

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

Minutes of March 13, 2023

Prior to the meeting, the Board met with Craig & Loretta Mackenzie of 11 Fonda Road. The Mackenzies were before the Board to present a lot line adjustment for their property at 11 Fonda Road. A map was presented showing the 5.553 acre parcel owned by the Mackenzies had previously been subdivided into two smaller lots in 1930 & 1931. They now wanted to readjust that common boundary line to make the undeveloped second lot smaller and available for sale. Earlier in the day, it was confirmed that the parcel was condensed into one parcel (5.553 acres) prior to 2003. As a result, a lot line adjustment is not appropriate, but a minor subdivision would be the proper means to create the smaller second lot. The Mackenzies were requested to meet with the Chair on Thursday and he would assist them in revising their application and setting a public hearing for them on April 17th.

At 7:30 PM, the regular monthly meeting began immediately with attendance taken. Chairman Woodin and members Peter Fletcher, Harriett Fusco, Paul Henry, and Robert Lefebvre were present. Alternate member Brian Brusco was also present. Consultant Nan Stolzenburg called in via Zoom.

The Chair noted that this was the first meeting of the year and that the Town Board re-appointed David Woodin as Chairman for 2023. The Town Board also re-appointed Paul Henry as a member for a five-year term.

The Planning Board re-appointed Harriett Fusco as Board Secretary by a 5 – 0 vote (motioned by Woodin, seconded by Lefebvre)

Chairman Woodin motioned that the reading of the October minutes be waived and the minutes approved. Motioned by Lefebvre and 2nd by Henry. The motion was approved 5 – 0.

At 7:38 PM, Scott Lansing of Lansing Engineers presented a plan for a PDD at 116 Hudson River Road to be known as Hudson River Road Apartments. The owner, Thomas Despart of MYLAND Corporation has proposed a PPD on 26.12 acres of land. A revised plan was submitted in Fall 2022, but never presented to the Planning Board. The plan was again significantly revised in February 2023. The new plan has one less building (7 vs 8), more apartment units (288 vs 252), and a clubhouse building (the outdoor swimming pool has been deleted). Parking will now occupy the first floor of each building with parking for 576 vehicles (408 outdoor parking spaces and 168 indoor 1st floor garage stalls). There would be emergency access to Higgins Road. The original

proposal originated circa 2005 and has been revised several times. In 2006, the Town Board became the Lead Agency for the SEQR Review and the Planning Board is charged with providing a non-binding recommendation to the Town Board as to whether a PDD should be established on this property. The last time the project appeared before the Planning Board was in 2017.

Mr. Lansing noted that the apartment buildings would be five stories high with a flat roof. The first floor would be reserved for parking with floors 2 through 5 containing apartments. The apartments would be geared towards empty nesters and young professionals. There would be a mix of bedrooms and size with 1000 to 1200 sf on average. He was not sure if there would be any three-bedroom units. Although a swimming pool had been deleted from the previous plan, Mr. Lansing stated that a pool would be shown in later versions next to the clubhouse.

Only a half-acre of wetland would be disturbed and that would be where the entrance road is located.

The Board had questions for Mr. Lansing. The Chair started off with a comment that the potential maximum number of units (684) was not possible because the Town had revised the Zoning Code in 2021 from 40 to 12 units per net acre. This meant that only 205 units could be built. Nan Stolzenburg asked if any affordable units would be included as this can be used as a bargaining chip to allow more units than specified in code if affordable units were being provided. Mr. Lansing said that this had not been considered.

Board members asked Mr. Lansing questions about traffic (no signal required), DEC requirements, sewer, and rental prices (about \$1500 to \$2000 per month).

A few neighbors were in the audience and were allowed to ask questions. Gerald Farina of 88 Hudson River Road asked where were the wetlands and containment area on the map? He also wanted to know if fencing would be installed to prevent people walking from the apartments through the yards of the Hudson River Road neighbors. The answer was that no fence is planned. Farina also asked about the size of the driveway (20 to 24 ft wide).

John Pakatar of 94 Hudson River Road asked if the drainage areas were going to be detention or retention ponds? Lansing responded that he thought they were detention ponds. Mr. Pakatar expressed on-going concerns he has had with water from the parcel flooding his property. He was also concerned that the existing drainage system could not handle the water that will now flow off the property. Mr. Farina stated that he had concerns about allowing affordable housing. He did not fully understand what the term meant. Nan Stolzenburg explained how it refers to an income closer to the average resident and is not Section 8 housing.

In February, the Zoning Board of Appeals reviewed and approved two requests for interpretations requested by the Planning Board. The Chair explained what the requests were and how they impact the Planning Board going forward. The first one involved the measurement of road frontage. The Planning Board had a long-standing policy to include any frontage along a public road when calculating the amount of available road frontage.

As an example, a parcel may have two sections of road frontage along Road A. The two sections might be 75 feet and 50 feet respectively. Alone, there is not sufficient road frontage to approve a single-family home on a R-100 district lot. Together, there is enough road frontage. Another practice that the Board has followed is that it will include all road frontage for a single parcel regardless whether it abuts one road or more. In this example, a parcel borders four roads with 960 feet of frontage. This would allow for nine units if an apartment complex was to be built on the property (100 feet of frontage per unit). The Zoning Board agreed with the Planning Board that this was an acceptable way to address the frontage requirements.

The second interpretation involved the need for site plan review if a one or two-family home was going to have an addition that exceeded 25% of the building size. The Zoning Board agreed with the Planning Board that this requirement should be stricken. The requirement lacked consistency as two homes located on the same size lot and proposing the same size addition could find the smaller house requiring site plan review and not the larger home. This is due to the addition being proportionally larger for the smaller home and exceeding 25% of the total square footage of the smaller home.

At 9:10 PM, Lefebvre motioned to adjourn, 2nd by Fusco.