

Town of Halfmoon Planning Board**Meeting Minutes – September 22, 2014**

Those present at the September 22, 2014 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

CHA Representative: Mike Bianchino

Mr. Ouimet opened the September 22, 2014 Planning Board Meeting at 7:04pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the September 8, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the September 8, 2014 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Nadeau and Mr. Ruchlicki abstained due to their absence from the September 8, 2014 Planning Board Meeting. Mr. Higgins also abstained and stated that he did not receive the Draft Planning Board Meeting Minutes until Friday, September 19, 2014 so, he didn't get a chance to look at them. Vote: 5-Aye, 0-Nay, 3-Abstained. Motion carried.

Public Hearings:**14.106 PH Lands of M. Hickok & Lands of C. Ross, 25 Halfmoon Drive – Minor Subdivision/Lot Line Adjustment**

Mr. Ouimet opened the Public Hearing at 7:04pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing Ms. Margo Hickok in her request before the Board for a Lot Line Adjustment and a consolidation of her lands. The parcels are located at 19 and 25 Halfmoon Drive and we have three parcels. The request tonight is to do a Lot Line Adjustment so that the easterly portion of Lot B is annexed to Lands of Ross and the westerly portion of Lot B is annexed to Ms. Hickok's lot. So, basically we are taking three lots and making them into two lots. Mr. Rabideau showed the Board where each lot was located. Mr. Rabideau

further stated all we're really doing is eliminating Lot B. Mr. Ouimet asked if anyone from the public wished to speak? No one responded. Mr. Ouimet closed the Public Hearing at 7:05pm.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Minor Subdivision/Lot Line Adjustment for the Lands of M. Hickok & Lands of C. Ross. Mr. Nadeau seconded. All-Aye. Motion carried.

14.107 PH Lands of W. Sturtevant, A. Sturtevant & R. Noradki, 36 Guideboard Road – Minor Subdivision/Lot Line Adjustment

Mr. Ouimet opened the Public Hearing at 7:05pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here representing Ms. Aline Sturtevant in her request for a Lot Line Adjustment. The parcel is located at 36 Guideboard Road. There are two parcels; Lot A, which Ms. Sturtevant owns and her son owns Lot B. The request before the Board tonight is to do a Lot Line Adjustment. The blue dash line was for Lot B and they want to expand it to where the red line is. So, we're adding 2/10th of an acre to that parcel and the reason for that is so that a majority of the driveway would now be on Lot B and the small portion of the driveway that is over the line will be removed. Mr. Ouimet asked if anyone from the public wished to speak? No one responded. Mr. Ouimet closed the Public hearing at 7:07pm. Mr. Higgins asked did we get a response back from the County on this? Mr. Marlow stated yes, we did get a response from the County late this afternoon. Mr. Ouimet asked Mr. Marlow to read the County response into the record. Mr. Marlow stated the County responded with the following comment: "The present substandard R-1 lot owned by William Sturtevant, III (Lot B) has insufficient lot size and insufficient frontage. Being proposed is a lot line adjustment between and conveyance of 0.20 acres from Aline Sturtevant, mother to William and adjoining lot owner of 4.86 acres (Lot A). It is the desire of the Sturtevant owner of Lot B to make the lot more conforming and saleable through the conveyance prior to moving to Florida. The proposed lot line adjustment will permit a conveyance that creates a standard R-1 lot size but neglects to address the substandard lot frontage of 108 feet where 150 is required. If it is the desire of the applicant to come before the Planning Board with a proposal to meet only one of two existing substandard conditions, particularly when both conditions can be satisfied by one action, then this Board cannot approve the proposed Lot Line Adjustment and conveyance." Mr. Ouimet asked Mr. Rabideau if he had any comments? Mr. Rabideau stated we would need a super majority by the Board to override that, correct? Mr. Ouimet stated yes. Mr. Rabideau stated informally, do we have that at this point in time? Mr. Ouimet stated you can't poll the Board and you know that Mr. Rabideau. Mr. Rabideau stated I believe we should table this for further review. Mr. Roberts stated I think that is a good idea Mr. Rabideau. Mr. Rabideau stated okay. Mr. Ruchlicki stated could you show us in the main lot where the wetlands are because we were talking about that. Mr. Rabideau stated that's correct. Mr. Rabideau showed the Board where the wetlands are located by Ms. Aline Sturtevant's house and stated that the wetlands come down through. Mr. Rabideau stated so, basically we have a physical barrier between the developable land here and the developable land there. Mr. Higgins stated I thought you were going to give us a drawing showing the wetlands as we requested that the last time. Mr. Ruchlicki stated how wide is it? Mr. Rabideau stated oh, you did request that? Mr. Higgins stated yes. Mr. Rabideau stated the following: Well, that's really the major reason and basically we would be cutting off the frontage to get on the other side without having to go through the wetlands plus it's a situation where this portion right here is right on Guideboard Road that's right at the intersection.

So, you end up with a situation where if you block off the one farther down the road, now that becomes a safety issue if she wants to do something further with the land. Mr. Higgins stated it shows another property next to that and it doesn't show the corner and it doesn't show a road. Mr. Rabideau stated the following: Well, it's actually right on Guideboard Road just as you're coming just past the stop sign and that's kind of a very narrow intersection. So really, we have two reasons; safety and access to useable land. Mr. Nadeau asked on Lot A what would be the buildable area remaining? Mr. Rabideau stated I would say probably 3-acres. Mr. Ouimet stated we won't be voting on this tonight as we are going to table it. Mr. Rabideau stated that's correct. Mr. Ouimet stated we will put this item on for our next meeting which will be Tuesday, October 14, 2014. Mr. Rabideau stated yes, if we can. Mr. Ouimet asked Mr. Rabideau if he would be all set by then? Mr. Rabideau stated I would say yes.

Mr. Nadeau made a motion to table the Minor Subdivision/Lot Line Adjustment for Lands of W. Sturtevant, A. Sturtevant & R. Noradki. The applicant requested the item be tabled to allow consideration of issues raised by the Board and the County Planning Board. The Board also requested a revised plan delineating several additional features of the property. Mr. Higgins seconded. All-Aye. Motion carried.

New Business:

14.103 NB Geovanny Marble & Granite LLC, 3 Plant Road – Addition to Site Plan

This item was withdrawn per the applicant's request.

14.112 NB Duke's Grove, 480 Hudson River Road – Addition to Site Plan

Mr. Marc Pallozzi from LaMarche Safranko Law stated the following: I'm here on behalf of Mr. Don Neddo and Duke's Grove and Mr. Neddo is seeking an application to his site plan. The project as proposed is to add a metal framed pavilion to the existing site plan. The metal framed pavilion will be 122 FT long, 22 FT wide and 10 FT tall. It will be roofed by sheet metal and it will be held up by post ever three yards. This pavilion is basically a giant gazebo and it doesn't add to the existing uses on the property, it doesn't take away from any resources and it doesn't seek to increase the volume of the people who that are going to visit the area. Mr. Ouimet asked is the building already erected? Mr. Pallozzi stated it is. Mr. Ouimet stated that's what I thought. Mr. Higgins asked why is it already erected? Mr. Pallozzi stated the following: That's a good question. Before I was retained, the building was built. I don't think that Mr. Neddo actually thought that he would need to amend his site plan in order to put up his pavilion. In talks that I had with the Code Enforcement Officers, it was also their belief that he didn't need a building permit for this because it doesn't actually qualify as a structure. So, with that thinking, I'm assuming that Mr. Neddo put up the building not thinking he needed a permit because a building permit may not have been necessary. Mr. Higgins stated could you repeat that please. Mr. Pallozzi stated the following: The structure doesn't technically qualify or need a building permit because it's not held up by beams, columns or have permanent walls and it's basically held up by metal post every three yards. So, based on the Halfmoon Code, it doesn't technically qualify as a building or structure. So, that's why it probably wouldn't need a building permit, which is why Mr. Neddo probably erected the metal framed pavilion before seeking out an amendment to his site plan. Mr. Roberts asked Mrs. Murphy if she agreed with that? Mrs. Murphy stated the following: The Chairman was just asking me that and I don't know off the top of my head what the building code is. As the applicant sits here today, he knows he isn't in compliance and that's why they are here today to get into compliance. Mr. Berkowitz stated on the map there is a proposed septic area that is adjacent to the proposed expansion area. Mr. Pallozzi stated this application is not in any way related to the proposed septic

area so; I'm really not prepared to answer a question regarding that. Mr. Berkowitz stated well, it's on the map. Mr. Ouimet stated I think the question is; is your proposed structure anywhere close to that existing septic area? Mr. Berkowitz stated well, if he put the building there, he might have the septic system there without you knowing it. Mr. Pallozzi stated basically, where the pavilion was already erected is over a grass field. Mr. Berkowitz asked would the septic system be over or under a grass field? Mr. Pallozzi stated I can't answer that tonight, but I can find that out for you. Mr. Berkowitz stated if so, that would create health problems. Mr. Ouimet stated in any event, has this been referred to the County? Mr. Marlow stated the following: As of right now it has not as the application came in after the County deadline. We will submit this application for the next County Planning Board meeting, which is scheduled for October 18, 2014. Mr. Ouimet stated so, it wouldn't be able to be heard by this Board until the October 27, 2014 meeting and by then you should be able to do the review to see where the structure is located in relation to the existing septic. Mr. Pallozzi stated yes and by then I will be able hash out the septic system question. Mr. Higgins stated I don't see it on this map, but where exactly is this building built? Mr. Pallozzi asked are you referring to the pavilion? Mr. Higgins stated yes and it says existing pavilion, pavilion and asked is it one of these? Mr. Pallozzi stated it's the one that has the dimensions of 22 FT by 122 FT. Mr. Higgins stated okay thank you so, it's the metal frame pavilion. Mr. Roberts stated this may have been before your time Mr. Ouimet, but we've had issues with this site many times before and asked Mr. Pallozzi if he could please encourage your client in the future if he's going to do anything to do it the right way. Mr. Pallozzi stated understood, I will. Mr. Ouimet stated the following: Thank you. This is going to be referred to the County and we'll put you back on the agenda for the October 27, 2014 Planning Board meeting. Mr. Pallozzi stated okay, October 27, 2014, thank you.

This item was tabled. The Board tabled the application pending review by the County Planning Board and Fire and Emergency Services/Ambulance. The Board also requested clarification of the septic information shown on the plan.

14.114 NB T-Mobile Co-Location, 19 Route 236 – Addition to Site Plan

Mr. Steve Ellsbree with Pyramid Network Services stated the following: I'm here representing T-Mobile Northeast tonight. T-Mobile is a licensed Federal Communications Commissions (FCC) provider of cellular communications. We have an application into Verizon to co-location on the existing mono-pine structure located 19 County Route 236. We have submitted a site plan application to the Town for the co-location of antennas and associated ground equipment. This project was before the Board previously in 2009 at which time a multi-use telecommunication facility was approved through a site plan with three ground equipment locations and multiple levels of antennas on the monopole structure. So, we are here to co-locate on that structure in one those locations as shown on our site plan and on that existing tower. Mr. Ouimet stated so, you're proposing an antenna array that you're going to install that will match the arrays that are already there, which are somewhat camouflaged by a pine like structure? Mr. Ellsbree stated yes. Mr. Ouimet stated regarding the footprint on the ground; are you going to have to expand the fence line? Mr. Ellsbree stated the existing fence line would be expanded, but it matches up with the approved site plan from 2009 because the existing fence that is there now is not as large as the approved site plan. Mr. Ouimet stated so; you're saying that you will extend the fence to incorporate the area that you're going to expand at the base. Mr. Ellsbree stated yes and in accordance with the approved site plan. Mr. Ouimet asked the Planner's if the application has been referred to the County? Mr. Marlow stated it will be referred to the County and it will most likely be on their October 18, 2014 agenda. Mr. Roberts stated and you did say that you're not going to

alter the appearance of what's there now, correct? Mr. Ellsbree stated correct and we're going to install our antennas and those would be camouflaged similar to the existing. Mr. Roberts stated okay, thank you. Mrs. Sautter stated the following: It will be altered; if I'm understanding you, as some are saying no and some are saying yes. So, it will be altered and it will look fuller because you'll have more antennas, is that correct? Or will it be below the baseline? Mr. Ellsbree stated right as there will be additional antennas there that will be camouflaged. Mrs. Sautter stated so; it will look like a fuller tree so to speak? Mr. Ellsbree stated right. Mrs. Sautter asked will it be the same makers, the same model and the same company making it and installing it? Mr. Ellsbree stated the antenna branches and the camouflage, yes. Mrs. Suatter stated okay. Mr. Ouimet stated so; we can't vote on this tonight as it has to be referred to the County Planning Department. Mr. Ellsbree stated I just wanted to clarify that with Mr. Harris because we had talked about this earlier. Mr. Harris stated it's on County Route 236, so it is a County road and I did talk about co-location and that this Board encourages it and our code encourages co-locations, but a County referral is State law. It is possible that we can ask the County to review outside of the meeting as we do that sometimes to get a Memorandum of Understanding (MOU). Mr. Ellsbree stated no, that's not necessary as I was just trying to clarify from our conversation previously that it would be a smaller meeting. Mr. Harris stated yes, but we still have to have to send it to the County. Mr. Ellsbree stated understood. Mr. Ouimet stated so; we'll put this back on our agenda for the October 27, 2014 Planning Board meeting and that will give the County time. Mr. Harris stated yes. Mr. Ellsbree stated okay, thank you.

