Marchand should send out notices to the included names on the copy he handed out earlier. The notices should be mailed out by December 1, 2008.

Member Harriett Fusco excused herself from the meeting and the Chairman stated that Richard Hurst will fill in as the Alternate Board Member.

Tom Lewis of Stewart's came before the Board to discuss changes to the Stewart's plaza at 280 Middletown Road. They wish to replace the existing two gasoline pump island with a three pump island and two new tanks.

The Chairman made a motion to set a Public Hearing to hear comments regarding an expansion of the Stewart's plaza at 280 Middletown Road for Monday December 8, 2008 at 7:25 pm. The motion passed 5-0 with voting as follows:

Fletcher	yes
Wendth	yes
Lefebvre	yes
Hurst	yes
Chairman Woodin	yes

Mr. Lewis went on to discuss the project and added that the drive thru experiment for this location failed. They will be spending around \$250,000 to improve the gas island. They will not be building many new stores so they are investing in their existing stores. The bigger island is needed here for the traffic it receives and the angled island will make for easier maneuverability.

The Chairman looked at the plans and replied that there is more than enough parking at this site and this will just be widening the area between the island and the store which will slow down the cut thru traffic he has seen. It looks like you will be taking out a paved area. Will there be one put back in? Also, are the trees along the parking lot being removed? These trees acted as a buffer for the neighbors. This was an important issue when this was first built.

Mr. Lewis answered that he will put the trees back if that's what the Board wishes.

The Chairman asked how much more lighting will be used.

Mr. Lewis replied that this will be down light, which is very low key.

Ms. Lipatas asked if anything was submitted to the Building Department yet.

Mr. Hurst answered yes.

Mr. Lewis asked about the notice of Public Hearing he needs to send out. He will give the Chairman a list of the abutters and will include across the street. The Town of Halfmoon will also need to be notified.

Ms. Lipatas replied that she will send the notice to the Town of Halfmoon.

The Chairman asked about other projects.

Ms. Lipatas replied that the Cuerdon site plan is completed, it has taken since August. The plans were stamped and signed tonight.

The Chairman talked of a decision made by the Zoning Board that may affect future subdivisions. The lot on the corner of Carriage Way and Middletown Road was deemed not a corner lot because Carriage Way is a private Road. Maybe corner lots need to be labeled on plans from now on.

The Chairman made a motion to close the meeting at 9:45 pm seconded by Lefebvre.

