

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

**Minutes of March 9, 2009**

The meeting began at 7:32 pm with attendance taken. Present were members Peter Fletcher, David Wendth, Richard Hurst, and Chairman David Woodin. Also present was Rene Lipatas, CHA and Craig Crist, Town Attorney. Absent were members Harriett Fusco and Bob LeFebvre.

The Chairman made a motion to accept the minutes of the February 2009 meeting, seconded by Wendth. The motion passed 4-0 with voting as follows:

Fletcher	yes
Wendth	yes
Hurst	yes
Chairman Woodin	yes

The Chairman stated that there are two items on the agenda this evening: 1) Carriage Way matter and 2)the discussion of zoning changes. The Board will defer the Carriage way matter until a little later in the meeting as the Town Attorney has not arrived yet.

Mr. Hurst replied that there are a few items that need to be looked at in regards to the zoning laws. Ray Carmel, the Building Inspector, and he have gone over these and they need to attention of the Board.

Mr. Hurst referred the Board to section 161-14 in the code; this is a C2 zone, Commercial District. Under section A should read, allow uses permitted in Residential District. The same should be true for section 161-15, the M1 Manufacturing District. It should also read under section A: allow uses permitted in Residential District. These two districts (M1 and C2) seem to have this clause left out in the code.

Mr. Hurst and Chairman Woodin are in agreement that this may just have been an omission in the code. All other zones have this permitted use included.

Mr. Wendth asked if this inclusion would impact a businesses' ability to operate because they were abutting a residence.

Mr. Hurst replied, No, the zone itself would not change.

Chairman Woodin added that this would give someone the opportunity to replace their home if they wanted a new one.

Ms. Lipatas added that the code does refer to restoration; allowing structure to be replaced within eighteen months for same use.

Mr. Hurst went on to discuss the issue of corner lots. If a person owns a lot, there is a main street in front, and a proposed street on the side, does this make it a corner lot?

Chairman Woodin replied that once the subdivision is filed with the county that is the point it becomes a corner lot.

Mr. Hurst added that the height of accessory structures needs to be better defined in the code. This is Article 5 of Accessory Structures. Should we include a notation regarding the inclusion of industry standard?

Mr. Crist advised the Board to leave the code as it is regarding accessory structures. The ZBA will have control for variances if need be.

Mr. Wendth added that an accessory structure should remain an accessory structure. There should be another paragraph that deals with gas canopies and their height requirement being stated. There should be a cap on the height.

Mr. Fletcher was in agreement.

Chairman Woodin replied that he wasn't sure if there was an industry standard on the height of gas canopies.

Mr. Hurst answered that they will hold off on this for now.

Mr. Wendth suggested adding a gas canopy as an accessory structure, for example.

Mr. Hurst replied that the ZBA has dealt with this issue of what is an accessory structure. He also wanted to get the Boards input on adding aluminum as an approved material for fences.

Chairman Woodin added that originally the code stated that the fences were to be made of manmade materials. There should be no issue adding aluminum as an accepted material.

Mr. Fletcher asked if there was anything in the code that states which side of the fence should be facing out.

Ms. Lipatas replied that most codes stated fabric side out.

There was a two minute break as Chairman Woodin and Mr. Crist conferred on a matter.

Chairman Woodin reconvened the meeting to discuss the Carriage Way matter. He then read a letter he prepared in case the applicant, Mr. Hajeck , did not appear. The letter dated March 9, 2009 contained a brief history of the ongoing Carriage Way Subdivision, the lack of progress made by the applicant to satisfy the 2003 court settlement, and the request of the Planning Board to reaffirm its 2007 decision to consider the project abandoned and refer it back to the Town Board for enforcement.

Mr. Crist stated that Ms. Hajeck was here on behalf of herself and he has spoken to Ms. White, Ms. Hajeck's attorney.

Mr. Crist asked Ms. Hajeck if she had brought any plans for the property with her this evening.

Ms. Hajeck replied no.

Chairman Woodin asked if there were any comments from the Board.

Mr. Hurst replied that there has been nothing received from the applicant, there was a letter sent to Mr. Hajeck on March 1, 2009 and still he is not present. The letter the Chairman read explains it all.

Mr. Crist stated that it is the neighbors who are suffering in this situation. They are quite frustrated at having to look at the unfinished property. There have been complaints lodged to the Town Board.

Mr. Hurst showed the Board recent pictures taken of the property. The pictures show the property is in a very bad state, the runoff has affected adjoining property.

The Chairman made a motion to accept the letter and consider the project abandoned and appropriate action should be taken. The motion was seconded by Wendth. The motion passed 4-0 with voting as follows:

Fletcher	yes
Wendth	yes
Hurst	yes
Chairman Woodin	yes

Mr. Crist added that if the applicant has supplied plans on a timely matter we wouldn't be here.

Ms. Hajeck stated that her attorney, Ms. White, would be in contact with Mr. Crist about this matter.

Mr. Hurst added that this project has been ongoing since 2002. The Town has been to court with Mr. Hajeck two times, the neighbors are suffering.

Mr. Wendth also added that since he was appointed to the Planning Board in 2003, this project has been a career for him on the Board. It has been a series of late submittals, not being prepared for the meetings, and changing the design after both parties had been working hard to make this work.

Mr. Fletcher further added that he has heard the complaints from neighbors and this has gone on too long. The Town has gone out of their way to resolve this matter and work with the applicant. He has been involved with this project for three years and he is amazed at the amount of time and effort that has been put into this and then the applicant just walks away.

Mr. Hurst readdressed the changes to the zoning code and specifically the R75 zone. The "allowed uses only" should be included. The current language can be misconstrued. He also spoke about possibly including outdoor furnaces and portable garages as accessory structures as we are seeing more and more of them in the area.

Mr. Crist replied that maybe the code needs a section where an accessory structure is defined and the allowed structures are listed.

Mr. Hurst asked the Board to think about keyhole lots and maybe stricter zoning is needed here. People are coming up with more creative ways to develop land as it becomes scarce. We need to think of the neighbors involved in these types of lots. The zoning map also needs to be corrected. We have a Land Conservation District that covers a larger section than anyone was aware of. It impacts people's yards. He will write something up and give it to the Board to review.

The Chairman made a motion to close the meeting at 8:55pm, seconded by Hurst.