This item was tabled. The Board tabled the request for the co-location, pending review by the County Planning Board.

14.120 NB Lands of Sabourin, 29 & 33 Church Hill Road – Minor Subdivision/Lot Line Adjustment

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here representing Mr. Paul Sabourin in his request before the Board for a Lot Line Adjustment between Lot 29 and Lot 33 Church Hill Road. We have a situation where the original Lot 33 went to the blue line then out and the original Lot 29 went to the blue line and around the entire rest of the parcel. Mr. Sabourin wants to transfer this portion of Lot 29 to Lot 33 that is a little bit over an acre. Mr. Sabourin will also retain a 60 FT easement to here for ingress/egress and utilities for this piece, which is being taken away from Lot 29 and added to Lot 33. Mr. Ouimet stated we talked about this at tonight's pre-meeting and there are a couple of issues that are outstanding here; one is a County referral and we're going to have to make a County referral and the second issue was whether or not this constitutes an expansion of a pre-existing/non-conforming use and we had preliminary discussions with the Town Attorney who needs some time to do some research on that issue. Mr. Rabideau stated okay. Mr. Ouimet stated the following: Does the Board have any other questions? If not, what we're going to do is to refer this to the County and we'll put it back on for a further hearing on the October 27, 2014. Mr. Berkowitz stated I see the driveway going around into the other parcel and asked how are they going to reach these two garages for the original parcel? Mr. Rabideau stated the map failed to indicate that there is a connection right here already. Mr. Berkowitz stated so; they'll be going through Lot 29 to get to Lot 33 for those back garages? Mr. Rabideau stated within their ingress/egress easement and this piece here and I would assume either they may just keep using it or be eliminated, but legally they do have a right to use this one that already exists in/out. Mr. Berkowitz asked even if Lot 29 is sold? Mr. Rabideau stated that's correct. Mr. Ouimet stated okay, we're going to refer this to the County and in the interim we're going to get an opinion from the Town Attorney. Mr. Rabideau stated okay and then

we'll be informed of our next step. Mr. Ouimet stated the next hearing date will be on the October 27, 2014. Mr. Rabideau stated the following: Okay. Also, as far as potential expansion of use; will the Town Attorney address that? Mr. Ouimet stated yes. Mr. Rabideau stated okay, got it. Mr. Harris asked did the Board ask for a Public Hearing because I heard something about a hearing? Mr. Ouimet stated no.

This item was tabled. The Board tabled the application pending review by the County Planning Board and Fire and Emergency Services/Ambulance. The Board also requested review by the Town Attorney regarding two existing non-conforming accessory structures on the lots.

14.124 NB S. Saxon Company, 1524 Route 9, Suite B – Sign

Mr. Stuart Greenway, the applicant, stated the following: I'm here tonight for S. Saxon Company and I'm looking for a sign approval. We are basically replacing this sign here. Mr. Ouimet stated so; it's just a swap out of an existing panel. Mr. Greenway stated yes. Mr. Ouimet asked Mr. Roberts if he had an opportunity to look at the sign proposal? Mr. Roberts stated yes I did Mr. Ouimet and they're just filling in a space that is there and it meets the code.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs: 1

Sign 1:

- 24 inches x 96 inches = 16 SF (32 SF total)
- Two-sided
- Free Standing/Monument
- Internally Lit

Mr. Roberts made a motion to approve the Sign application for S. Saxon Company. Mr. Nadeau seconded. All-Aye. Motion carried.

14.125 NB Crescent Gardens Mobile Home Park, 15 Plank Road – Recommendation for a Mobile Home Park Expansion

Mrs. Murphy recused herself from this item. Mr. Gavin Vuillaume from the Environmental Design Partnership stated the following: I'm here with Mr. Klimkewicz who is the applicant for this project. I would like to start out with just some procedural things for the Board members that may not be familiar with the Chapter 107, which is the Mobile Home section of the ordinance. It is a little unusual with the mobile homes as they typically are approved through the Town Clerk with a license and so, that really where we made our application with the Town Board. We met with members of the Town to go over what our ideas were for the project. So, technically we're being sent over to the Planning Board looking for a referral to ultimately go back in front of the Town Board who would then give the Town Clerk permission to issue the license for the mobile home park. So, everything that we're discussing here obviously is in an effort to get a recommendation from you folks back over to the Town Board. So, for tonight's meeting I'll just do a quick presentation of the physical settings of the project and Mr. Klimkewicz probably would like to say a few words about some of the more financial things and some of his goals as the owner of the project. If there are questions, certainly we will answer some questions, but this is just more of an introductory presentation for tonight. The existing park and most of you are probably very familiar with it as it is an existing mobile home park located near Route 236 and Plank Road. There are approximately 22 mobile homes in this general vicinity as part of the original mobile home park. There are two that are actually located on property that is not under the applicant's control so; we

will not be dealing with those two parcels as part of our proposal. We'll dealing with essentially four separate parcels and the largest one in the center is 3.59-acres and there are 17 mobile homes on that portion of it right now and then the other acreage is made up of a 3/4-acre piece and another 1/2-acre and another .4 over towards Rome Plaza (Crescent Commons). So, one of things that we are trying to do with this application is we're trying to make a non-conforming mobile home park more conforming and in that effort we are adding property to the project. Typically mobile home parks are 10-acres in size and this one really is only 3.5-acres. So, we are adding some additional land to kind of move things around within the park itself to make the improvements that we feel are needed here. The overall setting; again, most of the mobile homes are kind of in the center and there is a loop road that comes off of Plank Road and loops back and scattered throughout that 3.5-acres are the various mobile homes. Of those mobile homes that are there now, I think there is about five of them that we feel are worthy of keeping where they're located and they're in fairly good condition and they will be given some attention obviously to try to bring them more up to code, but these are the only five really that will stay and you'll see that represented on the proposed plan that you folks have in front of you. What we would be doing with the additional land is to basically take out all the existing mobile homes that are there as a majority of them need to be replaced and Mr. Klimkewicz can kind of explain to you a little bit on what kind of units he's thinking of replacing or making modifications to. Basically, they would be re-positioned on the property in a little bit more organized fashion. Some of the existing mobile home parks in this general area and one that comes to mind is the Spring Brook Mobile Home Park and it's very well organized and I actually did some work on that a few years ago where they made some modifications and that's the kind of look I think that the applicant is looking for for this project. So, with the overall layout now being changed, we would now be providing things like parking spaces and each mobile home unit would have two parking spaces, a deck and obviously there would be lighting, landscaping and things of that nature to make it more attractive. They're also going to redo the entrance and like I said; Mr. Klimkewicz can get into some of the things that he'd like to do esthetically to the park. As far as it's usability, the roads in there are fairly small and I think they're narrow with maybe 12 FT in width so; we would be widening all the roads and certainly redoing some of alignment to make sure that they're all fully accessible by emergency vehicles. The roads would be paved and we'd be making some small modifications to some drainage to make sure that the drainage continues to work out here. One point that I would like to make on the drainage is that Mr. Klimkewicz also has under his control some property down at this lower corner that was part of Fred the Butcher and a lot of modifications were made for that project that have really helped the drainage over the years. So, we feel that the drainage is in a lot better shape to accept the project the way we're proposing it. As far as sewer and water; there is available sewer and water at the park now and if there are any septic systems in the area, which I think there is only a few of them and obviously we would make the sewer available to anybody that would like to hookup to the sewer and I think there's only two or three homes on Route 236 that don't have sewer in the area, but over time the sewer has been provided to the all the home in the park. Mr. Roberts asked are you proposing 12 new units? Mr. Vuillaume stated yes. Mr. Roberts asked where are they going to be? Mr. Vuillaume stated they're kind of mixed in here and in this general vicinity is where most of the newer ones would be placed on the additional land that is being purchased here. Mr. Klimkewicz stated the following: Simply what we're trying to do is we're trying to give seniors more affordable housing. Two-thirds of the population is seniors and we're going to maintain that and try to enhance it and because of that we actually have a very good community in terms of the people that are living there. The challenge is that they're older units and it needs to be updated and the goal is to be able to go in there, afford to be able to go in there and make upgrades to everything. We're working with Rebuild Saratoga that's a non-for-profit

group and they will work with the disabled and seniors and they'll help them make the transition and if they need a deck built, they will do it for free. If they need stairs or whatever, they are very supportive and they're willing to contribute. Titan Homes are going to come in and help us put new singlewides in and we'll finance it and work with them. We're going to add a non-passive or recreation area, a park setting and this is actually big enough for another mobile home facility, but we're going to build a bridge and walk-way over to Fred the Butcher and Crescent Commons Plaza to give people some access. Essentially the quality of life will be better for everybody in the park by doing this. Mr. Ouimet stated to Mr. Vuillaume; you mentioned that five units would stay and asked which of the five are you referring to? Mr. Vuillaume stated yes, those five are in the bottom portion of the property kind of behind Rome Plaza (Crescent Commons). Mr. Ouimet stated and there staying as is. Mr. Vuillaume stated those would stay pretty much as is as I think they're in pretty good shape. Mr. Klimkewicz stated the following: The only thing that will change would be the exteriors. Every one of these facilities will have a shed, a deck and they'll be regulated and every one of those facilities will have rules and regulations for skirting, rooflines, painting and all of that will be in place and if you want to live there, you are going to have to comply with those things. So, even the older units; they're going to get a facelift if they're structurally sound. Mr. Ouimet stated so; who will be the owners of these units? Mr. Klimkewicz stated the individuals that are currently there will be the owners. Mr. Ouimet stated are you referring to those five? Mr. Vuillaume stated all of them as all the mobile homes units are individually owned. Mr. Klimkewicz stated right. Mr. Nadeau asked so, how are you going to get the people to update them if they don't want to update them? Mr. Klimkewicz stated the following: If they want to stay there, they have to update them and that's plain and simple. Frankly, some of them have already asked me what is it going to cost to get a new unit and what is it going to take. It will be transition and there's no doubt about it as they'll be some discomfort for some people where other people are going to love it because it's going to make it better for everybody there. Mr. Higgins stated so; the way I'm looking at it now is the Rome Drive and Chase Court are private roads that presently serve a mobile home and then three houses in the back, is that correct? Mr. Vuillaume stated the following: There's more than that there now. Basically, there's an easement that kind of goes around here and that's like an ingress/egress easement that provides access not only to these unit here, but also all the ones throughout. Mr. Higgins asked how about on the left there, those two? Mr. Vuillaume stated these two people yes, they will still have that access easement and they're not going to be part of our control so, we can't do anything with that property, but they will continue to have access through that existing easement. Mr. Higgins stated so; the only emergency access to all of these is going to be that private road. Mr. Vuillaume stated yes, those two roads. Mr. Higgins asked is that going to be upgraded to Town standards? Mr. Vuillaume stated yes, these two roads will be widened out. Mr. Higgins asked will they be upgraded to Town standards? Mr. Vuillaume stated it's not a Town road, but it will be upgraded to a Town road as it will need to support an emergency vehicle, correct. Mr. Higgins stated and all of this is going to be on public water and sewer? Mr. Vuillaume stated yes. Mr. Ouimet asked are any of the trailers now on septic? Mr. Vuillaume stated just those three homes over on Route 236 and these two right here. Mr. Ouimet asked are those the two proposed lots that you're going to incorporate? Mr. Vuillaume stated those will be rebuilt and they'll be new mobile homes with sewer at that location. Mr. Higgins asked are they on Town water at this time? Mr. Vuillaume stated yes, they're on Town water now. Mr. Ouimet stated the following: I think what we're going to do at this point in time; before we can make a recommendation to the Town Board we need a little more information. One of which is a review from CHA. I think you've already begun to work with CHA on their review of this. Mr. Vuillaume stated yes. Mr. Ouimet stated so; we're going to wait for a review from CHA and we're also going to make some interagency referrals to Fire, Water and other Emergency

Services including Highway to make sure there's sufficient access. So; once we get all those referrals back, we'll put you back on the agenda and we'll make a recommendation. Mr. Vuillaume stated great, thank you very much.

This item was tabled. The Board tabled the application pending review by the Town Engineer/CHA, County Planning Board, Highway, Water, Fire and Emergency Services/Ambulance.

14.123 NB Cardin Subdivision, Roger Lane/Chateau Drive/David Lane – Amendment to Site Plan

Mr. Nadeau recused himself from this item. Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the Cardin Subdivision Planned Development District (PDD) and a request for a change of wording on one of the map notes from the originally approved project. The subdivision was approved back in September of 2007 and as part of that approval there was a note that was included on the plan that the lowest floor elevation had to be 4 FT above high groundwater elevation. Since the subdivision was approved, the applicant has done some additional and pretty substantial groundwater testing out there to determine what the actual groundwater elevations are over an entire year's time. When the original groundwater elevations were determined they were based upon borings that were done and basically a point in history of what was the elevation on that particular date or days. Subsequently, I believe it was the Board's un-comfort knowing that the area does have wetlands that that elevation may or may not have had some fluctuations. So, what the applicant has done is installed nine wells across the property; three on Chateau Drive, David Lane and Roger Lane to determine what the yearly fluctuation is in groundwater out there to determine what the floor elevation should be set at rather than an arbitrary number of 4 FT above the high ground level elevation. So, what they did was; they tested and measured the groundwater elevation from April or May to the following year to get an entire year and get two springs to see what the elevations varied by. So, what it did show was that there were variations in groundwater and that they ranged from a couple of inches to a foot/foot and a half and almost two feet in some instances both rise and drop. So, what we're here tonight to do is to request that that note be revised as opposed to being four feet above seasonal high groundwater since we know what those fluctuations are, to now request that we're one foot high above the seasonal high groundwater that was documented for the time period. We have Mr. Dan Loucks here tonight who was the Geotechnical Engineer that assisted Mr. Gil VanGuilder in the geotechnical aspect of it to answer any questions that you may have. We have also received some technical comments from CHA that we feel are technical in nature and that we can very easily work through. Mr. Berkowitz stated your test pits that are being done right now are on a non-buildout basis. Mr. Dell stated correct. Mr. Berkowitz stated when this is built; is this groundwater runoff going to stay on-site? Mr. Dell stated correct. Mr. Berkowitz asked is that going to contribute to the existing groundwater? Mr. Dell stated the groundwater elevations in the pond, and actually the storm sewers as well as the sewers themselves will almost act as more of a wick drain for the groundwater and should effectively help to lower the groundwater a little bit. Mr. Berkowitz asked why would it do that if you're keeping more water on-site? Mr. Dell stated the water is maintained on-site through the stormwater system temporarily. Mr. Berkowitz stated yes and then it goes back into the ground. Mr. Dell stated no, they're detention systems and they're not retention systems so; they're designed for the stormwater to come in and that stormwater rises in the ponds, flows out the orifices and then comes back down to the engineered level. Mr. Berkowitz stated and that's if it works properly. Mr. Dell stated correct. Mr. Berkowitz asked what happens when it doesn't work properly? Mr. Dell stated well, the intent of the maintenance protocol provided in the Stormwater Pollution Prevention Plan (SWPPP) and with construction documents is

that ultimately that is maintained and they do operate correctly. Mr. Berkowitz stated the following: There is one not operating properly about a mile north of there. So, if that area has the same soil as Stewart's, that's going to fail. Mr. Dell stated I don't know the design parameters for Stewart's. Mr. Berkowitz stated I know and neither do I, but I just telling you that there is one in that area that's not working. Mr. Dell stated ultimately, it would be up to the Town and the dedication to maintain the basins. Mr. Berkowitz stated but that was designed properly and it was engineered properly, but it's not functioning properly. Mr. Dell asked is it a detention or retention basin that is holding water improperly? Mr. Berkowitz stated it's a stormwater retention area. Mr. Ouimet stated it is a retention area. Mr. Berkowitz stated also, what has changed in five years in that area that has made the groundwater decrease? Mr. Dell stated the following: It hasn't decreased and what they've done is they've monitored it to establish the highs and the lows of the groundwater so, that way we can set our elevation a foot above that. So, the groundwater hasn't disappeared and it hasn't gone anywhere, but now we know what those fluctuations are going to be as opposed to just a guess of what they'll be. Mr. Berkowitz stated so; in 2007 you didn't know the fluctuations? Mr. Dell stated well, in 2005 is when that test was done and I don't believe that they tested over an entire year and that was a one shot test to see what that elevation was and now it was X at that day and time, but now we see what it does over an entire year. Mr. Berkowitz stated and how does this year compare with past years as far as winters and rainstorms? Mr. Dell stated I believe what was documented here was that they've had 20 inches of rain during that time period, which is considered to be a heavy year and I believe that we all know that this year was a pretty wet year. Mr. Berkowitz stated it was wet in spurts, but you'd have a week or two weeks where it would be dry and then you'd get a 5-inch rainstorm. Mr. Dan Loucks stated I helped and worked with the groundwater study and in 2013 that one-month period had 20-inches of rain and that was a historically high level ever since they recorded data. Mr. Ouimet asked was that in the month of July? Mr. Loucks stated I believe it was between May 14 and June 5 so, it was within that period last spring. Mr. Ouimet stated okay, when was the last period when you monitored the groundwater. Mr. Loucks stated the last one was July 14 of this year. Mr. Ouimet stated so; no monitoring has taken place after July 14? Mr. Loucks stated that was the last one that I received data on and I don't know if they took another reading subsequent to that, but that was the last one. Mr. Ouimet asked Mr. Dell if he knew. Mr. Dell stated I don't believe there were. Mr. Ouimet stated and the highest level of groundwater you found during your testing period was less than a foot? Mr. Loucks stated the following: No, the way we proceeded is they installed the observation wells at different locations at the site and then they monitored where the groundwater was in that observation well. In one location they never encountered groundwater at any place in the observation well. At other locations it varied in depth depending on the exact location and the elevation. So, what we did is we took elevations of the ground surface and we took elevations of the groundwater level because they are different in different locations. Then what we did is we took the elevations of the groundwater; the maximum height of groundwater that we observed and we set our finished floor elevations, the lowest finished floor elevation for the structures at least one foot above any of that recorded data. So, the finished floor elevations vary from location to location depending on the groundwater data. Mr. Ouimet stated the following: Well, I for one am skeptical and I know we're still getting water in Cardin Acres and the folks that live there have issues with water. Back in 2005, 2006 and 2007 this Board recognized that and that's why the note is on the plan that says the finished floor elevations got to be four foot. I'm skeptical that any review that may have been done wasn't done for self-serving reasons of the developer because obviously it's going to cost you less if you go to the one foot elevation for the floor. I not so sure, as Mr. Harris had pointed out just a little while ago, that the gradings around the buildings once you start putting the infrastructure in and start constructing homes will not contribute to increasing

the groundwater. We're only going to get one shot at this and I for one am skeptical about changing it. Mr. Dells stated the following: I would like to add just one point that I didn't bring up before; was that the houses will still be constructed with sump pumps and sump pump provisions. So, it wouldn't be that they wouldn't have some form of that. Mr. Ouimet stated yes, but right now it's not enough for the people who live there. Mr. Roberts stated I agree completely with Mr. Ouimet. Mr. Ouimet stated and after you buildout and after the builder walks away from it, then what do you have? Mr. Higgins stated the following: I was on the committee that looked at this and we walked that area extensively over the course of a couple of years as this project was being proposed and looked at. I know for a fact that every time we walked over there we had wear rubber boots because it so wet and that's the whole reason why that note was put on the plans. I know people who live in that area as Mr. Ouimet has said; that just because you test pits for a one-year period; well, we've been looking at this for how many years? That's been since 2005 and that's nine years. So, just because it was possibly a little drier in one year doesn't convince me that what I saw back in 2005 to 2007 has changed dramatically. That whole area was extensively wet and I couldn't believe that they planned on putting houses in there, but that's what was approved. I agree and I'm very much against changing it at this point because we know there are problems with groundwater in that area. Mr. Roberts stated anyone who has ever lived in a house that has water in the basement knows what a mess that can create and sump pumps don't always solve the problem. So, I agree with whatever Mr. Higgins and Mr. Ouimet said and I don't like this idea at all. Mr. Ouimet stated I think, however, in fairness to the applicant that we'll refer this to CHA and I don't know if CHA has completed its review. Mr. Bianchino stated no, we have not yet complete it. Mr. Ouimet stated so; we're going to wait until we get the final review from CHA and we'll go from there, but you can tell that there is reluctance on the part of the Board to approve a change in the plan. Mr. Dell stated understood. Mrs. Sautter stated the following: You said that it's at different elevations with different water levels so, are you proposing that at these different elevations it will be a different flooring? The minimum would be four feet and are you saying some would be one foot, some might be three feet? Just out of curiosity, when you're building them or are you just saying across the board that we don't need it? Mr. Dell stated no, what we're saying is that we would like to set the lowest finished floor elevation one foot above seasonal high groundwater elevation. So, essentially your basement finished floor would be a foot over seasonal high groundwater elevation. So, your finished floor would then be at least nine feet higher than that. So, we're talking about a foot below the basement elevation is where we would like set the limit at. Mrs. Sautter stated so, and then it would be varying. Mr. Loucks stated not every house will be built at the same elevation. Mrs. Sautter stated okay, that was my question. Mr. Loucks stated it's just like other houses in the area that I'm sure are built at different elevations also and whether those elevations and how those elevations correspond with groundwater levels adjacent to those structures and that may be part of the reason with the problem that some people have with wet basements and their houses actually may be built below this seasonal level. Mrs. Sautter stated the following: That's exactly what my point is. Our home was built 13 years ago and we have gone through and I can't tell you how many sump pumps; broken, flooded basement, flooded finished basement twice and just for the Board and for anyone else; my husband put in a gravity sump pump which takes no electricity because we always lose electricity and it has worked like a charm and we've had no problems since then and he installed it himself. So, it is just something along the way that somebody might want to put into and I'm not advocating that there be wet basements, but since our sump pump literally runs 24 hours a day, it's something for anybody to use. Mr. Ouimet stated the test wells that were installed for your monitoring project; where were they installed in relation to where you're proposing the development to go? Mr. Dell stated yes, we have them on 9, 10 and 15 on Roger Lane, which you've got 9, 10 and 15 here, you've got 1, 6 and

12 on David Lane so; 1, 6 and 12 are across the center portion and then 18, 21, and 24; which would be on Chateau Drive so; 18, 21 and 24 are across from that side. Mr. Ouimet stated thank you, I appreciate it.

This item was tabled. The Board tabled the application to revise the final plan, pending review by the Town Engineer/CHA.

Old Business:

14.097 OB Grace Fellowship Church, 1 Enterprise Ave. – Addition to Site Plan

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the Grace Fellowship temporary classroom as well as the storage shed. At the last meeting the applicants were supposed to have had the final storage unit removed from the property and since then that has been removed from the back corner where the shed is. So, we're here tonight to ask for an approval and an extension of the approval for the classrooms as well as for the shed. Mr. Ouimet asked how long are you asking for the approval? Mr. Dell stated one year. Mr. Ouimet asked one year from tonight? Mr. Dell stated correct. Mr. Higgins stated didn't we grant a couple of temporary extensions? Mr. Ouimet stated yes. Mr. Higgins stated I would like to see it for one year from when we gave them the first extension. Mr. Dell stated that's fine. Mr. Ouimet asked Mr. Harris when the first extension? Mr. Harris stated that would have been at the August 25, 2014 meeting so, it would be one year from that date.

Mr. Higgins made a motion to approve the Addition to Site Plan application for Grace Fellowship Church. The Board extended the approval for the temporary classroom until August 25, 2015 and approved the proposed 14 FT x 24 FT storage shed conditioned on it doesn't interfere with any of the existing parking spaces and it's off the paved area. Mr. Berkowitz seconded. All-Aye. Motion carried.

14.108 OB DiSiena Associates LPA, 115 Round Lake Ave. – Minor Subdivision

Mr. Dave Shaver from Northeast Land Survey stated the following: I'm representing DiSiena Associates in their request for a two lot Minor Subdivision. I know this has been presented before the Board previously and everything remains the same. Lot A would be a little over 2-acres and Lot B that is the remainder of the parcel would be 8-acres. I know what was previously discussed and there was a question in regards to property lines with our property lines verses County Tax Parcel lines and I believe that has been addressed and that has been taken care of. Mr. Ouimet asked Mrs. Murphy if she reviewed the issue of the property lines and access and whether or not we needed to deny this because of the need for a variance? Mrs. Murphy stated the following: Yes, there were two different issues basically that were pending; the first issue was that the tax map parcel was inconsistent with what the surveyor had shown and we went back with the County and the surveyor's map is the correct map. The second issue was an issue because the parcel is crossed over by a few municipality lines and there are different tax ID numbers for different sections, but those are viewed separate and apart from the actual deeded description of what the parcel is. In other words; if part of it is in Stillwater, the County assigns Stillwater one number and assigns Halfmoon a different number just based on what the locality is. Mr. Shaver stated the following: The numbers are basically all different and the title remains the same. If you went on the website or whatever, it would all refer to the same deed. It's one parcel and it's just strictly tax lines. Mrs. Murphy stated correct. Mr. Ouimet stated so; variances are not necessary, correct? Mr. Shaver stated correct. Mr. Harris stated that's correct as it meets all area requirements for a subdivision and for the setbacks for the building and frontage, etc. Mr. Ouimet asked has this been

referred to the County? Mr. Harris stated the following: No, due to timing of the decision tonight and the County's meeting was last week, but I have talked to County and this is the type of application that they do consider through the Memorandum of Understanding (MOU) with the Town. Therefore, it would not necessarily necessitate this Board delaying any action at the next meeting if we can have the MOU done by the County and review this prior to when a public notice would have to go out for the Public Hearing. Mr. Ouimet asked Mr. Shaver if he understood that? Mr. Shaver stated not really. Mr. Ouimet stated the following: Because of the proximity of this parcel being on a County highway, it needs a County Planning Board referral and that has not been done as they we're waiting for us to determine their questions that were just resolved by the Town Attorney. We are now in the process of doing that and they said they would do it by a MOU, but they need time to do it. So, the soonest we could get this back on is our next meeting which is on October 14, 2014. Mr. Shaver stated I did ask if we could schedule the Public Hearing at that same time. Mr. Higgins asked where is the road frontage on this? Mr. Shaver showed the Board where the road frontage was for the remaining parcel and the new parcel. Mr. Higgins asked is that a private road? Mr. Shaver stated I don't believe so, no. Mr. Higgins stated well it shows Round Lake Avenue going through the property on the map that I have, correct? Mr. Shaver stated its possibly a user road and I believe we've never found any deeds that it was a dedicated road and it's just a road that has basically become in use over time and what happens is; if it ever got totally abandoned by the Town, it's to my knowledge that the Town does plow and maintain that portion of the road all the way through there. Mr. Ouimet asked which Town would that be? Mr. Harris stated that would be Mechanicville on the Round Lake Ave. side. Mr. Shaver stated I think that came up once before when somebody asked if it was a municipal road and I believe we've determined that everybody believes that it is. Mr. Harris stated they do have frontage that is accessible to the public so, that's not a concern. Mr. Shaver stated the following: Yes, if there wasn't frontage here, then you would have access at the end of Round Lake Ave. right in there. So, there is road frontage there and I'm not sure who maintains it, but I believe there was a question posed before about is it a private road or is it a maintained road and to my knowledge it has been determined that it is a maintained road. Mr. Higgins stated okay, I just wanted to make sure that you had frontage.

Mr. Nadeau made a motion to set a Public Hearing for the DiSiena Associates LPA Minor Subdivision for the October 14, 2014 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

14.121 OB American Para Professional Systems, Inc., 1673 Route 9 – Change of Tenant

Mr. Berkowitz recused himself from this item. Ms. Jeslyn Bell, the applicant, stated the following: I'm the regional director for American Para Professionals and back before the Board to apply for a Change of Tenant application at 1673 Route 9 contingent upon the completion of the sprinkler needs that were requested on-site. Mr. Ouimet asked Ms. Bell if she knew anything about the status of the sprinkler installation? Ms. Bell stated as far as I know the work order has been set and it's to be completed by the 15th prior to the Certificate of Occupancy (C.O.). Mr. Ouimet asked the 15th of what month? Ms. Bell stated October. Mr. Dean Taylor stated the following: I'm the real estate agent involved with this. It has almost been a sequence of unfortunate events. What happened on this particular one is that they were due for an annual inspection and Andrew from Automatic Fire Sprinkler and Inspections did the inspection and that inspection showed that there was seven sprinkler heads that weren't functioning properly. So, we gave that over to the Building Department and now we're trying to work that out, but since then Andrew at Automatic Fire

Sprinkler has had some health issues and he has to get a clearance from his doctor. We believe that he's going to get the clearance from his doctor to come and do the work and we believe that the work would be done the middle of October. The owner is hesitant to go to another company because this is his sprinkler guy. However, what has happened is that this is in another space and it's not in the space that Ms. Bell would be occupying. However, we would hope that we could get the approval for the use and then deal with the Building Department on the actual C.O. Mr. Ouimet stated can you identify for us the exact space that Ms. Bell is proposing to occupy? Mr. Taylor stated the following: Yes, it's the former Chiropractor, Back in Balance and when you first pull up, she would be up front here and these sprinkler heads are in what at one point was like an open room and he's working to try and get a different tenant in there or expand a different tenant in there and it's behind that space. Ms. Bell is just going to take over the prior Back in Balance tenant space and then the sprinkler problems are in a different part of the building. Mr. Ouimet stated isn't the real issue there is that he's moving walls and things of that nature without permits? Mr. Taylor stated the following: I don't know that because I haven't been in the space. When I first looked at what she wanted to have done, I thought that was big job and he said that there was no walls or anything that needed to be moved, but I think he's going to be making half walls, but I can't speak to that as I don't know that. Ms. Bell stated the following: I laid out the space and I have eight years in interior design and decorating background. Just kind of putting the space to code; the existing fire heads and existing clearances for lighting and things do look legitimate. We have one enclosure of a small space, which will be approximately 10 FT x 15 FT in our new space. There are two sufficient sprinkler heads and he will be building it to code with the proper secondary exit out the rear of the building and that as far as I know is the excitement. Mr. Ouimet asked Mr. Harris what he knew about what's going on at the building? Mr. Harris stated according to Mr. John Cooper, the Code Enforcement Officer who has been working on this; the issue at hand regarding sprinklers is not in the same area of the building that this tenant is proposing to locate. Mr. Ouimet stated right, but are there building permits for buildouts and putting in new entrances and exits? Mr. Harris asked are you referring to this tenant? Mr. Ouimet stated I guess for any tenant. Mr. Harris stated I don't know that. Mr. Ouimet stated I mean if this is ongoing construction? Mr. Harris stated the following: I don't know off hand regarding that. I just know that in the area of the building where the sprinklers were an issue is not this area. Mr. Taylor stated if there is any work that requires a building permit, I don't think we can even get a permit until we get the an approval from this Board. Mr. Harris stated correct, they would come in a couple of days or a few days after you locate in the space and tell you what you need to upgrade or what needs to be brought into compliance in your area of the building. Mr. Taylor stated the following: The last time we did it Mr. Cooper came out and looked at it and asked if there was a door moved here or there. In that particular case he had noticed that there was door without the appropriate fire alarms and he just spelled out what needed to be done and then it was done when he came back for his inspection and that was fine, but the sprinkler was not. Mr. Ouimet stated the following: Let me be clear that I understand what you're trying to ask us to do. Are you asking us to approve you moving in on the 15th of October? Ms. Bell stated as soon as the work is completed we would like to be in the space. Mr. Taylor stated but at this particular point we're hoping that you are going to say "yes, this is a qualified use due to the narrative that she presented" and then we go and get the tenant permit separately and deal with Mr. Cooper and that's what we're hoping for. Mr. Ouimet asked what's your timing? Mr. Taylor stated the applicant wanted to be in now. Mr. Ouimet stated for instance; if this Board were to entertain a motion to approve a change of tenant conditioned on the fact that the building be up to code prior to her moving in, that doesn't give you what you're looking for, does it? Mr. Taylor stated I believe it does because and let me be clear and before I go and say that; Mr. Cooper inspected the building, he looked at all the tenant

spaces and the only outstanding issue from my understanding was that there was the sprinkler heads that needed to be done. Mr. Harris stated the following: My understanding is that the sprinklers are the only issue. I don't have that in writing from Mr. Cooper, but I know that when they did the fire inspection in August or whenever the sprinklers were an outstanding issue that needed to be resolved. Mr. Taylor stated if this Board would be willing to say this use would be okay provided that the building meets all codes, then we're going to be good and that's what we're hoping to get tonight. Mr. Nadeau stated just for clarification; you are looking for a use approval, but it will be contingent upon us making it to conform to code, correct? Mr. Taylor stated the contingencies for the building to be up to code are most certainly acceptable. Mr. Nadeau stated so; you are looking for a use permit. Mrs. Murphy stated it is a Change of Tenant. Mr. Higgins stated according to the write-up it saying that the Building Department had provided a deadline of September 28th and asked are you aware of that? Mr. Taylor stated no. Mr. Harris stated yes and I did verify that again with Mr. Cooper before we wrote that and I think the letter went out the 28th of August and that gave them 30 days. So, that note was mine that stated the 28th of September. Mrs. Murphy stated I heard what the applicant was saying; the results will be if they don't have something sorted out with Code, they'll start to get tickets. Mr. Higgins stated okay, I just wanted to clarify that there was a difference in the dates that they were saying than the dates that were in our information. Mr. Roberts asked the applicant if she was going to have a sign. Ms. Bell stated yes, there will be a sign and we would just be replacing the panel on the existing monument sign. Mr. Roberts stated okay, you will have to come back before the Board with a Sign application. Ms. Bell stated okay, thank you.

Mr. Roberts made a motion to approve the Change of Tenant application for American Para Professional Systems, Inc. contingent upon all Building Code Violations being corrected prior to a Certificate of Occupancy (C.O.) is issued before the tenant is allowed to occupy the former tenant space of Back in Balance. Mr. Nadeau seconded. All-Aye. Motion carried.

14.083 OB Miranda Real Estate, 1480 & 1482, Route 9 – Addition to Site Plan

Mr. Brian Cooper from M J Engineering stated the following: I'm representing the Miranda Real Estate Group. On July 28, 2014 we came to the Planning Board and presented the project and we were denied based on a number of variances that were requested. We since went to the Zoning Board of Appeals (ZBA) on September 2, 2014 and based on discussions with the ZBA we have revised the plan to eliminate some of the variances. Some of the changes that we made were; we shifted the addition over towards the middle of the building to eliminate the rear property variance and we organized the entire parking layout so that we were in conformance with the aisle dimensions and the parking space dimensions. We also included some greenspace up front for plantings that would enhance the property. Basically what I'm looking for is a revised denial so we can go back to the ZBA to get the process completed for that. Mr. Ouimet asked Mr. Harris if he had a map on this revision? Mr. Harris stated yes. Mr. Ouimet stated it's my understanding that you're asking for a greater variance for the front of the building, correct? Mr. Cooper stated well, what happened was that we initially measured that variance from the deed line and upon further review the highway boundary line, which is the right-of-way obtained by the New York State Department of Transportation (NYSDOT), is actually the property line so that measurement had to come in toward the building because the highway boundary line is the actual property line for the property. Mr. Ouimet asked has there been any discussion with the applicant about combining the two lots? Mr. Cooper stated the following: Yes, we did have a long discussion with the applicant about that and a few things with that; he doesn't want to do that as he has notes on both properties and a financial institution would require him to refinance. Also, he did an economic

analysis of the properties and he believes that combining them would reduce their value as opposed to if they were separated. It would also be harder to sell a property with two existing buildings on it versus the way it is now with each parcel having one building on it. Mr. Ouimet asked have you had any discussion with the applicant about putting some kind of greenery between the building and Route 9? Mr. Cooper stated yes, we have included some greenspace in the plan. Mr. Cooper showed the Board where the greenspace was proposed to be located. Mr. Ouimet stated so; there won't be any parking in the front? Mr. Cooper stated the following: There will be a few spots in an available space that was leftover and we have added a few spots there. Also, where his existing sign is located we are going to put landscaping around that area as well. Mr. Ouimet stated but you're not going to be parking in the NYSDOT right-of-way are you? Mr. Cooper stated no, all this work is just on the line and beyond the NYSDOT right-of-way so, no highway work permit is going to be required from the NYSDOT. Mr. Higgins stated so; the parking spaces are all on the 1480 site and the 1482 site doesn't have any parking, is that correct? Mr. Cooper stated the following: Yes, there are a number of spaces that exist and we're proposing that they're shared by the two properties and we're proposing a permanent parking easement for both properties to have access from both sides. So, basically if one of the properties were sold, that person would have rights to those parking spots and visa versa from each property. Mr. Ouimet asked Mrs. Murphy if she heard that discussion. Mrs. Murphy stated I did hear that discussion and I assume that that's one of the reasons for a denial as we don't have a provision for shared parking in our ordinance. Mr. Harris stated yes, you brought that up at the first denial that some of the spaces would be shared between the two lots. The Board didn't raise that as an issue and I thought that they did consider under the new parking provisions the fact that they could consider that because they're split between two lots and they didn't change that on the plans at all since the first time. Mrs. Murphy stated the following: The new parking provisions allows for them to alter the number and what he's proposing has zero on the one lot and we don't have a shared parking provision. So, it's just going to have to be something that the ZBA addresses.

Mr. Roberts made a motion to deny the Addition to Site Plan application for Miranda Real Estate. The Applicant submitted a revised plan since the previous Board denial (issued 7/28/2014), eliminating the need for several variances. The Board issued a new denial based upon the revised plan. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 22, 2014 Planning Board Meeting at 8:21pm. Mr. Higgins seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary