

Town of Halfmoon Planning Board

April 26, 2010

Those present at the April 26, 2010 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the April 26, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 12, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the April 12, 2010 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

New Business:

10.041 NB 1st National Bank, 1693 Route 9 – Sign

This item was tabled as the applicant was not present for this application. The applicant needs to submit an owner authorization form before they are permitted to appear before the Board.

10.043 NB 6N Systems, Inc., - 3 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: This is the last space located at 3 Corporate Drive. The applicant would occupy approximately 3,500 SF of space. 6N Systems, Inc. is a software developer for long-term care use in the medical industry. Mr. Higgins asked if there would be adequate parking. Mr. Williams stated yes. Mr. Watts stated please asked the applicant to advertise that they are located in Halfmoon. Mr. Andress stated I certainly will.

Mr. Higgins made a motion to approve the change of tenant application for 6N Systems, Inc. Mr. Berkowitz seconded. Motion carried.

10.044 NB Edward Dalheim Industrial PDD, 69 Button Road – Addition to Site Plan

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: Mr. Dalheim is also present for tonight's meeting if you have any questions in reference to this project. This is an existing Planned Development District (PDD) that Mr. Dalheim has in which he has a process where he brings in asphalt and

crushes it and then sells that to the asphalt industry. The material that is brought in is broken asphalt and I believe that concrete is also brought in. Mr. Dalheim is proposing to construct a 100 FT x 200 FT asphalt pad so it has a good flat area for him to process material. Also, Mr. Dalheim is going to start processing asphalt shingles. Asphalt shingles would be brought in from construction sites and the shingles would be crushed in the same machine that he currently uses to crush other asphalt and concrete. This material would also be sold back as recycled material to the asphalt manufacturers. Mr. Dalheim's home is located right next to this facility so he has good control over it. The plan shows the existing pile areas and there would now be an additional pile for the crushed shingles. The crusher is located in the pile area and the proposed asphalt pad is shown on the plans. Mr. Higgins stated the following: How is the applicant going to control the type of shingles that come in because a lot of the older shingles have asbestos in them, both the type of shingles that they put on siding of houses as well as on the roofs? Mr. Dalheim stated the following: We are only going to accept 3-tab shingles. Anything that is older, we are regulated by our permit from the New York State Department of Environmental Conservation (NYSDEC), to get the material tested per every load. So, I have to basically keep control over what's coming into the facility and if I see anything that is questionable, I have to test it and that load can be refused. So, it is a constant monitoring process with anybody that comes in there. Anything 3-tab or 3-tab shingles, which are 1974 and younger, are asbestos free. Anything that comes in that could possibly be contaminated with asbestos has to be tested and I am monitored very tightly by the NYSDEC with their regulations in regards to that. It is a monitoring process of who is bringing the product in. Mr. Watts stated so the NYSDEC might make a visit to look at what is going on. Mr. Dalheim stated the following: The NYSDEC already makes visits to my facility to monitor whether we are accepting garbage, contaminants or any of that kind of stuff. The NYSDEC is the monitoring force behind my business and I'm restricted to only accepting 3-tab type shingles. If I receive anything that's possibly older than pre-1974, I've got to go get it tested. So, basically I have to keep a close eye on what is coming into the facility. Basically what I'm looking at is going to be some trusted contractors and different people that I know out there that I can rely on to bring a clean product to us. Mr. Higgins asked are the shingles then shredded? Mr. Dalheim stated the following: The shingles are then shredded and we run them through a grinder, then we screen them down to 3/8 inch minus. In the process we also take the nails and whatever hardware out of them with a magnet. This product now is in a 3/8 inch minus cubicle product, which is then sold to Callahan, Carver Construction, and different people who are running asphalt plants. The content of an asphalt shingle or 5-tons of asphalt shingles is equivalent to 20-tons of wrap so there is a huge amount of asphalt that can be recovered from asphalt shingles. It is just another evolution of recycling and that kind of stuff to save on our landfills. Mr. Higgins stated yes, I am familiar with that and I just had a concern about the asbestos. Mr. Dalheim stated the following: That is something that we're going to have a close eye on through our monitoring. Basically, it is a per load kind of situation. If we think that something came in that could be questionable, then we have to send it to be tested and if we don't do that, then we're looking at some severe fines through the NYSDEC. Mr. Higgins asked regarding the stormwater retention area. Mr. Dalheim stated the following: The run-off is all pitching to the back of the gravel pit. We're not introducing any more run-off than what would come off of some house someplace. The only time that we are going to have any type of run-off would be if we process a pile and we get a little bit of run-off off of that, but that would all be contained right in the pit area. Mr. Higgins stated but the 100 FT x 200 FT area that you're going to put an asphalt pad is presently dirt. Mr. Dalheim stated yes it is and were going to create the run-off off of that which is going to shed to the rear of the sand area and there is a retention area right behind that. Mr. Watts stated this is a PDD and asked if the change that Mr. Dalheim wants to make is in accordance with the PDD and the legislation? Mrs. Murphy stated the following: Yes. The PDD legislation already allows him to do the processing of the asphalt. He is just now making the area more amenable to what he is already doing. Mr. Watts asked Mr. Bianchino if there was any reason for this to be reviewed by CHA or are you satisfied with what we have heard? Mr. Bianchino stated the only thing that I would like Mr. Andress to clarify again is if the pad is going to slope to the east to the back of

the site but then the grading goes up so the whole thing is going to be in a bowl. Mr. Dalheim stated yes, it's just a detention area. Mr. Bianchino stated it looks fine to me.

Mr. Berkowitz made a motion to approve the addition to site plan application for Edward Dalheim Industrial PDD. Mr. Nadeau seconded. Motion carried.

10.045 NB Halfmoon Crossing, Route 9/Halfmoon Crossing Blvd. – Sign

Mr. Todd Fischer, of Solar Associates, Inc., stated the following: I am here tonight representing the Crossing. About 11 years ago we appeared before your Board for signage for Home Depot. Tonight I'm here to ask you your memory, in the case of Mr. Nadeau and Mr. Roberts, and also your records to reaffirm and approve what I took place at the meetings 11 years ago. Currently there are 2 signs for Home Depot. One is located on the Route 9 and the other one is located at PETCO. My recollection was that during the discussions what we said to the Board was that since Home Depot occupied approximately ½ of the Halfmoon Crossing, that we needed signage for the rest of the tenants. I believe at that time, even though we can't find it in the records, that you approved not only the Home Depot sign; but a 10 FT x 10 FT sign underneath those. The only other record that I have in my possession is a bill from the sign company. When the sign company sent out these signs to be erected, they also sent these other boxes and they tried to charge us for it and we refused and therefore, it was taken back. The situation now is, in case of sign located on Route 9, Linens n' Things has been out of business for 2 years and Exit 9 Wine & Liquor is now located where Linens n' Things was located. Exit 9 Wine & Liquor now wants a sign there because their other 2 signs are coming off and we feel it would be better to be integrated on a sign panel. So, we're here tonight to ask you to approve that and I can answer any questions that the Board might have. Mr. Roberts stated Mr. Fischer has a very good memory because that is just what happened. Could you do me a favor and ask Exit 9 Wine & Liquor to remember they are in Halfmoon and not Clifton Park? Mr. Fischer asked where is that coming from because I was very careful to remind them of that? Mr. Roberts stated it has been on TV a number of times. Mr. Watts stated Exit 9 Wine & Liquor did agree to that. Mr. Higgins asked is Exit 9 Wine & Liquor going to be the only name on the lower section of that sign? Mr. Fischer stated the following: Yes, for the time being. PETCO has also been asking us for signage, as they don't have any pylon signage right now. So, it is possible that they could go on this sign and we are working with a couple of large national tenants for the balance of our property and we need to tell them that we have some signage for them also. Mr. Watts stated the following: That is a unique piece of property in that it does not front on Route 9 so the buildings are set back from the road. I think that is why back in the early days when it was approved, there was some leeway given to the Planning Board to approve signage. So, I would like to think that we could be helpful with the advertising that you would do for any commercial enterprise based upon the fact of the unique physical location and the depth of the plaza.

The Planning Department's write-up for the signage is as follows:

Halfmoon Crossing/Route 9 & Halfmoon Crossing/Halfmoon Crossing Blvd. - Sign

Sign-1- Halfmoon Crossing/Route 9

Existing Height: 39ft

Proposed Sign Area: 100 SF, double sided

Proposed Sign Dimensions: 10ft x 10ft

Sided: ☐ one-sided ☒ Two-sided

Lighted: ☒ Internal ☐ Flood

Sign-2- Halfmoon Crossing/Halfmoon Crossing Blvd.

Existing Height: 43ft

Proposed Sign Area: 100 SF, double sided

Proposed Sign Dimensions: 10ft x 10ft

Sided: ☐ one-sided ☒ Two-sided

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the sign application for Halfmoon Crossing. Mr. Nadeau seconded. Motion carried.

10.046 NB Red Lotus Salon, 1707 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Bruce Tanski, the applicant, stated the following: The Red Lotus Salon is exciting new concept in the nail industry. While many nail salons exists, none offer the combination of nail services and spa services that the Red Lotus Salon would do. The salon would be approximately 2,380 SF in area. There will be 3 treatment rooms, each measuring 9 FT x 12 FT that would be used for facials, massages and waxing services. The majority of the open floor space would be dedicated to manicure and pedicure stations. The rest of the open space would be dedicated to retail, register and a waiting area. The services would include a variety of express manicure and pedicure services, premium and add-on nail services, as well as spa services and retail products. This salon would be managed by owner, Yan Ru Kupecki. Mrs. Kupecki has many years experience as a nail technician. She has worked in different nail salons in the immediate area of Clifton Park, Halfmoon and the wider Capital District area. She holds New York State licenses in nail specialty and waxing. She has also completed an esthetician-licensing program and has recently applied for her New York State Esthetics license that is pending. She will manage the salon and service clients. Her son and daughter-in-law will work as full-time employees. It is my understanding that the signs have been kind of pre-approved like the rest of the plaza signage as a standard 8 FT x 2 FT, one-sided, internally lit and affixed to the building over the entrance. The sign would basically say "Red Lotus Salon of Halfmoon". Mr. Nadeau asked was there a previous tenant located in that tenant space? Mr. Tanski stated no. Mr. Watts stated please ask the applicant to advertise as being located in Halfmoon because I know you have another tenant in there that thinks they're in Clifton Park. Mr. Tanski stated okay.

Mr. Nadeau made a motion to approve the change of tenant and sign application for Red Lotus Salon. Mr. Higgins seconded. Motion carried.

10.047 NB Pai's Academy of Tae Kwon Do, 1580 Route 9 – Addition to Site Plan

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: The applicant, Mr. Kwang Pai is also present here tonight. Mr. Pai has had this facility since 1994 and everything has operated fairly well. Mr. Pai has occupied approximately 7,000 SF of the building and the area in the back of the building has been available for lease. The last tenant that was in there I believe was Freihofer's for their bakery outlet and they have since left. With the economy the way it is, it is a little more difficult to rent the back because it is not visible. So, what we are proposing to do is to take the front area, which is the Tae Kwon Do studio, put it into the back and then we would be able to lease out the front area instead of the area in the back. With that, what we are proposing to do is build some additional parking in front of the building so it is a little more convenient for a tenant and then we would add a door in the middle of the existing building and take out some of the glass and put a door in there so they have an easier way to get into the front of the building. The building sort of sits up high, there is a plateau and there is a pretty good size ditch down into the New York State Department of Transportation (NYSDOT) right-of-way and then it comes back up to Route 9. There is a sign in the front and then there is sort of a landscaped planted area and we would just be behind the landscaped planted area so that would be remaining. The sign is behind it so it would have to move forward into the landscaped area. We are proposing nine 10 FT x 20 FT parking spaces and

one handicapped parking space. It would integrate fairly well into there and we would be able to pitch it all so all the drainage would go into the existing detention basin. Mr. Roberts asked wasn't there a daycare center approved at that site at one time? Mr. Address stated yes, it is an after school program that is part of the Pai's Tae Kwon Do. Mr. Watts asked is that operational now? Mr. Pai stated the following: I am the owner of Pai's Tae Kwon Do. We did get an approval for the after school care program last fall and what I'm proposing is that I'm moving to the back so only 1,000 SF of space would be the difference when I change. I advertised for the after school care program but it is not easy to collect the customers or students. I have been advertising internally for about a month and we are up to about 5 students. I think it will take some time and maybe come September it might get larger. The maximum number I can have is up to 45 and with my moving into the back everything would stay the same and there would be no changes. Mr. Watts asked if the after school care program was contained within Mr. Pai's regular area where they do the Tae Kwon Do and the Board didn't approve that for a separate space? Mrs. Zepko stated right. Mr. Address stated that is part of Mr. Pai's whole operation. Mr. Higgins asked how many square feet was the previous retail area? Mr. Pai stated about 3,000 SF. Mr. Higgins asked are you doubling the size of retail to 6,000 SF? Mr. Address stated the following: Yes, right now we have approximately 7,000 SF in the front and 3,000 SF in the back. Depending on what's going to happen we're looking at most likely 4,300 SF which is the main floor area in the front before you get to where the offices are and that would be the partition line and that would give Mr. Pai a little less than 6,000 SF. Mr. Higgins stated it says that Mr. Pai is going to have 4,000 SF for the Tae Kwon Do and 6,000 SF for the retail. Mr. Address stated the following: That is incorrect. It is 6,000 SF for the Tae Kwon Do and 4,000 SF for the retail. Mr. Higgins stated the reason I'm asking is that I want to make sure that the parking is correct. Mr. Address stated 4,300 SF would be the maximum for retail. Mr. Higgins stated so this has to be changed. Mr. Address stated right; we have looked at that and decided that it would just come to the back of the current exercise floor. Mr. Higgins stated the area in the front, when this originally came in, was intended for greenspace. At that time the Board was trying to maintain some greenspace along the road frontage on Route 9 and other main travel areas in the Town and the parking was intended to be on the side of the building and the rear of the building. Mr. Address stated the following: It was but the area in the front was the septic system. This building was built prior to the construction of the Abele Business Park/Corporate Drive and then the sewer became available. The septic system was abandoned and now it ties into the sewer system that goes to the Abele Park. You are correct; the front area was greenspace but it was also being used as the septic area. Mr. Watts stated the following: As Mr. Higgins just mentioned, the intent was for the front to be greenspace and it doesn't matter what is underneath it. I don't understand what the sewer has to do with any of it. Mr. Address stated I am just saying; because of the way that the site was laid out, that was the area that we had also as the area of septic. Mr. Watts stated so that is not a rationale for it. Mr. Address stated no, the greenspace is there and it was an area for the septic. Mr. Higgins stated the following: In my mind if we're going to even look at making this into a parking area, I personally would like to see something to offset some of that either in some nice shrubs or bushes or something to make it look nice. I understand you want visibility but also at the same time if we're taking greenspace away, I would like to see something there to at least make it attractive instead of just looking at a bunch of cars parked there. Mr. Berkowitz stated the following: I agree with Mr. Higgins. You could put some shrubs in to shield the cars and you could still see the building and the storefront. Mr. Address stated we certainly don't have any problem with that. We didn't give the detailed landscaping on the plan but our intent would be to do that landscaping.

This item was tabled and referred to CHA for their technical review.

10.048 NB Top Cat Landscaping & Snow Removal Inc., 10 Guideboard Road – Change of Tenant

Mr. Dan Chouinier, the applicant, stated the following: I'm the owner of the property located at 10 Guideboard Road and I'm here tonight to propose a change of tenant application for Top Cat, which is owned by Mr. Anthony Bonventre. Mr. Bonventre will talk to the Board tonight about a landscaping operation that he currently operates and I think it would be a good fit for my property. Mr. Bonventre submitted material to the Board about what exactly he would have on the property. Mr. Anthony Bonventre, owner of Top Cat Landscaping & Snow Removal Inc., stated the following: Top Cat Landscaping currently operates out of Mechanicville where our office is located and we have a shop in Stillwater. We are going to sell our shop in Stillwater because we are outgrowing that location. We do landscaping and snow removal throughout the Clifton Park, Halfmoon and Waterford area. Generally, we do commercial snow removal for the Crossings, the Clifton Park Center Mall and Momentive in Waterford. We also do landscaping for some of our customers. Basically we are just a commercial property maintenance landscaping/snow removal company. Mr. Watts stated could you please describe for us how you are going to use this site. Mr. Bonventre stated the following: We will be using this site as an office and the 3-car detached garage we would use to park our equipment and vehicles. Opposite the buildings we are going to have bins that we use for storage of topsoil, mulch, salt and stone. The bin area would be used for storage for all our landscaping and snow removal supplies. Mr. Roberts asked how many employees do you have? Mr. Bonventre stated the following: We have 3 to 4 employees in our office and some of those employees are part-time. Generally, there are 2 to 3 people at a time in our office. For our summer help we have 3 to 4 employees who would report directly to the jobsite so they wouldn't come to the office. In the summertime the maximum number of employees would be 6 to 10 people but they wouldn't be staying at the site. During the winter we have around 10 people that would come to the office and everyone else would report directly to a jobsite. We do employ about 36 people in the winter and 6 to 10 people in the summertime. Again, the higher number does not report to our office, they would report directly to jobsites and half of those people are also subcontractors. The highest our payroll has gone is 14 to 15 people. Mr. Berkowitz asked what happens when there is a snowstorm during the middle of the night? Mr. Bonventre stated we would definitely have to come to the jobsite to get our equipment out. Mr. Berkowitz asked would they be loading up with salt? Mr. Bonventre stated the following: They may load their initial load from there but all our sites have stockpiles of salt at them; we have 1 in Clifton Park, 1 in Halfmoon and 1 in Waterford. If it is 2:00 am, we're pretty much good neighbors. Unless it's an emergency and we're out everywhere else, we are not going to dig into that pile because we don't want to wake anybody up. The machinery itself is a skid steer that loads the salt and a skid steer is the smallest type of loader that you can have and it's pretty quiet. The only time they would be out there is if there was a snowstorm and we would be no louder than a plow that drives down the road. Mr. Berkowitz asked if there were backup alerts? Mr. Bonventre stated there is but there is a switch that can turn it off. Mr. Berkowitz asked how do you receive deliveries of the salt, gravel and mulch. Mr. Bonventre stated by dump truck. Mr. Berkowitz asked by a tractor-trailer dump truck? Mr. Bonventre stated our salt generally comes in a tractor-trailer and everything else is delivered by a 10-wheeler. Mr. Berkowitz asked how much is delivered in a year? Mr. Bonventre stated the following: Thirty-four tons comes in a delivery and the pile at this location would be our emergency pile so we would not be pulling out of it as much as the other 3 locations that we use. We use 600 tons a year but this facility would never accommodate us pulling 600 tons out on a yearly basis. Mr. Berkowitz asked how many tractor-trailers would come to this site? Mr. Bonventre stated maybe 2 per year. Mr. Berkowitz asked is that just for salt or for everything else? Mr. Bonventre stated the following: I'm sorry; you said tractor-trailers so I assumed you were talking about the salt. If it is a really good year, we have done 500-yard, which would be somewhere around 10 to 12 tandem truckloads. So, over the course of the summer there may be 15 yards and with mulch we get more because it is lighter. Salt on a tandem we only can get about 18 or 20 yards and we really don't use a lot of stone and our stone pile moves quite slowly. Our mulch is generally what we really use a lot of.

We get about 35 to 40 yards in our mulch because it is a weight restriction. The salt comes at about 35 to 40 yards in a delivery. It also is not a dump; it is a walking floor because we do that for safety. It doesn't dump high up in the air; it just walks off the back. Mr. Berkowitz asked would there be any smells coming off of the site from the mulch and salt? Mr. Bonventre stated our salt is going to be straight salt inside that building. Mr. Higgins stated the following: You mentioned magic salt and a couple of 3,000-gallon tanks. Initially you would have 2 to 3 tanks and it is anticipated that there could be 5 to 6 tanks. Mr. Bonventre stated the following: I think 3 products were listed; magic salt, calcium chloride and salt brine. I don't believe we are going to have the magic salt there but it does have a little bit of an odor when you are up close to it. It generally doesn't spread anywhere and the tank is sealed. The magic salt does have a little bit of a sweet kind of smell. Mr. Higgins asked is this in line with the pre-existing, non-conforming use or does this tend to be an expansion of that? Mrs. Murphy stated I was just given this information today and I was familiar with the old use based on a prior application that came before the Board. From what I'm hearing, this sounds like a much more intensive use for this site. Mr. Chouiniere stated the following: We had diesel fuel and gas on the site when my father had a large amount of vehicles there. My father had diesel fuel on the site right up to the last couple of years and the tank that is there now is going to be removed. So, there has been diesel fuel on this site and all in compliance with all the laws that needed to be followed. There has been gas on the site and there has also been material on this site. We have always had gravel, stone, top soil and sand on this site and if you were to go by the site now, there are concrete blocks. My father used to keep it out in the back but trying to get out there to get it obviously was kind of difficult. When Mr. Bonventre mentioned the fact he would like to do something like this, I brought them out front with the idea that if he wanted to use them he could use them for the bins. We've begun to talk about the tanks and it was a concern of mine to make sure that the tanks weren't going to be intrusive and that they weren't going to cause any kind of problem with the neighbors or anything like that. So, I am not familiar with the smell of magic salt, I did read up on magic salt and the fact that it is not corrosive or anything like that and it is environmentally friendly. So, I think that we would definitely be interested in what the Planning Board has to say about ways of mitigating that, what you would allow and what you would not allow in as far as that stuff goes but I can tell you that there has been stuff on-site and there has been fuel on-site as well and there has never been any problem with smell. Mrs. Murphy stated to Mr. Chouiniere thirty-six employees to me is going to be an expansion of what was there in the past. Mr. Chouiniere stated I did mention that to Mr. Bonventre and he told me that the thirty-six employees are actually mostly sub-contractors. I said to Mr. Bonventre "if you employ thirty-six people, where do you keep all the trucks and all the machinery?" and he told me they were sub-contractors. I think Mr. Bonventre will have to clarify this with the Board on which employees are his and sub-contractors. It was my understanding from Mr. Bonventre and from his paperwork that sub-contractors do not come to pick up material from the site. Mrs. Murphy stated that would definitely have to be clarified. Mr. Bonventre stated the following: Primarily we have 4 office staff; 2 field, which I am one of and 2 secretaries and then a part-time bookkeeper and that takes care of 4 of our employees. During the winter months when we are busy and we have a lot of people at work, there are 3 trucks that are going to be housed at this facility that will need to be picked up in the event of snow. The other 3 trucks that I own go home with the employees and they use them as their transportation to and from work. I think we put down 7 parking spaces and that would be about the most we would really have there would be 7 employees at the building at one time. Mrs. Murphy asked what about paydays? Mr. Bonventre stated the following: Except for paydays. When payday comes I think about 15 people might come through during the course of day. A lot of the checks get delivered right at the site and a lot get mailed to their home. We have 8 to 14, 15 people at the maximum that are on our payroll depending on the season; summertime around 10. Mr. Chouiniere stated with my father's business it was pretty much the same, it may not have been 14 but I know there were about 10 employees. Mr. Bonventre stated 15 people are the most we've had on our payroll and last winter there were only 12. Mr. Nadeau asked how close are Mr. Chouiniere neighbors. Mr. Chouiniere stated there is a house on the corner, which is a 3-unit

apartment, a person across the street; my cousin lives in the back. Mr. Nadeau asked what are you talking with distance; about 100 FT, 200 – 500 FT? Mr. Chouiniere stated the following: That would be a difficult guess, but probably 75 to 100 FT away. Most of the stuff that is going to be going on would be on the backside. So, I wouldn't anticipate that there would be much as far as impact. Mr. Nadeau stated with the daytime operation, I don't have a problem with it but I am kind of concerned with the nighttime part of it. Mr. Chouiniere stated the following: When we did snow plowing with Chouiniere's Truck, it was a 24-hour operation as well. Again, we were as considerate as we could be and before we went home at night, if it was planning on snowing that night, all the plows were on, all the trucks were loaded already and everything was put away so when we came in, we just started up the vehicles and headed out. I imagine that's going to be the same thing that is going to be happening with Mr. Bonventre's operation. If you get the call at 2:00 in the morning and you've got to go out and plow, you're not going to want to start to get your stuff ready at that point and you're not going to be employed very long by the place having you work for them. Mrs. Murphy asked when was that plow operation? Mr. Chouiniere stated probably about 10 or 12 years ago. Mrs. Murphy stated just so the Board is aware, they would have lost the status of pre-existing, non-conforming with regards to that function because of the 2-years of inactivity for that use. Mr. Chouiniere stated my father did some plowing after that, but I would have to go back through his books to check but it was mainly just my father and one large truck. Mr. Watts stated the following: What we would be required to do, I believe, before we make a decision on this right now, is to schedule a public informational meeting which is required. We would have to notify the surrounding people, neighbors or residents of the meeting and I would suggest to you that you be a bit more in-depth relative to your actual plans for this site with some diagrams and some more specifics relative to the employees at the site, utilization of the site, equipment and all the things at the site. I would suggest that you have a little more clarity when you make your presentation because you are going to make your presentation to not only the Board but to people who are here who may or may not have a concern. Mr. Chouiniere asked did you get a chance to look at the written narrative? Mr. Watts stated yes. Mr. Chouiniere asked is it clear and should we read from that? Mr. Watts stated I can't tell you what to do. Mr. Chouiniere stated in my discussions with Mr. Bonventre about what was going on at that property, we were referring to that as our document. Mr. Watts asked are you referring to the salt storage building photos and the large quonset-hut type buildings? Mr. Chouiniere stated Mr. Bonventre gave those to you as a diagram and those buildings are custom made for whatever is going to be covered and he has the exact dimensions on the plan and we handed that in with the application. Mr. Higgins stated but it doesn't show where the tanks are going to be. Mr. Chouiniere stated the tanks would be right next to the covered salt storage. Mr. Watts asked are you referring to the 5 storage areas and inside measurements for each would be 8 FT x 20 FT that is on page 7? Mr. Chouiniere stated the following: Correct. There are 5 storage areas for the mulch and the different materials that Mr. Bonventre works with. Specifically there is a covered salt storage area 21 FT wide x 24 FT deep. The thing next to the salt storage area is where the liquid de-icer tanks go and he has storage for 1 tank right now. Mr. Higgins stated but in the proposal it says 6 tanks. Mr. Chouiniere stated that is correct. Mr. Bonventre stated the following: I'm sorry, that is an error and that would be removed. There are not 6 tanks; we only own 3 tanks. Mr. Higgins stated as Mr. Watts stated please clarify all of that. Mr. Watts stated the following: You've heard the questions that we have asked here as a Board and then you are going to make a presentation at a public informational meeting which would be the people who live there. Try to be as clear as you can as to the intensity of the use of the site and what is going to be going on there. Mr. Nadeau asked if we are going to set a public informational meeting, do we need a determination from Mrs. Murphy if it is pre-existing or an addition to it? Mrs. Murphy stated the following: It looks to me like he's going to be expanding because you are adding more buildings, more employees, a different use than what's been here for the last few years but I think Mr. Watt's idea was to schedule the public informational meeting so we can flush all of that out. I can make that determination based on the input that I'm hearing. My gut is telling me that the neighbors are going to be telling us a different interpretation of what has been going on there for the past recent

times. Mr. Chouiniere asked Mrs. Murphy to clarify what she meant by "adding more buildings". Mrs. Murphy stated the following: Most of your material says, "existing". The covered salt storage does not say existing and there are proposed quonset-hut type buildings. Mr. Chouiniere stated basically it's concrete with metal top over it. Mrs. Murphy stated the following: The problem is when you are talking about a pre-existing, non-conforming use in a residential area, the Board has some pretty limited constraints with regards to what would be an expansion of that use. So, putting up additional buildings, be they temporary or not temporary, may in fact trigger that expansion. So, I just want everybody to be on the same page. Mr. Bonventre stated as we mentioned before, the storage tanks and the mulch pictures are a little larger than what we are going to be using. They used to be located right next to the neighbors house and now it is actually getting smaller because we have moved that inside the lot. Mrs. Murphy asked do you see that we can't tell that from anything that you have provided me, which is why Mr. Watts is asking for the public informational meeting. Mr. Watts stated why don't we make arrangements for the Planning Staff to visit the site to look at it and to get a feel for the neighborhood. Mrs. Zepko stated I can make another visit prior to the next Planning Board meeting. Mrs. Murphy stated it would be helpful for me if when the Planning Staff went to the site to see if what Mr. Chouiniere was showing you what did exist and what changes they are proposing. Mr. Higgins stated the following: I would like to make a point that regarding the temporary canvas areas; we had previously disallowed that in some other commercial applications within the Town. If you remember, over on Ushers Road they wanted to do the same thing and we told them no. We might want to look at the legalities of whether or not that is acceptable. Is the covered salt storage made of fabric or a metal? Mr. Bonventre stated it is fabric. Mr. Higgins stated the following: That's what I thought and we told the Ushers Road project that they couldn't do the fabric. We were getting a bunch of those temporary fabric enclosures. Mr. Bonventre stated it has a metal frame with fabric over it. Mr. Higgins stated I understand that but it is fabric over metal. Previously for other applicants the Board had determined that that was not acceptable in a commercial type application. Mr. Watts stated please put a little more substance in your narrative and we will discuss that at our next meeting.

Mr. Roberts made a motion to set a public informational meeting for the May 10, 2010 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

Old Business:

08.067 OB Arlington Heights PDD Phase II, Farm to Market Road – Major Subdivision/PDD/GEIS

Mr. Brian Ragone, of the Environmental Design Partnership, stated the following: I am here tonight with Mr. Peter Belmonte with Homeland Properties who is the application for the project. We're here to present the second phase of the Arlington Heights Subdivision, which will require a Planned Development District (PDD) amendment to the original local law that was adopted back in January of 2006. The product was last in front of the Board on August 24, 2009 and we have since made some changes to the plan based on the Board's and the Town Officials recommendations. The existing parcel area is 26.83-acres and it resides just north of the original Arlington Heights PDD. The changes since the last meeting include a reduction in density from 30 to 26 lots, which all still remain single-family. The plan depicts one extra lot that would be created in Phase I once the hammerhead turnaround is removed. The minimum lot area is 10,000 SF and the outside lots are surrounded by Army Corp. of Engineers (ACOE) wetlands except to the south where Phase I is located. The pictures that I have illustrate the area that's behind the outside loop; lots 5 through 17 and obviously there would not be any development behind those lots because of the restrictions to the wetlands that are currently in place in State and Federal Government. With these lots meeting the woods would give the homeowner a natural forever-wild buffer. I took multiple pictures from behind each lot and they all illustrate woods that are never going to be touched because it is primarily wetlands back there. We also now depict 10 FT side yard setbacks and originally we had 7.5 FT. The

overall basic layout remains the same with the one big loop road that includes a 44 FT right-of-way, 8 FT utility easements on either side and within the right-of-way of easements there would be sidewalks, street lighting on either side and this would duplicate with what is being built in Phase I now. In addition we have 1 proposed street tree per lot. If you look at the picture that I submitted to you in the beginning, that was taken of Phase I currently, which is obviously under construction now. I took this photo and I added some street trees to it to better visualize this for the Phase II development. The loop road still leaves for a possible future connection between the wetlands that would be to the east of the project if it is ever eventually connected. There are now 2 types of buildings that are being proposed; one that is similar to the Phase I style and one that has a narrower width but it is deeper. The new home prices would be starting at approximately \$250,000. Mr. Belmonte, the applicant, stated the homes would start at \$300,000. Mr. Watts stated well the market must have improved since last week. There is approximately just over 17-acres of openspace which include undeveloped land, the surrounding wetlands, proposed features and activities such as; a community garden that everyone would have access to and an area for recreation that includes a pavilion and possibly some sort of a playing field. The openspace would be owned and maintained by the Homeowner's Association (HOA) and the utilities proposed would remain the same, which is a water main extension from the existing stub at the end of the Phase I development and for sanitary sewer there would be gravity lines down to the existing pump station that was just recently completed, which would obviously be then pumped out by a force main out of the development. Mr. Belmonte stated the following: To expand a little bit on what Mr. Ragone was saying, I would like to emphasize how special of a community Arlington Heights is. Many of you have had the opportunity to visit the community and you can clearly see it's a real jewel in a very country setting like a good portion of Halfmoon offers. The community is really intended to focus in on young professionals and empty nesters (families that don't have children). Children are not precluded but the neighborhood is focusing toward families whose children have either grown-up and moved on or a family that may not have children yet or will not have children. When the community is completed there would be approximately 70 homes in its entirety. These homes are very comparable in size to the Prospect Meadows community, which we started building in 2003. The new portion of the neighborhood, as Mr. Ragone has explained, has 17-acres of openspace as part of it and it's a total of a 28-acre addition to the community. So, when the neighborhood is complete, it is going to have an excess of 22-acres of openspace in the combination of Phase I and Phase II. The community is very much built around a maintenance-free lifestyle; all the grounds care is done for the homeowner's and that is both winter and summer care giving them the ability to focus on the things they want to do with their spare time, not the things that they have to do. The homes in Phase II would be very consistent with Phase I. They will range from anywhere from 1,600 to 2,600 SF and will range somewhere in the low to mid \$300,000 and on up. The features of the homes will very much focus in on one-story homes; two-story homes are available, but with the majority of what we see being asked for one-story and they all are detached houses. As you recall, earlier in the planning process, we had actually made a proposal at one time of having attached homes. We have since changed our thoughts on that process and all the homes would be detached as a traditional community offers. As I said, the homes would be mostly one-story homes and a feature that is offered in all of our homes in this community is "age in place". Age-in-place means as we get older and have more needs in order to stay in our existing homes, we've designed homes that lend those features such as; wider hallways and wider doorways in the event there is an injury and you need some type of apparatus to travel throughout the home. We offer that as an available feature. We're really trying to make this a community where people can stay in Halfmoon or move to Halfmoon and just spend the rest of their time here without having to move on to other type of housing. Mr. Higgins stated the following: My compliments to Mr. Belmonte on his redesign. Is the road width going to be same width as the existing roads? Mr. Belmonte stated identical. Mr. Higgins stated the following: Has there been any problems with parking because I see that you just have the single driveways? I know that on some of your other developments we actually put in a little parking area so that the people wouldn't be encouraged to park on the street. Mr. Belmonte stated these homes

all have 2-car garages with double width driveways. Regarding your question on road width; you are probably recalling back in Prospect Meadows where the roads were narrower. We have increased the road widths in Arlington Heights to take care of the ability for vehicles to pass. Mr. Higgins stated the following: Again, I compliment you on that. I recall when you were before the Board the last time that we talked about the potential of a road connection in the area between lots 13 and 14 going over to Klersy. I don't see anything there and asked did that kind of fall through the wayside? Mr. Belmonte stated no that has been moved over in between lots 6 and 7 and there is an existing farm path there. Mr. Higgins stated right, but that more goes towards Farm to Market Road and as I recall I think we had talked more trying to get the traffic to circulate more through Klersy's rather than going towards Farm to Market Road. Mr. Belmonte stated our latest understanding of Klersy's plans is that Klersy's has moved their opening over onto Tribley's land and we are trying to make that connection. Mr. Higgins stated the following: Also regarding the stormwater expansion, it says that it would need to be expanded. Does that mean that you have to make it bigger or deeper? Mr. Ragone stated bigger. Mr. Higgins asked is there room there for that? Mr. Ragone stated the following: Yes there is. The plan shows the proposed contour lines that are darker here. Mr. Belmonte stated the following: The one thing that I would like to expand on is in Mr. Ragone's conversation he talked about some of our thought processes for the openspace. We've engaged in a conversation with some of the neighbors in the community and they are actually representing ourselves amongst the other neighbors trying to gather ideas on what the proper use of the community is. Our early thoughts were possibly a community garden or bocce ball courts would be of interest. The latest information, not that it is representative of all the opinions, but it is that there may be a better use for that; such as a more level area where they could do a community function of some sort and not have the community garden since all the home sites are large enough that if they wanted to have planting on their own property, they could. So, that's still in evolution. We're not sure what the best way to give good utilization of some of the openspace of the homeowners is yet. Mr. Higgins stated yes but ultimately it is going to be some type of a greenspace. Mr. Belmonte stated absolutely and the homeowners own it. Mr. Watts stated the following: I know we've had various inquiries in the Planning Office from residents there and we have referred them to Mr. Belmonte and Mr. Belmonte has talked to the residents. I have seen the changes that have come up as part of the process and we will be referring this to CHA for their review and then when that review is completed, we would be required to schedule a public hearing. I know you have responded to the concerns of the Planning Board as well as the residents that we have heard from so we are moving along. Mr. Nadeau stated I would like to compliment Mr. Belmonte as well because I've been through there numerous times and I think it is a very nice development. Mrs. Murphy stated I have made a note to myself to check because Mr. Ragone mentioned that an amendment was necessary, so I will follow up and I will let you know.

This item was tabled and referred to CHA for their technical review.

Mr. Nadeau made a motion to adjourn the April 26, 2010 Planning Board Meeting at 8:12 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary