

TOWN OF SHANDAKEN PLANNING BOARD
MINUTES FOR PUBLIC HEARING & REGULAR MONTHLY MEETING 4/10/13

The Public Hearing was opened by Chair Joanne Kalb at 7:00 PM with the Pledge of Allegiance to the Flag. The Secretary called the roll, advised that a quorum was present and that the meeting could commence.

ROLL CALL:

Don Brewer	Present
Art Christie	Present
John Horn	Present
Joanne Kalb	Present
Joan Munster	Present
Faye Storms	Present
Cliff Rabuffo	Present
Roll Call Summary:	

7 present 0 absent

Others Present: Eric Hoffmeister, Wilfred Nolte, Paul LaPierre, Bob Kalb, David Schnack, Gary Carr Jr. Bethia Waterman, Susan Bernstein, Shea Settini, Michelle Spark, Berhard Handzel, John Wasylyk, Suzanne Gilmor, Mark Lerner, Nancy Howell, Rod Futerfas, Murray Nass, Lynn Parker, Council Member Doris Bartlett

Case 2012-10 The Phoenicia Library PO Box 555 Phoenicia, NY. They are seeking site plan review for property located at 48 Main St. Phoenicia, NY SBL# 14.13-3-4, Zoned HC

Fire Chief Gary Carr Jr. spoke in regards to fire safety of the proposed building. He indicated his concerns are with the building being so close to the neighbors it would not be possible to get a ladder up on that side of the building and with buildings so close together a fire would have to be fought from the front or back of the building. He indicated that with the metal roofing, it holds the heat in and is difficult to vent. Also, with the neighbors there may be an issue with the residents getting out on that side of the building. He feels there is not enough clearance between the roofs.

Susan Bernstein read a letter from a firefighter Karl Laughlin, from a nearby town indicating there would be little effect on fighting a fire at that location.

Eric Hoffmeister spoke and showing a copy of his mother's map indicating a five foot clearance from the property line. He indicates that would not be the case with the library and they would have to trespass on his mother's property. He indicates that North Engineers letter is just their opinion on the water level in case of a flood. He indicates that the flood data used was not from the Cold Brook flood basin but from the Schoharie and Phoenicia uses the Cold Brook information. He indicates the letter from Joe Michaels is again just his opinion and means nothing. He addresses the access to the rear of the building and permission given by Alfred Peavey through his property. Mr. Hoffmeister indicated he spoke with Mr. Peavey who stated that he would only give them access for a year and would not give them permanent access. Member Storms advised that through several conversations she has had with Mr. Peavey, he indicated he would give access during the construction phase and if something were to come up in the future, he may give them additional access. He should get this in writing. He addressed the fire rating code in which he feels it is not sufficient and the slope of the handicap ramp when used as a emergency egress.

Attorney Rod Futerfas asked what the date of the map that Mr. Hoffmeister presented was. Mr. Hoffmeister indicated that it was recent.

Mr. Wasylyk addressed the concerns presented by Chief Gary Carr Jr. and Mr. Hoffmeister. He indicated that this project meets all current New York State Fire Codes. Member Storms asked if there were other ways to access the building in case of a fire, Chief Carr indicated there is. Chair Kalb asked about means of egress for handicap people. Mr. Wasylyk indicated that with the fire stairs there is an automatically closing fire door and has an area of refuge, which is protected from the rest of the building and you can await rescue which again is code requirement. Mr. Wasylyk showed this to the board using the model they presented. More discussion was held on the fire rating and code. Mr. Wasylyk indicated that on page seven of the plans it indicates the Fire Underwriters information regarding the fire ratings.

Member Don Brewer read an e-mail sent to him by the New York State Fire Marshall Dan Nichols regarding the fire rating, section 704.5, indicating the fire rating must be done on the inside and outside walls. Mr. Wasylyk indicated it is.

Chair Kalb asked if there is a sprinkler system throughout the building. Mr. Wasylyk indicated there is not as they are just under the threshold for requiring one. A discussion was held on the windows being fire rated and on the south side the windows are five feet from the property lines.

Mr. Hoffmeister indicate everything he has read indicate it should be a three hour fire rating on this building and the building next door is not fire rated.

Member Christie had questions regarding the handicap staging area and if it blocks the stairwell. Mr. Wasylyk explained where the area is and that it does not block the stairwell. A discussion ensued on the height of the building and the fire that occurred in 2010. It was explained that the second floor windows in the neighboring building were residential quarter.

Attorney Futerfas indicated that the Library has addressed the flooding issues and the fire rating with the letters that were submitted. He indicated that Mr. Hoffmeister did not provide any supporting documentation to support his concerns. He indicates that the Library has addressed all issues and that the plans submitted meet all current state building codes and fire codes. He indicates that there were many meetings with the Zoning Board of Appeals were these issues were addressed extensively and the New York State Supreme Court upheld the Zoning Board of Appeals decision. If this board denies the site plan it indicates that the Library would be held to a different standard than the rest of the buildings in the town.

Mr. Hoffmeister addressed the board indicating the measures they took to work with the library and the library refused their suggestions. Liz Potter indicated they did look at the suggestions that were made and it was determined that it wasn't feasible. Mr. Hoffmeister indicated that there was no reason to increase the square footage and that the handicap ramp could be done on the inside. He also asked if any members of the board currently hold a library card as they may have a biased opinion.

Mr. Wasylyk showed the board the approved septic design (all members have copies) Mr. Hoffmeister indicated there was no variance granted for the septic and there was no actual architectural site plan for the septic. Mr. Hoffmeister was shown the plan.

Chair Kalb addressed the concerns presented and the support for the Library by the rest of the residents of the town. Chair Kalb indicated it would be nice if a compromise could be found. Attorney Futerfas indicated it has gone way beyond the point of compromise. Member Christie asked for an overview of the conversations were regarding a possible compromise. It was indicated that Mr. Hoffmeister suggested they not put an addition on but would be willing for the library to stay as it was with a small addition for the handicap access and an elevator shaft. A discussion continued on the content of those conversations. Liz Potter explained the need for the additional space and had e-mailed Mr. Hoffmeister several times regarding this and received no response. Mr. Hoffmeister indicated that the Library had the plans drawn up and then came to the neighbors and indicated that this was what they wanted to do.

Member Christie asked if the involved parties would now be willing to negotiate. Mr. Hoffmeister indicated no.

Attorney Futerfas indicated this is technically a new building totally within the confines of what the laws require.

A member of the public asked if the fire department would be able to get someone out of a second story window in case of a fire. Chief Carr indicated it would depend on the situation.

Mr. Wasylyk pointed out that on page one of the plans, you can see on Mr. Nolte's building two windows, one facing the handicap ramp and the other further back. Is this window the only window located in the bedroom? It appears that the upstairs window is not located in the passageway and is further back from the addition. Mr. Nolte indicated the side addition would block his window. Mr. Nolte indicated that he will continue to fight this. Member Brewer indicated that the Planning Board has to make sure that all issues are addressed and also the concerns of the public and the neighboring properties. He indicated there are no stamps on these plans from an architect. Further discussion was held.

Attorney Futerfas is indicating that there should not be any compromise at this point and it is not the job of the board to facilitate a compromise and he is asking for a board vote on this case. Member Christie responded that they need to address the concerns of all involved. Mr. Futerfas is renewing his request for a vote on this case.

There being no further questions or comments, a motion was made by member Don Brewer to close the Public Hearing. Seconded by member John Horn, all members present in favor.

The regular monthly meeting was opened. Roll call was dispensed with as there was no change in attendance.

A motion was made by member John Horn to approve the site plan review. Motion was seconded by member Cliff Rabuffo.

Roll Call vote:

Don Brewer-Yes

Art Christie- Yes

John Horn-Yes

Joanne Kalb- Yes

Joan Munster- Yes

Faye Storms—Yes

Cliff Rabuffo- Yes

The site plan review was approved with the condition that if there are any changes they need to come back before the Planning Board for further review.

1. Old Business: Case 2012-03 Robert Krendel 61 Marion St. Lynbrook, NY Lot Line Adjustment for property located at 802 Route 214 Chichester, NY.
Don Brewer is here representing Mr. Krendel and has explained that he is requesting a lot line adjustment to take two parcels he owns and combine them into one so that he may build a house. Mr. Brewer has presented the board with plans showing the parcels.

Motion was made by member Faye Storms to approve the Lot Line Adjustment. Seconded by Chair Joanne Kalb, all members present in favor with member Don Brewer abstaining.

2. New Business: Case 2013-04 Lisa & David Schnack PO Box 195 Big Indian, NY Site Plan review for property located at 7 Oliverea Rd. Big Indian, NY, SBL# 12.7-2-28, Zoned HB. They are seeking approval to construct a roof over an existing outside deck.

Mr. Schnack is present and explained that there originally was a roof over the deck but it was removed and they would like to construct a new one.

Motion was made by member Joan Munster to approve the site plan review to construct a new roof over an existing outside deck. Seconded by member Art Christie, all members present in favor.

Case 2013-05 Empire State Railway Museum PO Box 455 Phoenicia, NY seeking a Lot Line Adjustment for properties located on Lower High St. Phoenicia, NY to combine five parcels into 1 larger parcel.

Mr. LaPierre is here for the Railway Museum. He explained that some of these parcels are pre-existing non-conforming in size and they would like to combine them to make one large conforming parcel. They would like to in the future construct a large shed to be used for restoring railway cars and by combining the parcels they would be able to meet the current zoning setbacks. They do not currently have updated survey maps but are in the process of getting them. They would like to try and get the approval as soon as possible. The board advised them that if they get the new plans the board would consider holding a special meeting to review this information.

Other Business: None

Approval of the minutes from March will be tabled until April's meeting to give all members time to review.

There being no further business a motion was made by member Faye Storms to adjourn the meeting. Seconded by Chair Joanne Kalb, all members present in favor.