

Town of Halfmoon Planning Board

October 12, 2010

Those present at the October 12, 2010 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Senior Planner: Jeff Williams

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

Mr. Watts opened the October 12, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 27, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the September 27, 2010 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

New Business:

10.084 NB Greg P. Massengale, 160 Woodin Road – Commercial Site Plan

Mr. Greg Massengale, of 160 Woodin Road (the applicant), stated the following: I have 4 tractor-trailers and I would like to park my trucks on my property. It would be just the tractors and it would not be the tractor and the trailer. We park them there because I have no other place to park them. Mr. Watts asked the applicant to explain the property, the size of the property and the access to the property. Mr. Massengale stated the following: There is a right-of-way that leads down to our property where we are located. I have a very large driveway. We have 2.74-acres of land. When the trucks are parked on my property, I have a hedgerow of arborvitaes so you can't see the trucks from Woodin Road. You actually have to drive down the access road, which is a private road. The Town does not maintain the road; we maintain the road. I purchased a 4-wheeler with a plow so that I could plow the road. The trucks are in the front of my home. Mr. Roberts asked Mrs. Murphy if this was a residential area. Mrs. Murphy stated yes. Mr. Massengale stated the following: Yes, this is a residential area and around me there is a sign shop and to my knowledge he is commercial. I was told that because he was self-contained or something; but he does have signs up for his sign shop. I do not have any signs up for my trucks. My trucks are tucked back away. If you didn't know that there were 4 houses back there, many times I have ordered food and I have to specifically tell them where we are at because you can't see the trucks. We don't work on the trucks there. The trucks just sleep there because that is where I feel most safe with my trucks. I can't afford to purchase a place to park these trucks and I have inquired about it and it's just not feasible. Mr. Roberts asked Mrs. Murphy if this use was allowed in a R-1 Residential zone? Mrs. Murphy stated it is not. Mr. Nadeau asked if this property is zoned R-1 Residential? Mrs. Murphy stated the following: That

is correct. The use the applicant is requesting is not something that this Board even has the authority to permit based on what he is describing. Mr. Higgins stated basically, if it's something that this Board does not have jurisdiction to approve, we will have no choice but to disapprove it, is that correct? Mrs. Murphy stated that is correct.

Mr. Ouimet made a motion to deny the commercial site plan application for Greg P. Massengale on the basis that the proposed tractor-trailer business is not a permitted use in the R-1 Residential zone per Town Code. Mr. Nadeau seconded. Motion carried.

10.085 NB Google, Inc., 3 Corporate Drive – Change of Tenant

Mr. Brian Sleasman, of ABD Engineering and Surveying, stated the following: Google bought out ON2 Technologies that was originally located at 3 Corporate Drive. The proposed business consists of computer programming and coding. Originally ON2 had 50 employees and Google is only going to have 20 employees. Google will utilize the same space that ON2 previously occupied in 3 Corporate Drive.

Mr. Nadeau made a motion to approve the change of tenant application for Google, Inc. Mr. Berkowitz seconded. Motion carried.

10.086 NB Liberty Mutual, 14 Corporate Drive – Change of Tenant

Mr. Brian Sleasman, of ABD Engineering and Surveying, stated the following: This tenant space is a 4,200 SF area that was previously used as office space and now they are just going use to sell personal market insurance. There will be 16 employees and 9 field salesmen. Usually the salesmen will not be at the office but if they are, they wouldn't be there all at the same time. Most of their business is done over the internet and over the phone with the exception of maybe 2 or 3 clients a day. Mr. Higgins asked how many employees were there previously? Mr. Sleasman stated I'm not sure. Mr. Watts asked Mr. Williams if they would have adequate parking. Mr. Williams state yes. Mr. Watts stated please ask the applicant's for Google and Liberty Mutual to advertise that they are located in Halfmoon. Mr. Sleasman stated okay. Mr. Watts asked if Google and Liberty Mutual would have any signs. Mr. Sleasman stated I don't know.

Mr. Berkowitz made a motion to approve the change of tenant application for Liberty Mutual. Mr. Higgins seconded. Motion carried.

10.087 NB Momentive, 20 Solar Drive – Change of Tenant

Mr. Robert Hayes, the applicant, stated the following: I represent Hayes Industries and the subject property is 20 Solar Drive. We're here this evening to request a change of tenant and the proposed tenant is Momentive Performance Materials. The proposed use is consistent with the existing use, which is the warehousing of finished goods for distribution. We had a formal presentation here for you this evening but we have had several conversations with the Chairman as well as the Town Supervisor and also with the fire chief. I believe we have answered all of the questions to their satisfaction. Mr. Watts stated the following: One of the key things that we were concerned about was the fire safety at the site and Mr. Steffen Buck, our Senior Code Enforcement Officer, met with Mr. Gerry Morigerato from Momentive to review what was going to be stored at this site. Mr. Buck's memo from that meeting stated the following: "They gave us a complete spreadsheet of every material that would be stored in the building and the DOT HazMat guide number that corresponds with it. He also gave us information that there will not be any airborne products there as well as no water reactive products. He also stated that the building would be cooled by a refrigerant that does not contain any ammonia. They also stated that the building would be NFPA 70 compliant, which is a higher compliance then what is required by NYS Code. Upon Planning Board approval of the use of the building, the Building Department would require the following items prior to issuing a Certificate of Occupancy (C.O.): Change of Tenant permit, an engineered stamped fire sprinkler plans, third party electrical inspection, Knox Box installed and keyed property and a final fire

inspection done by the Building Department. Upon a passing inspection, a C.O. will be issued. It is my opinion that Momentive will be in compliance and will properly maintain the proposed building as required by NYS Code and the Town of Halfmoon's requirements." So when they came in originally, we all said, "What's going on here because they are fairly close to residential areas" but they've gone above and beyond in terms of providing our Code Enforcement and fire people with the information. As the head of that department, I feel that with the product that they are storing in there, they're fine. Mr. Higgins stated the following: Is this just strictly for finished products and there wouldn't be any raw chemicals stored there? Mr. Hayes stated the following: That is correct. They are all finished products and they are actually in the containers, which will be shipped to their end customers. Mr. Higgins asked would the people handling the product there be Momentive employees or are you going to have a third party handling that? Mr. Hayes stated I believe it's going to be a third party. Mr. Pat O'Hara, the Logistics Manager, stated the following: We contract our warehousing to a third party company that operate out of our Waterford plant site and these same people would be the ones that operate in this building. They have been operating for over a year now in Waterford very successfully. Mr. Higgins stated also, it was mentioned previously that you are going to do training for the local fire department on a yearly basis so they are familiar with what is stored in the facility as well as how to handle any kind of a problem that is there. Mr. O'Hara stated that is correct. Mr. Watts stated the following: Relative to that, I received a memo from Mr. John VanChance, the Fire Chief for Clifton Park/Halfmoon, "We are pleased to see that Momentive made the offer to conduct annual fire safety training at the site and asked the Board to make a resolution of approval that the Clifton Park Fire Department will receive annual training at the site hosted by Momentive personnel. This will insure that my department will be able to properly respond to an emergency at this type of facility and will insure the communities safety as well". So, that is very positive. Mr. Ouimet stated my concern is that once we approve or if we approve this change of tenant based on the representations that have been made regarding what's going to be stored there, how it is going to be stored and what state it is going to be in and then six to eight months down the road from now you change the product line and different materials get stored there; how would this Board know about it or have a chance to re-review the storage of other potentially hazardous materials and different types of hazardous materials? Mr. Hayes stated the following: Do you have a recommendation on how you would like to handle that? Would you like a notification of any new materials to be stored in the facility within 30 days prior to? Mr. Ouimet stated I think one way I would feel somewhat comfortable about it is with the annual training of the fire response personnel. Because obviously that training would reflect what is being stored there at that time. Mr. Hayes stated right. Mr. Ouimet stated the following: So every year they are going to be retrained. So any approval I think that we should consider making sure that that's a condition of the approval that there is annual training for the fire company. Secondly, I would hope that we could come to some kind of agreement that if you change to product line if it becomes materially different from what you are proposing to store there now; that you come back to us and make a presentation to us and tell us what it's going to be and how you're going to address it and how you're going to store it and how you're going to respond to any potential hazards, if in fact there are any. Mr. Gerry Morigerato, representative from Momentive, stated the following: Before we are allowed to store any chemical, I have to provide the fire department with a MSDS. So, all the chemicals that I provided there, they will have a MSDS for it. If we put a new chemical in there, we will provide the fire department with the new MSDS and a review on that particular chemical. Before I can even put it up in that building, I have to provide that to the fire department and get the fire departments okay. I can do that for your Code Enforcement people. Mr. Watts stated we will make that part of the condition that that form is submitted to us. Mr. Morigerato stated the following: I gave Mr. Buck a spreadsheet with each one on there but it is very important for the fire department to have the plans and to have the pre-plan so they can pre-plan the building. We'll help them pre-plan the building and include that in part of the response. Mr. Watts stated prior to that, you submit that form to Code Enforcement and the Town of Halfmoon simultaneously. Mr. Morigerato stated I was a fire chief in Waterford for 24 years and I'm the global EHS leader for Momentive. Mr. Ouimet stated I would just ask that that information be provided prior to you actually changing the

product. Mr. Morigerato stated it has to be, by the right-to-know law it cannot be there before I present that and give the MSDS. I cannot put a chemical there that I haven't given the fire department a MSDS for. Mr. Berkowitz asked is that part of the OSHA regulations? Mr. Morigerato stated yes. Mr. Watts stated I would like to specifically thank you for your cooperation with all our meetings and I feel that this has gone very well.

Mr. Berkowitz made a motion to approve the change of tenant application for Momentive condition on only finished product as presented is stored at the site and if any different material or product is to be stored, the applicant will notify the Board prior to storing the new material or product and the applicant will submit the MSDS sheet of the new material to be stored per OSHA regulations and also the applicant will conduct fire training at the site for the local Fire Departments on an annual basis. Mr. Ruchlicki seconded. Motion carried.

10.089 NB Hoff Jewelers, 1546 Route 9 – Sign

Mr. Wayne Gendron, of Sign Tech, stated the following: I am representing Hoff Jewelers for their sign application. The proposed signage would be 45.6 SF. The actual size of the sign area is only 32 SF because I drew a box around the entire rooftop so that increased it a little. The freestanding sign would be placed on the frontage of the site just south of the driveway. Each side of the sign is proposed as 45.6 SF for a total area of 91.2 SF. The sign would be double sided and would total 10 FT in height. Mr. Roberts asked if the sign would be internally lit. Mr. Gendron stated absolutely, the only thing that is different than the sign rendition that was submitted is that they picked out different colors. I was unable to get it to the graphic designer before tonight's meeting. The colors would be exactly like their building with beige and tan and the rooftop would be a rustic brown. Mr. Roberts asked if there would be any exposed neon. Mr. Gendron stated the following: No, absolutely not. It is a freestanding sign that has a rooftop on the sign itself. This proposal conforms to Town Code.

Mr. Roberts made a motion to approve the sign application for Hoff Jewelers condition on the proposed sign is not placed within the New York State right-of-way. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 12, 2010 Planning Board Meeting at 7:16 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary