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PLANNING BOARD

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MEMBERS

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Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board
September 23, 2014

Those present at the September 23, 2014 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, E. Ophardt, K. Paulsen,
T. Werner

Those absent were: J. Koval, E. Prescott – Alternate Member

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
T. McCarthy, Town Attorney
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro reminded Board members that the next Planning Board meeting will be held on WEDNESDAY, October 15, 2014 due to the Columbus Day holiday.

Minutes Approval:

Mr. Hale moved, seconded by Mr. Ophardt, approval of the minutes of the September 10, 2014 Planning Board meeting as written. Ayes: Ophardt, Paulsen, Hale, Andarawis, Werner, Ferraro. Noes: None.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2006-035] **Preston Court (formerly approved Dickinson Subdivision)** – Review of information provided by the Building Department relative to the restrictive covenant for 859 Main Street. SBL: 265.-1-55.111

Mr. Ferraro explained that at the Planning Board meeting held on September 10, 2014, the Planning Board determined that Mr. David Lenney, owner of the "Smith House," which sits on a parcel that was originally part of the Dickinson Subdivision, was in violation of the restrictive covenant for the property which stated that "the existing home shall be maintained and preserved by the grantee, its heirs, successors and assigns, in order to preserve the historic architecture of the home." As part of its resolution, the Board directed the owner to secure the building and protect the structure from the weather elements and unauthorized intruders by closure, replacement and/or repair of windows and doors, repair of the leaking porch roof, and replacement of flooring on the porch. The Building Department was asked to provide a draft scope of work for Planning Board consideration within the fourteen (14) days of the meeting date. On September 15, 2014, Mr. Myers, Director of Building and Development, forwarded a memo the Planning Board members and Mr. McCarthy, Town Attorney, which outlined the results of his site investigation of 859 Main Street conducted on that date. The memo [which is appended to these minutes] contained comments on the twenty-eight (28) photographs of the property contained therein as well as recommendations for "immediate remediation" and "maintenance and preservation" of the home. Mr. Ferraro thanked the Building Department for a "very thorough review and analysis" replete with photographs for the Board's review and explained that the charge to Planning Board members at this evening's meeting was to review the information presented by Mr. Myers to determine if it is reasonable to request that the owner complete all the recommended improvements identified in his report as required for "immediate remediation" and for "maintenance and preservation."

Mr. Ferraro reported that Mr. Lenney, owner of 859 Main Street, had forwarded an e-mail to Planning Board members late this afternoon. [A copy of this letter is attached to these minutes.] Since he was unable to review the letter prior to the meeting, Mr. Ferraro asked Mr. McCarthy to provide a "synopsis" of its contents. Mr. McCarthy explained that Mr. Lenney's correspondence began with a statement regarding the condition of the wrap around porch, noting that in both 2010 and 2012, the Historic Preservation Commission agreed that the porch should be removed and reconstructed. He believes that this information was not provided to the Board at its September 10, 2014 meeting. Mr. McCarthy commented that the recommendations of the Historic Preservation Commission have not changed since memos were issued in 2010 and 2012 and that if Mr. Lenney submitted plans for removal of the existing porch and replacement with one that was "aesthetically close" to "what's there now," it would be consistent with past recommendations and likely approved by the Building Department. Mr. McCarthy asked the Board to consider that the information it received regarding the condition of the house was provided not only by the Historic Preservation Commission and Town Historian but also by the

Director of Building and Development and Planning Board Chairman. The speaker addressed Mr. Lenney's assertion that the Planning Board acted "in retaliation" for allegations of impropriety that Mr. Lenney had made regarding actions of another property owner stating that the placement of the item on the September 10th Planning Board agenda was not an "act of retaliation" but a request from him – Mr. McCarthy – to include the item regarding the restrictive covenant on that agenda for Planning Board discussion.

Mr. Ferraro stated that he was very impressed by the property evaluation and comprehensive report prepared by Mr. Myers. He reported that when he visited 859 Main Street on Sunday, September 21, 2014, it was obvious that work had been done to secure the property. He reported that a window had been replaced and that doors were closed and secured. Mr. Hale described the Building Department's report as "straightforward" and "reasonable" and stated that the information provided could be quite easily appended to the decision rendered by the Board at its last meeting. In response to Mr. Ophardt's question regarding the owner's failure to comply with mandates, Mr. McCarthy stated that an enforcement action would be initiated at the Town Court level. Mr. McCarthy noted that Mr. Lenney did mention in his letter that he was pursuing a cancellation of the Historic Preservation Easement through litigation. Mr. Pelagalli pointed out that it is unlikely that the courts "would substitute their judgment for the Planning Board's decision" if the record regarding the Board's action is "complete and clear."

Mr. Scavo, Director of Planning, recommended that the "decision offered by the Planning Board at the last meeting be amended to incorporate the findings and recommendations for "immediate remediation" and "maintenance and preservation" as contained within the memo of September 15, 2014 from Mr. Myers, Director of Building and Development to Members of the Planning Board and Mr. McCarthy, Town Attorney.

Mr. Ferraro reiterated the fact that his opinion regarding the owner's obvious failure to comply with the restrictive covenant was not based simply on reports from the Historic Preservation Commission or the Building Department but on random site visits and personal observations over several weeks. Although he did report that it was apparent from his September 21, 2014 visit that the owner had done some work to secure the property, he would support an amendment to the Board's September 10, 2014 decision that would require the applicant to work more diligently to provide "immediate remediation" and "longer-term maintenance and preservation" of the homestead. Mr. Ophardt questioned whether or not a time frame for compliance should be incorporated into the amendment. Board members discussed this suggestion and agreed that ninety days would be a reasonable time period for the required work to be completed. Mr. Hale noted that if the work was not completed for "practical reasons," the owner could submit a written request for an extension. Board members appeared to find this reasonable.

Mr. Ferraro moved, seconded by Mr. Hale, to adopt an amendment to the decision issued on September 10, 2014 concerning the applicability of the restrictive covenant requiring preservation of the existing house at 859 Main Street that states the following:

The Planning Board hereby amends its original decision issued on September 10, 2014 to include specific deliverable corrective actions as outlined by Mr. Myers for the property owner to execute to secure and protect the historic structure from

weathering elements that – if not addressed – could very well lead to destruction of the historic dwelling at 859 Main Street within ninety (90) days. The motion was unanimously carried

It was noted that the memo received by the Planning Board from Mr. Steve Myers, Director of Building and Development which outlines the scope of work to be completed by the property owner was forwarded to Mr. Lenney last week.

[2014-020] **Clifton Park Center Mixed Use** - Proposed construction of 28,000 SF retail/commercial space with drive-thru on vacant pad site, 309 Clifton Park Center Road – Final site plan and possible determination. SBL: 272.-1-47

Mr. Ferraro explained that this application was reviewed by the Planning Board at its last meeting held on September 10, 2014 at which time it granted preliminary site plan approval conditioned upon the applicant's satisfactory response to Planning Board's comments regarding pedestrian access, stormwater management, and building façade design.

Mr. Joe Dannible, consultant for the applicant, presented the revised site plan for the Board's review, explaining that his focus would be on the items of concern identified by the Board during the September 10, 2014 Planning Board meeting. Mr. MacElroy, representative for the applicant, was also in attendance at the meeting. The speaker noted that the ADA-compliant multi-use pathway has been illustrated on the plan, existing lighting fixtures within the proposed parking area will be replaced with LED lights mounted on 25' tall poles, wall-mounted sconces on the building, similar to those installed at the Homewood Suites will be installed, the use of the area over the Saratoga County Sewer District easement adjoining Clifton Park Center Road to the north of the site for the bioretention area has been approved by the district, and rear elevations have been enhanced with proposed signage and glass adjacent to the rear service doors to create a visually appealing "front door perspective."

Mr. Scavo explained that the ECC did not review this plan. He reported that comments received from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee and Mr. Myers, Director of Building and Development, have been forwarded to all Planning Board members.

Mr. Scavo stated that the Planning Department found that all previous comments have been adequately addressed.

