

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – November 24, 2014**

Those present at the November 24, 2014 Planning Board meeting were:

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

**Planning Board Alternates:** Margaret Sautter  
Robert Partlow

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

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

**Town Board Liaison:** John Wasielewski

**CHA Representative:** Mike Bianchino

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Mr. Ouimet opened the November 24, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the November 10, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the November 10, 2014 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Partlow abstained due to his absence from the November 10, 2014 Planning Board Meeting. Vote: 7-Aye, 0-Nay, 1-Abstained. Motion carried.

#### **Public Hearings:**

**14.021 PH**

#### **Rafferty Subdivision, Middletown Road/Brookwood Road – Minor Subdivision & Special Use Permit**

Mr. Ouimet opened the Public Hearing at 7:01pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. James Easton from M J Engineering stated the following: I'm here tonight to talk about the 2-Lot subdivision for Rafferty located at the intersection of Middletown Road and Brookwood Road. Since the last time we were here, we received CHA's letter dated September 13<sup>th</sup> in which we responded back to them and that's the plans that the Board currently has with our comment response letter. On November 7<sup>th</sup> CHA issued us a letter back asking us for about ten items that need to be clarified or rectified on the plan set. We did send over that digitally to the Town and to CHA to review, but we have not formally submitted those plans to the Town and the reason why is that we are just waiting for this Public Hearing to see if anything else significantly was going to change. As

the Board may be aware, the proposed project includes the subdivision of the two parcels in which two duplexes will reside on 1-Lot. So, there would be a total of 4-units. At this point would you like me to respond back to the general questions that I have received or would you like to read into the Public Hearing all the comments that were presented to me from Mr. Harris? Mr. Ouimet stated I think at this point in time; why don't you just make your presentation then we'll open it up to the public to see if anybody has any concerns or anything to add. Mr. Easton stated the following: Okay, I'll try to go through some of these comments that the public had as some of them had a comment theme and I'll kind of hit the highlights of most of those as I go through them. There has been a sight line analysis done for this project site based upon the construction entrances and it does conform to the American Association of State Highway and Transportation Officials (AASHTO) design standards and that has been issued to the Town. Mr. Ouimet stated what would be more helpful to us is for you just to make your presentation, locate your driveways, tell us what analysis you've done to support where your locations are, tell us about the septic systems that you're proposing, what you propose to build there, how many driveways and that kind of stuff and then we'll open it up to the public if they have any particular comments that they want to raise, they can raise them and you can respond at that point in time. Mr. Easton stated the following: Okay. I'm not going to go into very detailed specifics of engineering or things like that. Basically there are two septic systems on the site and based upon the soil analysis; one would be a raised bed system and one would be a shallow system. Each unit would be approximately 2,200 SF in size so; 4,400 SF is being proposed. We've made the buildings that large generally because we wanted to make sure that if the buildings typically are going to be smaller, and we wanted to show a realistic footprint for a duplex. Typical duplexes in the surrounding areas are typically are about 1,800 SF, but whoever decides to build this in the future, we wanted to show a realistic footprint of the buildings. So, that's why in the SEQR application and in our analysis we basically show a 2,200 SF or a 4,400 SF building. The building can be larger or smaller depending on the building application, but we feel that the 2,200 SF size is appropriate. There are two driveway curb cuts for the project; basically with each one having a hammerhead and there will be a two-car garage for each one of these units with a pull off space. Like we said in our narrative; there is a potential that there could be 16 parking spaces. This is not a commercial use at all, but for grandparents, children or things like that we wanted to make sure that there is appropriate parking for individuals coming to house or utilizing the house themselves. Again, this is a private residency, which would be sold to a builder and there is no proposal for rental income, business use or anything along those lines. The current site drainage drains to the intersection of Middleroad Road and Brookwood Road where an existing wetland presides down here in the bottom corner. So, that's a wetland that basically takes stormwater drainage from Brookwood Road and Middletown Road and it is naturally allowed to recharge into the ground in the wetlands. The wetlands have been created over years and years as sediment has deposited in that location and there is actually no place for the stormwater to go into this general area and it just basically goes to this general area and infiltrates into the ground. Mr. Ouimet asked can you tell us about your driveways that you've proposed and the site analysis they you may or may not have done? Mr. Easton stated the site analysis was done and was submitted to CHA showing that based upon the current speed limits in the zone, that the two driveway curb cuts do meet AASHTO design guidelines for stopping speeds and sight distance analysis. Mr. Ouimet asked for two driveways? Mr. Easton stated the following: For both driveway locations, yes. Again, we are on the outer side of the curve so that you can see farther than someone that was living on the inside of the curve as their driveway would be blocked off

more than we currently are, but that documentation has been submitted to the Town and to the Town Designated Engineer (TDE). Mr. Ouimet stated okay, so is that it from your perspective? Mr. Easton stated from my perspective at this point, yes. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Ken Greene, 6 Halfmoon Drive, stated the following: I've been here about 15 years now and I would have to say that I am not interested in two-family homes in that area. Most of the area and most of the old village is single-family and there are some apartments that are there and mine is one of them. I'm just trying to keep somewhat of the old area still standing and I'd like to see it stay as that. I'm not opposed to single-family structures being there, but the added density of two extra families in that area, it's a difficult area to have and that's what I feel. Mr. Donald Zee, Esq. stated I'm the attorney for adjoining property owner's; the Fitzgibbon's. I have a couple questions and concerns as just recently it was mentioned that there were wetlands and I know on some of the original concept drawings that had been submitted there was reference to the fact that they've been delineated, but I was wondering if the Army Corp of Engineers (ACOE) had gone out there and walked the wetlands and confirmed the delineation. Part of the reason why we have that concern is because my clients, having lived there for close to a decade, know that a lot of this property floods and we want to make sure that with the winters that we have been having and the springs that the flooding is not going to occur on areas where they deem to be uplands. So, that's one major concern and the second thing; also, on the plans there is reference to the fact that an archeological study may be necessary and they were waiting for responses from the State Historic Protection Preservation Office (SHPO) and I was wondering if the responses have been received by the applicant. In addition, we do not believe that this area is conducive for two-family homes because of the soil conditions that are there. We haven't really had a chance to analyze the soil reports, but I understand that the applicant is saying that they wanted and they have shown duplexes of approximately 2,200 SF footprint, which would allow for substantially larger units. If they are to receive some sort of an approval from this Board for duplexes, we think there should be some sort of restrictions via the Special Use Permit talking about the number of bedrooms because the septic systems would be designed based on the amount of gallons of usage anticipated on a daily basis. We think that there should be a placement of some sort of restriction and there are notes in the plans with the regard to the fact that no automobiles should be parking over these areas and this is my clients front yard and they'd be looking in the rear of part of these homes and we would want to make sure that there is no parking of vehicles in the rear yard and that there would be restrictions with regard to stormwater management making sure that they comply. I did submit a letter and in my letter I reference a little bit of the history of the property owner and that's a matter of public record that's been in the public domain with regard to his ownership of property and how he has dealt with the Town of Colonie with regard to previous properties that he had owned and since he is the applicant and the current property owner we want to make sure that things maintained in a certain level that is currently in the neighborhood. Also, because of other matters; financial records that are in the public domain, we are concerned once again about what happens if you go in and have these as rental properties duplexes and all of a sudden you have more than "X" number of people residing in the units? Normally the New York State Department of Environmental Conservation (NYSDEC) looks at sewage usage based on the number of bedrooms, but if have 2 or 3 people per bedroom, it's going to increase the number of uses that's going to impact the sewers as well as the sanitary sewer systems, which are very close to my client's property as well as on adjoining owner and we're worried about flows or over using the septic systems. So, those are quite a few of the issues that I think need to be

addressed and as from a visual standpoint my client would like a landscape buffer between his property and the adjoining property owners with maybe evergreens as well as some sort of fencing or we would like some sort of security initially placed to make sure that these are installed and maintained, because as I said, they are going to be on a common property line as well as maintenance of the septic system to make sure that there are no drainage and no flows onto my client's property. Mr. Ouimet asked Mr. Easton if he had a response to Mr. Zee's comments? Mr. Eason stated the following: Yes I do. In regards to all surrounding homes being single-family per his letter; just like I mentioned to the Board the last time I was here, the definition of nearby was the question and I knew from driving nearby was down on Brookwood Road about a ¼-mile away where there is an existing duplex home. However, I didn't realize as I drove by at that time that I missed a duplex home and that duplex home resides at 225 Brookwood Road that is the next parcel over from this house, which is blue house that is currently duplex so, fitting into the neighborhood and I hope the Board did take their travel trips around, but there is a duplex nearby. So, it does fit within the community going along. In regards to SHPO; we have done a Phase 1A and Phase 1B study for the site and that report has done by Harkin and it is not complete and once I get a copy of that report, that report will be submitted to the Town and to the TDE. In regards to wetlands; the wetlands were delineated by Oslaw and I can double check on whether the ACOE did a JD letter or a jurisdictional determination of the wetlands, but I can get back to you on that one. The septic systems are designed for three bedrooms as it is noted on the plan set and we're proposing three bedrooms and that's all we're proposing based upon the site constraints and we have no objection to the Board putting a caveat on the plan set saying that you're only allowed three bedrooms. Mr. Higgins stated the plans say four bedrooms. Mr. Easton stated I not sure if that is on the revised set of plans or not, but that plan is dated January 7<sup>th</sup> so, that is an old plan set and I believe that the submission set that we gave back in August 14<sup>th</sup> is the new plan set. Mr. Berkowitz stated the August 14<sup>th</sup> one says four bedrooms also. Mr. Easton stated the following: Okay, then the one from the end of October was corrected and I believe that CHA would have one of those comments on there, but we're only proposing three bedrooms. I'm looking at my plan right here and I know says three bedrooms on them and that's what we're proposing. Mr. Higgins asked is that the only change on the drawings? Mr. Easton stated the following: There will be other changes on drawings. As the Board is looking at that; the question of no parking in the rear of the properties that are on septic fields; we have no objection to the Board placing that caveat on the plan set or within the construction process. Typical parking lots are not allowed within septic fields anyhow and that's why on the general construction notes we typically say "no parking is allowed" and basically the only thing that you're really allowed to do on top of septic fields is mow them, maintain them, make it look pretty and that's basically about it. You can use it as greenspace, walk on it and things like that, but you're not allowed to obviously put a basketball court on top of it or anything else of significance. In regards to screening of the property that Mr. Donald Zee mentioned with a 6 FT high fence or a vegetation buffer, this is the Fitzgibbon's parcel that he referred to, which is in the bottom right hand corner of your plat set. There are existing trees currently right there and also some of the tree line as you notice is removed back here towards Lot #2 and that's because the Fitzgibbon's have kind of mowed a little bit farther on the vacant property and made their property a little bit larger. *(Someone from the public made a statement without speaking into a microphone; therefore, her statement was inaudible for transcription).* Mr. Easton stated okay so, I'm just saying that some of the space that's there; there is a tree line between the Fitzgibbon's and Lot #2 and some of it is currently being mowed and maintained and there is an existing tree line to Lot

