

MEETING MINUTES
Town of Halfmoon Planning Board
February 9, 2015

Those present at the February 9, 2015 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: Robert Partlow
Margaret Sautter

Director of Planning: Richard Harris

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

Mr. Ouimet opened the February 9, 2015 Planning Board Meeting at 7:00 pm. Mr. Ouimet stated that the minutes from the January 26, 2015 meeting will be considered at the next meeting.

Public Hearing:

15.002 Lands of Joseph N. & Terry A. Bedard, 167 Harris Road – Minor Subdivision

Mr. Ouimet asked if anyone wanted the Public Notice read. A member of the audience requested it be read. Mr. Ouimet read the Bedard Public Hearing Notice.

Duane Rabideau from Van Guilder and Associates, representing Joseph Bedard. This is a request before the Planning Board for a four lot subdivision located at 167 Harris Road. Basically, as the Chairman stated, we are creating three new lots in the rear with the lot in the front, basically prepared around the existing improvements. These three lots are in a flag lot configuration which will be serviced by one common driveway within the 60 foot strip is an ingress, egress and utility easement to give all the utilities an ingress/ egress back to these lots. The lots will be serviced by public water. There is a water main on Harris Road and will be serviced by on-site septic and the intent of these lots is to be created for his children and that is our request before the board.

Mr. Ouimet- Thank you, would anyone from the public wish to speak. Yes sir come on up and identify yourself.

Richard Bedard, 169 Harris Road- Thank you for the opportunity to offer my concerns regarding this subdivision proposal. My family has lived adjacent to this property for nearly 32 years. My wife and I have enjoyed the peace and privacy that it offers, we hope that you would help maintain the balance of this privacy when considering our request regarding this subdivision. We have three items that we would like to offer for

consideration. One, at the time we built our home we installed a foundation drain that extends from our home to the east running approximately between lots A and B of the proposed subdivision. This drain was required due to the lots poor drainage characteristics; we request that we be given an easement so that the drain line can be maintained. Item two, the location of the proposed home on lot A is shown only 50 feet from my property line, we request that the set back be increased to a minimum of 80 feet. We feel this is necessary to the number of poplar trees along this property line that are over 50 feet tall. This would prevent possible damage to the house on lot A as well as put it more in line with other proposed houses. This would also allow for some privacy between the properties. Item three, the proposed driveway and utility easement is shown as 60 feet wide with a 20 foot driveway located in the middle; we request to have the driveway moved to the south 10 feet within the 60 foot easement. Ideally in addition of some evergreen trees would also be beneficial, this would reduce our exposure to the dust generated from the gravel driveway and again allow for some additional privacy as well as preserve a small drainage ditch that runs along that property. We believe these three requests are fair and reasonable. I also want to offer some substance to our request. Back in 1982, my father gave each of his sons a monetary, or a gift and in my case it was a building lot, that's where I am now and we got a planning board approval at that time, but it was for four acres and I have got a copy of that approval. I just wanted to present it to you, it was signed by Jim Bold back in 1983. Originally it went beyond taking in all of lot A and half of lot B and this was 3.87 acres, two more acres than I have right now. I'm not looking for, to prevent this subdivision, I like my nieces and nephews, I don't have a problem with that, I just would like this as evidence for my consideration for my request.

Mr. Ouimet- I'm assuming you want to take this back with you, right?

Richard Bedard- Would you like a copy? I can have it scanned and send you a copy tomorrow.

Mr. Ouimet- Yeah why don't you do that. Just send it to the planning department.

Richard Bedard- Thank you.

Mr. Ouimet- Okay, you're welcome. Duane any comments on the issues raised?

Duane Rabideau- The easement for the cellar drain, Joe doesn't have an issue with granting that easement; basically it goes somewhere through here. He doesn't have a problem actually granting an easement for this cellar drain. Right now we don't know exactly where the property lines are because they haven't been marked out yet, but based on that we would.

Mr. Ouimet- You're talking about the new lines, correct?