Mr. Bianchi reported that, after review of the revised materials presented for review, M J Engineering and Land Surveying, P. C. provided the following comments. In comment 4 of the April 18, 2014 review letter, the applicant was asked to provide the estimated number of peak hour vehicle trips that would result from the proposed site improvements. The applicant indicated 90 peak vehicle trips would be expected for the project. After review of the expected uses, most notably the restaurant with drive thru service, there is a question as to whether or not the projected 90 trips accurately portrays the peak hour condition. As such, the applicant is asked to provide a more detailed analysis of the peak hour vehicle trips by use for review. As noted in comment 9 of the September 8, 2014 review letter, a project-specific illumination plan

must be submitted for review. The proposed crosswalks shown on the adjoining roadways must be reviewed to ensure the ends of the crosswalks are positioned appropriately in relation to the existing or proposed accessible curb ramps. The plans depicted the 8-foot wide asphalt multi-use trail along Clifton Park Center Road. With this additional element included, the applicant is asked to provide and/or confirm the following:

- a. Under proposed conditions, show the location of all regulatory signage that must be relocated.
- b. Coordinate with the Town as to whether or not accessible ramps are required at the two points of intersection with cross roads.
- c. Provide a pavement cross section of proposed trail.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, listed a number of recommendations for site improvements, explaining that the Committee is concerned about the “lack of comprehensive connections between this project and surrounding properties.” The applicant proposes the installation of an 8’ wide trail section along the northerly portion of Clifton Park Center Road: the Committee would prefer installation of a 10’ wide trail. The applicant should provide ADA-compliant ramps at both ends of the proposed multi-use trails along with crosswalks and landing pads on opposite sides of each entrance roadway. A cross sectional design of the multi-use trail should be included on the plan. The exact location of trees now shown within the pathway should be shown on an updated planting plan. If possible, a 5’ space between the trail and the roadway should be provided: only a 3’-4’ wide space is now shown. Fencing or some other type of border should be installed to separate the outdoor dining space from the adjoining sidewalk. The bike rack should be installed on the same material used for the sidewalk: not a gravel pad as indicated on the plans. The crosswalk at the entrance to this site from the JC Penney access road should be redesigned to increase pedestrian visibility to motorists. The applicant should provide a complete box crosswalks at both intersections of McDonough Way. The applicant should provide a sidewalk along McDonough Way between the two access roads. The applicant should provide a sidewalk along the entire length of the JC Penney access road and a crosswalk at the end of the multi-use trail to their property to 99 Restaurant across the street. The mid-block crosswalk currently proposed should be replaced by a complete box from the mall to the sidewalk across the street. A STOP sign should be required at the crosswalk at the drive thru.

Board members and Mr. Dannible discussed the comments issued by the Trails Subcommittee at length. It was decided that the crosswalk shown to the south must remain as located because an existing catch basin in the area; the mid-block crosswalk to the north should remain as located since it directly connects with sidewalks on the northerly side of Clifton Park Center Road. An 8’ wide multi-use pathway along the site’s northern boundary is acceptable. The trees along the northerly portion of the site are to be planted between the pathway and the drive-thru access road. Mr. MacElroy explained that lease restrictions with JC Penney prohibit any changes to the crosswalks that serve the store. Any need for fencing or other type of border around outdoor dining spaces will be determined by the developer and specific lessee.

Mr. Scavo asked the Board to consider two specific issues. The first was whether or not the use of gravel as a base for the bike rack was acceptable: Board members agreed that it would be acceptable if “designed well.” The second concerned trail development along the easterly

side of the building. Mr. MacElroy stated that the applicant does not propose construction of a sidewalk along the easterly side of the site since it would direct pedestrians to the service area creating an undesirable situation as well as a loss of greenspace. Mr. Ferraro agreed, explaining that a link may be added in the future if warranted. Mr. Dannible explained that pedestrian connectivity has been continuously improved as redevelopment of the mall continues: walkability throughout the mall has been one of the developer's stated goals. Mr. Ferraro applauded the applicant's efforts to improve and increase pedestrian accommodations throughout the mall. In response to Mr. Ophardt's question regarding the placement of a stop bar before the crosswalk at the drive-thru and the installation of wrought iron fencing to direct pedestrian traffic, it was decided that that issue as well as the appropriate use and placement of "receiving ramps" could be determined by the applicants consultation with Planning Department staff. Mr. Werner questioned the accuracy of the traffic report that estimated 90 vehicle trips per peak hour, asking whether or not the estimate included projections for a fast-food restaurant. He encouraged the applicant to conduct an actual count of vehicles entering and leaving the mall from all ingress and egress points in order to validate the projected number of trips generated. Mr. Ferraro stated his support for redevelopment of the mall and the repurposing of existing buildings, though he commented that he was "no fan of incremental growth" when evaluating traffic impacts; rather an evaluation of cumulative growth based on actual traffic counts and site analysis were necessary to provide a solid basis for recommendations for traffic and other mitigation measures. He suggested that a GEIS may be required to establish thresholds for developer contributions for necessary infrastructure improvements, noting that there is always a "tipping point" and that the "last developer" should not bear the financial responsibility for warranted improvements. Mr. Ferraro stated that, in his opinion, the applicant had satisfactorily addressed the issues related to environmental concerns, façade design, stormwater management, and lighting. Mr. Bianchi, however, asked that the applicant submit a detailed photometric lighting plan which illustrated not only the placement of fixtures but also the type of fixtures to be used and the amount of illumination provided by each fixture, explaining that LED lighting is produces a very bright white light: evaluation of the intensity of the proposed site lighting is necessary.

Mr. Werner moved, seconded by Mr. Andarawis, to grant final approval to this application conditioned upon the submission of a comprehensive site photometric lighting plan, the illustration on the plan that the red maple trees are to be planted between the pathway and the drive-thru access drive along the northerly side of the site, and satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

New Business:

[2014-039] **Verizon Wireless @ Clifton Common** – Proposed co-location of communications equipment on an existing monopole, 7 Commons Boulevard – Preliminary review and possible determination. SBL: 271.-5-4.11

Mr. David C. Brennan, Esq., legal representative for the applicant (Cellco Partnership d/b/a Verizon Wireless), presented this application for the Board's consideration. The project plan calls for Verizon Wireless to utilize the 99' antennae centerline on the existing 110'

tower/stadium pole located at 7 Commons Boulevard. The tower is situated within the boundaries of the Clifton Common recreational facility located on the easterly side of Vischer Ferry Road approximately 500' north of its intersection with Clifton Park Center Road. The applicant proposes to collocate twelve (12) panel antennas on three (3) antenna frames at a height of 99'. One prefabricated, locked and secure unmanned equipment shelter measuring 12' x 30' (360 SF) in size will be installed within the existing fenced/screened compound area. Seven coaxial cables will connect the antennas to Verizon Wireless' unmanned equipment shelter and electronic telecommunications equipment. Other appurtenances, fencing, utility services (power, telephone, fiber) necessary to the operation of the communications facility will be installed on site. No tower marking and/or lighting is required for this project. There will be no water or sewer services provided to the site.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, reported that the applicant must secure a Building Permit before beginning to install equipment on the existing monopole.

Mr. Scavo reported that the ECC provided the following comment relevant to this application. The ECC would like the applicant to indicate the fuel source for the on-site generator and the spill containment system that will be in place.

Mr. Scavo offered comments provided by the Planning Department. The project does not require a public hearing since it is a co-location on an existing tower that was approved to accommodate four (4) co-locations. It is anticipated that the fuel storage and containment for the back-up generator will be consistent with the most recent co-location application approved for Verizon Wireless at the 287 Ushers Road.

Mr. Hale moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for the application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2014-040] **Christ Community Reformed Church Tool Shed** – Proposed 240 SF tool shed on crushed stone, 1010 Route 146 – Preliminary site plan review and possible determination. SBL: 271.-1-4.1

Mr. Dale Meyers, representative of the church's building committee, presented this application that calls for the construction of a 12' x 20' shed on the parcel occupied by the church at 1060 Route 146. The parcel is located within a PIR (Public, Institutional, Recreational) zoning district on the southerly side of Route 146 approximately ¼ mile south of its intersection with Route 146A. The shed is to be placed 43' south of an existing shed to the westerly side of the parking lot which will provide access to the building. With the exception of electric service, no utilities will be supplied to the building.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated September 10, 2014. A Building Permit will be required prior to site preparation for the installation of the shed. A final “as built” location must be supplied to the Building Department. There is no fee for the permit.

Mr. Scavo reported that the ECC reviewed this application at its October 7, 2014 meeting and offered the following comments. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing the handling and storage of such materials and plans for spill response to the Town of Clifton Park Stormwater Management Technician before materials are stored. The applicant is asked to demonstrate that the proposed structure is not within the 100 foot Dwaas Kill buffer or wetland buffer.

Mr. Scavo provided comments prepared by the Planning Department. There are no planning issues identified as problematic with regard to this application. Mr. Scavo explained that if the applicant chose to construct two (2) 12’ x 12’ sheds “side by side,” there would be no need for site plan review; however, since the proposed single structure is larger than 12’ x 12’, the application must be approved by the Planning Board. He noted that the proposed location is within a “stabilized grass area” and will have a crushed stone base. Mr. Scavo reported that, in response to the ECC comment regarding location of the structure with relation to the 100’ Dwaas Kill or wetland buffer, he visited the site and confirmed that the shed will be placed well beyond the buffer area: there will be no environmental impact.

Ms. Paulsen moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for the application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Andarawis moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

Discussion Items:

357 Riverview Road – Determination for Applicability of Site Plan Review

Mr. Scavo reported that the current owner(s) of 357 Riverview Road purchased the property after it was severely damaged by fire on September 11, 2013. The property lies on the westerly side of the intersection of Vischer Ferry, Riverview, and Crescent Roads in the hamlet of Vischer Ferry within the CR (Conservation Residential) zone. Mr. and Mrs. Paul Coons, who have restored several properties within the town, and other “business partners,” doing business as Restore the Store, LLC purchased the non-conforming property on December 12, 2013 with the intent of restoring it to its pre-fire condition. At that time the building contained an unoccupied retail facility on the first floor and two apartments: it is the owner’s intent to rebuild the structure with those uses. Though renovation of the interior of the structure must comply with current building codes, the exterior will be preserved to the greatest extent practicable. The owners propose to relocate the ADA-compliant ramp and parking space.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated September 10, 2014. Site plan review will be required since the “location is currently pre-existing and non-conforming” and that it is the intent of zoning to “eventually bring all properties into conformance [with the code].” Re-building to its previous condition appears to “go against” this requirement. Site plan review should be required to confirm such things as septic viability, water supply, accessibility, sufficient parking, adequate setbacks, and code-compliant new construction. Mr. Myers reported that the site is listed on the National Historic Register. He explained that since the parcel is smaller than the minimum allowed per CR (Conservation Residential) zoning, a variance may be required. There are no minimum parking setback requirements in this zone. Variances would be significant: i.e. a 100’ front yard setback variance may be necessary.

Mr. Scavo reported that neither the ECC nor Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, offered comment on this application.

Mr. Scavo explained that Section 208-113(B)(2)(a)&(b) of the Town Code states the following:

(2) In instances where the building exists, the site is in conformity with a previously approved site plan (as determined by the Building Inspector) and a change of occupancy is occurring without structural changes to the building, the following procedures shall be followed:

(a) If the new use is of the same type and intensity (i.e., office to office, sit-down restaurant to sit-down restaurant, etc.), no Planning Board action will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy. When issuing the building permit and/or certificate of occupancy or tenancy the Building Inspector shall provide the owner with a copy of the approved site plan for that location and obtain a signed receipt for same from the owner and/or his agent.

(b) If the new use is not of the same type and intensity (i.e., office to retail, sit-down restaurant to fast-food restaurant, etc.), the new owner shall, if required by the Building Inspector, appear before the Planning Department to arrange to appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy.

Mr. Scavo explained that the exterior modifications appear to be limited to relocation of the ADA handicapped ramp and the required ADA parking spot. The applicant must provide documentation to the Town that a qualified professional has evaluated the existing septic system to determine its adequacy to continue to serve a store use and two residential apartments. Mr. Scavo explained that the building’s owners have been working with the Historic Preservation Commission to develop restoration plans that would preserve the historical characteristics of the property while meeting current codes. Since the building is of significant historical value and is representative of the hamlet’s character, he views the owner’s attempt to maintain the integrity of the area as extremely valuable and he recommends that the project be presented to the Board for site plan review only after the owners have worked with the Historic Preservation Commission to design a viable plan for the building’s restoration.

Mr. Ferraro called upon Mr. Andarawis, Planning Board Liaison to the Historic Preservation Commission, to provide comment on this proposal. Mr. Andarawis described the building as “an important historic building in an historic district” that will “never meet current zoning codes.” He recommended that the Zoning Board of Appeals grant all necessary variances to the owner so that the building can be restored.

Mr. Pelagalli read from Sections 208-97D(1) and (2) that were not cited in Mr. Myers’ comments and which he believes may be relevant to the discussion. These sections pertained to partially damaged or destroyed buildings.

(1)(a) Where any nonconforming structure or use is partially damaged or destroyed, other than by demolition, to the extent of 50% or less of the cost of replacement of the entire structure new, the proof to be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies, repairs may be made to reconstruct the structure, upon issuance of a building permit, and it shall be used as it existed prior to the damage. No repairs or restorations shall be made which increase the degree of any yard, bulk, parking or any other nonconformity existing prior to the damage.

(b) In the event that a structure remains vacant due to a partial damage, the owner or agent shall have one year to receive a building permit. In the event that the building remains vacant for one year without a building permit, it shall constitute an abandonment as regulated under § 208-97C and shall not be restored. Proof of proper application within allowable periods shall be the responsibility of the applicant.

(2)Substantial damage or destruction. In the event that any nonconforming structure or use is substantially damaged or destroyed, by any means other than demolition, to the extent of more than 50% of the cost of replacement of such structure new, proof should be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies. Such structure shall not be restored unless, if within 30 days after the substantial damage, the owner of said nonconforming use notifies the Building Inspector, in writing, of his intent to restore said nonconforming use substantially to the conditions existing prior to the disaster. It is the owner's responsibility to provide documentation of existing nonconforming conditions prior to the disaster to satisfy the Building Inspector. In that instance, the Building Inspector shall permit the issuance of a building permit within 30 days of receipt of the written notice of intent and necessary plans and specifications for the work to be performed for such substantial restoration without further action. Restoration under this subsection shall be commenced within six months of the date of issuance of the building permit, and restoration shall be completed within one year of the issuance of the building permit. In the event that the Building Inspector is not notified of the intent to restore the nonconforming use within the time limit stated, such structure shall not be restored unless the structure and use thereof shall conform to all current regulations of this chapter.

In response to Mr. Ophardt's question regarding the adequacy of the existing septic system, Mr. Coons explained that the existing system was installed in 2005 and had been deemed adequate for the two (2) apartment uses by a licensed professional engineer. The owner explained that he is working with a professional to design a new system or expand the existing system to accommodate both the residential and commercial uses planned for the building. The [existing or new] system's ability to handle estimated flows would be reviewed prior to the issuance of a Building Permit. Mr. Hale remarked that since the owners were proposing neither a substantial change of use or structural design, he believed that the Planning Board could confidently rely on the Historic Preservation Commission's oversight for proper design of the structure and its reflection of the area's historic character. Mr. Ferraro noted that it was "ironic" that the meeting should begin and end with such differences in attitudes toward property preservation. In this instance, responsible owners were totally committed to restoration of a building that has played a significant role in the town's history. He thanked Mr. and Mrs. Coons for their dedication to preserving the town's past. Board members agreed that the owner's willingness to undertake restoration of the store and apartments at 357 Riverview Road was commendable and that, after plans received approval from the Historic Preservation Commission, the Planning Board would conduct site plan review.

Mr. Werner moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on WEDNESDAY, October 15, 2014.

Respectfully submitted,

Janis Dean,
Secretary