

**MINUTES OF THE MEETING OF THE COHOES PLANNING BOARD HELD AT 97 MOHAWK STREET
COMMON COUNCIL CHAMBERS
AUGUST 8, 2022 at 6:30PM**

MEMBERS PRESENT: **Mr. Mark DeFruscio, Chairperson**
 Mr. Jack Carroll, Vice Chair
 Mr. Joe Nadeau
 Mr. Bob Bucher

ABSENT: **Ms. Stephanie Couture**
 Ms. Kizzy Williams

ALSO PRESENT: **Joseph Seman-Graves, City Planner**
 Sharon Butler, Administrative Assistant
 Tess Drauschak, Assistant Planner

Chairperson DeFruscio called the meeting to order at 6:29 pm and asked for roll call.
Roll Call; Member Couture and Member Williams were absent

CONSIDERATION OF MINUTES FROM THE JULY 11, 2022 MEETING

Chairperson DeFruscio; first item on the agenda is consideration of the July 11, 2022 meeting minutes. Everyone was distributed a copy of the minutes, does anybody have any updates, comments, or revisions?
Vice Chair Carroll; I'll make the motion to accept the minutes as presented
Member Nadeau; I'll 2nd motion carried

	YES	NO
Bob Bucher	X	
Joseph Nadeau	X	
Mark DeFruscio	ABSTAIN	
Jack Carroll	X	
Stephanie Couture	ABSENT	
Kizzy Williams	ABSENT	

CONSIDERATION OF A CHANGE OF USE/NEW TENANT APPLICATION FOR 237 REMSEN STREET

Chairperson DeFruscio; next item on the agenda is Change of Use/New Tenant application for 237 Remsen Street, the applicants are present it is Deborah Williams and Steven Bonnier please step up and tell us what you are looking to do. You are applying for a change of use/new tenant application for a business Clean as a Whisker Feline Spa providing grooming services for cats only with a small retail space. It says the business will operate by appointment only I guess we'd like for you to tell us what the hours are, what you are going to do, give us a little understanding
Ms. Williams the hours are going to be by appointment, if someone needs an early appointment we will do that, it will depend on when people need appointments. I have pictures of a friend's cat salon if you want to see it and how it will be set up.

Chairperson DeFruscio; did you give us a layout, there it is.

Ms. Williams asked if they wanted the pictures of her friend's place so they could see how it would be set up
Chairperson DeFruscio stated yes, they could pass them around for board members and have one for the records.

Member Nadeau asked about the ceiling height being 9'1"

Ms. Williams responded yes they were that height

Chairperson DeFruscio; based on the review of your drawing here there's 2 walls you are going to build, are they from floor to ceiling?

Ms. Williams; no they will be 7' high walls, not all the way to the ceiling. That way we don't have to worry about the cats getting out or anything like that.

Chairperson DeFruscio asked about plumbing for the tub

Mr. Bonnier responded that they would put a hole in the wall in the bathroom and bring the plumbing out to the sink

Vice Chair Carroll asked if it was a wet wall

Mr. Bonnier stated he didn't know what that was

Vice Chair Carroll responded that a wet wall already has pipes in it.

Chairperson DeFruscio stated he didn't know if that was to Code the way they are looking to do the plumbing.

Member Bucher questioned what wouldn't be to code

Chairperson DeFruscio responded that the applicants were looking to put a hole in the wall from the bathroom through there connecting to the sink, and wasn't quite sure how the applicants were going to connect to the sink

Ms. Williams stated they were going to connect where the pipe is in the floor, they were just going to put a line in there to the sink

Chairperson DeFruscio; if the sink was outside the bathroom and you were just making temporary connection with a drain that goes into the sink but if you're connecting to the plumbing I'm concerned that you won't meet code by doing what you're talking about doing.

Ms. Williams stated that if it's not to code then they will do what they have to according to the code official.

Member Bucher asked how big the space was

Chairperson DeFruscio responded 15'6" x 15'3". He then asked the applicants if there was going to be a secondary means of egress in the back

Mr. Bonnier stated no there is an apartment behind the store front.

Chairperson DeFruscio asked the applicants if there was anything that would create noise for the neighbors if they took a late or real early appointment that will disturb the neighbors

Ms. Williams stated no that they have an enclosed dryer/vacuum with is quieter than normal drying

Chairperson DeFruscio asked the members if they had any other questions

Member Bucher asked about heating and air conditioning

Ms. Williams stated that they would put the A/C above the door where it was before

Member Bucher asked Joe Seman-Graves about the Historic Review and how they would look at the A/C being above the door

Joe Seman-Graves stated they were going in front of the Historic Board next week for review

Ms. Williams stated if there was a problem they would have a backup plan for the A/C which would be a mobile unit

Chairperson DeFruscio asked the applicants about the retail space and if it was going to be in the front by the windows

Ms. Williams responded yes

Chairperson DeFruscio asked if there would be any seating provided for customers

Ms. Williams stated that she would have some chairs but it is better if the cat is dropped off

Member Bucher; so technically the customer will come in and drop off and not wait

Ms. Williams responded yes. She stated that her original idea of being on Remsen Street was they could drop off their cat and then walk Remsen Street get a drink or eat for the hour wait, she sees it as a win-win for everyone.

Chairperson DeFruscio asked if there were any other questions, being none he opened it up for public comments. There were no public comments and he asked for a motion to either accept or deny the application for change of use for 237

Remsen Street

Motion made by Member Nadeau to accept the application 2nd by Vice Chair Carroll Motion carried unanimously.

	YES	NO
Bob Bucher	X	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	ABSENT	
Kizzy Williams	ABSENT	

Chairperson DeFruscio reminded the applicants that the 2 things to be aware of is tub outside the bathroom area and to be sure to address the plumbing issues and the air conditioner.

Ms. Williams asked what they needed to do next

Joe Seman-Graves stated that they would go to the Historic Board next and they could apply for their building permit and C/O.

CONSIDERATION OF A SITE PLAN AND SPECIAL USE PERMIT FOR 0 BROADWAY

Chairperson DeFruscio; next on the agenda is 0 Broadway for Mr. Peter Frangie, they are applying for a site plan application and special use permit for the construction of a two-family home at 0 Broadway. Looking to include 4 off street parking spaces a retaining wall with a stairway. He asked Mr. Frangie to address the board

Mr. Frangie approached the board and reiterated from the last meeting the details of his plan and that they changed some due to concerns of board members. He stated that Kizzy wanted to see a better review of the finished product as it stood and we have a better orientation of how it would be presented—the project was shown on the screen.

Chairperson DeFruscio stated that he had questions about the some of the drawings from the first time, but those questions are no longer relevant with this submittal.

Vice Chair Carroll asked about the doors on the front

Mr. Frangie stated those are the actual barn doors of the containers and they are not working doors. He is working with a glass/window maker to see if they can fit that, his concern is the R Value,.

Chairperson DeFruscio asked the applicant-these are preconstructed, are you pouring a slab first to put these on?

Mr. Frangie responded that it would be an Alaskan slab poured

Vice Chair Carroll asked for definition of Alaskan slab

Mr. Frangie responded it would go down 3 feet, potentially it's an inter-concrete slab with edges that would go down 3 feet and insulated around so that would prevent frost from coming in. They're not prefabricated, they'll actually be 3 separate 20-foot Conex containers. There's another drawing—Joe Seman-Graves put it on the screen to be viewed.

Mr. Frangie approached the screen and explained the lay out of the units, stating that the walls in the containers would be removed, where doors are.

Chairperson DeFruscio asked Mr. Frangie to explain what the little slot in the middle is

Mr. Frangie pointed out on the screen to define where Chairperson DeFruscio was asking about. Mr. Frangie explained that the section in the middle was allowing them to put the 20-foot container in that way and giving them a 4-foot gap. He explained the layout between the 2 units to the board.

Chairperson DeFruscio asked if they would be removing portions of the walls in the containers

Mr. Frangie pointed out on the screen where the door(s) would be – it would be a sliding door – he also pointed out what walls would be removed.

Member Nadeau stated that the drawing submitted gives a good outline of what they will look like.

Member Bucher asked about the Alaskan slab not being 4 feet deep-below frost line.

Mr. Frangie explained that the plumbing would come up first then pour the slab over it

Member Bucher stated that he thought per code it was to be below frost line which is 4 feet

Chairperson DeFruscio stated he didn't think 3 foot was enough either

Mr. Frangie explained that because it's an Alaskan slab and insulated through and he would send the specifications to the board. He stated that his goal is to make these net zero homes, and these are his proto types, he is looking for them to be zero energy bill homes

Member Bucher stated he likes the design but stated to the applicant for him to check on the Code requirements for the slab

Member Nadeau reiterated that the design submitted is much more clear and clean

Joe Seman-Graves asked about the dead space in the ceiling

Mr. Frangie responded that they wanted to capitalize the storage but it is currently dead space, and it will have 8 inches of spray foam, then with trusses, right now it is dead space, eventually perhaps might put a side barn door for up there to allow people to use for storage. Again it is more to minimize, we don't want a lot of stuff accumulating

Chairperson DeFruscio one thing that concerns me and I don't know if it was discussed at the previous meeting or not is the location of the parking spots and access off of Broadway. That particular street has parking on one side of the street and with parking on one side of the street doesn't really have the width to support 2-way traffic, did the traffic department look at this? Because I thought the depth was only 18 feet.

Mr. Frangie stated that he figured it with the largest truck, we designed this to accommodate the big trucks, he stated that he would be willing to adjust that parking space to make the design so that they can only pull in at an angle
Chairperson DeFruscio; coming up the hill then into the parking spot.

Mr. Frangie yes, at an angle and then back out at an angle. He then pointed out on the screen where the parking would be and that they wrote in the measurements and they are 18 feet, there is plenty of space to meet the set backs

Chairperson DeFruscio stating that 18 feet for the cars is fine I know there is no sidewalk on that side of the street, but normally when you have a pull in parking space like that in addition of the 18 feet there is 3 feet of sidewalk space so it gets the back end of your car in away from the street, did you guys talk about this at all

Member Bucher; yes. I think it's acceptable with the size of the spaces being standard acceptable 18-foot dimension and with him proposing to angle them to help offset the bank, we talked about that bank, the walk bridge there coming back a little bit to get more depth on that plateau.

Chairperson DeFruscio thanked the applicant for bringing the additional information

Joe Seman-Graves told the board that the parking spots are measured from the property line so he would still have to deal with public setbacks.

Chairperson DeFruscio as far as angling the spaces maybe discuss with Traffic to see if they prefer they be straight or angled.

Vice Chair Carroll; long story short, there is enough parking for 2 vehicles per unit

Member Bucher; they are wide spots; they look like they are at least 11 feet

Mr. Frangie I think they are more like 12

Member Bucher; I'm ok with it myself because the spaces are wide enough and it gives you enough room to pull a vehicle out

Chairperson DeFruscio asked if any other board members had questions. With none it was opened up for public comments, being no public comments he then asked for motion for site plan approval and special use permit or denial of such for 0 Broadway

Chairperson DeFruscio then asked if it would get a 911 address once the property is identified

Mr. Frangie stated yes

Joe Seman-Graves explained to the board how that would take place.

Member Bucher made the motion to approve the site plan and special use permit as submitted 2nd by Vice Chair Carroll motion carried unanimously

	YES	NO
Bob Bucher	X	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	ABSENT	
Kizzy Williams	ABSENT	

CONSIDERATION OF A SITE PLAN APPLICATION FOR 640 SARATOGA STREET

Chairperson DeFruscio; next on the agenda is site plan application for 640 Saratoga Street, he asked the applicant to approach the board

Lynn Sipperly on behalf of the applicant and the applicant was present also Mr. Faisal Shehzad. He explained that they addressed the concerns from the last meeting they attended—increased the storm water basin to be 3 times the size of the original submission, and addressed the concerns regarding noise, storm water, waste oil fluids, vehicle parts (not to be stored outside), screening of the site, building style & color which hasn't been decided on yet, ventilation of the garage. When performing services in the garage the doors will be closed. We responded to the comments; the noise we think will be minimal, the loudest might be when they are changing tires, using automatic wrenches, this is not a tire facility, it is not the main part of the business. You might hear hammering for exhaust system work, but not a lot of noise. Actually our closest neighbor is the house to the south and then we have neighbors across the street which are about 300' away, so I don't see that this facility will produce a lot of noise. Storm water as I mentioned there were concerns with the flooding to the adjacent property on Cohoes Road, from the culvert that's across the railroad tracks, the flow is west to east, our storm

water is, there's the railroad culvert then there's another section of culvert there's an open ditch and then there's a section of culvert that at that point goes to Saratoga Street and that open ditch is where we are proposing to discharge the stormwater from our system. We have increased the storm water basin substantially as the concerned resident indicated most of the flooding occurs because of the beavers or trash accumulated in that culvert. I don't think water from our site should impact the neighbors' property. Waste oil will be stored in drums or a small tank and the oil supplier takes the used oil away, so there will be no storage of used oil on site. Typically these pits have a curve around them so spillage is contained and cleanup. Waste oil is controlled. Vehicles, parts and storage, we don't plan to store disabled vehicles on site, if they are waiting for a vehicle part a vehicle might be parked there for a day until the part comes in otherwise there is no parts or outside storage. We have a dumpster containment area where exhaust parts will be in the dumpster and that area is concealed from the public. Repairs outside the building, it's not their plan to repair outside the building, there are 3 service bays, it's not a big facility so and it's also just light repairs, no engines. Screening we indicated that we would bring the screening around the front of the property. There was a discussion regarding the neighbor with a pool and how the fencing would be placed so the neighbor didn't have to move their pool

Chairperson DeFruscio asked the applicant where they were going to move water—from what corner of the property to what corner of the property

Mr. Sipperly responded by pointing out on the diagram he had where the storm water would go

Chairperson DeFruscio asked if they knew how many gallons of water or percentage of the flow

Mr. Sipperly; responded that probably take 65% of the site would go out the way he described a portion of the site from a point forward to Saratoga Street because of the grade difference, we're going to be higher than Saratoga Street

Member Bucher the board made a request for an increase in the onsite detention which looks like they did address this concern so the stormwater can be managed onsite

Mr. Sipperly correct and the pervious area is probably about 35% of the site

Member Bucher stated that also the noise was a concern we talked about the operation and having the overhead doors closed

Chairperson DeFruscio yes because we asked about the ventilation system

Member Bucher obviously Code requires ventilation, we were talking mitigating any noise outside of the shop

Mr. Sipperly we don't see it as making a lot of noise but if the board wants to put that condition in that the doors be closed then that condition is acceptable to the applicant.

Member Bucher to me that is something that is important

Mr. Shehzad stated he would have no problem with that

Chairperson DeFruscio asked Joe Seman-Graves why we changed from an auto repair service to a machine or transportation service, sales, and repair. My interpretation of machinery, transportation sales and repair is a dedicated shop for an industrial organization that services all of their own machinery and transportation services not somebody that providing retail customer service.

Joe Seman-Graves- this is the application that the applicant came back with, I think I gave a pretty detailed response on both of these categories, I also gave (inaudible) on each category.

Chairperson DeFruscio yes because you are going to be dispensing and selling motor oil, changing motor oil and chassis lubricant, you will be dispensing and selling coolant

Mr. Sipperly; Mr. Chairmen under auto repair you can operate a gas station

Chairperson DeFruscio; you could

Mr. Sipperly; we have no intent to operate a gas station,

Chairperson DeFruscio; yes but I think it encompasses more than just a gas station, it is a retail auto repair store that you are looking to open

Mr. Shehzad responded that they are just doing light repair, doesn't have the capability to do trucks, we won't be doing heavy repairs, just oil changes

Chairperson DeFruscio that's where I have a problem page one of your letter we don't have page two (to Joe Seman-Graves) it's your email from you to Mr. Shehzad

Joe Seman-Graves approached and gave the full email to the Chairperson to read then it was passed to the other board members

Chairperson DeFruscio; I guess I have the same issue I agree with you maybe I'm even more of the opinion that all the services that you want to provide are included under the service station guidelines specifically as for retail customers

whereas under the machinery or transportation services, sales and repair are more towards industrial equipment and not people's personal.

Mr. Shehzad; it includes automobiles

Chairperson DeFruscio I know it includes automobiles but it's not written specifically for automobiles which is what you are looking to do and the service station guidelines are written specifically for someone who's going to work on automobiles, who's going to change oil, who's going the change coolant, change tires, and do all those things. The other part of the Code is written, do I need to go to the Corporation Counsel to get his written opinion on this?

Joe Seman-Graves; I think we need to listen to what the applicant is proposing and then make your determination, if you want to get determination from Corporation Counsel that is your right

Chairperson DeFruscio to applicant; describe to me exactly what you are intending to do

Mr. Shehzad; I want to open this as a retirement living business, I would be my own boss.

Chairperson DeFruscio but what are you going to do, who is going to be your customers

Mr. Shehzad; I will advertise, it will be appointments and people that come in for repairs and I have family and friends that have cars that can come to me, I would be working myself.

Chairperson DeFruscio I imagine you doing something more just like the mechanic shop down the street that does body work.

Mr. Shehzad I won't be doing body work

Chairperson DeFruscio; I'm not saying you are, essentially the customer base is any customer that comes in and wants work completed is what he does, and in his case he does body work and he does some mechanic work. Are you intending to do only mechanic work and generally.....

Mr. Shehzad only mechanic work, brakes, tires, oil changes, general auto maintenance

Chairperson DeFruscio; anyone else have questions?

Member Nadeau; oil and antifreeze typically they have containment, will there be a containment area for that

Mr. Sipperly yes, there will be containers, if something spills over it will be contained and cleaned up

Chairperson DeFruscio at this point in time I'd like to open it up for public comments, so any public comments are to come towards us not to the applicants please. Does anybody wish to come up and say a few words?

Matt Sterling 104 Cohoes Rd. our property borders the applicant's property. My concerns are the same as with the last meeting and at the zoning board meeting, this submittal doesn't seem like any of the issues brought up at the previous meetings were addressed, it look like a resubmission and not addressing the problems that neighbors brought up. Mr. Sterling then brought up his concerns about storm water and why the applicant is not being made to install proper storm water including grates to drain water properly and nothing being addressed to maintain the swales and the retention pond is always clogged. He stated that he drove up and down the road and checked businesses and they all have proper storm water including grates to drain the water out properly. If their property is higher than Saratoga Street they will need that to drain the water properly. He stated that the swales are backed up now and clogged and they need to be cleaned up. He asked about if a car leaks some kind of oil or fluid on the property if there is a certain amount of that oil or antifreeze that is allowed to flow into the creek

Chairperson DeFruscio responded that was why they asked about the containment, anytime fluids are drained from a vehicle there supposed to be a containment system in the bay and when the liquid is being moved from containment vessel to another containment vessel

Mr. Sterling so if a car comes in and it has bad radiator hoses and it's leaking, is there a certain amount that, that is allowed to flow into the swale?

Member Bucher asked if the engineer (Sipperly) could address that.

Mr. Sipperly responded that an oil separator is something that is typically inside the building outside the building is difficult to have an oil separator when you have rain fall

Member Bucher asked if there would be an oil separator inside the building

Mr. Sipperly stated that there would not be one

Mr. Shehzad responded that they would have a drum for anything inside the building they would have a lift for the car and a drum that the fluids would go into, they have no plans to let anything go into the storm drains

Member Bucher asked if all work would be done on an elevated lift

Mr. Shehzad responded yes work would be done on the lift and there would be a funnel system for fluids to go into a drum, if there is any spillage they would clean it up

Vice Chair Carroll stated that Mr. Sterling's concern is more of spillage outside, if a vehicle comes in and has fluid coming out onto the ground

Mr. Sipperly responded that if there was any drippage outside

Chairperson DeFruscio that is what he is concerned about, he doesn't want it going to the storm water

Mr. Sipperly stated that if it goes to the storm water basin it will sit there forever

Mr. Shehzad stated that they wouldn't be doing any work outside

Chairperson DeFruscio responded that they understand that but they will have situations in a retail environment a customer will come in that they have a leaking radiator or leaking oil onto your property outside before you have a chance to get it inside the building, it is my contention that it is your responsibility to use some kind of absorption remedy like Speedi-Dry or something to soak up those spills and remove them from going into the storm water drain.

Mr. Sipperly (inaudible) if a spill occurs then they would use Speedi-dry or some other absorbent

Member Bucher addressed Mr. Sterling stated that the applicant did do the revision per the planning board request and did a larger retention pond.

Chairperson DeFruscio what that does from your perspective is it pools the water on their property longer and gives it a chance to evaporate on their property before it goes into the culvert

Mr. Sterling asked why they weren't required to do a proper storm water system on their property,

Chairperson DeFruscio; that is a storm water system

Mr. Sterling why don't they have the proper grates like everyone else, like all the other businesses down there.

Chairperson DeFruscio asked Joe Seman-Graves if the storm water is separated down there

Joe Seman-Graves we do have a combined system, it does stop somewhere on Saratoga but it's still combined there

Chairperson DeFruscio if it's combined then they can't attach to it

Member Bucher you can't combine storm

Mr. Sterling so what you're saying is Hot Dog Charlies is connected to the sewer?

Member Bucher yes

Joe Seman-Graves most of the city is combined we have a project now separating the storm and sewer in areas of the city

Chairperson DeFruscio the main goal in this city is separating the storm water from the sewage, and it is a very major project that is being done, right now it is illegal for them to attach to that. If it was separated down there already then yes we'd make them attach to the storm water

Member Bucher this is in lieu of that to contain as much storm water and that is why we asked for this revised plan which would reduce output from the property

Mr. Sipperly the storm water system is also new, there's no additional storm water added

Chairperson DeFruscio right now there is grass, there's an area for it to be absorbed at this point in time and to replace that with macadam and now you're going to guide that water into the retention basin

Mr. Sipperly it only going to be 25-35% of the site, if it was the whole site it would be higher coming from the site

Mr. Sterling is there any consideration about the flow coming in from the creek that runs along the track and going into that retention basin they are going to be using

Chairperson DeFruscio no

Mr. Sterling because that is where it backs up is there

Chairperson DeFruscio no it's going to stay on their property longer before it goes into basin

Vice Chair Carroll it reduces the output off of their property

Mr. Sterling stated that he is still concerned about the flow from National Grid, those need to be cleaned out

Chairperson DeFruscio the only thing we can do there, is contact National Grid and ask them to do maintenance on those
Joe Seman-Graves we can reach out to National Grid

Mr. Sterling then asked about the collection tanks, and if they were going to be pumped out by certified collector

Chairperson DeFruscio yes

Mr. Sterling what about the traffic, I'm still a little concerned about the traffic going in and out of there with that small curb cut, as traffic moves along there pretty quick, I'm also concerned about noise from tow trucks backing up at all hours of the day, and that 5- or 6-foot fence won't solve that problem

Chairperson DeFruscio asked the applicant if they were expanding the opening of the curb cut

Mr. Sipperly responded that it is 26 feet wide

Chairperson DeFruscio so it's going to be 26 feet wide, the plan says its going to be 26 feet

Mr. Sterling also stated that weekday hours are also a concern I want to make sure they are going to adhere to 8 to 6 and personally I don't want to see Saturday hours, starting at 8 o'clock in the morning that's just too noisy and I want to enjoy my property and I want to get some rest on the weekends and I don't want to hear all the noise that goes with a garage, the garage doors should be closed at all times

Member Bucher we requested that and the applicant has agreed to do that

Mr. Sterling ok that's not what is says here, it says they will close the doors when doing something noisy. What happens if I see the doors open and it's noisy, we talked about this last time and it was I would have to call the police I don't want to do that.

Joe Seman-Graves it's definitely not a police issue, if it's something that the board requires and acceptable and it's in the resolution ultimately we would call our code enforcement and then address it

Chairperson DeFruscio because Code enforcement has the ability to ticket them

Member Bucher; Code can ticket them; we can't ticket but we can make sure that that is in the resolution

Mr. Sterling I'm concerned about the storm water system, you guys are saying that the swale is going take care of that, the floor drain in the garage, the oil water separator, all of the garages have to have that, and I think that the hours there shouldn't be Saturday hours I think it's going to be noisy and it's going to be a problem for the neighborhood, tow trucks backing up into there all night is not something I want to be hearing.

Mr. Shahzad stated that on Saturday they would close by noon and he said they could put a fence in the front so if tow trucks have to come in it would help with the noise and people wouldn't have to see it.

Mr. Sterling thanked the board for their time

Chairperson DeFruscio asked if there was anyone else who wanted to speak or had any comments. Being none he closed the public hearing.

Chairperson DeFruscio stated that he was still stuck on this if this property is deemed a service station which I believe is the category it belongs in, is there anyone else that feels that way?

Vice Chair Carroll responded that he thought they were grasping on the old definition of service, where you go and a guy checks your oil....

Chairperson DeFruscio I'm reading the city code as it exists, and as the city code exists for a service station a service station is one that changes oil, sells oil to retail customers. It is one that changes fluids in the radiator and sells radiator fluid, it is one that changes tires and things of that nature regular maintenance for retail customers. The way I read the machinery or transportation service sales repairs was written more specifically for an industrial organization that has its own service shop and they are servicing only their own equipment. Whether it's their own forklifts, their own trucks their own automated equipment, that's what I get from that part of the City code. If they were deemed a service station are their zoning requirements that would have to be filed for?

Joe Seman-Graves there were a few variances they needed and zoning denied those variances.

Chairperson DeFruscio; so therefore that's why it's changed.

Joe Seman-Graves; when I reviewed the application, I interpreted it as a service station, it went to planning and there were several comments, it went to zoning and was denied at zoning, after that the applicant said I miscategorized them and then they came back with a motor vehicle transportation service

Mr. Sipperly stated that it was not a service station and the applicant does not interpret it as a service station

Chairperson DeFruscio stated that he cares about what the City code interpretation is

Member Nadeau; this says right here that what you're doing, what is says under motor vehicle service station, you're doing all those things so how is it not a motor vehicle service station

Mr. Sipperly questioned it being a gas station

Chairperson DeFruscio it can be a gas station, it can be a carwash, but it is mainly a location that does mechanical work for retail customers where they change their oil, change their fluids,

Mr. Shahzad asked Chairperson DeFruscio questions that were inaudible

Chairperson DeFruscio answered Mr. Shahzad; when corporations form if they have a company that is doing service on their vehicles for them and they are in a separate building it is essentially a different company, so without that verbiage in there, the one company can not bill the other company for the services they are providing even though they are the same corporation. They are not a retail customer.

Mr. Shahzad compared what he will be doing to a more industrial use—stating that industrial is more heavy equipment and he is just a small business that wouldn't be as noisy

Chairperson DeFruscio stated to the applicant that he is not arguing that point, he is arguing where it fits. I guess where I am is I am not prepared to approve it as a machinery or transportation sales and repair location, but he is looking for the board's opinion

Member Nadeau stated that for a motor vehicle service station that list says intended to be any one or a combination of tasks it's a motor vehicle service station—how is it not a motor vehicle service station?

Chairperson DeFruscio we do have the option to go to Corporation Counsel for legal opinion

Member Bucher; I think that is what we have to do because I agree with the Chairman and Joe this is absolutely a service station. I would agree we need to get Corporation Counsel interpretation

Mr. Sterling stated that it's the same sort of business either way, it seems they will be doing all of the same things

Chairperson DeFruscio responded that the difference here is they have already been denied variances to do the one thing, that's why they came back with this one because it doesn't need the variances

Member Bucher these are two different things. Right now it is this boards responsibility to interpret the City code first, as the planning board if this is an allowed transportation or machinery then we have to act on that specific application it's not just the whole sales, if it is an approved use in that district, which it is, we have to evaluate it at such time, but we are looking at it differently and we need Corporation Counsel interpretation, there is an overlap and that is why in my opinion we need Corporation Counsel interpretation

Mr. Sipperly asked if the application could be tabled so they could get the interpretation also

Chairperson DeFruscio stated that was the direction he was going to suggest that they go, is that we table this proposal at this point in time and ask that it be submitted to Corporation Counsel for legal opinion where it fits from the City code and then take this up again once we have a legal opinion from Corporation Counsel

Mr. Sipperly said they wanted to get an opinion also

Chairperson DeFruscio responded that they would get it also. He told the applicant that we would try to get it done by the next scheduled meeting but it may not make it that quickly. He then asked for a motion to TABLE the application

Motion was made by Member Bucher to TABLE the application pending review and interpretation from Corporation Counsel 2nd by Vice Chair Carroll motion carried unanimously

	YES	NO
Bob Bucher	X	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	ABSENT	
Kizzy Williams	ABSENT	

Vice Chair Carroll made a motion to adjourn at 7:50 PM 2nd by Member Nadeau

Meeting closed at 7:50PM