Duane Rabideau- Yes that's correct. Which they'd leave it somewhere around this line between A and B, so they have talked, the brothers have talked about it and Joe doesn't have a problem granting that easement for that. As far as mentioned, the proposed house on lot A, basically that's schematic so, basically they have a huge area to put this house in there, it does meet the zoning requirements we just show it there as a normal course of business.

Mr. Ouimet- As a proposed building envelope, correct?

Duane Rabideau- Well right now we show the proposed house like two feet in back of the building line, but basically he's got all this area that they can actually put the house in.

Mr. Ouimet- Is he willing to increase the setback to 80 feet?

Duane Rabideau - That won't be a problem.

Joseph Bedard, 167 Harris Road- Joseph Bedard, I am the owner of this property here. As Duane indicated we have no issue with granting an easement, providing it's along the property lines between A and B. Certainly we don't want this pipe, this drainage, this basement drainage pipe running through the middle of the lot.

Mr. Ouimet- I assumed the drainage pipe already exists.

Joseph Bedard- It does, it does.

Mr. Ouimet- So you should know where it is.

Joseph Bedard- Well we've got a pretty good idea, but again we're not sure because the lots haven't been pinned yet. So we're not exactly sure, so it may not present an issue at all.

(INAUDIBLE male voice from the audience)

John Ouimet- There is a swale, existing swale. Now how does that existing swale line up to where you want to create a lot line?

Duane Rabideau: If the pipe is about where the swale is you can vaguely see it in the aerial photo and it does put it somewhere right in this area, along that line it's very close so we would end up putting a..

John Ouimet- So whether it's on the line or slightly inside the line or I don't know what slightly is, you'd have to tell me what that is.

Joseph Bedard- Building setback requirements (**Inaudible**)

Mr. Ouimet- Side lots, yeah.

Joseph Bedard- So providing its 10 feet on either side where it doesn't..

Mr. Ouimet- Within 10 feet.

Joseph Bedard- Right, so we're more than happy to provide that easement for that basement drain.

Mr. Harris- I'd like to clarify though, it's a combined 25 feet both side yard setbacks so one 10 the other would have to be 15, I just want to make you aware.

Joseph Bedard- As far as the setback of the house, that's not an issue at this point. At this point one of my sons, we broke out a flag lot several years ago, about eight years ago. His house sits virtually in the middle of the lot and that's the intention with the other kids to go along the same line. So we don't think that's going to be an issue, I think it's just represented on there to show that the house, within the boundaries that currently exist. Now the driveway is placed in the middle of the 60 foot right of way for the driveway because on each side there is small drainage ditches so we kind of centered the driveway directly in the middle. If you look at an areal photo, I don't know yours has got to be much better than mine, here's Harris Road here, this is my brother's property here, in the driveway you can see there's a drainage ditch here and there's also one about 5 feet off the property line, you can just barely make it out here.

Mr. Ouimet- So the driveway would be between them?

Joseph Bedard- That's correct. We felt that that was, without disturbing either of these small drainage ditches because drains run this way and then it's kind of high in the back here then it drains towards the back. So that's why the driveway is down the middle because of these drainage ditches.

Mr. Ouimet- The placement of the driveway is not acceptable to you the way it is proposed correct?

Richard Bedard- I would prefer it to be further south.

Mr. Berkowitz- Is it possible to put it on this side of the ditch?

Joseph Bedard- No, that encroaches on my property so when you start, we're 20 feet off his property line so I don't see where that all ultimately ends up being a problem when you're 20 feet because it's 20 feet on either side with the driveway 20 feet down the middle. And again there's drainage ditches on each side so if we moved it over..

Mr. Ouimet- You'd have to eliminate one of the drainage ditches.

Joseph Bedard- Then we may end up with some drainage issues.

Mr. Ouimet- That would be on the existing house side, correct?

Joseph Bedard- Correct.

M. Berkowitz- Could you place a couple shrubs or?

Joseph Bedard- Shrubs could go on, he's got shrubs all along virtually on top of the property line throughout starting from this back corner actually there's a pin here in the corner and actually the roots from his, the tree is growing around the pin for the property line. As you go down through there is shrubs all the way down through. This isn't better, this is from the street you can see that, the property line is back in here and that's the small drainage ditch and then there's another one right here, the road's going right in the middle and again were a good 20 feet off his property line as it is.

Richard Bedard- Actually the trees, the poplars were put one foot on my property and they've grown, they're quite large now, they're starting to fall now couple a year I am losing so I don't foresee those being there for much more than...

Joseph Bedard- But, there's also pines all the way down through when you get...

Richard Bedard- While there's arborvitae along the side behind my shed for some privacy.

Joseph Bedard- And then across the back there's all pines.

Richard Bedard- Right, the poplars are one foot on my property all the way around. You can see there are a lot of them.

Mr. Ouimet- I'm not sure it makes a lot of sense to move the proposed driveway any further south without disrupting that drainage, the existing drainage canal.

Richard Bedard- Yeah I think it's more than 40 feet, I think it's closer to 60 feet, but

Mr. Berkowitz- This isn't site planned anyway is it?

Mr. Ouimet- Right, no, it isn't.

Mr. Berkowitz- When it comes to site plan review when Duane gets out there, can you it as far to the south as possible without disrupting those two drainage corridors?

Duane Rabideau- At that point in time we're not involved with the project, we're just doing the subdivision. That's a building department issue at this point in time.

Mr. Nadeau- John, this meets our regulations correct?

Mr. Ouimet- Yeah it does. Now there was another item, there was a fourth item, did you want some?

Ms. Murphy- 80 foot separation that he said he was okay with.

Richard Bedard- Yeah with the setback.

Mr. Ouimet- Did you want some trees or something installed?

Richard Bedard- If it's going to be closer to my property I'd like some kind of buffer if possible, trees.

Mr. Nadeau- It's residential to residential, correct? So typically we don't require a buffering if it's residential to residential. It's up to the applicant.

Richard Bedard- Its going to be a gravel driveway and it's probably going to create dust.

Mr. Nadeau- If the applicant wants to he can, but it's not a requirement that we would have.

Mr. Ouimet- Okay, great thank you. Does anyone else in the public wish to speak? Yes sir come on up and identify yourself.

Mr. Berkowitz- I just had one clarification, is it a gravel driveway or a macadam driveway?

Duane Rabideau- It's going to be crushed stone.

Mr. Berkowitz- And the fire department is alright with that?

Duane Rabideau- Yes.

George Bourgeois- My name is George Bourgeois, my property goes along the east side of his property. My property is quite a bit lower than these lots up here, now there's two, four inch drain pipes that are going down in my property, one from the son over here, one from the main house over here. They're less than 10 feet from my line and my property goes straight down like this. Now I'm afraid that the septic tanks that are going to be put in here is going to make my property wetlands. That's all.

Mr. Ouimet- Duane?

Duane Rabideau- The proposed septic areas are going to be standard septic systems so it's not, the soil conditions where we had the systems, right here, here and here are basically sand so we don't expect, they're standard systems, so they're not going to be generating any more moisture, per say, wet that would do anything to cause more wetlands. Basically the parcel's split so the front portion drains this way, the rear portion drains this way so it's just a natural whatever wetland's he does have, that's it. These impacts are minimal, nominal at best.

Mr. Ouimet- So you're not going to add to the impact of the wetlands?

Duane Rabideau- No.

Mr. Ouimet- Okay, anyone else from the public wish to speak. If not I'll close the public hearing and open it up to the board for questions. Any questions from the board? Don?

Mr. Roberts- Talking about buffering, do you have any proposal to buffer the house on Lower Newtown, the Mayor house, that backs up to parcel A. Especially if you move the house back it might be effected.

Duane Rabideau- Basically there seems to be some kind of natural vegetation. There's already buffering there on their lot.

Mr. Roberts- And you won't disturb that?

Duane Roberts- Basically you want to move the house on lot A back, but even with moving it back we're still quite a ways from their lot with the house.

Mr. Ouimet- Any other questions? Can I have a Motion? Motion on SEQRA?

Mr. Higgins- I'll make a motion to Neg Dec on SEQRA.

Mr. Nadeau Seconded.

Mr. Ouimet- All in favor? Aye. Neg. Dec. declared.

Mr. Higgins- I'll make a motion to approve the subdivision with the contingencies that the house on Lot A is a minimum 80' feet from the property line of the adjoining neighbor;

(INAUDIBLE)

Ms. Murphy- If they say they agree to it. They're saying they agree to it.

Mr. Ouimet- So, you want to make your motion based upon the agreements we heard tonight at the public hearing?

Mr. Higgins- Yeah.

Mr. Harris- John, can I just clarify, you mean 80 foot front yard setback on Lot A?

Mr. Ouimet- Right, that's one thing we heard.

Mr. Higgins- That's what the neighbor requested and that's what the applicant agreed to.

Mr. Ouimet-The drainage line easement.

Duane Rabideau-Yes.

Mr. Ouimet- The setback.

Duane Rabideau- Uh, huh.

Mr. Ouimet- And you're going to look at the driveway to see if you can make some concessions to move the driveway further south.

Duane Rabideau- Right. We would basically put the drive at the correct place with existing conditions. Taking into consideration to maintain the drainage and to, we're not going to alter it.

Mr. Ouimet- And you're agreeing not to disturb the trees.

Duane Rabideau- Right. Special care ..

Mr. Ouimet- To enhance the trees, if necessary.

Duane Rabideau- That's correct. Basically, what's there, leave it there, don't degrade it.

Mr. Ouimet- That acceptable to you John?

Mr. Higgins- Yes.

Mr. Ouimet- Can I have a second?

Mr. Nadeau- I'll Second.

Mr. Ouimet- All in favor? Aye. Opposed? Motion carried.

New Business:

15.015 The Stereo Workshop Inc., 215 Guideboard Road- Change of Tenant

Mr. Ouimet- Thank you everyone for coming out on a bad night like tonight. Next item on tonight's agenda is Stereo Workshop, 215 Guideboard Road, Change of Tenant.

Ron Alvaro proprietor of Stereo Workshop- I'm requesting permission to relocate my business to Guideboard Road.

Mr. Ouimet- We read your narrative, can you tell us a little bit about your business, is it all drop offs, is there a lot of walk-ins?

Ron Alvaro- It's just drop offs, they're in and out, drop off, pick up, just a repair center is what it is.

Mr. Ouimet- Do you have a show room? Do you invite the public in?

Ron Alvaro- I have a show room, I do a few sales of used equipment, but basically repair is the main business, my 38th year.

Mr. Ouimet- And it's one full time employee and three part time?

Ron Alvaro- Yes.

Mr. Ouimet- Now are the part time workers all there at the same time?

Ron Alvaro- They're there like one day a week, no, never the same time.

Mr. Ouimet- One at a time? So, it's you and one other part time worker.

Ron Alvaro- Yes.

Mr. Ouimet- Now do you propose, you, yourself and the other part time worker to park in the back of the building?

Ron Alvaro- Yeah.

Mr. Ouimet- and not in the front part of the parking lot?

Ron Alvaro- Correct.

Mr. Ouimet- Because we've had some issues with parking, there isn't a great wealth of parking in that plaza and we try to keep the use, the intensity of the use down. What has been your history over in Rome plaza as far as customers coming in and out?

Ron Alvaro- Not good, there's not a lot of parking. It's terrible.

Mr. Ouimet- You don't have enough parking?

Ron Alvaro- It's one of the reasons I'm leaving, there's not enough parking. I share two spots in front of my current store now along with all the other businesses, it makes it pretty inconvenient for my customers carrying heavy equipment in and picking up items.

Mr. Ouimet- Any questions from the board?

Mr. Higgins- Now you don't work on car stereos?

Ron Alvaro- No, home stereos, strictly carry in no home..

Mr. Higgins- It's all done within the..

Ron Alvaro- It's all done within the premises.

Mr. Berkowitz- Okay, thank you.

Mr. Ouimet- Any other questions?

Mr. Berkowitz- I'll make a motion to approve the change of tenant.

Mr. Roberts- Second.

Mr. Ouimet- All in favor. Aye. Motion carried.

Mr. Ouimet- Question about a sign, are you proposing any signage?

Ron Alvaro- I've got to talk to either Peter who owns the plaza, I've got to get a sign. I've got to purchase the sign.

Mr. Ouimet- Just remember, if you're going to have any signage you're going to have to come back before this board.

15.016 Superior Group. 21 Corporate Drive- Change of Tenant

Brian Slatesman of ABD Engineers and Surveyors on behalf of Sitterly Associates owners of 21 Corporate Drive- They have 1600 square feet of office space that is Superior Group is proposing to lease, it was previously leased by Aflak. Superior Group is a human resource group with a global headquarters in Buffalo, NY, specialize in workforce management, compliance issue is outsource and solutions. They currently have an office in Clifton Park and are just moving over here in Halfmoon. Office hours are Monday to Friday 8:00 AM- 7:00 PM and they deal with clients, but they do it via the internet or phone, they don't have office visits. There's no proposed sign and parking should be adequate for them.

Mr. Ouimet- Rich have you had an opportunity to look at the parking requirements?

Mr. Harris- Yes, this parking lot has 250 spaces on the approved site plan and based on the square footage of the building the calculation for professional office use for a fifty thousand square foot building would be 250. I checked with the code enforcement, building department, there's no parking issues there. None to our attention or that they are in violation of, it meets the code.

Mr. Ouimet- Thank you, any questions from the board?

Mr. Roberts- Motion to approve.

Mr. Ruchlicki- Second.

Mr. Ouimet- All in favor? Aye. Change of Tenant is approved.

Mr. Ouimet- Is there a sign, proposed sign?

Brian Slatesman- There is not, no.

Mr. Ouimet- If there is a sign in the future please remember you have to come back to us.

15.011 Falcon Trace PDD Lot #4, 181 Route 236-Commercial Site Plan Renewal

Jeff Williams of Bruce Tanski Construction and Development- On January 27th, 2014 this planning board approved a site plan of lot #4 commercial site plan that is a part of the Falcon Trace PDD. We are here tonight to ask for an extension of that site plan as nothing has been built or no construction has actually begun. There are no changes to the original approval of the site plan and just to let you know the site plan consists of two 3,000 square foot office buildings, one 4,000 square foot office building, 50 parking spaces total, and the offices will gain access off of private Falcon Trace Drive. Public water and public sewer will be provided.

Mr. Ouimet- So there's no change, you're just merely asking that the approval be extended for another year?

Jeff Williams- Yes please.

Mr. Ouimet- Rich have you had an opportunity to review this request?

Mr. Harris- Yes, we've been speaking with Jeff for a couple months now about a few different issues ongoing with the site and approvals. We did check the conditions from the last January approval and Jeff has requested that they be added to this approval similar to how they were last approval, correct me if I'm getting it wrong. The outstanding items left from last year are the dedication and acceptance by the town of the water line and the right away. The work is done, the work that needs to be done is currently being reviewed by attorneys and engineers.

Jeff Williams- I think the water line there, the as built and the easement has been handed in.

Mr. Harris- They've been submitted, but I think there is some concern and questions that haven't gotten to yet. And the other item is the location and then construction of the trail that was approved as a part of the Falcon Trace PDD during the last 9-10 months, the town, the developer, and members of the trails committee, members of the town board, planning board, have reviewed a number of options and I believe that that is still an open item that Jeff plans to bring back to the town board in the near future.

Mr. Ouimet- Jeff you're still working on these open issues?

Jeff Williams- We're almost finished with them, we're hoping to make application for the amendment that we need to do with the town board.

Mr. Ouimet- We're not even there yet, let's just deal with what the open issues were with the last approval. You're still working toward resolving..

Jeff Williams- I haven't heard anything about the water easement I thought we resolved that, but there might be questions that we'll work with and then we are planning on bringing in an amendment to the PDD to show the trail.

Mr. Ouimet- So if we we're going to consider your request and we know our conditions from the last approval, would that be acceptable to the board?

Mr. Harris- Can I just add John, though the issue of the trail had a date in it last year of, it didn't say passage, but an agreement by June 1st, 2014 so I don't know if you want to entertain a date or not.

Mr. Ouimet- Well I don't know what the other board members feel, but it seems to me that if you're just working with the trails committee then that's good enough for me.

Jeff Williams- Actually this board is going to see the trail change at some point if I do come through with the amendment and I get passed on to you for recommendation.

Mr. Ouimet- You mean whether or not you change the trail or build it as designed, as long as you're working with the trails committee which you tell me you are it's really good enough for me, but I don't know about the other board members, how they feel about it.

Mr. Ruchlicki- I'm good with that.

Mr. Berkowitz- I don't have a problem.

Mr. Partlow- As long as you're following the same plan that you have now and all we're doing is extending the date I'm fine with it.

Ms. Murphy- Rich just out of curiosity you mentioned A and D in your recitation of things that need to be done, is that because B and C have already been completed by the applicant?

Mr. Harris- It was A, C and D still remain open. B, the Fellows Road widening, has been completed and approved by the town.

Mr. Berkowitz- I'll make a motion to renew the commercial site plan based on the following conditions: That A, C and D that were mentioned be corrected.

Mr. Berkowitz- And that prior to C.O. these issues have to be resolved.

Mr. Ouimet- Yeah, that was our original approval, correct.

Mr. Nadeau- I'll second.

Mr. Ouimet- All in favor? Aye. Motion approved.

Jeff Williams- Thank you.

Mr. Ouimet- Thank you.

15.021 The Package Group LLC, 1425 Crescent Vischer Ferry Road-Change of Tenant

Paul Gross owner of Package Group- It is an insurance agency, we primarily deal with car dealers across the country. We have three employees, myself and two other full time employees. No customers come to our office, representatives from an insurance agency might come once a month, Fedex, UPS drop-offs.

Mr. Ouimet- Drop offs are done in the back of your building where the parking area is? They don't stop on Crescent Vischer Ferry Road and come in do they?

Paul Gross- No there is no entrance there.

Mr. Ouimet- So everything is around the back, off of Woodin Road?

Paul Gross- Correct.

Mr. Ouimet- Any questions from the board?

Mr. Roberts- Are you proposing a sign?

Paul Gross- Not right now.

Mr. Roberts- As you heard before if you do you have to come back, right?

Paul Gross- Yes.

Mr. Roberts- I'll make a motion to approve.

Mr. Nadeau- I'll second it.

Mr. Ouimet- All in favor? Aye. Motion approved. Welcome.

15.020 American Para Professional Systems, Inc., 1673 Route 9-Sign

Mr. Ouimet stated this agenda item has been removed from this agenda at the request of the applicant.

15.019 Valente Office Building, 118 Button Road-Minor Subdivision & Change of Use

Mr. Higgins recused himself. Ms. Sautter served as alternate.

Dean Marotta of RJ Valente Companies- We are asking you to take a look at a proposal we have to subdivide the office and service building from the 118 Button Road project that currently houses the mine.

Mr. Ouimet- For what purpose?

Dean Marotta- Our intentions are to, if this is successful, to move the people that work currently in that building to another facility we have purchased in Troy to remove the trucking aspect of the mining operation to Troy.

Mr. Ouimet- Now this was a building that was constructed to service vehicles and to provide office operations as part of the mining operation, correct?

Dean Marotta- Yes sir that is correct.

Mr. Ouimet- Now is the mining operation going to be discontinued?

Dean Marotta- The mining operation on that address has been greatly diminished so we have an opportunity, we realize the trucks are somewhat of a nuisance in the area and we have an opportunity to move the trucks and move the operation to Troy. We thought it would be in the best interest to perhaps come up to the town if they would allow this change and we would be allowed to sell this small portion of the mine we would then be able to have the funds to allocate and move the facility and the mechanics to Troy, thus eliminating, reducing the traffic of trucks in the neighborhood, but the mine would still stay in tact, but the traffic would be greatly reduced.

Mr. Ouimet- Now what is the intent for the parcel that you're subdividing off?

Dean Marotta- As curiosity we had, had a couple realtors look at it and there are some other businesses that are looking at the property and that's really what we're here to talk to you about, I don't know if I talk to zoning. You wanna help me on this a little bit?

Mr. Harris- Yeah, we talked because they don't have a precise tenant locked down at this point most of the ideas that you were floating by me or we were talking that you we're pursuing are retail service type uses. They're obviously open to whatever the market bares, but we're not looking to revert to a residential use which is the underlying zoning. So short of that we talked about the uses listed in the C1 zoning district. Largely service and retail, but without an actual user pinned down it's hard to..

Mr. Ouimet- My understanding is that the repair shop, office that's currently in place at the site is only there by virtue of the fact that it's part of the mining operation, which was a pre-existing nonconforming use, right Lyn?

Ms. Murphy- Yes, I've asked planning to pull the records just so that we have a clear view that it was part of the life of mine that the building went up and that it was an association of the mining. That being said if this parcel was subdivided off and removed from the life of mine it would revert to R1 and then at that point you'd have to make application to the ZBA which is what I think is what you were talking about for a use variance.

Dean Marotta- That's what we had talked about the other day right?

Mr. Harris- Yeah, you need to get a denial to get to the ZBA.

Ms. Murphy- But this board has asked me to look at the conditions that the original approval was granted before they deny you. I know that sounds a little complicated, but it'll set you on the right path.

Dean Marotta- Sure, we understand completely and like I said we feel it could be something mutually beneficial for both the town and us. If it doesn't sit well with you we will maintain the business there and we will continue to run the business out of there. It's just an option that we had; we thought we'd bring it forward because it would be mutually beneficial to both.

Mr. Ouimet- The issue that I have and I have asked council to take a look at is the fact that if we were to approve the request to subdivide what happens to the subdivided property? Does it retain it's C1 character or does it revert back to an R1. Now if you get a subdivision approved by us where you can't use the subdivided land for a commercial purpose I don't think you're going to want that.

Dean Marotta- That is correct sir.

Mr. Ouimet- But we can't change the underlying zoning, the underlying zoning being R1 so that's why I want council to take a look at it before we consider the totality of your request.

Dean Marotta- I understand completely.

Mr. Ouimet- Okay Lyn can you take a look at that and we'll put it on the agenda for the next meeting. Rich, next meeting Lyn can report back to the legality of the request and we can go from there.

Dean Marotta- Thank you.

Old Business:

15.009 NYSEG Mechanicville Service Center, 6 Werner Road- Addition to Site Plan

Josh Silver of Murray Law Firm on behalf of NYSEG- As an initial matter I'd like to pass out some revised site plans, they've been updated, only to show where we're porting the new, the existing antennas that are on the tower that's there right now onto the proposed facility. The last site plans that we had only showed the new equipment so if I may I'd like to pass those out right now.

Mr. Ouimet- You may. So this just shows the array placements? And their relative height on the new tower versus the old tower?

Josh Silver- That's right. Well we're showing that we've distinguished between the proposed antennas and the antennas that are existing on the old facility. The other change we made is that we moved this microwave antenna to the top of our proposed facility.

Mr. Ouimet- The height hasn't changed?

Josh Silver- The height of the tower has stayed completely the same. So this is the same application, but for the placement of the antennas.

Mr. Ouimet- Rich, at the last meeting this was adjourned to refer the matter to the county planning board?

Mr. Harris- Yes, and they have since taken the application up through the MOU at the town and found no intermunicipal or intercommunity impact.

Mr. Ouimet- Okay so there okay with it?

Mr. Harris- That is correct.

Mr. Higgins recused himself. **Ms. Sautter** served as an alternate.

Mr. Ouimet- I think the only outstanding issue from the board that we discussed at our pre-meeting was, how long is going to take you to migrate the function from the old tower to the new tower? In other words, how long will the two towers stay up together?

Josh Silver- The issue of course is that both towers need to be up at the same time so that we can move the antennas over and not have a disruption of service. We ask for six months from the date that the replacement tower is finished, until the existing antenna is dismantled.

Mr. Ouimet- That's not what your colleague said at the last meeting, she said six months from approval.

Josh Silver- Oh excuse me, approval, I have a note here I misread. It is approval.

Mr. Ouimet- Okay so can you give us a sense of how long that's going to be? I mean it's not going to be six months it's going to be much shorter than that.

Josh Silver- Until it's actually completed? Well I mean it's hard to...

Mr. Ouimet- I just want to know how long two towers are going to be there. How long are people going to look at two towers? One that functions for you and one doesn't.

Josh Silver- I understand so the facility will take between three weeks and five weeks to construct depending on weather and any number of other factors. After that a similar amount of time to dismantle, so you're looking about ten weeks from the date that construction starts on the new facility until the existing facility is completely dismantled. But again we've asked for the six months from approval just to give us a buffer, we don't know when we're going to be able to get started. Obviously right now if the approval were to come we couldn't get started today due to the weather. So I hope that answers your question.

Mr. Ouimet- Yeah, ten weeks basically?

Josh Silver- Basically yes.

Mr. Berkowitz- Was there a period of time where both towers will function together?

Josh Silver- Once both towers are up they're going to not, the idea is not to have any service interruption so to the extent that one tower supporting, there are antennas on both towers that will both be functioning so it won't all happen in one day, but it'll happen over..

Mr. Berkowitz- My point is how long do you need to test the new tower before you, before the old tower becomes obsolete or dysfunctional.

Josh Silver- Once it's up it's ready to...

Mr. Berkowitz- Once it's up it's ready?

Josh Silver- Yes that's right.

Mr. Roberts- So how long are we saying John?

Mr. Ouimet- They're asking for six months from tonight, correct?

Josh Silver- Correct.

Mr. Ouimet- We say that on the outside, six months.

Mr. Nadeau- John is your concern that you're going to see the tower for three or four months, the two towers for three or four months.

Mr. Ouimet- Right at some point in time there will be two towers up, but only one will be functioning.

Josh Silver- For a very brief time there will be two towers up and the antennas on both towers with both sets of antennas functioning, but that will be very brief. It's only, an antenna could be moved in a day, but there are several antennas and to be cautious I would like to say it would be less than a week that it would take to move all the antennas over.

Mr. Roberts- So if I'm hearing the gentleman right John, we're not going to see one existing tower, the new tower working and the old tower up there for six months, that's not going to happen.

John Silver- No it's really the only unknown is the amount of time that it takes to actually move the antennas from point A to point B. Once that's done work starts to dismantle the existing tower.

Mr. Roberts- So if we gave him two months from the time of completion, that too much or what?

Ms. Murphy- So do you understand what he's saying, so that once the new tower is completed you have a period of two months to dismantle the old one.

Josh Silver- Yes that would be plenty of time for us.

Mr. Roberts- That make sense everyone?

Mr. Ouimet- Yes, can we have a motion?

Mr. Roberts made a motion to declare negative declaration for this proposal.

Mr. Higgins- Second.

Mr. Ouimet- All in favor? Aye. Neg. Dec. for SEQRA declared.

Mr. Roberts made a motion to approve the application as presented with the stipulation that once the new tower is up and running, the old tower will be dismantled and removed within two months.

Mr. Berkowitz- Second.

Mr. Ouimet- All in favor? Aye. Approved. Thank you.

Mr. Ruchlicki made a motion to adjourn the February 9, 2015 Planning Board Meeting at 7:55 pm.

Mr. Berkowitz – Second.

Mr. Ouimet – All in favor? Aye. We stand adjourned. Thank you everyone.

Respectfully submitted,

Richard Harris
Director of Planning