

**MEETING MINUTES
TOWN OF HALFMOON PLANNING BOARD
APRIL 13, 2015**

Those present at the April 13, 2015 Planning Board meeting were:

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

Planning Board Alternates: Robert Partlow
 Margaret Sautter

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
 Cathy Drobny

Town Board Liaison: John Wasielewski

Chairman Ouimet opened the April 13, 2015 Planning Board Meeting at 7:00 PM. Alternate Sautter will be voting tonight. We would like to have a moment of silence tonight for Lois Smith-Law who was a Board Member who recently passed away since our last meeting. Thank you.

Chairman Ouimet asked the Planning Board Members if they had reviewed the March 23, 2015 Planning Board Minutes Vice-Chairman Roberts made a motion to approve seconded by Mr. Partlow. Motion was carried. Mr. Nadeau and Mr. Partlow both abstained.

PUBLIC HEARING:

15.017 Subdivision of 80 Vosburgh Road - Minor Subdivision

Mr. Partlow excused himself from this item.

Chairman Ouimet commented: Would anyone like the notice read? No one chose to speak. The public hearing opened at 7:00 PM. Mr. Zee will be making the presentation.

Mr. Donald Zee, Attorney for the applicant was present and commented: We are seeking a subdivision of 16.32 - acre parcel into three (3) building lots. Two are flag lots with 20ø and 25ø frontages and the third lot will have 120ø of frontage. At the last meeting a question came up regarding as to the buildable area of each of the building lots and we did a rough calculation and building lot #1 is $\frac{3}{4}$ of an acre for just the building envelope itself. Lot #2 is also $\frac{3}{4}$ of an acre

and lot #3 is 1.1 acres so we have very oversized lots. Of the 16.32 acres we would propose to set aside 10 acres for land preservation. This property would be serviced by public water and sewer. I know there was discussion with regard the pressure sewer system that would be coming from each of the homes and I believe that has been addressed with discussions with your Town Engineer. There is also discussion with regard to the pressure sewer system that would be coming from each of the homes and I believe that has been addressed. There was also discussion with regard to the width of the driveway and the pavement area and we will be complying with the Town requirements and the Fire Commissioners request of having a 22' wide pavement area with 2' on either side for clearance purposes. With regard to the curb cut, you had requested 26' our quick analysis we have a curb cut of over 50'. That is our presentation for tonight.

Chairman Ouimet commented: Thank you. Does anyone from the public wish to speak? Please state your name and address for the record and tell us your concerns.

Mr. Partlow, 92 Vosburgh Road commented: I am the direct neighbor to the project. I have a few points I want to bring up. The water table, fisher cat that lives in the back, blind spots in the curve of the road, and of course the wetlands. The water table, the project behind us, The Toll Brother Subdivision at the onset of that project we were concerned about the water table. As soon as that project started and until it ended and continuing on now we have water table issues. We had to add a second sump pump to our basement because of the changes to the water table changes. To this day we are still running two sump pumps continuously for the reason that whatever changes to the land happened the irrigation came right down to our house. There is a fisher cat, I don't know if you are familiar with a fisher cat, it's an animal that is related to the weasel family it is protected by DEC and I don't know if I know anything about that but as a protected animal you need to do diligence for that species. I would like to see if you have done any recon on that at all. The blind spot, I am living in my house for almost 20 years now and the blind spot that is on the corner the line of sight is not very good for us on that turn. I don't know how you are going to work the frontage to be able to make that accessible for yourself as well as keeping the line of sight for us just down the road. The wetlands, you mentioned buildable frontage but my concern is, and I walked back there all the time) it is extremely wet. The wetlands are continuously moving there are beavers that live on the dam behind the house where you are going to be going and next to our house. Constantly we are having the beavers removed from that area because of wetlands continually rise from the dam. Those are my points.

Chairman Ouimet commented: Mr. Zee would you like to respond?

Mr. Zee commented: With regard to the sight distance we will have an Engineer go out there and look at the curb cut that we are proposing and the sight distance to make sure we meet the requisite sight distance requirements there. That is something that we would look into. With regard to the fisher cat, we will contact DEC or Fish and Wildlife just to confirm if this is a known habitat and I am not questioning that it is or its not we are not familiar with it and we will explore it with both Fish and Wildlife and DEC with regard to that animal. If it is protected then we will have to make appropriate arrangements with regard to having some sort of buffer area or with regard to our construction activity not to interfere with its habitat itself and normal nesting location. With regard to the wetland, we have done a wetland delineation yes it is subject to change. But when we did the delineation that is confirmed by the ACOE it is good for a certain amount of time but within 10 years from now it may change but within a certain window it's an

accepted delineation area if the wetland area. The final thing with regard to the water table, we will do some soil borings to see where exactly where the elevation of the water table is. As I said, we have approximately 10-acres of land that is set aside for preservation. That means that approximately 6-7 acres is upland area that is deemed buildable by the ACOE and DEC with regard to those areas I think we would look from a storm water management and where the gradients are to try to look at not impacting adjoining property owners from a ground water situation. I do have to say that over the past several years that ground water throughout the northeast has been rising. I know 5-6 years ago it showed just north of here that the ground water raised 7-8' without any construction activities that something like Toll Brothers had done. It is something that we would look into and come back with that technical information submitted to your Engineers.

Chairman Ouimet commented: Thank you. Would anyone else from the public wish to speak? Are there any questions from the Board?

Mr. Nadeau commented: The adjacent land from the Toll Brothers the properties to the east would be Toll Brothers? Where they notified of the public hearing? These properties right here were they notified.

Mr. Harris was not on microphone and could not be heard.

Mr. Nadeau commented: It looks like it's on the back side of Toll Brothers is what I am getting at or in that general area.

Mr. Zee commented: Toll Brothers doesn't have any further interest in this subdivision we were Toll Brothers Attorney.

Mr. Nadeau commented: I am just wondering if the parcels adjacent or bordering your property were notified.

Mr. Berkowitz commented: Yes, they were notified and in the Stone Crest Drive area as well.

Chairman Ouimet commented: Marcel, I believe over 70 people were notified. Are there any other questions?

Mr. Berkowitz commented: Some of the people that were at the public hearing at the last meeting were also notified. Is this a minor subdivision right now? Will they have to come back before us? Or do they just apply for building permits? We are still waiting for information regarding the blind spot, the water table and water borings, the fisher cat, and beavers?

Mr. Harris commented: As Mr. Zee had mentioned he wants to respond to the questions raised by the public but your approval of the subdivision barring any changes made by the applicant would be the last approval by the Board.

Mr. Berkowitz commented: So we would not see this project again if we approve this tonight.

Mr. Harris commented: Correct.

Chairman Ouimet commented: Are there any other questions?

Mr. Higgins commented: I have a couple of questions. There is obviously on lots 1 and 3 there is a considerable amount of what you have designated as Land Preservation Area. How do you maintain to keep that as Land Preservation Area? I know there are deed restrictions that can be put in the deeds that it has to be kept as is. Wetlands cannot be infringed upon and things like that. Is that the only way that your planning on it is just a deed restriction?

Mr. Zee commented: That is what we proposed if the Board has some other desires we would entertain that as well. Normally covenants and restrictions in place are enforceable we can have them enforceable by the Town by the Building Department and as well as the other owners.

Mrs. Murphy, Town Attorney commented: The Town does not have the authority to enforce the deed restriction.

Mr. Zee commented: If they were made a party to it.

Mrs. Murphy, Town Attorney commented: We are not asking for you to make us party to it.

Mr. Zee commented: I wasn't sure what Mr. Higgins was asking.

Mr. Higgins commented: I was just asking because there is a considerable amount of land there and we know we have all seen it that deed restrictions all depends on who is watching I just have major concerns about that. Also, the driveway has that been approved by the Fire District? In writing?

Mr. Zdrahal commented: No, I don't have it in writing. The Fire Chief called me a few days ago, Mr. Hunsinger he asked me what we were proposing and I told him. I had called him and he never returned my call. So I told him we were proposing 22' which is more than the State Fire Code calls for and he was satisfied with the 22' travel lanes with a pavement to support.

Mr. Higgins: Just to make sure I understand. You're proposing a 22' paved surface driveway that can support an 80,000 pound vehicle and obviously per the NYS Code it has to be turnouts every so many feet.

Mr. Zdrahal commented: We don't need a turn around.

Mr. Higgins commented: So a single turn around between lot 1 and 2. That was acceptable to Mr. Hunsinger.

Mr. Zdrahal commented: Yes.

Mr. Higgins commented: Okay.

Mr. Harris commented: We generally receive something in writing from the Fire Chief and as of last Thursday or Friday we hadn't received anything from them. Mr. Marlow usually speaks

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to them. I am not disputing that you are not complying with all their recommendations but the Fire Chief as of the last time we spoke was not made aware that you were going to address all of his requests. So we have not received anything even as of today.

Mr. Marlow commented: I spoke with Art Thursday morning when we were here for the Yellow Ribbon Ceremony. He said he hadn't talked to you but he was going to reach out to you so you may have talked to him since I did on Thursday morning. I am not entirely sure. I haven't gotten anything in writing from him. I will follow-up with him tomorrow morning and let him know that you discussed this tonight and see if he will agree to that as well.

Mr. Zdrahal commented: He called me back on Thursday.

Mr. Marlow commented: I will follow-up with him tomorrow morning and see because you seem agreeing to do exactly what he was requesting in the first place.

Mr. Zee commented: I think the Chairman made it pretty clear last meeting what his conversation with the Fire Commissioner was and I think in the public record we had indicated that we would comply with the elements that the Chairman had said that were relayed to him by the Fire Commissioner.

Chairman Ouimet commented: That was my understanding.

Mr. Higgins commented: Are the wetlands DEC or ACOE wetlands?

Mr. Zdrahal commented: It was shown on the map to the Board for both ACOE and DEC.

Mr. Zee commented: So with regard to DEC and ACOE wetlands they do review and require permits with regard to any disturbance to those areas and they are regulatory agency that we will go after people who violate specifically those delineations.

Mr. Higgins commented: Some of the areas that you have designated are Land Preservation are not in the ACOE or DEC. That is why I was wondering how you were going to preserve the Land Preservation area if it's up to the homeowners.

Mr. Zdrahal commented: This is basically it is very steep slopes and very preserved. The other side is all flat mainly wetland.

Mr. Higgins commented: Ivan, just to the right of Lot 1 it says Land Preservation area but it is not wetlands. That is what I am talking about. You have a huge area there that is Land Preservation but it's not DEC or ACOE so your telling us that it's going to a preservation land but I am asking the question because obviously that homeowner could build buildings and do whatever he wants there other than the fact that it's designated as Land Preservation.

Mrs. Sautter commented: I think what I am confused about is what is the Land Preservation area and is it deeded into the property not that it matters if it's deeded but it's confusing. Can you show me exactly where the lots are? Are they the colored lots or is that the building envelope.

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Mr. Zee commented: That is the building envelope area. The entire parcel is going to be divided into 3 lots.

Mrs. Sautter commented: So the dark green area is not land preservation it is actual property of somebody and that is what John is referring to. That was unclear because by looking at that it looks like it's the lot as apposed to the other. It looks like it's all Land Preservation and I just wanted to be clear on that.

Mr. Zee commented: Yes, understood. It will be preserved by way of covanance and restrictions.

Mrs. Sautter commented: Which we know doesn't work and we know that. I just want to be clear because I was confused with your map and the map we have in front of us.

Mr. Higgins commented: As an option, we have had homeowners associations established which control the preservation of the property as well.

Chairman Ouimet commented: Your not proposing a homeowners association for a 3-lot subdivision are you?

Mr. Zee commented: We are not unless the Board desires it and believes it's a preferable to the owners themselves controlling their property along with the declaration of the covenant and restrictions.

Chairman Ouimet commented: I don't know if you have thought this out all the way yet but is this going to be developed by one builder or are you going to just sell the lots off. The potential exists that you could just sell a lot, correct.

Mr. Zee commented: We believe that it is going to be developed by one builder. Yes there is always that potential. I can't tell you that the same builder is going to build them all. We believe it will be one builder but I can't say actually the same person is going to build them all. We believe it's going to be one builder just because the insulation of the infrastructure which Mr. Zdrahal is not proposing to do.

Chairman Ouimet commented: Are there any other questions?

Mr. Higgins commented: Is the driveway going to be owned by all three easements or two?

Mr. Zee commented: It's going to be owned primarily by one individual and the other two parties will have easement rights over it.

Mr. Higgins commented: I imagine that in the easement there is going to be verbiage which the Town has no jurisdiction over it and Lyn will yell at me but I image that there will be some kind of maintenance agreement between the three owners.

Mr. Zee commented: Yes.

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Chairman Ouimet commented: I noticed that the maps that we have is not the same as what we have up there. The driveway is depicted in two different colors one is darker grey shade and the other is a lighter grey shade going into proposed driveway to Lot #2 and proposed driveway to Lot #3 are they proposed to be smaller road widths or are they all going to be 22ø?

Mr. Zdrahal commented: The driveways from the common driveways to each individual house.

Chairman Ouimet commented: So the common driveway does it end at the turn out? The individual driveways are being connected to the common driveway.

Mr. Zdrahal commented: That is correct.

Chairman Ouimet commented: You're not proposing to make it 22ø wide.

Mr. Berkowitz commented: Where is the driveway going to Lot #1? Is it coming off the common stub?

Mr. Zdrahal commented: No it comes off the driveway #2 and from the other stub and from the other stub will come out into driveway #3.

Mr. Berkowitz commented: Have you given any thought to going from that stub to driveway #1 just to make it easier.

Mr. Zee commented: The buildable area of the lots are pretty substantial at ¾ of an acre so I think the person that is ultimately going to be the owner of the home will probably want to place their lot further away the adjoining lot.

Mr. Berkowitz commented: So you could actually extend that Rock Hill Place into the development even more and put a driveway into lot #2 if you wanted to if that is what the homeowner desired, where the builder desired.

Mr. Zee commented: Yes.

Mr. Roberts commented: I am assuming that the owner of Lot #3 is going actually going to own the whole driveway since it goes all the way back to his property. The other two as you said will have easements over that to get to their lots.

Mr. Higgins commented: You're not showing any storm water retention basins anywhere along the driveways. Where are you thinking the storm water will go from the driveway?

Mr. Zdrahal commented: These lots were part of Stone Crest Subdivision and there was a storm water pollution prevention plan prepared and in that documentation that the storm water impact of the storm water was addressed in that document. There is a permit from DEC for this work to go toward the storm water area.

Mr. Higgins commented: Which direction is that?

Mr. Zdrahal commented: Across the driveway and adjacent to the wetland area.

Mr. Higgins commented: Yes but direction is that going in? Which way does the water flow?

Mr. Zdrahal commented: The wetland complex was shown to the Board on the map and a large culvert and the water basically drains in a northerly direction.

Mr. Higgins commented: So the storm water and snow run off from the driveways is going to go equal on both sides or is it going to go to the top?

Mr. Zdrahal commented: The cross section of the driveway will show and propose intersection swale toward the slope and then to a few culverts and the water from the slope will be conveyed to the wetlands through the culvert.

Mr. Higgins commented: Maybe it's obvious to you but when I am looking at the elevation changes you have almost a 20' elevation change just over the course of the driveway.

Mr. Zdrahal commented: We have a drainage plan prepared to be part of the final plans. The road rises here and it drops down to where it's generally flat and it rises toward the back of the lot. All the final plans will be filed in the County Clerk's Office. There will be a grading plan, a utility plan with all the necessary details.

Chairman Ouimet commented: Are there any other questions?

Mr. Berkowitz commented: Are you proposing any screening for the surrounding neighbors where the driveways are going? Or near the corner that is pretty close.

Mr. Zdrahal commented: The driveways will be closer to the house and will be preserving a strip of vegetation and maybe will be a 45 degree line. The one that is close is the best we can do because there is a slope condition here. There is some preservation. There is not much room for more screening because of the slope.

Mr. Higgins commented: The problem is that the cars are coming out at night and the lights are going to be shining right in the people's bedroom.

Mr. Zdrahal commented: I don't think so because it curves this way and near the screening.

Mr. Berkowitz commented: But they are going right up that hill.

Mr. Higgins commented: Yes but at the top of that hill and the leaves are off the trees.

Mr. Zee commented: We will look into the possibility of placing some vegetation there when we get out to the site and prior to coming back and we will have some photographs showing what the exact vegetation is there right now and if there is a need to place additional vegetation when we talk about it being land preservation we might want to retain the rights in this specific

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area for purposes of creating some additional buffer area to install some landscaping. We will look into that.

Mrs. Sautter commented: Have you looked into preliminary EAF? It says you are going to do a short form but since we heard that maybe there are endangered species or wildlife? Have you looked into any of that on the computer or do you just know it from as you said before for Stone Crest Subdivision.

Mr. Zdrahal commented: The Stone Crest Subdivision addresses the species and wildlife as far as I know. There was nothing on that to identify that.

Mrs. Sautter commented: You are going by that form or you're going to get a separate or a whole new SEQRA?

Mr. Zdrahal commented: No, we are going by that existing form.

Mrs. Sautter commented: You are going by that form and I don't know that I feel comfortable with that form.

Mr. Higgins commented: This land was part of the original Stone Crest Subdivision when was it subdivided out?

Mr. Zdrahal commented: It was subdivided in 2008. The grading was addressed for the site distance was approved as part of the Stone Crest Subdivision that was what we were planning to do.

Mr. Higgins commented: I am just trying to remember that subdivision that wasn't a single home on that subdivision originally was it?

Mr. Zdrahal commented: Well it was 90-lot subdivision.

Mr. Higgins commented: No I am talking about this, I was just trying to remember because 2008 was a while ago but I know that some of the subdivisions in that area when they came because of the wetlands they were just going to put in one home that is why I was trying to remember that one but I honestly can't remember.

Mr. Zee commented: We will examine the records of the Stone Crest Subdivision and will check with DEC again on their system with regard to some of the issues they have been raised in public comment.

Chairman Ouimet commented: Speaking for myself, I think the public comment period has raised some issues that you are agreeing to investigate but you need to investigate before we can actually consider whether or not to grant you a request to approve this subdivision. As you know, I did not close the public hearing it is still open and we will wait your getting answers to the questions that were raised by the public and by the Board tonight. This will go back on the agenda and resume the public hearing.

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Mr. Zee commented: Thank you Chairman.

Mr. Partlow, 92 Vosburgh Road commented: I just want to give the environmental conservation law the number is ECL 11-0103 (2) (C) that is the NYS Environmental Conservation Law regarding the fisher cat.

NEW BUSINESS:

15.039 PKG Properties, 1425 Route 9 – Change of Tenant/Use

Mr. Paul Gross was present and commented: I think first I have the change of use. I own the PKG Property and I want to use part of the office for that use. There will be no more employees I actually own the insurance agency that is in there now.

Chairman Ouimet commented: There are two companies and you own one of them. You maintain both companies is that correct?

Mr. Gross commented: Yes, that is correct.

Chairman Ouimet commented: So your hours of operation, staff everything remains the same as far as the office operations goes. You also have an application to add a building.

Mr. Gross commented: I would like to add a 2-car garage that will be owned by PKG Properties which is the owner of the property for a plow truck, equipment to take care of the lawns and the facility that is there.

Chairman Ouimet commented: I am a little confused. PKG Properties I understand it to be an insurance operation.

Mr. Gross commented: No. PKG Properties owns the property that it's on and it rents to the Package Group which is the Insurance Agency.

Chairman Ouimet commented: Has this been sent to the County?

Mr. Harris commented: Yes. Because of its location and the addition to site plan it was required to be reviewed by the County Planning Board and based on the timing of the meeting that you are on they meet this Thursday. This Board cannot act until they act. It's on the agenda and they will review it and we expect to hear from them. The site plan for the garage and the site plan have to be acted on before you can act on it. You still have the change of use to act on. I know they are related so they will need to return for another meeting.

Mr. Higgins commented: Do you have a site plan for where you want to build the garage?

Mr. Harris commented: It should be attached. Is it not in your packet? It shows the setbacks.

Mr. Roberts commented: Is the new business going to require a sign?

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Mr. Gross commented: No sign.

Chairman Ouimet commented: Then is no sign for the existing business, correct.

Mr. Gross commented: Currently there is no sign. There is a sign out there but it's not in use.

Chairman Ouimet commented: So there is a sign out there for a former use?

Mr. Roberts commented: Just so you know, if either business wants a sign you have to come in before this Board for an approval.

Mr. Higgins commented: How close is Irwin's Home to the property line? It is not shown here and I am just curious.

Mr. Gross commented: I don't know who Irwin is.

Mr. Higgins commented: That whole corner is only me it is all woods behind there. The 21' feet that separates for the back of the building is all woods. There is nothing on the other side. It is fully vacant and full of woods.

Mr. Ouimet commented: Is there any other questions for the change of use?

Mrs. Sautter commented: The maintenance items that you are going to keep the truck, lawn mower is for the property itself, that single piece of property that is there?

Mr. Gross commented: Yes, and if I purchase other properties I might use it there as well.

Mrs. Sautter commented: You have properties here and I just want to make sure. For right now it is just for the maintenance of that building.

Chairman Ouimet commented: So I am still back to being confused. I don't know if you have two businesses going or three?

Mr. Gross commented: Two businesses.

Chairman Ouimet commented: The Package Group is the Insurance Agency. The second business that you are asking to add tonight is the Property Management Business?

Mr. Gross commented: No. It owns the property that it's on. It's not a Property Management Business. I own PKG Properties and I rent it to the Package Group which I happen to own as well too.

Chairman Ouimet commented: Are there any other questions?

Mr. Roberts made a motion to approve the application to add a new tenant to this site, seconded by Mr. Higgins. Motion was carried.

Chairman Ouimet commented: Change of Tenant is approved. You will have to come back at the next meeting do it for the County. We can let the tenant know if they come back on April 27, 2015. Thank you.

15.044 The Cookie Factory, 1705 Route 9 (Shops of Halfmoon) – Change of Use/Tenant

Mr. Jeff Williams, Bruce Tanski Construction & Development commented: I am here for a change of tenant and Sign Application for 1705 Route 9 in Suite 300 at the Shops of Halfmoon. This is a 2,095 SF retail space that is in the plaza that faces Route 9 adjacent to Snyders Restaurant. The space was formally used by Kitchen Dimensions; the new tenant will be the Cookie Factory. This is a third generation bakery from Troy, New York they wish to establish a bakery in Halfmoon. They offer baked goods such as their famous cookies along with cakes, pies, breads and rolls. All baked goods will be baked at their facility in Troy at 41 River Street. It is anticipated that there will be two deliveries Tuesday through Sunday of the baked goods one AM delivery and one PM delivery and one delivery on Mondays. The proposed business hours are 7:00AM to 9:00PM Monday through Sunday with 3-4 employees working per shift. They also want to place 16 seats inside the facility to allow their patrons to enjoy their baked goods on site and they will offer coffee, tea and I believe juices also. We believe parking will not be an issue there is 48 parking spaces that surround the plaza building there are two other tenants in the same building Captain Treasure and a Bridal Boutique and I don't believe that either one is a high demand of parking there are always open spaces for parking. If you divided 3 uses by the parking there are 16 parking spaces per use. There is also an addition 11 spaces land banked that fronts along Route 9. The applicant wishes to place two building signs one on the south and one on the west elevation of the building. The signs are 2x8 they are uniform for the plaza the total area is 16 SF each or grand total of 32 SF. These signs have been previously approved by this Board for the previous tenants. The applicant wishes to place a 10x50 tenant panel on the existing monument sign on the Route 9 and 146 intersections. Again this sign is the same dimension that was previously approved. Thank you.

Chairman Ouimet commented: So that is a total of 3 signs for this tenant. Are there any questions by the Board?

Mr. Partlow commented: Deliveries will be done at the back of the building?

Mr. Williams commented: Yes, there are delivery doors in the back.

Mr. Partlow commented: What part of the building? If you are looking at the back of the building is it all the way to the left?

Mr. Williams commented: If you are heading north on Route 9 it's the first store you pass.

Chairman Ouimet commented: Is it closest to the Bank?

Mr. Williams commented: Yes, closest to the Bank.

Mr. Partlow commented: Are there handi-cap spaces?

Mr. Williams commented: Yes there are. I believe there are two in the front of the building.

Mr. Higgins commented: If you could mention to the tenant to use Halfmoon in their advertising please.

Mr. Williams commented: Certainly.

Mr. Higgins commented: Thank you.

Mrs. Sautter commented: Is there also employee parking in the back do you know?

Mr. Williams commented: I believe there are 11 parking spaces behind the building.

Mrs. Sautter commented: I think it might be a good idea.

Mr. Williams commented: There are 9 parking spaces toward Old Route 146 behind the parking and there are 3 parking spaces adjacent right behind the building.

Mrs. Sautter commented: Do you think they are used and could you encourage the employees to use those spaces? I think it's a great place for them and I think it will be busy.

Mr. Williams commented: There will be a lot of in and out traffic, I would think. The cookies are good.

Mr. Roberts made a motion for the change of tenant and the sign, the signs conform to the existing scheme of the plaza so I make a motion for both, seconded by Mr. Nadeau. Motion was carried.

Chairman Ouimet commented: You are approved, tell the Cookie Factory welcome to the Town of Halfmoon.

15.043 Universal Contracting Inc., 1050 Elizabeth Street – Change of Use/Tenant

Mr. Ralph Drake commented: I own Universal Contracting and Development Corporation which is a commercial excavating contractor out of Albany, NY. I am here tonight to ask the Board for permission to use a small bay in a warehouse at 1050 Elizabeth Street. It is approximately 2200 SF and we intend on using the warehouse for light maintenance of some of our equipment, storage as well for pieces not being used, there will be no employees working out of the facility because we operate out of Albany, NY we have a facility out of Railroad Avenue. That is where the men report if they need to. There will be, at the most, one mechanic in there January, February when it's cold when we are not doing site work is when we would utilize the shop. It will go in and service some equipment or maybe if a piece of equipment breaks down we could bring it up and repair it. There is plenty of existing parking spaces for the warehouse.

Chairman Ouimet commented: Please elaborate a little bit on the storage of equipment. Will you be storing equipment outside or inside the building?

Mr. Drake commented: We will probably store a few pieces outside but the majority is going too stored inside, our smaller pieces, skid steers, rubber tire backhoes, and so on. The nature of our work of Universal Contracting work we start working in about April we move our equipment to job sites and it usually stays there or goes from job site to job site it usually does not go from the job site back to the shop and back to another job site. That is because of the cost of moving it. If we store equipment it will be an occasional one or two pieces outside the majority would be stored inside or again as I said we have a facility in Albany too.

Chairman Ouimet commented: Do you bring the equipment in by flatbed truck?

Mr. Drake commented: Yes usually a dump truck pulling a flat-bed trailer behind it.

Chairman Ouimet commented: Paul or Rich have you had a chance to look at the parking and traffic flow situation around the space?

Mr. Marlow commented: Yes, there is plenty of large area, I guess as far as parking goes. I believe there is an outside exterior road that loops around the building and kind of allows traffic to circulate through as far as parking goes not necessarily have to do a 3-point turns and what not.

Chairman Ouimet commented: Do we have a site plan for this property?

Mr. Marlow commented: Yes, we do.

Chairman Ouimet commented: Is there one in the file.

Mr. Marlow commented: Possibly, I would have to check it may not be.

Chairman Ouimet commented: Who owns the property?

Mr. Nadeau commented: Who owns the property? Who owns the building that you are leasing from?

Mr. Drake commented: I do, it is owned by Universal Realty and I own Universal Realty. If I may add to address the parking, we are right on the City of Mechanicville/Halfmoon Town line. If you walk 200' outside of the warehouse you will be in the City of Mechanicville. Subsequently, there are 22-acres of undeveloped land with the infrastructure that leads to our warehouse. The only building on there is the City of Mechanicville Highway Department so there is nothing else. It doesn't affect residents at all. There is plenty of easy access for a truck to pull in and out from. There is plenty of parking. To address the site plan issue, I do believe the Tenant that is in the building now C-Pat and I believe they were before the Board several months ago and furnished the Board with site plan for the warehouse and they were granted there change of tenant.

Chairman Ouimet commented: Is it the Patenaude Property?

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Mr. Drake commented: Yes, that is right.

Mr. Higgins commented: What is the access into the site by truck?

Mr. Drake commented: A huge paved street.

Mr. Higgins commented: What street do you use to get into it? We are looking at the..

Mr. Drake commented: The property is Elizabeth Street that is the address for the property. There is a road and I really don't believe it's named it was just a road infrastructure was put in by the City of Mechanicville for development. It was never developed except for the Mechanicville Highway Department and you have a big curved road.

Mr. Berkowitz commented: Do you pass the ball fields?

Mr. Drake commented: You turn right before the ball fields? The ball field if your going up Elizabeth Street where you turn right is a Rescue Squad Building on the corner as you go up the street there is a Highway Department Garage nothing else but a straight paved road to the warehouse.

Mr. Partlow commented: Is it Industrial Park Drive?

Mr. Drake commented: I don't know if they named it? I really don't know because there is no sign. It is City of Mechanicville Industrial Park.

Chairman Ouimet commented: Does the Board have any other questions?

Mr. Higgins commented: I would like to see a site plan stipulating how much outside storage and where the equipment will be parked. I know it's an industrial area but we have required that from previous applicants. Just because the previous applicant had a site plan are you going to adhere to that exact site plan? He is limited to a number of vehicles.

Mr. Drake commented: If I may add, if there any equipment left outside or stored outside it would be stored on a lot owned by City of Mechanicville it would not be stored on a lot in the Town of Halfmoon.

Mr. Higgins commented: The building is the only thing that is in the Town of Halfmoon. So the 2-acres

Mr. Drake commented: No it's 22-acres.

Mr. Higgins commented: Its existing lot size 2.65-acres is that all in the Town of Halfmoon.

Mr. Drake commented: Yes that is all in the Town of Halfmoon.

Mr. Higgins commented: You say that on Saturday's you want to be able to work until midnight?

Mr. Drake commented: No, absolutely not. No we don't work Saturdays as a rule.

Mr. Higgins commented: I am just going by what it says here.

Mr. Drake commented: I wish I could get my men to work on Saturdays it's hard enough getting them to work Monday through Friday. On Saturdays until noon time and that would be very rare. We are not mechanics what we do with our equipment we find it cheaper to bring it to a dealer to have it repaired. We do like to do our own oil changes, change a light, something very minor. Most of our operators are back yard mechanics so they can fix something light. Heavy maintenance we send out.

Mr. Higgins commented: The problem the Board runs into is if it's not designated then the enforcement people come back and say why didn't you stipulate what the storage area is on the site. We run into it on occasion. That is why I ask the question.

Chairman Ouimet commented: John if we have an agreement from the landowner that storage will be in the City of Mechanicville and not in the Town of Halfmoon there is nothing to enforce.

Mr. Higgins commented: That is fine. Well he still has over 2-acres that is associated with this building.

Chairman Ouimet commented: But he represented to us that he is not going to do storage.

Mr. Drake commented: If there is any equipment stored it will be inside that is the purpose of utilizing the bay. To be honest, the reason we utilize the bay is because Patenaude or C- Pat didn't use it was sitting there so I would rather put my equipment inside than leave it outside.

Mr. Higgins commented: I agree. I don't have a problem there at all.

Mr. Roberts made a motion to approve this application as presented, seconded by Mr. Berkowitz. Motion was carried.

Chairman Ouimet commented: Are you going to apply for a sign or no sign at all?

Mr. Drake commented: No, if we need a sign at a later date we would go through the proper procedure. For right now, no sign.

Chairman Ouimet commented: Thank you. Welcome to Halfmoon.

15.042 Moving Ads & Signs LLC, 213 Fellows Road – Change of Use/Tenant

Mr. Potter commented: I am the President of Moving Ads, thank you to Rich and the Board we recently have gone through some changes with some buildings that were taken down and they were very patient while we were going through this transition. We own the three (3) buildings at 213 Fellows Road. My business is Moving Ads we do mobile billboards, vehicle wraps and printings for banners and signs and things. We moved into this location still

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temporarily and we don't know for how long. We are trying to move into another building that Rich is aware of. Right now we have printing equipment in there, we print banners and signs and we will do the occasional apply a vehicle wrap and graphic. Customers will come to this location as well to look at different swatches of vinyl and/or view a print to compare colors or to view various banner stands or things that we may do of that nature.

Chairman Ouimet commented: What are your hours of operation.

Mr. Potter commented: I have 2 employees and the hours of operation are Monday through Friday from 9AM to 5PM.

Chairman Ouimet commented: Do you have sufficient parking off street and within your site? Do you have Saturday hours?

Mr. Potter commented: No we do not have Saturday hours and yes, there is plenty of room for parking.

Chairman Ouimet commented: Did you look at the parking situation around the building?

Mr. Harris commented: Yes, based upon the last site plan there is approximately parking for 12 spaces. The required parking for the strict application of the use and the size of the building it requires 9 parking spaces. As discussed at the pre-meeting the unknown variable that we haven't talked about is how many cars you may have there that you are placing the vehicle stickers on. When we look at the formula for the Code it doesn't accommodate for that unknown factor it only does the size of the building and the type of use. You are required to have 9 parking spaces and you have about 12 there. I think that is something probably that you might want to clarify. How many will you have overnight for example or at a peak time during the day I couldn't really answer that.

Mr. Potter commented: The majority of the work that we do is at customer locations. We are primarily business to business. We will apply graphics at customer locations. But we do border Kinetic Towing and when we have a vehicle that we do have to do we will use their garage. So when a vehicle is there it's not even in our property it's in their garage next door.

Chairman Ouimet commented: Any questions from the Board?

Mr. Higgins commented: How many trailers are going to be stored there over night?

Mr. Potter commented: We have 5 trailers and we usually no more than 2 there.

Mr. Higgins commented: The present tenant is not there any there anymore?

Mr. Potter commented: Yes that is correct.

Mr. Higgins commented: When did he move out?

Mr. Potter commented: He was not a tenant of mine?

Mr. Higgins commented: The person that was having the garage sales and the moving sales and the going out of business sales as recently as last Saturday. There were 8 cars parked on Fellows Road when I went by. Is he actually out?

Mr. Potter commented: He had a notification from me, he has not paid rent in 6 months and he has a notification from me that he has to go.

Mr. Higgins commented: His stuff is still there and he still is selling it on the weekends.

Mr. Potter commented: What is suppose to be happening and what he told me is that he has an auction to get rid of the remaining stuff.

Mr. Higgins commented: On site?

Mr. Potter commented: To my knowledge

Mr. Higgins commented: You have to understand Fellows Road is a very small road and when half the road is taken up by cars parked it is an unsafe condition because cars can't pass and people have to wait and it's just an unsafe condition.

Mr. Potter commented: I can assure you of this one thing. I want him out of there as bad as you do.

Mr. Higgins commented: It's not up to me. I witnessed the situation and that is the reason that I mentioned it.

Mr. Potter commented: I have a plan that is in motion for him to be out of there. I want him to be out of there. The next step is legal to get him out of there.

Mr. Higgins commented: Ejection could take months.

Mr. Potter commented: I am doing what I can do.

Mr. Higgins commented: I just want to make sure we have a safe condition there.

Mrs. Murphy, Town Attorney commented: You are changing the use and tenant so he is not allowed to do it anymore by virtue of this Board's decision should you choose to approve this application.

Chairman Ouimet commented: This is not adding a tenant this is replacing one tenant with another tenant. We would have to make that clear in any motion that is made that we would consider.

Mr. Roberts commented: So what you are saying is if we approve this change of use the person there now has no right to be there anymore.

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Chairman Ouimet commented: That is correct.

Mrs. Murphy commented: From the Town's perspective yes.

Chairman Ouimet commented: Are there any other questions?

Mr. Nadeau commented: Basically if the other people are not out he is not going in, is that correct?

Mr. Potter commented: That is not entirely true no. There are two usable buildings and he is in one of the buildings.

Mr. Nadeau commented: Ok, I missed understood.

Mrs. Murphy commented: Your application is changing the tenant and using all of the building.

Mr. Higgins commented: And no on-street parking for any reason. That means no trailers, trucks, and if he has an auction he could have 50 cars there.

Mr. Ouimet commented: Does the tenant that is there now have to get approval from the Town to have an auction?

Mrs. Murphy commented: Yes.

Mr. Harris commented: You approved the change of use/tenant there for Potter and any enforcement would be against Mr. Potter regarding the auction and not his tenant they.

Mrs. Murphy commented: They both get a violation notice and the tickets would be issued to both Mr. Potter and the tenant.

Mr. Higgins commented: I just want to bring these points up.

Mr. Potter commented: I wasn't aware of that it makes it very clear. I will certainly give him a letter that he can't have an auction.

Mr. Higgins commented: As far as over-night parking, you said that 2-3 trailers would be the most over-night.

Mr. Potter commented: We have a retail location on Route 9 as well and most of my vehicles are at the retail location.

Mr. Higgins commented: Again we have to say something in the approval so we that the enforcement people have something to go by. If you tell us you need 5-trailers there just whatever you agree to has to go into the approval. That is all.

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Mr. Potter commented: We own 5-trailers and I don't anticipate there ever being more than 3 trailers or I am not doing my job.

Mr. Higgins made a motion to approve the change of tenant with the conditions that there is only going to be Moving Ad's and Signs LLC as the tenant at this location, on-site outside storage will be a maximum of 3-trailers over night and there will be sufficient parking on the site so that no parking is required on Fellows Road, seconded by Mr. Partlow. Motion was carried.

15.033 MCW Inc., 1471 Route 9 (Crescent Commons) – Change of Use/Tenant

No one came to the meeting.

15.034 Cromwell Emergency Vehicles, 3A Rexford Way (Bast Hatfield)-Change of Use/Tenant

No one came to the meeting.

OLD BUSINESS:

15.035 Legacy Title Services, 1407 Route 9 (Nine North)-Change of Use/Tenant

Mr. Michael Chrys commented: I am the owner at 1407 Route 9 and with me is Bernardo Bigalli and he is the owner and President of Legacy Title. It is a Title Insurance Company for Real Estate they are moving and expanding actually from Clifton Park to Halfmoon as soon as we get it prepared for him. I need a tenant approval prior to starting any action and that is what we are here looking for.

Chairman Ouimet commented: You are projecting you need 20 parking spaces?

Mr. Bigalli commented: At any maximum time yes. Not that many on a regular basis.

Chairman Ouimet commented: Does that take into consideration the extra people that are there for closings?

Mr. Bigalli commented: We only have 8-9 people that will be there on a daily basis consistently and obviously for closings an occasional moment. Most of time, we spend most of our time going to closings at other facilities. So we are generally at different banks across the area or other law firms.

Chairman Ouimet commented: Have you looked at the parking situation at the building?

Mr. Marlow commented: Yes, we have no parking issues at the site as of today. There are no code issues at the building.

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Chairman Ouimet commented: Are there any questions from the Board? Can I have a motion?

Mr. Roberts made a motion for the change in tenant, seconded by Mr. Partlow. Motion was carried.

Chairman Ouimet commented: Change of tenant was approved. Are you going to have a sign or no sign?

Mr. Chrys commented: If we put a sign out there we will go through the process.

Chairman Ouimet commented: Thank you very much and welcome to Halfmoon.

14.128 421 Halfmoon Flex Park PDD, 421 Route 146-Site Plan/PDD

Mr. Jason Dell, Engineer was present from Lansing Engineering commented: I am here on behalf of the application of 421 Flex Park on Route 146. The project is for proposed flex space of 2 buildings the first of which will be about 44,000 SF and the second will be 15,000 SF. The last time we were before this Board the Board issued a positive recommendation to the Town Board. We brought application to the Town Board and at the Town Board we had a public hearing and at the same time the public hearing was closed and the Town Board approved the PDD. We are now back before this Board to take care of the technical items on the project. The plan is very similar to the plan that was before last time we have made a couple of minor revisions. Mr. Roberts you had indicated a sidewalk along the side of the project and we did incorporate that sidewalk. Additionally we met with Artie the Fire Chief and with Paul and we went through potential secondary emergency access so you will see that on the plan now. We will be coming off Route 146 with a gravel access driveway that would be either gated or chained on either side and would be used for emergency purposes only. Artie agreed to that solution and I did indicate to him that we would have to get DOT approval for that as well as it would be up to the Planning Board as well to approve that access road but, I do believe Mr. Higgins said would satisfy your concerns about the secondary means of access for emergency purposes.

Mr. Higgins commented: It satisfied some of my concerns, thank you. I still have concern about the main entrance.

Mr. Dell commented: We are here tonight to bring the project back before the Board and move the project along and ask that the Board refer this project to CHA for technical review.

Chairman Ouimet commented: Are there any questions from the Board?

Mr. Partlow commented: With regard to the handi-cap spaces I see at the bottom should we move them over toward the entry way is on the sidewalk into the building? Secondly what type of entry way do we have at the top end of the facility? I don't see any handi-cap spaces for that end.

Mr. Dell commented: The nature of the building is through Flex space we don't have the internal layout of the building yet. That will be determined once we have a set tenant. Right now we are showing with all the loading docks is what the potential for the project is. Some tenants may come in and not require a loading dock in front but may require just an over head door so we will have to come back before this Board obviously once we have addressed all technical items but then as tenants came in we would have to come back again.

Mr. Partlow commented: The same would hold true for the other building as well.

Chairman Ouimet commented: Jason was there any other proposed emergency access point.

Mr. Dell commented: We did, myself, Artie and Paul discussed coming closer to the site over here onto Route 146 however Artie mentioned it may be too close together should the emergency arise however, what we showed on the plan is basically that we are willing to work with the Town Planning Department and Emergency Services to explore all options in order to get a secondary means of emergency access.

Chairman Ouimet commented: One of the concerns raised by one of the neighbors is the location of the fire road next to her house have you had any conversation with the neighbor regarding screening.

Mr. Dell commented: I personally have not had any conversation with the neighbor. I know that as we go through the process this road could move further down as we come through the back side so there is some wiggle room to the exact location of the emergency access road can go. We can move it down the applicant does own the properties along the front here so it can move.

Chairman Ouimet commented: Except for the one it's closest to.

Mr. Dell commented: Yes that is correct. We could screen that with additional fencing and additional trees. Whatever this Board would like to see I am sure we could work with the homeowner to screen that properly. It would only be a gravel road. It would only be used for emergency purposes.

Chairman Ouimet commented: Any conversation about this particular adjacent at the Town Board meeting?

Mr. Dell commented: The folks that live over here did come and speak at the public hearing they had concern with drainage obviously and we said we would look at that throughout that whole corridor it's a wetland corridor. They did say that there were issues with a culvert down along Route 146 so we did say we would take a look at that. One of the concerns that ironically they did have was with some of the existing vegetation that is there. I guess there are some very large mature pine trees that they were worried about actually branches coming down on their property hitting their house and asked the applicant if they would be willing to remove those. He would certainly be willing to remove the vegetation along there. Again he is willing to work with that applicant to shift fence locations and the type of fence whatever they would like to see there.

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Chairman Ouimet commented: Are there any question from the Board?

Mr. Higgins commented: Is there is going to be any wetland disturbances on the emergency access road?

Mr. Dell commented: No.

Mr. Higgins commented: If the applicant realizes that it has to be maintained year round and plowed so it is accessible at all times.

Mr. Dell commented: Yes.

Mrs. Sautter commented: Just for clarification, you said this PDD was approved by the Town Board you mean the amendment to the PDD. I just want to make sure the people reading the minutes thought something different.

Mr. Dell commented: Yes the amendment to the PDD.

Chairman Ouimet commented: We will refer this to CHA for technical review. Thank you. Is anyone here from Cromwell or MCW Inc.?

Mr. Higgins made a motion to adjourn the meeting, seconded by Mr. Nadeau. Motion carried.

Meeting was adjourned at 8:13 PM
Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Planning Department