

**MEETING MINUTES  
Town of Halfmoon Planning Board  
January 12, 2015**

Those present at the January 12, 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

**Director of Planning:** Richard Harris  
**Planner:** Paul Marlow

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Cathy Drobny

**Town Board Liaison:** John Wasielewski

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Mr. Ouimet opened the January 12, 2015 Planning Board Meeting at 7:00 pm.

Mr. Ouimet asked the Planning Board Members if they had reviewed the December 8, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the December 8, 2014 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Partlow abstained. Vote: 7-Aye, 0-Nay, 1-Abstained. Motion carried.

**Public Hearing:**

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

**Mr. Ouimet** asked if anyone wanted the Public Notice read, no one came forward.

**Duane Rabideau** from Van Guilder and Associates representing Paul Sabourin. There is a request before the Board for a Lot Line Adjustment. It is located at 29 & 33 Churchill Road. What is being proposed is they want to do a lot line adjustment between lot 33 and lot 29. This portion of lot 29 is approximately one acre in size and exit to lot 33 which is the homestead parcel. So basically this is approximately 7.2 acres and will now become 6.1 acres and basically this is a little bit over 2 acres and go up to approximately 3.1 acres. Also in this action, in order to access these buildings here, they will retain a 60 foot easement for ingress and egress to get into those buildings. Also, an area of variance was granted by the Town of Halfmoon's ZBA to address side yard setback issues. That meeting was in November, 2014. Basically, the variance was so we could proceed with the lot line adjustment application.

**Mr. Ouimet:** Does anyone from the public wish to speak? If not I am going to close the public hearing. Are there any questions from the Board?

*Mr. Nadeau made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Roberts seconded. All –Aye. Motion carried.*

*Mr. Nadeau made a motion to approve the Minor Subdivision/Lot-Line Adjustment application. Mr. Roberts seconded. All –Aye. Motion carried.*

**14.144                      Ballard Subdivision, Lot 15 Smith Road – Minor Subdivision/Lot Line Adjustment**

**Mr. Ouimet:** Next item on tonight's agenda is a public hearing for Ballard Subdivision, Lot 15 Smith Road – Minor Subdivision/Lot Line Adjustment. Does anyone want the Public Notice read, no one came forward.

**Duane Rabideau** from Van Guilder and Associates representing Tom Ballard who has a request for a Lot Line Adjustment between lot 15, lands of Key Valley LLC, which is this parcel right here, and lands of Robert and Thomas Ballard which is this parcel right here, which is approximately 10.5 acres. It is located about 1,000 feet north of Vosburgh Road on the east side of Smith Road. Basically, he wants to do a lot line adjustment to cut off the northerly triangle of lot 15 and add it to the 10.5-acre parcel. Right now lot 15 is approximately 29,000 square feet. The remaining lot 15 meets all of the space requirements for the R-1 zone. That would be a little over 20,000 square feet and the larger parcel in the back will now be 10.7 acres. That is our request before the Board tonight.

**Mr. Ouimet:** Thank you. Does anyone from the public wish to speak? Yes ma'am.

**Amanda House,** 20 Smith Road. The only question that I have is what is the motivation for the lot line adjustment?

**Mr. Rabideau:** Basically, to square up the lot and to make the lot #10 more conforming, I guess.

**Amanda House:** conform to

**Mr. Rabideau:** Basically, to square it up.

**Amanda House:** I still don't get the motivation to square it up. Does it make something more desirable?

**Mr. Rabideau:** Yes, it will make the 10.5 acre parcel more desirable. That is correct.

**Amanda House:** OK. Are there any plans for the 10 acre parcel?

**Mr. Rabideau:** Potentially to subdivide, but that hasn't been discussed at this point.

**Amanda House:** Thank you.

**Mr. Ouimet:** Is there anyone else from the audience wish to speak? Now Rich, at the pre-meeting I understand that there was correspondence that was received from the Planning Department. Could you read that into the record please?

**Richard Harris:** Sure. We received 2 emails from residents and I will read them. One was from **Donald Baker** dated 1/11/2015: Mr. Harris, my name is Donald Baker. I live at 141 Vosburgh Road. I am currently out of town and will be for the next 3 months. I have been informed by a neighbor that Mr. Ballard is seeking approval of a subdivision that borders on my property. My wife and I have lived here for 16+ years and are concerned that any substantial development behind our property will affect water on our property. As it is our property on the back western side is extremely wet in the spring to the point of not being able to walk on that portion for up to 2 months. This is all from water draining from the undeveloped Ballard property. Further

development of that property will likely increase the drainage into our property, which could be catastrophic over time. I ask the Planning Board, whatever decision it makes on this request to include requirements to take extraordinary measures in the development to mitigate the water flow to our property and the property of our neighbor, the Lyons. I would also ask that the development be limited to single family residences as the additional demands of two family or larger properties would make this situation even more problematic and much less likely that mitigation of the impacts could be done. Thank you for your consideration. Donald A. Baker

The other was from Amanda House, dated 1/12/2015. Good afternoon. I would like to take a moment to address my concern for the lot line adjustment for the Ballard Subdivision that is scheduled for a public hearing this evening. This adjustment will presumably create more road frontage for the larger lot in question, which is adjacent to my property. With more footage, development of that vacant land with multiple buildings would be possible. The owner of the property, Thomas Ballard has already built a duplex across from mine with a driveway that points directly into my living room. I objected at the time the building was approved. Verbal assurances were given that the developer would not be perusing any more multiple family dwellings on his Smith Road properties. I am concerned that the ultimate plan for the enlarged lot is placement of additional multiple family dwellings. Our school and towns infrastructure already seem to struggle with population increases. Development on Smith Road has led to increased traffic on a street with no shoulder and a speed limit to which few vehicles adhere. Water pressure in my home is barely enough to keep a sink sprayer fully functional and loss of habitat causes animal to appear in my yard creating what could be potentially hazardous conditions for my children and pets. Traditionally, duplexes are not owner occupied and I feel that renters are not nearly the asset to a community that property owners are. They commit year to year and can easily pick up and leave rather than work towards effecting positive change should a community's stock drop. Please take these things into consideration when you are asked to approve what is such a seemingly small change. The potential domino effect could adversely affect the residents and the community as a whole. Thank you. Amanda House. That was it, there were two emails received.

**Mr. Ouimet:** Do you care to comment further or are you all set? Is there anyone else from the audience wish to speak? If not I will close the public hearing. Members of the Board, any questions?

**Mr. Higgins,** Duane, what is on lot 15, is that a vacant lot right now?

**Mr. Rabideau:** That is a vacant lot that was approved for a single-family house.

**Mr. Higgins:** which house has the duplex on it? 13? Is that what you are pointing to?

**Mr. Rabideau,** pointing to the one north of the 10-acre parcel.

**Mr. Ouimet:** Would you indicate that again Duane?

**Mr. Berkowitz:** The one that says Key Valley?

**Mr. Rabideau,** That is correct. That was approved last year. The other 2 lots are single family also.

**Mr. Higgins:** Then the other two lots above that are both single family, correct.

**Mr. Rabideau,** That is correct.

**Mr. Ouimet:** Correct me if I am wrong. The lots that you are creating here are for single-family homes, correct?

**Mr. Rabideau:** No, we are not creating any lots. We are just doing a lot line adjustment. We are not creating any lots.

**Mr. Berkowitz,** How many lots, theoretically can be created for that parcel?

**Mr. Rabideau:** The 10.5-acre parcel?

**Mr. Berkowitz,** How much of those 10.5 acres is buildable because you have wetlands there?

**Mr. Rabideau,** Basically just the road frontage and then it drops off into the Corps. wetlands in the back.

**Mr. Berkowitz,** So how many acres are buildable in that acreage?

**Mr. Rabideau:** Basically, maybe an acre in the front and then the area on the southern part of the 10.5 acres. I don't believe that he can

**Mr. Berkowitz,** can you cross the wetlands to get to that portion?

**Mr. Rabideau:** You should be able to. You would need a permit.

**Mr. Berkowitz,** Is that the plan?

**Mr. Rabideau:** That I don't know. Basically, there is just enough road frontages at this point in time for 2 lots, even with the lot line adjustment.

**Mr. Berkowitz,** 2 flag lots, or 1 flag lot and 1 regular lot?

**Mr. Rabideau:** It would be 1 regular lot, I believe that you could have 2 regular lots if they build in the back if it meets the flag lot criteria, but it meets the frontage for a standard R-1 lot. I think that there is 200 feet frontage on that parcel, or approximately that. So there would be 2 lots.

**Mr. Berkowitz,** In the plan at this time, for single-family homes or duplexes?

**Mr. Rabideau:** There really is no plan. My understanding is that he is strictly looking at single family residential if it is to be developed.

**Mr. Berkowitz,** OK.

**Mr. Ouimet:** Any other questions?

**Mr. Roberts:** This is strictly a lot line adjustment. I make a motion to approve.

*Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Nadeau seconded. All –Aye. Motion carried.*

*Mr. Roberts made a motion to approve the Minor Subdivision/Lot-Line Adjustment application as presented. Mr. Nadeau seconded. All –Aye. Motion carried.*

### **New Business:**

#### **15.001      Jack Byrne Quick Lane, 1003 Hudson River Road – Sign(s)**

**Terry Meissner,** from Saxton Sign Corporation. What we are proposing to put up is a 30-inch channel letters on the front of the building that will be illuminated. Below that it will be a Tires, Auto Center that will be 8 inch letters that will not be illuminated central letters. Off to the side, they will want the hour plaque which will be 3' x 5', just

an aluminum plaque. Below that in the orange band there will be vinyl letters applied to an aluminum band that goes to the front of the building. Altogether, it comes up to 97.16 square feet.

**Mr. Ouimet:** Thank you. Don, have you had an opportunity to look at the proposal?

**Mr. Roberts:** Yes I have and all of the signs meet the town requirements. So I make a motion to approve.

*Mr. Roberts made a motion to approve the signs for Jack Byrne Quick Lane as presented. Mr. Berkowitz seconded. All –Aye. Motion carried.*

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

**Duane Rabideau** from Van Guilder and Associates representing Joe Bedard in his request before the Board for a 4-lot subdivision. This parcel is located at 167 Harris Road, on the easterly side of Harris Road. He is proposing to subdivide a 6.75-acre parcel into 3 new single-family residential lots. Lot A, B, and C will be for single-family residences. Lot D which is approximately 2.5 acres will be set up to include all of the improvements around the existing homestead parcel. The 3 new lots are in a flag lot configuration that will have a common driveway that would access all 3 buildings. It would be set up so that 60 foot strip through here would be also an ingress and egress easement and also a utilities easement for the 3 houses. The 3 new lots would be serviced by public water and onsite septic. That is our request.

**Mr. Ouimet:** Duane, have you had an opportunity to share this concept plan with the fire department?

**Mr. Rabideau:** No.

**Mr. Ouimet:** I know the last time you came in; with one of these configurations the fire department had some issues.

**Mr. Rabideau:** Right

**Mr. Ouimet:** I think what we are going to have to do here, well let's hear what the Board has to say.

**Mr. Higgins:** The Riberdy lot, which is 2 lots over is all wetlands. None of those wetlands extends back into Lot A?

**Duane Rabideau:** No, the Riberdy parcel is at that field and the wetlands are contained strictly in that field. The County GIS also has it contained right in the field. It goes up a little bit here and based on the soil data, that is pretty much high and dry.

**Mr. Higgins:** The 1 house on A is going to be directly behind the existing house. You can't push that back any further? Are they going to be looking into the back window?

**Mr. Rabideau:** Well actually, where we have the house now, you are referring to the house on Lower Newtown Road?

**Mr. Higgins:** No, the house on Harris Road, the house directly to the left where you are going in with the combined driveway.

**Duane Rabideau:** There is a hedge road; there is vegetation between the two. Well that is only a suggestion, a proposed location. They have the whole lot that they can deal with. Pretty much the whole lot is developable.

**Mr. Higgins:** The reason why I ask is the house on the adjoining lot, the way it is backed into the lot

**Mr. Rabideau:** I would say it is about in the center. It is seen from the house to the hedge road, I would say it is probably 100, 150 feet.

**Mr. Higgins:** I thought it was closer than that. OK, thank you.

**Mr. Ouimet:** Are these lots serviceable by public water?

**Mr. Rabideau:** Yes. Now there is as far as fire, there is a hydrant right in front of the parcel. That is a huge

**Mr. Ouimet:** Right on Harris Road?

**Mr. Rabideau:** That is correct. It is maybe 50 feet south of the proposed driveway. We do show it on the plan.

**Mr. Ouimet:** I see it. Are there any other questions? I think what we are going to do is to refer this to the Emergency Services folks. Does this need a referral as well, Rich? When do they meet again?

**Richard Harris:** They meet next week, but if they are going to meet with fire, sorry they meet this week and we did send it to them but asked to hold off in case there were any revisions or changes as a result of tonight's discussion. So as of right now they are not planning to take it up this week because of that.

**Mr. Ouimet:** OK, so if fire required some kind of change in configuration for the common driveway, assuming you folks agreed to it, we would have to send that to the County for them to review. If we send this configuration, therefore for one reason or another it is OK or not OK with this one, if you revise it, we have to send it again. So why don't we do the referrals and see what comes back. If there is a revision to fire safety, I know that they put in a different kind of turnaround in the other subdivision, which was similar to this that you submitted not too long ago for Pastor Duke.

**Mr. Rabideau:** Is this the same fire district?

**Mr. Ouimet:** Yes, same district. I do not where they are going to come

**Mr. Rabideau:** That is the Waterford – Halfmoon Fire District, OK

**Mr. Ouimet:** OK, so we will make the referrals and coordinate, how do you guys coordinate?

**Richard Harris:** They will coordinate with us and we will try and get it and keep it tentative for the next meeting because you still have to set up a public hearing. So let's see how it goes

**Mr. Rabideau:** OK, we will talk with Rick Petuske and

**Mr. Ouimet:** OK, thank you

**Mr. Rabideau:** Thanks.

### **15.003                    1 Birchwood Drive Site Plan, 1 Birchwood Drive – Site Plan**

**Brian Osterhout, MJ Engineering:** Good evening. I am here representing a Commercial Site Plan Application for a 1 story; approximately 1934 square foot proposed clothing boutique. This is located at 1 Birchwood Drive, which is basically at the corner of Grooms and Birchwood. The lot is approximately 0.39 acres in size. The parcel is currently zoned C-1 commercial. It will require two variances from the Zoning Board of Appeals, one for a side yard setback and one for an area variance. So, procedurally, I am here to introduce the project, but I know that procedurally, it will get denied and then referred hopefully to the Zoning Board of Appeals, so I can go seek the variances for the project. Right now the project is basically proposing 12 parking spaces with a right in only

entrance off of Grooms Road and a dual entrance off of Birchwood Drive. I believe this application has been before this Board and the Zoning Board in other facets with in the last twelve months from other consultants. So, with that, I will take any questions

**Mr. Berkowitz:** How is this changed besides the entrance on Grooms Road from the other configuration?

**Mr. Osterhout:** The other one sought three variances; one was for parking stall sizes that we were able to reconfigure the parking lots stalls from the previous consultant. We also shifted the building up into the northeast corner of the property and get it away from the residents. Looking back in the meeting minutes from the Zoning Board of Appeals, the residents were concerned with a buffer issue basically between themselves and this proposed clothing boutique. So, to the extent that we could, we have shifted everything up to that northeast corner to get it as far away from the existing residential neighbors to the south.

**Mr. Berkowitz:** Speaking of the existing residents was there a fence there before or is there still one there now?

**Mr. Osterhout:** I am not sure on the last application if it wasn't clear whether or not there was a fence, but there are different setback issues with the fence. We would propose the fence because it changes the rear setback from a 100-foot setback to a 50-foot setback. So in this application we would propose a fence.

**Mr. Berkowitz:** Is there a fence there now?

**Mr. Osterhout:** On the property currently, I don't believe there is, but I am not 100% sure on that.

**Mr. Higgins:** I have some of the same questions and concerns that Rich has. It doesn't seem to be a dramatic difference from what was presented to this board a few months ago. I still think that you are trying to jam too much into a lot that has a lot of restrictions just because of where it is located. That's it, thanks.

**Mr. Ouimet:** One quick question that I would have, why wouldn't you just propose the access off of Birchwood Drive? Why the right hand

**Mr. Osterhout:** We thought that the right in off of Grooms Road would alleviate some of the traffic going into the Birchwood residences. Again, we were trying to alleviate some of the residents' concerns to the south of the parcel. To go back to Mr. Higgins comment, you know this is an existing commercial lot there is basically if you look at the setbacks that are on the lot, it's almost unbuildable as it is so, it is a condition that was established by the zoning of the lot itself. There really is nothing you could put on this lot without seeking a variance based on the area that I believe are shown on the site plan that are attached. The applicant is just trying to do what he feels is a fairly benign use of a commercial property in a residential setting.

**Mr. Roberts:** In your presentation and I believe that you said that there were two variances that were required?

**Mr. Osterhout:** Yes.

**Mr. Roberts:** Our information shows that there are four variances required

**Mr. Osterhout:** OK. Can you expand upon that? We thought that there was a side yard setback in an area variance.

**Mr. Roberts:** Our information shows that they got the lot area

**Mr. Osterhout:** Yes, area variance.

**Mr. Roberts:** You got the lot width.

**Mr. Osterhout:** I don't believe that there is a lot width issue.

**Mr. Roberts:** Well, our information shows a minimal lot width is 150 feet. Birchwood Drive lot widths 100 feet requiring 50-foot variance.

**Mr. Osterhout:** We have 100 feet on Birchwood and 150 feet on Grooms.

**Mr. Marlow:** But, the way that it will look is that it is two separate front yards

**Mr. Osterhout:** That's correct.

**Mr. Marlow:** So, you have 100 foot put on one and the minimum requirements are 150, and then you have like you said on the Grooms Road side is well over 150. Birchwood is only 100 so you would require a variance.

**Mr. Osterhout:** OK, so we will go for three variances. I apologize. Sometimes that goes under the interpretation of the side lots versus the front lots.

**Mr. Marlow:** Right, I can run through the variances real quick.

**Mr. Ouimet:** This lot has a history of already being before the Zoning Board of Appeals, so you learn from history I guess, what they are requiring. We also show a transition yard variance that is necessary also show front yard setback on Grooms Road. So, you may be in need of four variances.

**Mr. Osterhout:** for the transition, can you expand on that?

**Mr. Marlow:** Transition yard is something that we have in our Code. I can get you the exact section if you would like. Basically, what it says when you have a commercial use that is adjacent to a residential use

**Mr. Osterhout:** Abutting the residential use.

**Mr. Marlow:** Right, it is either 100 foot if unvegetative

**Mr. Osterhout:** Or 50 foot with a fence.

**Mr. Marlow:** Or 50 foot with a fence.

**Mr. Osterhout:** Right and we are proposing a 50 foot with a fence.

**Mr. Marlow:** Well, on this site plan that I have here, the lot next to the proposed building, that's farther down Birchwood, if you look at your site plan, you will show that you have the 50 foot transition setback and then that building protrudes probably 20 feet past that. So, the building is not within that 50 foot transition yard setback, so that is where that variance would come in.

**Mr. Osterhout:** Alright, I will see if I can tweak that, but I thought that we had the 50 foot covered.

**Mr. Berkowitz:** Now the entrance on Grooms Road, how are you going to configure that the westbound traffic on Grooms Road isn't going to try to cut across and up on traffic from that site isn't going to try to get onto Grooms Road?

**Mr. Osterhout:** We can do that with signage.

**Mr. Berkowitz:** Signage doesn't work because the Sunoco station right next to you has the same problem. Signage has never worked there either



**Mr. Osterhout:** OK

**Mr. Berkowitz:** See on your own drawing, the stacking that is occurring and I do not know what time of the day this was, but it is like that during daylight

**Mr. Ouimet:** Anytime and at peak hours, you are not even close

**Mr. Berkowitz:** I know it's a tough lot

**Mr. Osterhout:** I do not really understand stacking on Grooms Road but, in terms of traffic generation from this proposed use

**Mr. Berkowitz:** But it is not your generation, it is the generation around it. Even the gas station doesn't have a lot of traffic going in and out, but one car can really screw up that whole intersection. I have seen it myself

**Mr. Ouimet:** It is almost next to impossible to make a turn to the east out of the rear of the diner parking lot with cars on the arrow coming into Grooms Road from Route 9 and cars turning right on red

**Mr. Osterhout:** I am familiar with...

**Mr. Ouimet:** It is a terrible intersection, so you should be familiar with that.

**Mr. Osterhout:** I am.

**Mr. Ouimet:** The other question that I would have just by looking at this, I am kind of concerned that emergency services might have a problem with the way they would have to access. They would have to pass the building, enter on Birchwood Drive because I believe it is Waterford – Halfmoon Fire District, so they would be coming from the east side of Route 9. They clearly could not make the swing into this driveway; especially if you have it configured in such a way that only traffic travelling east could enter that way.

**Mr. Osterhout:** You are saying, coming from the east heading west on Grooms Road, coming down Birchwood.

**Mr. Ouimet:** They would have to pass the building and in order to enter Birchwood.

**Mr. Osterhout:** Correct. But you are saying that the truck geometry doesn't work?

**Mr. Ouimet:** It doesn't work closer to the building, no. They would have to enter off Birchwood.

**Mr. Osterhout:** Yes, totally agree with you.

**Mr. Ouimet:** I do not know if they would find that comforting. You may have a problem with that.

**Mr. Osterhout:** We can talk to emergency services. Sure.

**Mr. Ouimet:** We are going to do that too at some point in time. This has to go through zoning first. If zoning approves your request, then we will make the referrals to the County and to the Emergency Services and to our Town Engineer. Could I have a motion on the variances that are needed?

*Mr. Roberts made a motion to deny this Commercial Site Plan application as presented as it does not meet our Town ordinances according to zoning. Mr. Higgins seconded. All –Aye. Motion carried.*

**15.004                    Ushers Machine & Tool Co. Inc., 180 Ushers Road – Addition to Site Plan**

**Jon Chetwynd, Machnick Builders,** I am here representing Ushers Machine & Tool Co. Inc., 180 Ushers Road. We are proposing demolishing existing 500 square foot office and reconstructing a larger 2,300 square office. I was informed that the proposed addition will not meet front yards setback. We are attaching to an existing building that is non-conforming. I also learned that the existing building is non-conforming as far as rear setback.

**Mr. Ouimet:** So basically what you are doing is expanding a non-conforming use.

**Mr. Chetwynd:** Yes sir.

**Mr. Ouimet:** which is something that this Board, we can't approve on it's own.

**Mr. Chetwynd:** I understand.

**Mr. Ouimet:** We are going to have to do for you, what we just did for the fellow on Farmview; graciously deny you and send you to Zoning Board of Appeals.

**Mr. Chetwynd:** I understand.

*Mr. Roberts made a motion to deny this Commercial Site Plan application as presented because it is an expansion of a pre-existing, non-conforming use. Mr. Berkowitz seconded. All –Aye. Motion carried.*

**15.005                    Stone Management, 420 Hudson River Road – Change of Tenant & Sign**

**Linda Tracey, Fred's Tents,** the owner of the property and I am here representing Stone Management for Fred's Tent's. We are looking for a Change of Tenant Application and two sign permits. Fred's Tent's purchased this property September 29<sup>th</sup> of last year and moved in October and have been operating and making tents since then. So far so good, things are good. We utilize about half of the building and are looking to get approval for Stone Management to move into the back half of the building.

**Mr. Ouimet:** Can you tell us a little bit about Stone Management and what do they store in the building?

**Ms. Tracey:** Stone Management manages about 1.3 million square feet, near or in the Watervilet Arsenal; I am not sure about that

**Mr. Ruchlicki:** I worked there for 30 years.

**Ms. Tracey:** They are expanding right now and looking for additional space for what they store which is primarily Owens Corning fiberglass, items for Ace Hardware, Coca Cola, like consumer products primarily. They would have from 0-2 people working there. Normal business hours 7:00am – 5:00pm Monday through Friday and approximately up to four trucks a day in and out.

**Mr. Ouimet:** Are they tractor-trailers, short boxes

**Ms. Tracey:** Tractor trailer primarily.

**Mr. Ouimet:** How does that square up with you exhibition area that we approved for Fred's Tent's?

**Ms. Tracey:** The exhibition area that we talked about is behind where the tractor trailer truck entrance is.

**Mr. Ouimet:** OK, so there is no conflict as best as you can tell?

**Ms. Tracey:** Correct, right. This is the rental space where the dock doors are located right in front of that portion.

**Mr. Ouimet:** Now is there any hazardous material being stored by them that you know of?

**Ms. Tracey:** No, no hazardous materials.

**Mr. Ouimet:** Any questions from the Board?

**Mr. Higgins:** How many tractor-trailers are they going to have parked on site? I know that you said four per day being unloaded, but I have seen a lot of their trucks around and they tend to leave them loaded and park them in different areas. So, are they not going to park any trailers on site?

**Ms. Tracey:** Correct and I believe that if there were tractor-trailers there overnight, they would only be at this dock space and they would be blocked from the road by the building itself

**Mr. Higgins:** I'm not worried about aesthetics; I am more worried about a lot filled with trailers waiting to be unloaded and then having a problem with parking for your exhibition space in the back. But if there is only going to be four trucks and that is going to be the maximum on site, I don't see a problem.

**Ms. Tracey:** Correct, there is no intention to have several overnight tractor-trailers.

**Mr. Ouimet:** Paul, have you had an opportunity to look at the parking situation for the site?

**Paul Marlow:** Yes, we have. This is a similar use to what is there already. If you remember the last time they were here, you guys recommended that they find a similar use as the parking requirements would be virtually identical. As it turns out, the parking requirement is the same so there is sufficient parking available on site as of right now.

**Mr. Ouimet:** Any other questions from the Board?

*Mr. Berkowitz made a motion to change the tenant. Mr. Higgins seconded with the stipulation that the amount of tractor-trailer parking overnight or over the weekend is limited to whatever number the Board decides to set. I am just concerned about having the whole lot full of trailers and setting up a parking problem. The applicant said that they are only going to have four, we can even make it eight, I don't care. I just don't want the whole yard filled with trailers.*

**Ms. Tracey:** OK

**Mr. Higgins:** We want to say eight, is that acceptable to you?

**Ms. Tracey:** OK

**Mr. Higgins:** No more than eight tractor-trailers parked overnight or over the weekend or at any one time.

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

**Mr. Ouimet:** Don, have you had an opportunity to look at the sign request.

*Mr. Roberts made a motion to approve the Sign Application for Stone Management contingent upon the pre-standing sign is not on state right of way. Mr. Nadeau seconded with All -Aye. Motion carried.*

**15.006                    Hoss's Tavern & Marina LLC, 32 Clamsteam Road- Change of Tenant & Sign**

**Claude Gauthier**, currently purchasing 32 Clamsteam Road. Clamsteam Road formerly known as the Klamsteam Tavern, and I just want to change the name to Hoss's Tavern. I also want to change the existing signs to the same name.

**Mr. Ouimet:** Any change in operation?

**Mr. Gauthier:** No, we are just duplicating everything that is there, just taking it over.

**Mr. Ouimet:** Are you going to have loud music?

**Mr. Gauthier:** That is correct.

**Mr. Ouimet:** What is the frequency that you are planning as opposed to what Klamsteam had?

**Mr. Gauthier:** Just the weekend, Friday and Saturday nights as far as DJ and live entertainment

**Mr. Ouimet:** Paul, have you had the opportunity to look at the parking lot situation at Klamsteam?

**Paul Marlow:** Yes, we have. This, as you know is virtually the same use as what was there before. The parking requirement is the same as what it was before. I believe that they are required to have 52 spaces; however there are only 40 on the site. I checked with the Building Department and there is no real violation and nothing as far as concerns that I am aware of has been brought to my attention. So, they are a little bit in the deficit on parking but it is a pre-existing site and this is how it was done the last time he was here.

**Mr. Ouimet:** So you are saying that there is no history of violations for the site as far as over parking or parking on the road because the road is not all that wide there, separate from the marina side.

**Mr. Gauthier:** That is correct, but there is also the property that actually goes in behind the tavern in the back that was formerly used as boat storage. I am not going to use it for boat storage and could be used for parking. There is a power drop back there too that we could put some lighting in.

**Mr. Ouimet:** Right. Any other questions from the Board?

**Mr. Nadeau:** It states that you will be making some improvements to the property. What type of improvements will you be doing?

**Mr. Gauthier:** We are going to paint the interior, putting a brand new dance floor in the back section, redoing the stage, I am going to add a couple of electrical outlets back in there, putting a brand new floor in at the bar area and leveling it all out because it has aged, new bar top, and an updated tap service will be put in for me.

**Mr. Nadeau:** On the marina side, do they do boat launching there?

**Mr. Gauthier:** That's correct, but I am not going to be renting the slips out. What I am going to do is I just rent the property from the Town existing just to follow up with the Klamsteam on that. I am going to leave it a courtesy dock so I can get some river traffic.

**Attorney Murphy:** Just so the applicant is aware, the Town has a process pursuant to which you have to apply for a dock permit because you do have to cross a piece of town property to get to those docks/slips. I am not sure whomever you are dealing with made you aware of that, but you have to apply every year to get use of the permits.

**Mr. Gauthier:** That's correct. We're going to renew that and I believe that it is 970 and then we also are renewing the canal permit too, the state canal.

**Mr. Ouimet:** Any motion?

*Mr. Nadeau made a motion to approve the Change of Use Application for Hoss's Tavern. Mr. Ruchlicki seconded with All –Aye. Motion carried.*

**Mr. Ouimet:** Change of Tenant is approved. Signs, Don?

**Mr. Roberts:** As far as the signs, you are only replacing the ones that are there right?

**Claude Gauthier:** That is correct. The sizes are the same and I am just going to put my name on it.

**Mr. Roberts:** On all three signs?

**Claude Gauthier:** That is correct.

*Mr. Roberts made a motion to approve the Sign Application for Hoss's Tavern. Mr. Berkowitz seconded with All – Aye. Motion carried.*

#### **15.007/15.008      Premier Dance PAC, 1580 Route 9-Change of Tenant & Sign**

**Jay Cummings,** I'm Jay Cummings and this is my husband Don and we currently signed a lease with Master Pai from Pai's Tae Kwon Do on Route 9. Cross Fit was previously in there and they have since moved. We currently are in Clifton Park in The Crossings Plaza, and it's my fourth year. We are looking to move into a bigger space because we have outgrown our current space and this is 2,000 square feet bigger. So that is what we are looking to do for the Dance Studio.

**Mr. Ouimet:** Any questions?

**Mr. Berkowitz:** how often do you have observations?

**Jay Cummings:** What are the hours of operation?

**Mr. Berkowitz:** No, how often do you have observation week?

**Ms. Cummings:** Observation? For the parents to watch the kids?

**Mr. Berkowitz:** Yea, do you have that at all?

**Jay Cummings:** I honestly have open observation all of the time. We have one way mirrors so that the kids can't see out but the parents can see in so the kids aren't distracted. So, the parents are always able to see their kids

**Mr. Berkowitz:** How many do you think watch their kids at a time?

**Jay Cummings:** It depends. Like the little, little ones, their parents stay pretty frequently, but they are younger and very early in the afternoon and as they get to 8 and up, the parents usually drop and pick up.

**Mr. Berkowitz:** The only reason why I am asking is because you have a lot of traffic with the Tai Kwon Do causing traffic. As long as there is enough parking spots.

**Jay Cummings:** I don't know about percentage. There is more people that drop and leave than stay and watch because there is nothing for them to do.

**Don Cummings:** Early afternoon is the youngest?

**Mr. Berkowitz:** Yea, my office is next to a dance studio also

**Jay Cummings:** OK, usually between 3:30 and 5:00 is the younger class and then after that is just the drop and go people

**Mr. Berkowitz:** How many to a class?

**Jay Cummings:** We usually cut our classes off at 12, so we have no more than 12 kids. We are proposing to have three floors, right now we have two, but the third floor is smaller so it is only going to be 8 kids.

**Mr. Ouimet:** John,

**Mr. Higgins:** There have been problems at that site previously when they have the competition. The Tai Kwon Do and there has been parking out onto the road, which we are always concerned about. As Rich mentioned, if they are having a competition at the same time and you are having a couple of full classes, there may be some parking problems there.

**Jay Cummings:** Do you know when he normally has them or on weekends?

**Mr. Higgins:** I have no idea

**Jay Cummings:** We open Saturday mornings and we are done at 2:00 in the afternoon, so we are not there Saturday late afternoon or Sunday's. So, hopefully we would miss each other. We do competition as well, not on site of course. We travel away and do our competitions. Those are always on the weekends when we compete. Hopefully that is when his are but I can talk to him to be sure and if he knows those dates, we can certainly work those out so we don't have any issues.

**Mr. Higgins:** Yea, we just wanted to mention it because there have been problems in the past.

**Jay Cummings:** Right

**Mr. Higgins:** That is all that I have.

**Mr. Ouimet:** Any other questions? Paul, you had an opportunity to look at the parking requirements?

**Paul Marlow:** Yes, we have. This can be somewhat of a similar use to what was there before. The class sizes are relatively the same. With the age group and the parents dropping off, it is a little bit less of a demand. There are two means of ingress and egress on site. They have 88 spots allocated to the site. I believe, there is no real clear definition for this sort of use, but we in Planning discussed it and felt that 30 spaces was adequate for this particular use. As they have told you, the classes are not very large. It doesn't seem that there will be a lot of people there at one time. Again, this is entirely up to you guys, but we feel that there is adequate parking there.

**Mr. Ouimet:** Have we had parking conflicts at that site since Cross Fit was there

**Paul Marlow:** Not that I am aware of.

**Mr. Ouimet:** I think if you consult with the Tai Kwon Do instructor

**Don Cummings:** He has already made it clear that we will work together with the schedules and stuff

**Mr. Ouimet:** So there are no parking conflicts. I am not saying that you are not going to have them, you probably won't, but you need to just stay in contact with one another to make sure that you are not conflicting through scheduling.

**Mr. Ouimet:** Don, have you have an opportunity to look at the signs?

**Mr. Roberts:** Yes, and once again, all that you are going to do is replacing what was there before right?

**Don Cummings:** Exact same size, we are just going to take their letters off and put ours on.

*Mr. Roberts made a motion to approve the Change of Use and Signs. Mr. Berkowitz seconded with All –Aye. Motion carried.*

**Old Business:**

**14.105                      Stewart's Shop #112, 1403 Route 9 - Addition to Site Plan**

**Chris Potter,** from Stewart's: Since the last time I was here, we have gotten our variances that we needed for the gas canopy. The Zoning Board determined that the variances for the existing building were already granted prior to, so they said that those were not needed. So, we should be all set with the variances for this site. Going back to what we were planning and doing, the gas canopy itself is need of being replaced. We are taking this opportunity to improve circulation and the safety within the lot and re-configuring the gas canopy. By doing so, we are going to re-configure driveways on Route 9. The other two on Churchill and Terminal Roads will remain. We will go to a single right in and right out on Route 9. As far as the gas canopy itself, we will still have two dispensers as we currently do. So it will be a total of four fueling points. The lighting currently is LED and we are going to remain with LED lights there. We will add a couple of additional light poles throughout the site. In doing so we are going to lose approximately 1,000 square feet of green space. We are going to redo some signage and remove the freestanding sign because that is going to be in the way of our parking lot area. We are going to place LED price signs on the canopy to display our pricing.

**Mr. Ouimet:** Now the LED pricing signs that you said that you are going to install on the canopy, are they modulated at all by light intensity?

**Mr. Potter:** There is a setting that can adjust the intensity of it

**Mr. Ouimet:** John, what was the standard that we set on the nits

**Mr. Higgins:** I don't remember exactly. Lyn might be able to

**Attorney Murphy:** The standard of the nits, I am not sure

**Mr. Higgins:** If you check with the Planning Office, they can give you the exact because there is different intensities during the day and at night. They can give you the classification of what it has to meet. Your other locations has

**Mr. Potter:** We have the LED price there on our freestanding price sign currently

**Mr. Ouimet:** Right. In the other locations, I think the light is modulated so it isn't real sharp

**Mr. Berkowitz:** I think the one on Plant Road is the newest one that I can remember.

**Mr. Higgins:** That and the Route 9 one just north past Farm to Market

**Mr. Potter:** That's the newer style and that is what we would go with instead of being on a freestanding sign

**Mr. Ouimet:** Right, you just want to make sure that the intensity of whatever the illumination is and that LED sign is not overly bright with the modulation based on the lighting conditions. Any other questions from the Board?

**Mr. Higgins:** I know that we have gotten some comments from some of the neighbors regarding the Churchill Road. I know that you don't plan on making any changes to that. A couple of us were talking at the pre-meeting and we weren't quite sure whether it might make more sense to just make that an in/out an in only instead of having people pulling out onto Churchill making a left and blocking traffic. It was a comment that we were talking about at the pre-meeting.

**Mr. Ouimet:** In keeping with that John, we did get a comment from Henny O'Grady who is a resident on Churchill Road and she wrote to us and said: I noticed a site plan change for the Stewart's location on Route 9 and Churchill Road. Rich, is it possible to include some objections that have existed and should be rectified. For instance the exit onto Route 9 should not allow a left hand turn out of the business. More often than not, cars that use that exit, they cross the road and block the south lane of Churchill Road. That is dangerous for people coming off of Route 9. She sent along a picture that she took which I can share with you to show the dangerous conditions that she observed on that side entrance onto Churchill Road. Apparently that truck was exiting from the Stewart's Shop and blocked both lanes to Churchill Road. I do not know if that is just poor driving on his part. I think that what John is suggesting is something that should be considered.

**Mr. Potter:** We definitely will take a look at it. One thing that we will have to look into and know our delivery door is on that side of the building. I believe they use that entrance for deliveries. I would assume

**Mr. Ouimet:** Yea, I have seen a truck there

**Mr. Potter:** If you make that an in only, how do you do it? Do you restrict the width down because that would prevent possibly our trucks from getting in and out?

**Mr. Roberts:** Could you make that a right in and a right out?

**Mr. Potter:** That could be a possibility

**Mr. Ouimet:** Right in and right out wouldn't help then though and force them up Churchill Road. It forces them up Churchill Road

**Mr. Potter:** Yeah, it would eliminate that left that people are doing

**Mr. Ouimet:** I do not know how that functions with your delivery trucks.

**Mr. Potter:** That is what we would have to look at because essentially, I would have to assume that would be a mountable curb dial in with signs, which may hinder a tractor-trailer

**Mr. Ouimet:** I can see this as a potential conflict in making that left hand turn out.

**Mr. Potter:** Sure.

**Mr. Ouimet:** Given the fact that we approved the new entrance to the Stewart's store, we were using Terminal Road with the light control and I believe the way that you are changing the access from Route 9, it is going to force more traffic out that way on Terminal Road that signaled intersection makes a lot of sense



**Mr. Potter:** Yea, if you are going to head south on 9 or go across on 9 to Crescent. I think that

**Mr. Ouimet:** Right. So, I think a lot of the changes that you are proposing here are good changes and changes that we were looking for the last time that you were here. We were looking to re-configure some things at that site. I think that is what our engineers said too, right Rich?

**Richard Harris:** Yeah, he said that he raised issues the last time with the issues onto Route 9 and this basically adheres to what was recommended at that time and hoped that it was going to be done under a prior change to site plan. So he was supportive of the changes here.

**Mr. Ouimet:** So, I think with your assurance that you will take a look at that access point on Churchill Road.

**Mr. Potter:** It definitely is very close to that intersection and lefts out, if one car is there, it's impossible to take a left.

**Mr. Ouimet:** And if a car is there and they try to sneak behind them and it is not far enough forward, you are going to have a conflict.

**Mr. Ouimet:** Any other questions from the Board?

*Mr. Berkowitz made a motion to approve the Addition to the Site Plan for Stewart's Shop #112, Mr. Ruchlicki seconded with All -Aye. Motion carried.*

*Mr. Ruchlicki made a motion to adjourn the January 12, 2015 Planning Board Meeting at 8:00 pm. Mr. Berkowitz seconded. All-Aye. Motion carried.*

Respectfully submitted,

Lynda Bryan, Town Clerk  
Richard Harris, Director of Planning