

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

**Minutes of April 13, 2009**

The meeting began at 7:34 pm with attendance taken. Present were members Peter Fletcher, Bob Lefebvre, Harriett Fusco, and Chairman David Woodin. Also present was Rene Lipatas: Clough Harbour, Ray Carmel: Building Inspector and Richard Hurst: Planning Director. Absent was member David Wendth.

The Chairman made a motion to waive the reading of the March 9, 2009 minutes and accept the minutes as submitted, seconded by Ms. Fusco. The motion passed 4-0 with voting as follows:

Fusco	yes
Fletcher	yes
Lefebvre	yes
Chairman Woodin	yes

Ms. Lipatas stated that Tom Despart will be requested to attend the May meeting to update the Board on his continuation of plans for a PUD on Hudson River Road. Mentioned was the condition of the Carriage Way Road and possible lien on the taxes to ensure it will be addressed. The work at the Stewart's on Middletown Road has also begun. The additional lot on Gadwall in Riverbend has already been staked out; there is no paperwork yet on the site. There is a big drop off in the back. The lot size maybe within 100 feet, but the grading in the back needs to be closely looked at.

Chairman Woodin asked about the home next to the trail in regards to the drainage on the property.

Mr. Carmel replied that they have been issued a conditional C.O. and have till June 1, 2009 to remedy the situation. They are trying to create a swale.

Ms. Lipatas added that she believes a SHPPO signoff was also required.

Chairman Woodin added that he has seen some work progressing at the Mercer Street site owned by Chris Marchand.

Mr. Carmel replied that the foundation on building one is completed. There was also a variance granted at the last ZBA meeting for 89 Grace Street.

Mr. Lefebvre asked why a variance was needed.

Chairman Woodin answered that the home is located in a Land Conservation District. Town Code states that a home cannot be altered in an LC District.

Mr. Carmel added that he had consulted with the town attorney and the applicants needed to go before the ZBA.

Mr. Woodin stated that the applicants will need to appear before the Planning Board because of the exterior alterations they wish to make. They cannot increase the footprint of the home by more than 25%. The discussion of the LC District and possible incorrect mapping ensued.

Mr. Hurst stated that the Zoning Map is drawn wrong regarding the LC District but he is unable to locate the verbiage to confirm this. He will continue to look into this.

Mr. Carmel added that inaccuracies on the zoning map make it difficult to do the zoning verification form.

Mr. Hurst replied that changes need to the map need to be done by local law. He has searched the records and cannot find one relating to this LC District.

Ms. Lipatas discussed moving zoning lines.

Mr. Hurst suggested they draw up a zoning map, draw lines where they should be and then give to the town attorney.

Mr. Lefebvre asked what the laws are regarding river boundaries.

Mr. Hurst replied that the canal has a blue boundary line.

Chairman Woodin added that the homes along Towpath Lane in Riverbend could not be advertised as riverfront homes since the ACOE needs to give the homeowners a permit to have access to the river.

Mr. Hurst informed the Board that he has located maps of the Catello Drive and Mountainview Drive areas; they do not contain the Jensen property that may fill in some blanks regarding the zoning of the LC District and restrictions. We can redraw the boundary line if need be.

Mr. Lefebvre asked if there was any paperwork that just dealt with the Jensen property, it was about twelve acres.

Mr. Hurst stated that they can have the new boundary line drawn around the Mountainview subdivision and the existing twelve acre lot for the LC District.

Mr. Carmel asked about the Town Code as it relates to corner lots, the code will stay as it for now. The mention of permitting aluminum as an approved material for fences in Riverbend was also discussed with no objection from the Board.

Mr. Carmel addressed the wording changes to the M1 and C2 Districts to allow uses permitted in Residential District. Also Section 131, where enlargement of home by 25% requires Site Plan Review.

Ms. Lipatas asked for clarification in regards to the wording for the M1 and C2 District. It will be more specific to which Residential District it is referring to; it will be the R75 District. Also for the C3 District; it should also read, "permitted uses as stated in R75 Residential District."

Mr. Hurst stated that he will present these changes to the Town Board at the next Agenda meeting. In regards to the Site Plan Review, the Board is more concerned with the size of the project rather than the overall cost of the project. If the project increases the size of the existing structure by more than 25%, then the applicant will have to go for Site Plan Review.

The Chairman made a motion to close the meeting at 8:53 pm seconded by Fusco.