#1. If the Board does feel that supplemental trees would be required to help prevent screening; again, we would be okay some supplemental trees along that corridor. Getting back to prohibitive business uses or whatever, again, that's more of a code issue and obviously the intent of this design is only to get a subdivision approval, sell the lots off to a builder and the builder then builds it. We cannot really control if a person buys the home and so decides to make a home business use, that's more of a code compliance issue that the Building Inspector would need to enforce for this zone. If you want to put something on the plans, we're okay with that, but again, I think that's more of a building code issue more than a site plan issue or a Planning Board issue. I believe I answered all of Mr. Donald Zee's comments and Mr. Ken Greene's comment. Mr. Ouimet stated his comment was more towards the character of the neighborhood. Mr. Easton stated the character of the neighborhood and that's what I first started off with in regards to the existing duplex home that's currently two down. Mr. Ouimet stated alright and let's see if we have any more comments from the public. Mr. John Plumer stated I'm here speaking on behalf of myself and Ms. Beth Fronszek who live at 228 Brookwood Road. This is new to me so, I have sent all of my information into Mr. Harris so, everything of my concern is already being addresses so I understand and how do you want me to do this? Mr. Ouimet stated your written comments will be incorporated into the record of tonight's proceeding, but if you wish to say something orally, go ahead. Mr. Plumer stated the following: The first thing that I would like to say is I think you said 225 Brookwood was a duplex and as long as that is the number you said is a duplex, it's a two bedroom each side duplex. So, we feel that is quite a difference. These buildings; if you would consider the total amount of square footage, which would be 8,880 SF and put them together and we might as well have a CVS right there on the corner or something bigger. That's an awful large unit and for the area right there, we live there and we see a tremendous amount of speeding and I have noticed that there are some new signs there. We hear squealing of tires, we have cars that go around the corner right where the driveways are proposed and recently one car drove over the sign, knocked it down and I believe what happened was the person who came along with the Town lawnmower didn't see it and I don't blame him because the weeds were this high and just cut it off in half. So, there's an awful lot of traffic going there from two different gravel banks plus the transfer from the employees from Momenive. So, there is a lot of traffic there and in my notes I propose that we do a traffic study. I know the sight distance has already been done, but I don't know that a traffic study has been done and I recommended that and I even added a weight study because it's just a whole new issue with the tractor-trailer trucks that go over that road are pretty well loaded and they move pretty quick. Sixteen parking spaces; I understand with the holidays every house would have a good deal of visitation. Sixteen parking spaces total coming off of that curve is a tremendous amount of traffic. I even brought up, if I'm allowed to do this and stop me if I'm not; Mr. Rafferty is the applicant and he gave an address on his application and the address was incorrect and the address incorrect for over a year and in addition to that on his Short Environmental Assessment Form (SEAF) and since January or February I think it was; he proposed 1,220 SF buildings on that application. So, all of this time neither he nor his agents noticed this or brought it to the Board for a change. So, that was incorrect information that everybody was going along with and in other paperwork it did say square footage 2,220 each. So, I personally think that that should be an invalid application because of two, I think, surmountable errors. The septic systems that are proposed with the raise bed; there's a lot of rules that are necessary to prevent compaction. I only looked it up on the internet as I'm no pro, but it even goes to the point where it says you don't want burrowing animals, it can't be playground and lawn

tractors shouldn't even be on top of it. It goes to quite an extent. Mr. Ouimet stated I don't know as if they're proposing to do any of that. Mr. Plumer stated are you referring to a raised bed system? Mr. Ouimet stated no, on their raised bed system. Mr. Easton stated we're not proposing a raised bed system. Mr. Plumer stated alright somewhere along the way I know that I read that. Mr. Ouimet stated I think at one point in time it was proposed as being a raised bed system. A few members of the Board stated that he said one would be a raised bed system and one would be a shallow system. Mr. Ouimet stated anyway, if you could keep moving along here because there are a lot of other people that are here. Mr. Plumer stated I'm going to go with the thought that's it's one raised and one conventional according to what the last plan was and that being the case, it's not you or I buying this house and we're not going to live there and we're not going to enforce those rules as stringently as necessary to prevent this system from failing. I asked the question; how can a landlord possibly rule a tenant that much to make sure all of these rules, that I'm sure CHA would help us out with, but you're saying you're not doing a raised system. Mr. Easton stated that's correct, we are not a doing a raised system based upon the existing flow of information. Mr. Plumer asked when did that change? Mr. Easton stated the following: I can take a look at the plan set, but the soil information presented to me in the findings that I witnessed in the field; a conventional system will be issued on Lot #2 and a shallow system will be issued on Lot #1. If there is something within the plan set that references a raised bed system, I'm very sorry. It can be confusing and all I can say is that I'm sorry, but it's based on the soil data and things like that all that indicate a shallow system. There could be a note demarcation on it saying a raised bed system, but it shouldn't say raised bed. Mr. Plumer stated the following: The confusion comes in where you used multiple terminologies for what was going to go on with these septic. So, I get here prepared with information that I've read recently and it has changed. Well, it is not fine because if you're trying to present the fact that these buildings don't fit the character of this area, even though there is another duplex in that area, that's the point that I'm trying to make. These homes are one family; you have one duplex there with two bedrooms and nothing near the size of the square footage that you're proposing. So, that's our objection. Mr. Ouimet stated alright, we hear you. Mr. Plumer stated we are also concerned about the drainage; we have on the roadside, Brookwood Road, a wet lawn that is normally just wet and I can get the lawn tractor stuck in it and where you're proposing to have a driveway right on our property line; you're looking at an area where traditionally you would plow snow right to the area and now that snow is going to melt on our lawns. That's the way I see it happening and also if you raise this area in any way, the Fitzgibbon's and ourselves, who have the adjacent lands, we're going to acquire more water. I fortunately have the driest basement I've seen in many many years and I want to keep it that way. I don't have a sump, I don't use a humidifier, I checked this morning and it was 21% humidity in the basement and that's dry. Granted I'm just starting to use heat and I'm very concerned with the water runoff and I don't know enough to read these plans and say "oh, that's okay because I understand that" so; I'm depending on people on the Board here to help us out with this drainage issue. We brought some pictures for you; the wetland that you're referring to in the back, honestly; it's more a stream. A wetland when it's dry with the little bit of rain that we had, it turns into a stream and I brought some pictures for the Board. We also took a picture of the house across the street and it's a new house compared to some of the homes on the roads and that house is raised up for drainage purposes and done right. Having said that; the older house that's there, the existing house that was there before the new one is constantly fighting flooding and if you took a look at the picture, the picture doesn't do it justice. So, if you took a look at the picture, I think you can

see there is a slope going down to the existing house that was there and it's a serious situation because you have ducks coming in there, you have beavers and it's a pond. The homeowner is trying to do the best that he can to take care of it, but it's an ongoing fight and what we don't want to have happen anymore. Mrs. Murphy stated the following: While Mr. Plumer is gathering his thoughts; I disclosed to the Planning Board prior to the previous meeting that I live on Brookwood Road, I don't live adjacent this property, I don't have any pecuniary interest, I do not have conflict, but just for the interest of disclosure; I do reside on Brookwood Road. Mr. Plumer stated the following: Okay. Well, if you said my notes are going to be entered into the meeting minutes, okay allow that to be because I've sent two emails, which were lengthy and Mr. Harris said that it was okay. Mr. Ouimet stated the Board has all seen them and we have read them prior to tonight's meeting. Mr. Plumer stated so; having said that, I'd like you to take everything into consideration and if I went any further to break it down, I'd probably take up more of your time then you want me to. ***(For the record: See attached emails below from Mr. Plumer).***

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**Richard Harris - Re: Rafferty Subdivision-Middletown Road Project#14.021 CORRECTION**

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**From:** John Plumer <jp1plumer@yahoo.com>  
**To:** Richard Harris <rharris@townofhalfmoon.org>  
**Date:** 11/24/2014 7:33 AM  
**Subject:** Re: Rafferty Subdivision-Middletown Road Project#14.021 CORRECTION

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Good morning Mr Harris. Please insert the word 'NOT' in the 4th paragraph. The paragraph should have said '#5 speaks of additional water such as roof run off etc should NOT be connected to the proposed sewer system.'  
 Thank you John Plumer 228 Brookwood Rd.

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**From:** Richard Harris <rharris@townofhalfmoon.org>  
**To:** John Plumer <jp1plumer@yahoo.com>  
**Cc:** Paul Marlow <pmarlow@townofhalfmoon.org>  
**Sent:** Wednesday, November 19, 2014 10:56 AM  
**Subject:** Re: Rafferty Subdivision-Middletown Road Project#14.021

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Mr. Plumer -

We will be sure to pass your concerns and objections along to the Planning Board, Town Engineer (CHA), the applicant and applicant's engineer. Also, this email will become part of the official file for the project. I can offer the following response to some of your points:

- Applicant address. This department relies upon the home/mailling address provided by the applicant. We do not verify whether they currently own or actually reside in the address listed.
- Short EAF: As you state, the applicant indicates 2200 SF/unit in their application and their Short EAF states 1200 SF/unit. The EAF will need to be updated by the applicant to reflect this fact (if, in fact, 2200 SF/unit is the accurate number).

Again, your concerns and comments will be distributed to ensure all involved parties are made aware of them. As a reminder, a Public Hearing will be held this Monday at 7:00 PM in Town Hall, and I encourage you to attend to speak directly to the Planning Board regarding your concerns.

Rich

Richard M. Harris, AICP  
 Director of Planning

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>>> John Plumer <jp1plumer@yahoo.com> 11/18/2014 10:33 PM >>>

I am writing, in behalf of myself and Beth Fronczek, who own the adjacent property to the proposed subdivision of Charles Rafferty. We have concerns that this proposal will have negative affects on our property, home and neighborhood. Please be patient as we present our strong objections.

Before we state our objections I have, for the lack of a better term, inconsistencies in the documents I have reviewed regarding this subdivision.

1. The document received March 12, 2014 (Special Use Permit Application) on the above mentioned proposal states



regarding parking spaces, total number is 16. (8 parking spaces per building/4 for each unit). Having read all information up to September 18, 2014 I see no further mention of this on any other document. If this is still true, we feel this is semi-commercial application of this land; a) it's rental property b) the total square footage to sit on the current lot proposed is 4440 square feet each building equalling 8880 square feet. This would be larger than a Stewart's Shop, bank or some CVS stores, you get my drift. Two structures of this nature DO NOT fit in this neighborhood of single family homes. Additionally, with both driveways on Brookwood Rd you are introducing potential auto/truck accidents on this 35MPH curve.

This road has heavy tractor trailer and dump truck traffic. The traffic is from Valente Gravel Bank and Momentive. Having lived here since 1997, I have witnessed vehicles going off the road and into my yard due to excessive speed on the curve. Recently, the signs to indicate a curve has been cut down by the town mower. Had they not been plowed over first by a vehicle at night the driver of the mower would have seen these. Introducing 2 new curb cutouts with the potential for 16 vehicles or more, create a risk. I am aware the study as far as line of sight has already been raised but WE live here and know better.

2. On the application, do you have the correct address for Mr Rafferty? We have found that the address listed was shown as listed on the Saratoga County Property transactions published April 15, 2013 stating "Charles Rafferty Sr. sold property at 9 Princess Pine Drive to Mark and Beth Dibattista for \$381,400." The application date for the proposal is after the date of sale.

3. Regarding all the Short Environmental Assessment Forms, under description of proposed action, the square footage for each unit states 1220 square feet on all of the forms that I read instead of the correct figure of 2220 square feet. This plus the possible incorrect address should make this application invalid. The fact that Mr Rafferty and/or his agent didn't correct or catch this error makes me suspect of what else will be missed.

4. Regarding the septic systems proposed, there are different terminologies used ie; Alternative subsurface treatment system (Engineering and Land Survey PC), Shallow trench septic system (Engineering and Land Survey 1-17-14 & 8-13-14), A raised septic system (MLS Keller Williams), Raised bed Septic System (Short Environmental Form 8-15-14). I am sure by the time you get this, you will have the correct terminology.

All of these systems proposed here raises questions to us.

1. When were the shallow trench type systems approved in this area (Halfmoon)?
2. After all is said and done, will these 2 duplexes be considered residential properties? Which these systems are designed for.
3. From what I read regarding mentioned 75A Wastewater treatment standards, this appears to be an abuse of these systems where less than 1000 gallons a day would be introduced into the system. The proposed 880 gallons per day appears to be the bare minimum that would be introduced into the soil.
4. There is mention of various wetlands. These wetlands turn into (as defined as 75A #34) a "Water course." That being said, this wetland when it rains turns into a visible path, possibly a stream, by which surface water travels on a regular basis including drainage areas which contain water only during and immediately after a rain storm. I believe it's understated how far away the very end of the septic systems are from this wetland/water course. This wetland is the beginning of a stream which the closest part of the treatment system is close to. Any over leaching will run into this wetland.
5. These systems mentioned have specific rules to be followed to prevent soil compaction. If I were a homeowner with one of these raised bed systems I would be vigilant to follow the rules associated with them. ie) no lawnmowers, pets, human traffic, exterminating burrowing and tunneling pests, no pet stakes, not a child play area, swings, etc. This is one of the most important points to be made: Who will police tenants to follow the above rules so the systems don't fail? How can a landlord possibly monitor his tenants activities without invading their privacy? Will the tenants be informed of all the preventative measures needed and will they follow the rules or just flush the toilet and go out and play? Our concern, once again, it's our opinion these systems should not be used for rental application.

We are very concerned for our own property. Currently, there is a small incline from the property at hand that goes down to our property. The buildings proposed will be raised higher than our home and the water will run down hill and into our yard making it a swamp land and possibly affect the basement. We are especially concerned about this with the proposed raised septic systems, which we feel will make it much worse. The front yard doesn't drain very well as it is. Our neighbors across the street has an older home and when a newer home was built on the adjacent property, it was built higher and sloped to the neighbor's yard. The owner of the older home had so much water that ducks would come and swim in their yard. They had to bring in fill to try to dry up the property which didn't do much good. Because of this, there is no way that anyone can convince me that the building of any buildings next to my property won't affect the drainage and runoff. We would like to know how it will be proposed to prevent water runoff from the homes and the septic fields, which will be near my property line, to prevent the decline in my property value. Additionally, with our

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basement being exceptionally dry, will we be able to come back to the town in the future for a remedy if the basement were to take on water because of the lack of drainage away from our property?

In closing, for now, I'd like to use the words of Mr Jamie Easton from MJ Engineering at the October 14, 2014 Planning Board Meeting, "To be honest, there are no true duplexes nearby." We pray that the planning board of the Town of Halfmoon takes this statement and reflects on it and keeps it that way. These structures will not fit the character of this area. Mr Easton also mentioned in the minutes that twin homes certainly can be attractive. This is not the case in this neighborhood since the proposed buildings will be much larger than any of the nearby homes on this road, including Middletown Rd. They would be out of place. These proposed duplexes are much too large for the property. Looking at the Concept Sub Division Plan of MJ Engineering 8-14-14, they are being squeezed in there so much so that the 'turn around' in the driveway looks like it is right at my property pin.

As residents of Halfmoon, we would appreciate you taking into consideration our concerns that we have about this proposed sub division.

Thank you in advance for taking the time to read this lengthy email. Please respond to our concerns.

Sincerely,  
John Plumer  
Beth Franczek Plumer

**Richard Harris - Re: Rafferty Subdivision-Middletown Road Project#14.021**

**From:** John Plumer <jp1plumer@yahoo.com>  
**To:** Richard Harris <rharris@townofhalfmoon.org>  
**Date:** 11/23/2014 9:51 PM  
**Subject:** Re: Rafferty Subdivision-Middletown Road Project#14.021  
**CC:** Paul Marlow <pmarlow@townofhalfmoon.org>

In preparation for the meeting on the 24th, I will start by objecting again to the proposed special use permit that the applicant is requesting. The fact that the wrong address and square footage on the Short EAF stood for such a long time without the applicant or his agent(s) bringing forth the correction should make this application invalid. I needed to restate that because of the following issues I have found with the newest paperwork are as follows:

Re: C-4 Septic System Design and Details drawing revision of 10-20-2014. Specifically SEPTIC NOTES #1 "Sanitary Facilities may be constructed after the plans have been approved by the Town of STILLWATER. The facilities may not be placed in service until they have been installed to the satisfaction of the Town of JOHNSBURG." Additionally, on the same C-4 drawing under REQUIREMENTS it states in #3 "The sanitary facilities in these lots... and the Town of JOHNSBURG Building Code Enforcement Officer..." In all sincerity my question would be, "What am I missing? and What project are they confusing this with? What other facts of this project belong to another township?"

Back to Septic Notes #4, "No existing or proposed water supply or sewage treatment facilities are located within 200 feet of the project system limits." It's a fact that our septic system qualifies to be called a sewage treatment facility. Our sewage treatment facility runs adjacent to the project lands and is 17 feet from the property line. Needless to say, we feel strongly that our septic system location should be taken into consideration when designing a septic system which will have 660GPD or more.

Septic Notes Continued #5 speaks of additional water such as roof runoff etc should be connected to the proposed sewer system. Our question is, "Is it proposed these duplexes have gutter systems? If so, where will this water drain to?" Keeping in mind that our land is adjacent to lot #1.

Septic Notes #6 concerning lot #2 states, "no parking or traffic...on raised septic systems." We will restate, "Who will enforce with the tenants all of the rules to prevent compaction?"

Septic Notes #17 "Surface of waste water disposal area shall be graded as to promote surface runoff." It would seem that #17 speaks of both lots' systems. Our concern is that the surface runoff does not flow in the direction of the adjacent properties.

Requirements Section #1 and #2. Once again, in these 2 paragraphs, it raises a concern that you are dealing with tenants and NOT the homeowner or purchaser. As stated previously, who polices these tenants to follow the rules associated with a raised septic system and conventional septic system. Can any landlord really have that much control over their tenants?

Regarding Notice of Intent NYS DEC Division of Water page 3 of 14 #8 It would appear the permit date has expired on 11-1-2014 unless permit has been updated and we are not aware.

In closing, the curve sign on Brookwood Rd was put back up the day after our last email. If you had anything to do with that, Thank you. We also noticed a new yellow 15MPH sign. Thanks for that also. As we mentioned, traffic from Valente Gravel and Momentive use this road. We also became aware that dump trucks/tractor trailers from Carver and Riberty utilize this road. It's our opinion to propose a traffic study, including weight limits.

It is also our opinion that there is no way according to our measurements that there is 100 feet at the end of the septic systems to what's referred to as the wetlands and we call a stream. It's our opinion that someone is seriously underestimating the volume of water in this area. It is a natural runoff drainage area. Again, we urge you, the town planning board, not to allow this SPECIAL USE PERMIT. On these small plots of land and trying to work around the wetlands it is very crowded with duplexes of this size and appears that someone is trying to force a development situation.

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We also have a concern about the driveway turn around spot that is closest to our property mark. When that spot is being plowed of snow, it will be dumped on our property which is another source of water (on our property) when that snow melts. So it is another way that this project will be adding excess water to our property.

Sincerely,  
Beth Fronczek  
John Plumer  
228 Brookwood Rd

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**From:** Richard Harris <rharris@townofhalfmoon.org>  
**To:** John Plumer <jp1plumer@yahoo.com>  
**Cc:** Paul Marlow <pmarlow@townofhalfmoon.org>  
**Sent:** Wednesday, November 19, 2014 10:56 AM  
**Subject:** Re: Rafferty Subdivision-Middletown Road Project#14.021

Mr. Plumer -

We will be sure to pass your concerns and objections along to the Planning Board, Town Engineer (CHA), the applicant and applicant's engineer. Also, this email will become part of the official file for the project. I can offer the following response to some of your points:

- Applicant address. This department relies upon the home/mailing address provided by the applicant. We do not verify whether they currently own or actually reside in the address listed.
- Short EAF: As you state, the applicant indicates 2200 SF/unit in their application and their Short EAF states 1200 SF/unit. The EAF will need to be updated by the applicant to reflect this fact (if, in fact, 2200 SF/unit is the accurate number).

Again, your concerns and comments will be distributed to ensure all involved parties are made aware of them. As a reminder, a Public Hearing will be held this Monday at 7:00 PM in Town Hall, and I encourage you to attend to speak directly to the Planning Board regarding your concerns.

Rich

Richard M. Harris, AICP  
Director of Planning

Town of Halfmoon  
2 Halfmoon Town Plaza  
Halfmoon, New York 12065  
(518) 371-7410 x.2601  
[rharris@townofhalfmoon.org](mailto:rharris@townofhalfmoon.org)

>>> John Plumer <jp1plumer@yahoo.com> 11/18/2014 10:33 PM >>>

I am writing, in behalf of myself and Beth Fronczek, who own the adjacent property to the proposed subdivision of Charles Rafferty. We have concerns that this proposal will have negative affects on our property, home and neighborhood. Please be patient as we present our strong objections.

Before we state our objections I have, for the lack of a better term, inconsistencies in the documents I have reviewed regarding this subdivision:

1. The document received March 12, 2014 (Special Use Permit Application) on the above mentioned proposal states regarding parking spaces, total number is 16. (8 parking spaces per building/4 for each unit). Having read all information up to September 18, 2014 I see no further mention of this on any other document. If this is still true, we feel this is semi-commercial application of this land; a) it's rental property b) the total square footage to sit on the current lot proposed is 4440 square feet each building equaling 8880 square feet. This would be larger than a Stewart's Shop, bank or some CVS stores, you get my drift. Two structures of this nature DO NOT fit in this neighborhood of single

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family homes. Additionally, with both driveways on Brookwood Rd you are introducing potential auto/truck accidents on this 35MPH curve.

This road has heavy tractor trailer and dump truck traffic. The traffic is from Valente Gravel Bank and Momentive. Having lived here since 1997, I have witnessed vehicles going off the road and into my yard due to excessive speed on the curve. Recently, the signs to indicate a curve has been cut down by the town mower. Had they not been plowed over first by a vehicle at night the driver of the mower would have seen these. Introducing 2 new curb cutouts with the potential for 16 vehicles or more, create a risk. I am aware the study as far as line of sight has already been raised but WE live here and know better.

2. On the application, do you have the correct address for Mr Rafferty? We have found that the address listed was shown as listed on the Saratoga County Property transactions published April 15, 2013 stating "Charles Rafferty Sr. sold property at 9 Princess Pine Drive to Mark and Beth Dibattista for \$381,400." The application date for the proposal is after the date of sale.

3. Regarding all the Short Environmental Assessment Forms, under description of proposed action, the square footage for each unit states 1220 square feet on all of the forms that I read instead of the correct figure of 2220 square feet. This plus the possible incorrect address should make this application invalid. The fact that Mr Rafferty and/or his agent didn't correct or catch this error makes me suspect of what else will be missed.

4. Regarding the septic systems proposed, there are different terminologies used ie; Alternative subsurface treatment system (Engineering and Land Survey PC), Shallow trench septic system (Engineering and Land Survey 1-17-14 & 8-13-14), A raised septic system (MLS Keller Williams), Raised bed Septic System (Short Environmental Form 8-15-14). I am sure by the time you get this, you will have the correct terminology.

All of these systems proposed here raises questions to us.

1. When were the shallow trench type systems approved in this area (Halfmoon)?

2. After all is said and done, will these 2 duplexes be considered residential properties? Which these systems are designed for.

3. From what I read regarding mentioned 75A Wastewater treatment standards, this appears to be an abuse of these systems where less than 1000 gallons a day would be introduced into the system. The proposed 880 gallons per day appears to be the bare minimum that would be introduced into the soil.

4. There is mention of various wetlands. These wetlands turn into (as defined as 75A #34) a "Water course." That being said, this wetland when it rains turns into a visible path, possibly a stream, by which surface water travels on a regular basis including drainage areas which contain water only during and immediately after a rain storm. I believe it's understated how far away the very end of the septic systems are from this wetland/water course. This wetland is the beginning of a stream which the closest part of the treatment system is close to. Any over leaching will run into this wetland.

5. These systems mentioned have specific rules to be followed to prevent soil compaction. If I were a homeowner with one of these raised bed systems I would be vigilant to follow the rules associated with them. ie) no lawnmowers, pets, human traffic, exterminating burrowing and tunneling pests, no pet stakes, not a child play area, swings, etc. This is one of the most important points to be made: Who will police tenants to follow the above rules so the systems don't fail? How can a landlord possibly monitor his tenants activities without invading their privacy? Will the tenants be informed of all the preventative measures needed and will they follow the rules or just flush the toilet and go out and play? Our concern, once again, it's our opinion these systems should not be used for rental application.

We are very concerned for our own property. Currently, there is a small incline from the property at hand that goes down to our property. The buildings proposed will be raised higher than our home and the water will run down hill and into our yard making it a swamp land and possibly affect the basement. We are especially concerned about this with the proposed raised septic systems, which we feel will make it much worse. The front yard doesn't drain very well as it is. Our neighbors across the street has an older home and when a newer home was built on the adjacent property, it was built higher and sloped to the neighbor's yard. The owner of the older home had so much water that ducks would come and swim in their yard. They had to bring in fill to try to dry up the property which didn't do much good. Because of this, there is no way that anyone can convince me that the building of any buildings next to my property won't affect the drainage and runoff. We would like to know how it will be proposed to prevent water runoff from the homes and the septic fields, which will be near my property line, to prevent the decline in my property value. Additionally, with our basement being exceptionally dry, will we be able to come back to the town in the future for a remedy if the basement were to take on water because of the lack of drainage away from our property?

In closing, for now, I'd like to use the words of Mr Jamie Easton from MJ Engineering at the October 14, 2014 Planning Board Meeting, "To be honest, there are no true duplexes nearby." We pray that the planning board of the Town of

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Halfmoon takes this statement and reflects on it and keeps it that way. These structures will not fit the character of this area. Mr Easton also mentioned in the minutes that twin homes certainly can be attractive. This is not the case in this neighborhood since the proposed buildings will be much larger than any of the nearby homes on this road, including Middletown Rd. They would be out of place. These proposed duplexes are much too large for the property. Looking at the Concept Sub Division Plan of MJ Engineering 8-14-14, they are being squeezed in there so much so that the 'turn around' in the driveway looks like it is right at my property pin.

As residents of Halfmoon, we would appreciate you taking into consideration our concerns that we have about this proposed sub division.

Thank you in advance for taking the time to read this lengthy email. Please respond to our concerns.

Sincerely,  
John Plumer  
Beth Fronczek Plumer

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**END – EMAIL FROM Mr. Plumer**

Mrs. Sharie Fitzgibbon stated the following: My husband and I own the parcel immediately joining Mr. Rafferty's proposed subdivision. I just wanted to support Mr. John Plumer in his statement about the flooding on the land. My husband and I have owned our property since 2001 so; we're very familiar with it. I do need to say that our basement floods on a regular basis whenever there is heavy rain. We are a little bit higher up I think than the property that is to be developed, but our basement does flood unless we keep an eye on it as we have to go down and run two sump pumps to clear it every time there is a heavy rain. Parcel #1, which is the parcel on the point, floods ridiculously in the spring and it's to the point where you cannot walk in there as it is all a quaking bog. If you go and actually walk the property, you can see that most of the plants in there are bog plants; there are ferns and there are maple trees that are stunted because they are always in water and this is not a land that is flat and dry. From our own experience, we've seen flooding down the one side that does adjoin that little bit of the Middletown Road section of it. I can't add more to what Mr. Plumer and others have said, but I did want to bring it to your attention that our property at least does already deal with flooding, our basement already floods and if you intend to put basements on these properties, chances are very good that the owners are going to be dealing with wet basements constantly. Mr. Charles Lague stated the following: My wife and I own the older house across the street from the proposed properties. As far as the wetland factor; I grew up on Brookwood Road and I own my grandmothers old house. My cousin lives at 225, which is not a duplex and my father owns next to him and my aunt owns the property next to them. The Fitzgibbon's property was my cousin Earl's before he moved to Florida and I know the property. I used to ice skate and catch frogs on that property and that's how wet that property is. Twenty-five years ago, the Town took out all the drainage pipes so that the baseball field didn't flood. The water used to run down the odd numbered side of the parking lot, dump into the road and dump into the firehouse's ball field. They tore that up and that water now goes through my property behind the other houses on the odd to go behind the firehouse and that's the way the water runs now. That pond in the corner still does get wet enough to go ice skating in the spring. Mrs. Lague stated the following: It does stay severely wet year round. When his cousin lived where the Fitzgibbon's live, we would go to visit as there was a path that was there. Since his cousin moved we obviously no longer visit the house, but because of where we're located, we can still see the land very well and it does get boggy and you can see how wet it is. You can see from the animal tracks that the animals that go through there get stuck in the mud. As far as the driveways, the sight distances and stuff, literally a couple of times every week where there are accidents that people go off the road right at that bend. We have a hard time pulling out of our driveway and if this many more cars are going to be introduced on that bend, it's going to make it even harder. With that stretch of road where there is kind of like a "S" turn, it's horrible and people drive through and right where the driveways are proposed, that's where people go off the road and if they're not going off the road on that side, it's on our side and our neighbor is literally always replacing his flagpole and his mailboxes. So, that bend is extremely dangerous now and if you introduce 16 spots worth of cars, even if they're grandparents and family members, it's going to be even worse and very dangerous. Mr. Ouimet asked would your opinion change if they were single-family homes as opposed to duplexes? Mrs. Lague stated the following: Well, there wouldn't be as many cars, but also, the water issues as Mr. Plumer had stated and what we have seen because we've been in our house since 1995 and his family owned it prior to that and we're the ones that are always fighting the water. If you bring in two duplexes or even a single-family; it's going to get worse regardless because the water that is there now, has got to go someplace and I'm not aware of where that is supposed to

be. I know where it's probably going to be, but not where it is. Mr. Plumer, 228 Brookwood Road, stated the following: One of the questions that I didn't ask; do the homes have a gutter system proposed on them and if it does, where is that water going to go and where is it supposed to runoff to? When you're talking about the three and four inch rainfalls that we have and more and then some in a four or five day period, you have to consider how much water that is. I don't know how much water that is, but it's a lot and when you have two buildings, you're directing the water period because of the pitches of the roof and one pitch can direct it one way, which can go to the Lague's house and another pitch can direct it our way to 228 Brookwood and another pitch can go to the Fitzgibbon's. So, something like that should be considered and answered before anything goes further because that's a lot of water. Mr. Ouimet stated right and I think that would be the same issue with a single-family home as well. Mr. Plumer stated it certainly would. Ms. Beth Fronczek, 228 Brookwood Road, stated the following: I want to make sure that the Board realizes that my property is adjacent to one of the proposed properties and when I'm standing at my side yard and I look at that adjacent property, I'm looking up. So, traditionally when you build a homes and because of the grading's so that their basements won't flood, they're built up higher and I do have a grave concern about it being even up higher so all that water because of either gutter systems or runoff that is typically there currently is going to continue running down the hill and then it will eventually get into my yard because there is a hill all along the side of my property and you can look up from there. I just wanted to make sure that that was stated. Mr. Ouimet stated I know that a group from the Board went out to look at the property and asked Mr. Roberts if he would like to give on report on the committee's visit to the site? Mr. Roberts stated the following: Yes. Mrs. Sautter, Mr. Higgins and I went out and did a field visit and we did notice near the curve what appeared to be a duplex and also we noticed that it was an older building and it was pretty obvious that that was a duplex before the current ordinance on Special Use Permits came into being. In my opinion if the owner of the building came before us at this time, I do not that would be approved as a duplex because it does not meet the character of the neighborhood. Also, in my opinion, this application does not meet the character of the neighborhood either and it would be better served as single-family homes if possible. Based on that and the comments of public here tonight, I'm against this proposal. Mr. Ouimet asked Mr. Higgins and Mrs. Sautter if they had anything to add? Mr. Higgin stated the following: I agree totally with Mr. Roberts. We did walk extensively on the site and we did see the wetlands that people have mentioned. We drove all around the area with all of the adjacent roads and we looked at all the adjacent houses and by far the vast majority is all single-family and the character of the neighborhood is definitely single-family. So, I also feel that the duplexes do not fit and do not fit into the character of the neighborhood. Mrs. Sautter stated the following: I also agree with both Mr. Roberts and Mr. Higgins. I actually walked into the woods and I know exactly what you're saying. I identified the foliage, even though we did the walk in October/November. So, I was well aware of what the wetlands are and I saw the dipping down and it was quite wet. Once again; one duplex, no matter how close it is, doesn't make up how many how many single-family homes there are. I look at it and even if you want to look at it mathematically it way out numbers and I agree with both Mr. Roberts and Mr. Higgins that this is just a single-family area. Mr. Ouimet asked the applicant; do you want the Board to vote on the question of subdivision and duplex as you've heard the comments tonight or would you like to withdraw your request? Mr. Easton stated the following: At this current point I'll withdraw my request based upon the information that the Board is saying about the duplexes. I will also talk to the applicant and discuss his options about what he would like to do with the parcel and how he would like to progress.



Mrs. Murphy asked so, are you withdrawing both of the applications in total? Mr. Easton stated I'm withdrawing both applications in total, yes because I'm going to have to. Mrs. Murphy stated so, if you decide that you're going to come forward and do something; you're going to have to reapply and start over. Mr. Harris stated the following: Are you going to withdraw the applications or are you going to ask the Board to table it so that you can talk to the applicant. I heard both and I'm the guy that has to follow up on this tomorrow and that's why I need to make it clear. Mr. Easton stated I'll say to table the decision at this current point until I can talk the applicant and see how he'd like to progress. So, that's what it should be right now and not to physically withdraw the applications. Mrs. Murphy asked are you making that request with regards to the subdivision application? Mr. Easton stated I'm making that request for the subdivision application and the Special Use Permit. So, for both of those decisions, I would like them tabled at this current point as I need to talk to my client to see how he wants to progress with the applications. Mrs. Murphy stated if both of these items are tabled, he has to come back to the next meeting. Mr. Ouimet stated I think the best thing for everybody concerned would be to table this and you would come back at our next meeting and tell us which way your client wants to go at that point in time. Mr. Easton stated I have no problem with that. Mr. Berkowitz asked once this is tabled can the public speak at the next meeting if they represent this? Mr. Harris asked do you want to close the Public Hearing or do you just want to adjourn the Public Hearing and keep it open until the next meeting? Mr. Ouimet stated I think we're probably going to keep the Public Hearing open so, if it comes back and it significantly changed, the public will have another opportunity to come back.

Mr. Ruchlicki made a motion to table the Rafferty Minor Subdivision and Special Use Permit applications and to adjourn the Public Hearing until the December 8, 2014 Planning Board Meeting to allow the applicant to address the concerns of the Board and the public. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.135 PH                    Birch Briar Apartments, 1639 Route 9 – Addition to Site Plan & Special Use Permit**

Mr. Ouimet opened the Public Hearing at 7:48pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Gavin Vuillaume from the Environmental Design Partnership stated the following: I'm here tonight representing the applicant. This project has been in front of the Board and I believe we met last month. It's a fairly simple application and the applicant is just proposing a small 2,400 SF pole barn garage at the existing Birch Briar Apartments. The property is zoned C-1 Commercial and we have about 4.5-acres of land on the property. Currently at the site there are three apartment buildings with approximately 40 parking spaces. The applicant is proposing this garage at the end of one of those existing parking areas and the garage would be used for the maintenance equipment used at the apartments. Since this project is in the C-1 Commercial zone district, apartments typically are not allowed in that zoning district so, therefore, it is a pre-existing, non-conforming use and it requires a Special Use Permit, which we're here for this evening. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:49pm. Mr. Ouimet stated to Mr. Vuillaume; I think I asked at the last presentation that we had two weeks ago whether or not the proposed garage would be solely for the use of the Birch Briar Apartments. Mr. Vuillaume stated yes, it would be. Mr. Ouimet stated so, I know your client has more than one set of apartment, but these two applications would just be exclusively for Birch Briar Apartments. Mr. Vuillaume stated yes.

Mr. Nadeau made a motion to approve the Addition to Site Plan application and a Special Use Permit application to allow the construction of a storage garage for maintenance equipment used at the Birch Briar Apartments. Mr. Higgins seconded. All-Aye. Motion carried.

**14.136 PH      Lands of T. McBride Jr. & S. Decelle (Mechanicville-Stillwater Youth Soccer League), 12 McBride Road – Minor Subdivision**

Mr. Ouimet opened the Public Hearing at 7:51pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here representing the Mechanicville-Stillwater Youth Soccer League in a proposal for a 2-lot subdivision of the Lands of McBride located at 12 McBride Road. The request is to cutout approximately a 14.5-acre parcel out of the McBride Farm. Basically that parcel has been leased by the soccer league for about ten years and they want to now buy it. So, this is why we're here for the actual subdivision and that is Lot "B" shown on the map. Lot "A" would be the remaining Lands of McBride, which is approximately a little over 70-acres of land. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:52pm. Mr. Ouimet stated the following: Mr. Rabideau, I know you were not here at our last presentation as Mr. Gil VanGuilder was here to do the presentation and this particular parcel was proposed as a Planned Development District (PDD), correct? Mr. Rabideau stated yes, that issue did come up and we talked with the McBride's and the McBride's attorney about this and they feel that since the PDD has expired that they don't want that 25 FT wide easement that was suggested around the parameter to encumber the parcel and that's their stance on that. Mr. Ouimet stated so; you're not willing to continue that trail corridor as proposed originally? Mr. Rabideau stated the following: That's correct and that's based on what our clients have requested. Now they did mention that the Krasuski Farm, which is being proposed for a subdivision, and when you look at the overall picture, that would make a better tie-in to the proposed trail systems that the Town is trying to do in that area as a suggestion. So, at this point in time our client does not want that encumbrance on there since the PDD does not exist. Mrs. Sautter stated the following: On the plan the dotted line goes through one of the soccer fields and asked is that was a property because I can't see it from where you have it up there. It's on the other side and it cuts right through one of the soccer fields and maybe it's just on our map. It says "A" and "B" and I know that we've looked at this before. Mr. Rabideau stated that's a contour line. Mrs. Sautter stated okay then that's just a contour line because it was labeled "A" and "B" on that line and it is labeled "B". Mr. Rabideau stated that was just the random positioning.

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

Mr. Berkowitz made a motion to approve the Minor Subdivision application for the Lands of T. McBride Jr. & S. Decelle (Mechanicville-Stillwater Youth Soccer League). Mr. Roberts seconded. All-Aye. Motion carried.

**14.137 PH      Gorski Subdivision, 61 Hayner Road, - Minor Subdivision & Lot Line Adjustment**

Mr. Ouimet opened the Public Hearing at 7:54pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land

Surveyor, PLLC stated the following: I'm here representing Mr. Walter Gorski in his request for a 3-Lot subdivision and a Lot Line Adjustment on his 80-acre farm. The proposal for Lot "A" is the homestead parcel and that's an existing deeded parcel by itself and we're doing a Lot Line Adjustment to adjust the line a little bit for that and then we are proposing to subdivide the remainder of the farm into three lots. Lot "B" would be approximately 37-acres, Lot "C" is about 18-acres and Lot "D" is approximately 25-acres. At this point in time the request is for estate planning purposes only and they do not foresee any building in the near future. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Ouimet closed the Public Hearing at 7:57pm. Mr. Higgins stated at the previous meeting when we mentioned Lot "D"; that the applicant is limiting himself with the access to that and we just want to bring up again that the applicant realizes that he's limiting what he can do with that lot in its present configuration. Mr. Rabideau stated yes, the applicant is fully aware of that. Mr. Nadeau stated Mr. Higgins are you basically stating that there can be no further subdivisions on Lot "D"? Mr. Higgins stated yes, in its present configuration Lot "D" cannot be subdivided. Mr. Rabideau stated that is correct, yes in its current configuration. Mr. Higgins stated we just want to make sure that that is on the record so, if there is any confusion later on, that the applicant is aware of that. Mr. Rabideau stated yes, for any further subdivision they would have to do some kind of Lot Line Adjustment, but right now it cannot be further subdivided. Mr. Higgins stated that's correct.

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

Mr. Nadeau made a motion to approve the 4-Lot Minor Subdivision and Lot Line Adjustment application for the Gorski Subdivision with the following condition(s): There shall be no further subdivision of Lot "D" in its current configuration. Mr. Higgins seconded. All-Aye. Motion carried.

**New Business:**

**14.139 NB**

**Patenaude Industries, Inc., 1050 Elizabeth Street – Change of Tenant**

Mr. Andrew Patenaude, the applicant, stated the following: I apologize as my attorney was supposed to be with me tonight to help me with this, but he is sick today. So, I'll try to do my best; we're here for a Change of Tenant. Mr. Ouimet stated can you tell us a little bit about what you propose to do at the site such as; how many employees will you have, your parking requirements and things of that nature. Mr. Patenaude stated the following: We are presently located in Mechanicville on Best Avenue and we've outgrown that area. We are planning to move over to the new facility, which is five times bigger that is 40,000+ SF and basically all of our equipment, our operations and everything can be inside the building and out of the weather and out of the land. Most of our work is done off-site and we work at G.E. Schenectady, Knolls Atomic and Atlas Copco and we do a lot of commercial and industrial work off-site. An average of 40 or 50 guys that we normally employ I'd say about 90% of them work off-site. On-site we do some specific things; we do some work for G.E. and it is like original equipment manufacturing things, we do components for generators that are built in Schenectady, we do some work for Atlas Copco for compressors that are built in Voorheesville, we do some work for A.H. Harris and they have concrete forms that we refurbish for them and then we do miscellaneous small items and different things at the facility. The lion share of our work is done off-site, but we haven't had enough room where

we are now and I think the time is good for us to make a move and the time is good for us to get that property up for sale. Mr. Ouimet asked does your workforce report to the site and then disperse? Mr. Patenaude stated the following: No, typically the workforce that's working away shows up away. The supervisors come to the site off and on during the day or at least several times a week. The majority of all my people are requested to show up at the site that they're working for to start work and to complete work there. Mr. Ouimet asked the Planning Staff if they had an opportunity to look at the parking requirements? Mr. Marlow stated the following: Yes, we have. According to the site plan that we have for quite a while ago, there are 19 spots assigned to the building, but there is plenty of overflow parking. The exact number I can calculate, but it sounds like there won't be a whole lot of people on the site at one given time. I sent an email, but I don't know if you ever received it. Mr. Patenaude stated I didn't. Mr. Marlow stated the following: I apologize as I thought the email went through. My big thing was clarifying how many people were going to be on the site at a particular time and worst case scenario with 10, 15 or 20 people or whatever it may be. Mr. Patenaude stated the following: Once or twice a year if I do a training seminar or something like that where I request a bunch of them to come, we might have a day where we're fitting in 20 to 30 cars where they're getting a training class, but that's it. They're not there every day, they don't report there every day and it isn't constant parking as the men all go to the jobsites. Mr. Ouimet asked Mr. Marlow if there was sufficient space to accommodate the occasional large meetings? Mr. Marlow stated yes. Mr. Higgins stated the following: Regarding the work that you do on-site; what type of materials do you have and if there were anything that is hazardous or anything like that? Mr. Patenaude stated no, in fact in today's day and age the types of materials we use are all VOC compliant (volatile organic compounds). To be honest with you, the materials that are used in the industrial fields today are probably less volatile than the ones you're buying at Wal-Mart to paint your bedroom with. Most of the materials that I'm using are approaching zero VOC's. Mr. Higgins stated the following: Okay. Will there be any sandblasting or anything like that? Mr. Patenaude stated the following: We do do abrasive blasting from time to time, but if we do, we setup a containment and we have dust collection and everything is done appropriately. We don't do it on a daily basis and we do it depending on a job that may occur and then we setup for that and do that. In this particular case, it will all be done in inside the building. Mr. Roberts asked are you proposing any signage on the property? Mr. Patenaude stated the following: Yes, as I was reading through the agenda, I noticed that other people requested a sign and I didn't. So, at some point I need to ask if I can put in a sign. For today's purposes; you tell me what is standard and allowed and I'll make it fit that. Mr. Roberts stated your will have to get back with Mr. Harris and Mr. Marlow to do an application. Mr. Patenaude stated okay, thank you. Mr. Ruchlicki asked how big are these units that you're going to be refurbishing or what is it that you do refurbish? Mr. Patenaude asked for clarification on Mr. Ruchlicki's questions. Mrs. Sautter stated the refurbishing from G.E.; we'd like to know more on how big it is, do you need cranes, and do you need forklifts to bring them in? Mr. Patenaude stated the following: Yes, there are things from G.E. that come in and mostly it's all new equipment. From time to time they may have a refurbished piece that comes into them to be rebuilt and they would send it to us and typically it goes over the road and it fits on standard trucking. We do have some fork trucks and typically our fork truck size is about 8,000 pounds and most of the things that we lift off fit in that range.

Mr. Roberts made a motion to approve the Change of Use/Tenant application for Patenaude Industries, Inc. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.141 NB      Center for Security, 1659 Route 9 – Change of Tenant & Sign**

Mr. Scott Hogan stated the following: I'm from the Center for Security and we're looking to add some signs and we're moving from just down the road up to a new location. We're just here to get an approval on the signs. We're looking to put a 4 FT x 8 FT in out in front and taking down a pre-existing sign that's up the street at 1604 Route 9 and a 2 FT x 10 FT sign that's up the street and installing it the same exact way at the new location. Mr. Ouimet asked is there a tenant in the building that you are moving into now? Mr. Hogan stated no. Mrs. Jean Hoffman stated the following: I own the property and it's basically Federal Development and it has always been there and it's been there for probably 20 to 25 years and we're just changing the tenancy. Mr. Ouimet asked Mr. Marlow if he had an opportunity to look at the parking requirements for this move? Mr. Marlow stated yes we did and there were a few things that we were a little bit unsure about that we want to clarify here tonight. Firstly, it's a rather large building and we weren't sure if the entire building was going to be used for retail or part of the building would be used for storage. So, basically what we did is we did a calculation based off of a retail use and as a result; 36 plus or minus spots are required and there are 19 spots on the last site plan that we have. The applicant said they would employ 11 people. I'm familiar with the site and I think most of us are and my big thing was that I wasn't sure of and I want to make clear here is how many people do you plan to have on-site at one time because that does affect things so, the question is; do you keep eight full-time employees on-site? Mr. Hogan stated usually there are about three to four people or so and sometimes one when the secretary gets stuck by herself. So, for the most part, most of the guys are on the road throughout the day. Mr. Marlow stated okay. Mr. Ouimet stated the following: I'm looking at the site plan that you submitted and is this for your proposed use or for what was there prior? One thing that I don't see is any handicapped parking spaces. Mrs. Hoffman stated the Town had told me to just to use that plan and as a matter of fact, I couldn't find mine and they gave me theirs and I copied it, but that plan has been used for the last three tenants. There is handicapped parking up in front. There are 16 spaces in the back and there are three in the front. Mr. Ouimet stated so; the three spaces in the front are the handicap spaces? Mrs. Hoffman stated yes, they can be. Mr. Ouimet stated well, if you're going to invite the public in, you are going to need at least one handicapped spot. Mr. Hogan stated very good, no problem. Mr. Ouimet stated the following: That handicap spot in front has to be depicted on the plan. So, you can work with our Planning Department to get that done. Mrs. Hoffman and Mr. Hogan both stated okay. Mr. Higgins stated regarding your service trucks that you have several of; will those be parked in the rear of the site? Mr. Hogan stated yes, each one of the guys takes a vehicle home at night so they're not all based there at one time. Mr. Higgins stated but even during the day and I frequent your facility and I know they usually park off to the side so that the spots in the front are available. Mr. Hogan stated correct. Mr. Higgins stated since you're limited in the number of spots in the front of the building, and one is obviously going to be designated as handicapped, and in order to leave room for your customers you going to have to instruct your employees to park in the rear with their vehicles. Mr. Hogan stated that's correct, yes. Mr. Ouimet asked Mr. Roberts if he had a chance to look at the Sign application? Mrs. Murphy stated he was just showing me and it appears from the drawing that we have that the existing sign is not on your property. Mrs. Hoffman stated the sign that they're using is just down the road and they're going to take that sign from down the road and bring it up. Mrs. Murphy stated on the map that I'm looking at there appears to be a boundary line delineating two different parcels and the sign is not on the building parcel and it's on some other parcel.

Mrs. Hoffman stated I can't answer that as that has been there forever. Mr. Ouimet asked do you propose to transfer your existing sign to the spot that's listed here for signage? Mr. Hogan stated yes, that is correct and the one that's also on our existing spot on our roof that is 2 FT x 10 FT, we're going to remove that and put that on the roof of our new building location. Mr. Ouimet stated I'm not really worried about that and I'm concerned about this sign that is located on someone else's property and I think it's listed here as Federal Development Corporation. Mrs. Hoffman stated correct. Mr. Roberts stated to Mr. Ouimet; they can't put a sign on the roof either. Mr. Ouimet stated I haven't seen that application Mr. Roberts. Mr. Hogan stated the following: It's exactly the way it is just right up the street. There are two separate signs; there is a 4 FT x 8 FT that is on the post and there is a 2 FT x 10 FT sign. Mr. Ouimet stated the following: I think what we can do tonight is that we could approve the Change of Use/Tenant application so you can move into the building, but what I would like is for someone from the Board to go out and take a look at where you're proposing the placement of the signs and work with you to make sure that they meet Town code. Mr. Hogan stated absolutely, thank you. Mr. Ouimet stated that will be setup by the Planning Department and then you can come out and you can tell them what you want move and where you want to move it to. Mr. Hogan stated thank you very much. Mr. Ouimet stated the following: Mr. Harris, Mr. Roberts and the applicant are going to meet to discuss the placement of the signs. So, you can arrange for that as soon as you can.

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

**Number of Signs: 2**

- Sign 1
  - 2' x 10' = 20 SF
  - Internal Lighting
  - Wall-Mounted
- Sign 2
  - 4' x 8' = 32 SF
  - Two-sided
  - Free-standing/monument
  - Internal Lighting

Mr. Roberts made a motion to approve the Change of Use/Tenant application for the Center for Security with the following condition(s): (1) one parking space in front of the building shall be allocated and marked as handicapped; (2) two parking spaces in front of the building shall be allocated as customer parking; (3) all work-related and employee vehicles shall be parked in the rear of the building. Mr. Higgins seconded. All-Aye. Motion carried.

The Sign application was tabled to allow a site visit with the Planning Board and the applicant to determine the specific location of the proposed signage.

**14.142 NB      Kennedy/Choate Garage, 405 Hudson River Road – Commercial Site Plan & Special Use Permit**

Mrs. Patty Kennedy, the applicant, stated the following: My husband, Rob Choate, is also with me tonight. We live at 405 Hudson River Road that is located right in back of the Chrome Restaurant that used to be Castanzo's. We would like to build a garage for our cars and that's it, just a personal garage. There seems to be three obstacles to that; the first obstacle that we were never aware of and who would think of this; is that we are landlocked

and we don't have frontage on the front of Hudson River Road, but we do have a deeded easement that runs through the parking lot of Chrome Restaurant and back to our house. That is a legal deeded easement, but in the case of an emergency and if that were blocked, there are other ways to get into our property. The second code obstacle is that we are attempting to build a non-conforming building. We already have a pre-existing, non-conforming building on the property. Our house was there for about 40 years and it was built in the 70's and to my knowledge it has been the only structure on that property. So, it's been non-conforming for as long as the code has been there. So, we want to add to that non-conforming by adding a garage for our cars, lawnmowers and those kinds of things. The third thing and I don't if this is addressed by this venue here, but the fact that there can be no storage in front of a house and no garage in front of a house. We're not actually proposing to build the garage in front of the house, but on the side yard, but because of the angle of the lot and the placement of the house towards the back of the lot, the front line of the garage would be forward of the front of the house, but not actually in front of the house. I hope I made that clear. Mr. Ouimet stated the following: You did and there are certain things that we can work with and other things we can't. One of the things that we can't work with is expanding a non-conforming, pre-existing use. This Board doesn't have the legal authority to permit it. Mrs. Kennedy asked is there a Board that does? Mr. Ouimet stated the following: There is and that's the Zoning Board of Appeals (ZBA). However, before we get that far, are you are proposing a three car garage? Mrs. Kennedy stated yes. Mr. Ouimet stated and this is for personal use and it's not for a commercial application at all, correct? Mrs. Kennedy stated no, one of our cars would be in each bay and the third bay would be for motorcycles, kayaks, bicycles and all of that stuff would go in the third bay. Mr. Ouimet stated correct me if I'm wrong counsel, but I don't believe we have the authority to vote on this. Mrs. Murphy stated this Board would have to deny this application the way that it is written and then they can go to the ZBA and ask for relief from that Board. Mr. Ouimet stated there are certain things that we can do and other things that we can't and that's one of them. Mrs. Kennedy stated so; if we went to the ZBA and assuming that we would prevail there, would we eventually come back to this Board? Mr. Ouimet stated yes, if the ZBA were to allow it. Mrs. Kennedy asked so; should we have gone to the ZBA first? Mr. Ouimet stated no, you can't go to the ZBA without this Board denying your application as it's a catch 22 kind of thing. Mrs. Kennedy stated yes, it sounds like that. Mr. Ouimet asked can they get on the ZBA schedule for the first? Mr. Harris stated no, I don't believe so as that is next Monday and I think their deadline was a week ago. Mr. Ouimet stated the following: Sorry we have to deny you. I'm not sure that you can get on the ZBA's calendar because the ZBA meets once a month and their meetings are held on the first Monday of the month. So, I believe you missed their December deadline. Mrs. Kennedy stated okay, we will try for January then.

Mr. Ruchlicki made a motion to deny the Commercial Site Plan & Special Use Permit applications for the Kennedy/Choate Garage due to the status of the property as an expansion of a pre-existing/non-conforming use and the failure to meet the following area-related requirements of the Town Code: (1) Sec. 143-2 (Flag Lot definition) – inadequate lot frontage (it is a land-locked parcel); (2) Sec. 165-34B – accessory structure in the front yard; (3) Sec. 165-Attachment 1 – inadequate rear yard setback in the M-1 zoning district. Mr. Higgins seconded. All-Aye. Motion carried.

**14.143 NB      Nonna Maria's Italian Kitchen, 1505 Route 9 – Change of Tenant & Sign**

Mrs. Michelle Cunsolo, the applicant, stated the following: My husband, Mr. Gerardo Cunsolo, is also present for tonight's meeting. We're here tonight for a Change of Tenant and also to change the signage. We are currently in the process of taking over Parma Italia that is located in the 1505 Route 9 plaza. So, we are basically making no structural changes at this location at all. We are going to be just making some menu changes, but nothing to the structure. As far as the sign; we are going to keep the existing wall-mounted sign box that's there and change the sign with just our logo as well as the free-standing/monument sign. Mr. Ouimet stated it's our understanding that your application says that you're not going to have table service inside, is that correct? Mrs. Cunsolo stated the following: There is currently table service there and our focus is take-out. So, that's our primary focus and we will serve complete Italian meals that you take home with you. As far as the existing seating; we plan to minimize what's there right now. I think currently it is setup for about 30 seats now and our plan is to minimize that and our focus really is for take-out. If somebody does chose to eat their meal inside, then by all means we'll have some seating there. Again, our focus is take-out. Mr. Ouimet asked so; are you going to remove some of the tables? Mrs. Cunsolo stated we are going to remove some of the tables. Mr. Cunsolo stated we may make the kitchen bigger. Mrs. Cunsolo stated yes, but not right now. Mr. Cunsolo stated we'll probably keep six or seven tables. Mr. Ouimet stated the following: Do you think that there is a lot more tables than that in there now because I know they used to do lunches and things of nature where people actually sat down at the tables? Mrs. Cunsolo stated the following: I put eleven on the application just because in the spring we may consider opening for lunch, but going into the winter season we will not be doing lunch initially. I did put that on the application just so in the future we would have that option. Mr. Ouimet asked Mr. Marlow if he had an opportunity to look at the parking situation there and have we had any parking complaints in that plaza? Mr. Marlow stated the following: This is virtually the same exact use as what is there so it doesn't change the parking requirements specifically. As a matter of fact; they're going to reduce the number of tables from what is there now that may in fact decrease the number of parking spots required. So; no, we haven't had any issues with parking at that plaza as of yet. Mrs. Sautter asked are you going to be doing family style dinners or complete package dinners for a family of six? Mrs. Cunsolo stated the following: No, not initially. What you're speaking about I think is like when prepare dinner for four for take-out. What I mean by complete is all of our dinners will come with a side of pasta and a salad like it's restaurant quality as if you went out to eat, but now you can go home and eat in your pajamas and be comfortable. So, that's what I mean by a family style meal. Mr. Ouimet asked are you moving your restaurant from another location? Mrs. Cunsolo stated the following: We had a restaurant for ten years in Guilderland that we sold two years ago. So, we're sticking with the same concept that we had in Guilderland and that restaurant was called "Chef's Take-out" and it was very successful, but when we had an opportunity to sell we took it. Mr. Roberts stated the signs are fine.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**  
**Number of Signs: 2**

- Sign 1
  - 3' x 16' = 48 SF
  - Internal Lighting
  - Wall-Mounted



- Sign 2
  - 1' x 5' = 5 SF
  - One-sided
  - Free-standing/monument
  - Internal Lighting

Mr. Roberts made a motion to approve the Change of Tenant application for Nonna Maria's Italian Kitchen. Mr. Berkowitz seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for Nonna Maria's Italian Kitchen. Mr. Berkowitz seconded. All-Aye. Motion carried.

**14.145 NB      SDB Inc., 425 Route 146 – Change of Tenant & Sign**

Mr. Matt Petersen, the applicant, stated the following: I'm here on behalf of SDB and I'm the Division Manager for SDB from Arizona. We are proposing a Change of Tenant and a Sign at 425 Route 146. The property has a two bedroom home with one bath that we intend to use for office space only, which would be for myself and any other field supervision and incidentally to our construction business. We would use the pole barn in the rear for storage of our materials, which would consist of mainly scaffolding materials. Our main focus at this point is places like Global Foundries, which is the big reason why we are here and eventually other areas in Saratoga that would require scaffolding services or other construction services that we offer. Again, the office space would be for myself and maybe two to three other people at the most. We would have up to maybe 30 to 40 employees, but those would all be off-site. Mr. Ouimet asked do we have a current site plan for this? Mr. Marlow stated we do. Mr. Ouimet stated do we have a new site plan up here because I'm looking at an old one here that doesn't show a driveway and it doesn't show any parking spaces or anything. Mr. Marlow stated the following: The site plan doesn't specifically show lined parking spaces. The site plan that the Board has is the most up-to-date site plan that we have. Mr. Berkowitz asked is there a driveway that goes back to that building? Mr. Petersen stated yes. Mr. Berkowitz asked is that driveway large enough for a tractor-trailer? Mr. Petersen stated no, but it is large enough for my truck though. Mr. Berkowitz asked is yours the only truck that will go back there? Mr. Petersen stated yes. Mr. Berkowitz asked have there even been tractor-trailers back there? Mr. Petersen stated yes, there has. Mr. Berkowitz asked how did it get back there? Mr. Petersen stated the following: We were able to get one tractor-trailer up into the driveway and that is part of the reason why we are here as it was on the parked on the side of Route 146, which we were quickly told was not compliant. So, we rectified that by removing the truck and now we're here for the Change of Tenant. Mr. Berkowitz asked are you still going to have tractor-trailers going to the site? Mr. Petersen stated no. Mr. Higgins asked how are you going to operate in the future then? Mr. Petersen stated our truck is small enough as we use a 1.5-ton truck with a gooseneck trailer that we can maneuver in and out there, but it's not as large as a tractor-trailer with a 53 FT trailer behind it. Mr. Ouimet asked if we were to approve this request, this site plan clearly isn't the way the site looks. Mr. Harris stated for clarification; I believe that's the plan that was approved when they came in and got a Special Use Permit. Mr. Robert Murray, the owner of the property, stated the driveway configuration was done so that a fire truck could get back there and that's what held up the approval of the Special Use Permit for two months because they said that they had to be able to get a fire truck in there. Mr. Ouimet stated but the site plan was never changed. Mr. Murray stated they never asked me to change it. Mr. Nadeau stated I

think at the time when he came in it was just to add the pole barn, is that correct? Mr. Murray stated right. Mr. Ouimet stated yes, but that was for a residential use. Mr. Higgins stated at that time it was for personal storage. Mr. Murray stated what we were building there was a salon for my daughter and then she went into the nursing field and I just purchased the house down the street for her, which she moved into. Mr. Nadeau stated the following: I think what they are getting at is that that site plan represents when you came in to add the pole barn and not a retail facility. So, that was just the site plan showing his pole barn. Mr. Ouimet stated no, the site plan shows a residential home with a driveway off of Route 146 and a pole barn in the back. Mr. Nadeau stated right. Mr. Ouimet stated and what you're proposing to do now is to convert this from residential to commercial, correct? Mr. Murray stated right. Mr. Ouimet stated so; this site plan needs to be revised to show parking and other things. Mr. Murray stated actually I put the parking in behind it because one was the fire truck and the other one was the road with getting in and out of there and you have to turn around. Mr. Ouimet stated right and I'm not arguing that you did it, but it's just not on our plan and we need an accurate site plan for whatever use is proposed for this site. Mr. Harris stated so; Mr. Ouimet wants the site plan revised to reflect the parking. Mr. Murray asked so; you want us to submit a revised site plan to show the parking that is there now? Mr. Ouimet stated yes, because right now it shows a single-family house with a residential driveway and then if there is some way around it that you can get around the driveway to get to the back of the building as there is parking in the back. Mr. Murray stated it's just an area for a turnaround for the trucks. Mr. Petersen stated right and it is there, but I guess it's just not on the plans. Mr. Higgins asked is there room between the fence and the door of the garage for you to swing your trailer in there? Mr. Petersen stated absolutely. Mr. Higgins stated okay because I thought it was tighter than that, but I have never walked back there. Mr. Murray stated no, it wasn't open there before because my truck is 30 FT. Mr. Higgins stated okay, I just want to make sure that we don't have problems with you trying to back in all the way off of Route 146. Mr. Murray stated the following: He's not going to back in as his vehicle will be driven in. I think what you're referring to with the tractor-trailer; there was an incident where a tractor-trailer was unloading with some scaffolding on it, which was a mistake and it shouldn't have been sent up. We were reprimanded for it and we apologized as we didn't know it was coming and we dealt with it as fast as we could and understanding that it was a dangerous situation. Mr. Higgins stated but even in the future, if it's a mistake, you have to send them somewhere else to be unloaded. Mr. Petersen stated we definitely will not have a tractor-trailer come to the site. Mr. Higgins asked is there a tractor-trailer behind the house now? Mr. Murray stated no, there was never one back there. Mr. Petersen stated it wasn't a tractor-trailer, it was a gooseneck trailer. Mr. Higgins stated the following: Okay, it was a gooseneck trailer because we were told there was trailer behind the house now and that's why we asked the question and is that a 24 FT gooseneck? Mr. Petersen stated 25 FT. Mr. Ouimet stated are you proposing the storage to be all in the pole barn? Mr. Petersen stated for the most the part and we will incidentally have a couple things with a few racks of material that will remain out, but our intention would be to fence the property as well. Mr. Ouimet stated it's not permitted to have outside storage in the Town. Mr. Petersen stated okay. Mr. Ouimet stated so; you would not be able to have outside storage and your storage of equipment would have to be inside the structure. Mr. Petersen asked is there a way to get permitted to store materials outside as there are certain pieces of equipment that we have that are 20 FT in length that I simply just can't move in and out the pole barn? Mrs. Murphy stated the following: What happens is; this Board often will put as a condition that they will be no outside storage, but if you take your site plan and propose something like a fenced in

area that will be for storage that won't be visible, that's something that this Board has the ability to approve, but that's why they want you to update the site plan just so they know exactly what's going on. Mr. Petersen stated okay. Mr. Higgins stated and also the number of vehicles that are going to be parked there overnight; in other words, just a rough number. Mr. Petersen stated it's only a truck and a trailer. Mr. Higgins stated well, even if you say two trucks and two trailers for future expansion, it should be on your site plan. Mr. Petersen stated okay. Mr. Berkowitz stated and also what area that you're going to fence in because it looks like there is a stockade fence here. Mr. Murray stated correct. Mr. Berkowitz stated but there is nothing here. Mr. Murray stated correct. Mr. Berkowitz asked so; are you going to put one here? Mr. Murray stated yes. Mr. Berkowitz asked all the way from here to Route 146? Mr. Murray stated no, to the corner of the home and nothing is coming out front. Mr. Petersen stated yes, nothing would come out to the front of the property and everything would be behind the fence. Mr. Murray stated yes, behind the fence so, you really can't see it from the road. Mr. Berkowitz asked is there somebody living here? Mr. Murray stated Mike Dietz lives there. Mr. Berkowitz asked does he mind you doing this? Mr. Murray stated no and I have already spoken to Mr. Dietz. Mr. Berkowitz stated you might want to get a letter from his also. Mr. Murray stated okay. Mr. Higgins stated the following: I know when you were here the last time you had gotten something from the previous owner of the beauty salon also and I know that the beauty salon now has a different owner. Mr. Murray stated no, it is still the same owner, but there's a different tenant. Mr. Higgins stated I thought that they sold the building. Mr. Murray stated not to my knowledge. Mr. Higgins stated okay and I'm just saying that because obviously those are your two neighbors that would be mostly impacted. Mr. Murray stated right. Mr. Ouimet stated just so that I'm clear; the general public isn't invited into your office, correct? Mr. Petersen stated no, not normally, but if someone wanted to knock on our door, then I'm sure that we would answer it. Mr. Ouimet stated yes, but you might end up getting yourself handicapped parking and things of that nature. Mr. Murray stated the office is going to be used for drawings for the designers and the engineers. Mr. Petersen stated I may have a customer that may want to hold a meeting and we may hold a meeting there with one or two people. Mr. Ouimet stated that's not what I meant and you don't have products for sale and you don't display products for sale. Mr. Petersen stated no. Mr. Ouimet asked are you going to have a sign? Mr. Petersen stated yes and I assume for the sign that we would have to put that on the drawing as well. Mr. Ouimet stated yes. Mr. Petersen stated okay, which would be in the front yard I guess. Mr. Murray stated yes, we put the paperwork in for the sign, but we weren't aware of this. Mr. Ouimet stated I wasn't aware of it either until I just opened it up and looked at it and things are not exactly as you portrayed them to be. Mr. Murray stated do you want us to show the fencing on the site plan also? Mr. Ouimet stated yes, if you're going to have outside storage it should be in a fenced in area and the fence should be of a sufficient character where you can't see through it. Mr. Murray stated right. Mr. Petersen stated okay. Mr. Ouimet stated the following: If you look at Bast Hatfield; they have fenced in storage area on top of the hill before you go down and it's covered with a green tarp like material. So, it's a chain linked fence but you can't see through it. Mrs. Murphy stated okay, just so it's clear; the Board wants to see the parking, the traffic flow, the sign and the storage area that's going to be fenced in. Mr. Higgins stated also a note on the drawing saying that there will be no tractor-trailers unloaded at the site or on the site. Mr. Petersen asked would that include my gooseneck trailer? Mr. Higgins stated I was just going to say that the only trailers that will be utilized on-site can be driven into the site and turned around and not that you have to back them in off of Route 146. Mr. Petersen stated okay.

This item was tabled in order to allow the applicant to submit a new site plan reflecting the proposed outside storage and fencing, on-site traffic flow, parking spaces and the sign location.

**14.146 NB      Homestead Funding Corp., 1707 Route 9 – Change of Tenant & Sign**

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: I'm here tonight for a Change of Tenant application along with a Sign application for Homestead Funding Corporation. Homestead Funding wishes to move into a 2,221 SF office space at the Shoppes of Halfmoon. The prior use of this tenant space was used for several different campaign offices so; this would be a more permanent tenant for us. Homestead Funding Corporation basically qualifies borrowers and assists them in finding a proper mortgage options. They have 11 employees and out of those 11 employees one is full-time at the office and the other ten are mortgage originators who usually work out of their home or basically visit their client's residence or place of business. We feel that at any one give time five of these people maybe in the office. Sometimes they may hold a closing in the office, but that's not the norm and if that does happen, there probably could be up to maybe ten people in the office at that point. Their hours of operation are 8:00am to 5:00pm Monday through Friday and they are closed on Saturday and Sunday. Also, they are proposing a sign that is 2 FT x 8 FT single-sided sign above the storefront, it's non-lit and it's uniform to the site. Mr. Ouimet asked are they moving from behind Stewart's down near the bridge? Mr. Williams stated I think they were located at Nine North and I think they have been in the Town for a while. Mr. Higgins asked is there going to be an addition to the monument sign out front? Mr. Williams stated no, not for this tenant. Mr. Ouimet stated so; it's just the sign on the face of the building, correct? Mr. Williams stated yes, and those signs are all uniform. Mr. Ouimet asked will this tenant fill up that building? Mr. Williams stated yes, it does. Mr. Ouimet stated and you are aware if you change the monument sign that you have to come back before the Board for permission first as opposed to changing it first? Mr. Williams stated yes I do know that, but this tenant isn't having a sign on the monument sign.

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

**Number of Signs: 1**

- Sign 1
  - 2' x 8' = 16 SF
  - Wall-mounted

Mr. Roberts made a motion to approve the Change of Tenant application for Homestead Funding Corporation. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for Homestead Funding Corporation. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.147 NB      Town of Halfmoon Subdivision of Lands to be Annexed to Rexford & Fellows, Fellows Road – Minor Subdivision**

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: This proposed subdivision is basically a housekeeping item that we're trying to solve and it's related to when the Fellows Road realignment happened and when they cut the ears off the

"Y" of the old Fellows Road east/west routes it created a pie shaped .56-acre triangle that is owned by the Town and it was noted as a Town right-of-way when the "Y's" were in there. At this point we wish to subdivide that .56-acre creating a .21-acre that would go to 88 Fellows for the Lands of Rexford and the part of it would be .35-acres that would be conveyed over to 82 Fellows Road for the Lands of Fellows. At the end of the day 88 Fellows Road Lands of Rexford will have a total acreage of 2.95-acres and 82 Fellows Road Lands of Fellows will have 2.92-acres. We are hoping that the Board would consider a Public Hearing for this subdivision.

Mr. Nadeau made a motion to set a Public Hearing for the December 8, 2014 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**Old Business:**

**14.039**

**&**

**14.040 OB**

**Bisceglia (2-Lot & 4-Lot) Subdivision, 683 Hudson River Road –  
Minor Subdivision**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing the Bisceglia Subdivision. This is continuation of the review of the two Minor Subdivision. Since the last meeting when Mr. VanGuilder was here we did shoot topo on the sites and that should be represented on the map with that because one of the main concerns was the concern of the Board of potential flooding of the access and/or buildings on the site. I did call the guys at Lock 1 to see what the actual elevation of the river is and it was 31 FT today and that's normally what it is and the 100-year flood elevation is 40 FT. Now what we're proposing of the five houses; the lowest one, which would be the home on the 2-lot subdivision, the one farthest north that elevation of the actual ground is where the proposed is going is 46 FT so that's at the lowest and that's 15 FT above the river at this point in time and 6 FT above flood stage. The rest of the houses range from 46 FT up to 62 FT. So, as far as the issue as far as the housing is concerned there is no issue with flooding. We got elevations on the first wetland area that's closest to the river and that seems to be a consistent 52 FT and the other wetland that's closer to the road that's higher up is about 58 FT. So, basically any place on the site or as far as access and housing is way above the flood elevation and at this point in time we are requesting the Board refer this project to CHA. Mrs. Sautter stated regarding the wetlands closest to Hudson River Road; the map that I looked at indicated that there is a 100 FT barrier around it. Mr. Rabideau stated there shouldn't be because that's all Army Corp of Engineers (ACOE). Mrs. Sautter stated the following: I would look at that one again only because I did look at it several times and it had to do with not so much the wetlands here, but something to the north of it. Is there a body of water and is there something to the other side of it that you're not showing? Mr. Rabideau stated no, that keeps going up and there are actually houses north of this site. Mrs. Sautter stated that's what the second map is and what about to the west of Hudson River Road and what about on the other side of there? Mr. Rabideau stated the following: Basically it goes up and it goes from elevation 58 to 66 so, it is actually higher. The road is high here and then it goes down here and the flow of this wetland is this way so, down here there may be something way down here. This wetland pretty much ends here and it flows that way so, this is pretty much like just a pocketed body of water. Mrs. Sautter stated okay, but to the west of Hudson River Road, is there not New York State wetlands there because the map that I looked at indicated that there is a 100 FT and 500 FT barriers surrounding those areas. Mr. Rabideau stated

there might be on the west side. Mrs. Sautter stated but it encompassed those lots. Mr. Rabideau stated possibly the 500 FT adjacent area, which is standard. Mrs. Sautter stated right, but what I'm saying is it comes over into your lots. Mr. Rabideau stated it may have, yes. Mr. Sautter stated okay, it does and my point is that you might want to check that. Mr. Rabideau stated okay. Mr. Higgins stated when we were out there doing the site visit; the wetlands, especially the ones closest to the river, we were concern about flooding the driveways and people not being able to get into their homes and emergency equipment not being able to get into their homes. Mr. Rabideau stated correct. Mr. Higgins stated the following: So; we weren't talking about them being flooded from the river, we were talking about them being flooded just from heavy rainfalls or runoffs in the spring and things like that. I know you told us that you're higher than the river, but this still doesn't tell us that those wetlands will never overflow the driveways. Mr. Rabideau stated the following: The watershed area for that wetland that you're referring to is very narrow and it's only possibly 100 FT on each side of it and it just sits there. When you look at the hydrology out there, you can see where the water has black stains and it just doesn't go up as the outlet is actually going north so, there is a relief for it and it doesn't come and you can tell from the vegetation, the staining of the leaves and things like that that show that it does not fluctuate. If anything, what you saw this spring is as high as it gets and that's the elevation that we have on it. Mr. Higgins asked so; how far above the 52 FT level are you going to raise the driveways? Mr. Rabideau stated looking at the topo and in order to get a culvert in there with 2 FT of fill, I would say the top of the driveway would have to be at least 3 FT above the wetland for the culvert and at least a minimum of 2 FT of coverage on the pipe. Mr. Higgins stated and with that you're able to build a driveway that would sustain an 80,000 pound fire truck? Mr. Rabideau stated that's correct. Mr. Higgins stated with two feet of fill over a culvert? Mr. Ouimet stated I think we will refer this to Mr. Bianchino and let the engineers work out the details on the elevation and I would like Mr. Bianchino to pay particular attention to that issue. Mr. Higgins stated when we were out there, we spent a lot of time there and we looked it all over and as a committee we felt that it was a little too intense in our opinion, but the applicant apparently still feels he wants to proceed with this. Mr. Rabideau stated that's correct and we did talk with the applicant expressing to him the Board's concern of it being too concentrated and he talked to his realtor back and forth and he came back and said "I want to go with the plan that is proposed". Mr. Higgins stated okay, we'll see what happens when the engineering review comes back.

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

Mr. Ruchlicki made a motion to adjourn the November 24, 2014 Planning Board Meeting at 7:49pm. Mr. Berkowitz seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary