

July 5, 2005
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes

Mr. Hansen opened the July 5, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 7:30 PM with the following members present: Chairman Hansen, Vice Chairman Tedrow, Mr. Drake, Mr. Ouimet, Mr. Rose and Mr. Williams – Zoning Board of Appeals Coordinator

Mr. Hansen asked the Board if they reviewed the June 6, 2005 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Ouimet made a motion to approve the June 6, 2005 Town of Halfmoon Zoning Board of Appeals meeting minutes with changes. Mr. Rose seconded. Motion carried.

Tech Electric, 570 Hudson River Road, Relief from the Town's Local Law Sprinkler

Mr. Hansen explained that this item was a continuation from the June 6, 2005 ZBA meeting. At that time, the applicants requested to postpone the Public Hearing to allow the Town's attorney to review and comment on the Town's Sprinkler Ordinance with regards to Tech Electric requesting relief from the Town's Sprinkler Ordinance. Mr. Hansen further explained that the attorney's review time would be longer than the required time of 60 days for the ZBA to except an application and make a determination, therefore, the ZBA will hear the request for relief from the Town's Sprinkler Ordinance tonight and proceed to make a determination. Mr. Hansen opened the Public Hearing at 7:34 PM. Mr. Berger P.E., representing the applicants, showed the Board the site configuration for the Tech Electric site located at 570 Hudson River Road. Mr. Berger stated that the original site plan was to show a commercial subdivision consisting of 6 lots. Due to the wetland delineation, the site was limited to one commercial site. Mr. Berger stated the site is an existing flaglot, which creates the need to make a long run of pipe in order to serve the site with public water that is located on Hudson River Road. Mr. Berger stated that a 1.5-inch copper water line to serve the site with domestic water or the 6-inch ductile pipe required to serve the fire sprinkler system is a large difference financially. Mr. Berger explained the 8,000 SF Tech Electric building is mostly storage area for the electrical contracting business and approximately 15-20% of the building will be for office use. Mr. Berger concluded by stating due to the long run to serve the site with public water from the existing water main on Hudson River Road and that the building would be mostly used for storage of non-combustible material and that the building will be occupied by two employees, the applicants are asking for relief to the sprinkler law due to the financial burden it would create. Mr. Ouimet asked where is the closest fire hydrant to the site. Mr. Berger stated that there is a fire hydrant near the access to the site on Hudson River Road. Mr. John Cooper, Chief of Halfmoon/Waterford Fire Department, stated that fire sprinklers are proven to save property and lives. Mr. Cooper stated he understands the financial burden that the applicants are facing but cannot see placing a value on the lives of the workers or the volunteer firefighters. Mr. Cooper stated that the sprinklers either extinguish or suppress the fire long enough for the firefighters to get to the site. Mr. Bob Johnson, Lieutenant of

Halfmoon/Waterford Fire Department stated most fires can be put out with 6 gallons of water from the sprinklers. Mr. Johnson stated it would take up to 10 minutes for the volunteer fire department to get to the site and without fire sprinklers a fire can get out of hand quickly. Mr. Johnson questioned what would happen if the building was sold to a company that may store combustible material? Mr. Johnson asked what precedent would be set if one business was not required to place fire sprinklers in their building when another business was required place fire sprinklers. It would make it difficult for the fire department to know how to go about fighting the fire by not knowing who has a sprinkler and who does not. Mr. Hansen asked if all the fire fighters are dispatched from the Fire Station on Guideboard Road. Mr. Cooper explained that there is a substation on Hudson River Road and is manned by two firefighters. Mr. Berger stated that there is no disagreement for the safety of the firefighters but added that there is nothing stored that is combustible. Mr. Drake asked what type of construction is the building. Mr. Cherrier, the applicant, stated it is a concrete and steel building. Mr. Johnson stated that anything will burn at certain temperatures as for example a steel beam melts at 1000 degrees F. Mr. Hansen asked if they did a cost analysis for the cost of the sprinklers to the cost of the upgrade of the building. Mr. Berger stated there is a \$20,000 difference between the domestic water line and the ductile pipe for the sprinkler system. Mr. Berger stated the complete fire sprinkler system would cost \$50,000. Mr. Hansen asked what is the total cost of the building. Mr. Cherrier stated \$400,000. Mr. Drake stated the fire sprinkler system is 15% of the total cost of the building. Mr. Ouimet asked how far would the fire department need to lay down hose to the hydrant on Hudson River Road. Mr. Berger stated about 475 ft. Mr. Ouimet asked how much time would it take to lay down the hose. Mr. Cooper stated that it would take a considerable amount of time. Mr. Ouimet asked how long it would take for the fire department to respond to a fire in the area of the site. Mr. Cooper stated that the call goes to the Sheriff office and dispatched to the fire department. The first firefighters need to get the truck ready and others may meet at the scene of the fire. All in all it could take up to 15 minutes from the time of the call to the first firefighters being on scene. Mr. Cooper explained there are 6 fire fighters to a unit. The first unit would bring the tanker truck with 1000 gallons of water; the second truck would run hose. Mr. Ouimet stated that the applicant stated that there would be an alarm system in place. Mr. Ouimet asked what type of alarm system. Mr. Cherrier stated it would be central alarm operated by a security company. The alarm system would be a fire/burglar and CO alarm. Mr. Ouimet asked what type of equipment is to be stored in the building. Mr. Cherrier stated typical equipment for an electrical contracting business. Mr. Ouimet asked if there would be gasoline or a vehicle in the building. Mr. Cherrier stated that the truck might be brought in to load up for a job. Mr. Ouimet asked what is the number of people occupying the building during working hours. Mr. Cherrier stated two – himself and his partner the rest work at the site. Mr. Cooper stated the proposed alarm system would be a phone line system and that phone lines can fail. Mr. Drake stated his work had an alarm go off and he was notified for 3hrs later. The applicant stated that the mechanical fire sprinkler could also fail. Mr. Ouimet asked how large is the building. Mr. Cherrier stated 8,000 SF, where the NYS code states buildings over 12,000 SF is required to be sprinklered. Mr. Ouimet asked how the office would be constructed and furnished. The applicant stated it would be sheet rock with studs, drop ceiling, fiberglass insulation and there would be a couple of desks with no carpet. Mr.

Drake asked if the Local Law required commercial buildings to be sprinklered unless they are granted relief from the ZBA. Mr. Hansen stated yes unless the building is smaller than 2,500 SF or does not have public water available. Mr. Tedrow asked if the ZBA granted relief from the Town's sprinkler law could the ZBA ask for other fire suppressant systems. Mr. Cooper stated the applicant could place a 6-inch water line and place a hydrant near the building. Mr. Rose asked what the benefit would be. Mr. Cooper stated it would be less hose to lay out but there are maintenance issues as these hydrants are owned and maintained by the private landowner. Mr. Johnson stated that there are foam and gas suppressant systems but does not feel that they would work well with the area of the building. Mr. Cooper stated that the fire sprinkler system would be the only type of system he would be comfortable with due to it being able to knock down and contain a fire. Mr. Cooper stated that if a search and rescue needed to be operated and if the fire was too advanced he would not risk life and limb to his firefighters. Mr. Drake stated that he is having a difficult time finding a hardship. Mr. Ouimet stated he agrees with Mr. Drake and hearing the concerns from the fire department also raises the need for sprinklers. Mr. Hansen stated that they had similar requests from an owner of a commercial building on Sitterly Road. Mr. Rose stated that building had zero occupancy. Mr. Ouimet added that at the Sitterly Road building meeting there was no representative from the district's fire department stating concerns over safety of their firefighters. Mr. Rose stated that the applicants do not appear to have a hardship. The ZBA took time to review the Town and State Fire Sprinkler codes. Mr. Ouimet stated he would like to give the applicant an opportunity to speak. The applicants stated that they do not wish to place anyone in harms way nor do they want to be portrayed that way. The applicants stated that due to a large financial burden they are facing to place the sprinkler system and that the building will not hold combustible material is the reason they are asking for relief to the sprinkler law. The applicants stated they would be willing to place a hydrant near the facility. Mr. Cooper stated the hydrant does not address the response time with regards to containing the fire. Mr. Cooper added that a future tenant may need one with the materials they may be storing. Mr. Rose asked Mr. Cooper if there was anyway in his view to mitigate the circumstance. Mr. Cooper stated no that a sprinkler system would satisfy everyone. The Board reviewed Section 903 of the NYS Building Code. Mr. Rose asked what the applicant would need for a building permit. Mr. Hansen stated that they would need to know whether or not a sprinkler system is required. Mr. Hansen stated that the Building Department utilizes the State's code unless a Town requirement is more stringent. Mr. Cooper asked how the driveway would be constructed. Mr. Berger stated with compacted gravel. Mr. Hansen stated for the record they have received a June 2nd letter from Chief Cooper and a letter from the National Fire Sprinkler Association supporting the need for fire sprinklers. Mr. Tedrow asked if the Town's water system is compatible and has enough pressure to supply the fire sprinkler system. Mr. Cooper stated yes (as he works for the Town's Water Department).

Mr. Ouimet made a motion to deny the requests for relief to the Town's Local Law requiring commercial building to have fire sprinkler systems due to the concerns of the Chief and Lieutenant of the Halfmoon/Waterford Fire Department regarding safety of property and life and the applicant's failure to show a true hardship. Seconded by Mr. Rose. Motion Carried.

Motion made by Mr. Tedrow to adjourn the July 5, 2005 Town of Halfmoon Zoning Board of Appeals meeting at 8:31 PM. Seconded by Mr. Ouimet. Motion Carried.

Respectfully Submitted,

Jeff Williams
ZBA Coordinator