

**Town of Halfmoon Planning Board****Meeting Minutes – August 11, 2014**

Those present at the August 11, 2014 Planning Board meeting were:

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

**Planning Board Alternate:** Margaret Sautter

**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 August 11, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the July 28, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the July 28, 2014 Planning Board Minutes. Mr. Nadeau seconded. Mr. Ruchlicki abstained due to his absence from the July 28, 2014 Planning Board Meeting. Vote: 6-Aye, 0-Nay. Motion carried.

**Public Hearing:**

**14.086 PH Mikol Subdivision, Hogan Lane – Minor Subdivision**

Mr. Ouimet opened the Public Hearing at 7:01pm. Mr. Ouimet asked if anyone would like to have the notice read. Mr. Ouimet read the Public Hearing notice and a copy of the notice is on file in the Town's Planning Department. Mrs. Denise Mikol, the applicant, stated the following: My husband, Mr. Doug Mikol, is also here with me tonight. We are looking to subdivide a piece of our property that we've owned since 1985 and one of the lots will be going to my youngest daughter. The lot will be a minimum lot size with 20 FT of frontage on Hogan Lane and there is Town water, County sewer, gas, electric, Verizon and cable TV right there on the road. The property is located in a R-1 Residential zone. The lot will be 21,928 SF and our remaining lands will be 87,076 SF. Our original subdivision done back in 1991 that was approved by this Board was to subdivide the first lot that you see on Hogan Lane to Nora, but I guess she's remarried and now it's Kilhullen. Also, there is fire hydrant at the corner of Hogan Lane and Dominica Drive. Actually, there's a fire hydrants every 500 FT on Dominica Drive like it is supposed to be. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Eugene Lorini, Jr. stated the following: My father has owned the land on the end of Hogan Lane since about 1973. The reason that I'm here is because I have a few questions regarding Hogan Lane. To our knowledge we were told approximately 20 years ago that it was not a dedicated street anymore so, I guess that I'm checking the clarification of that. He had

come here about 20 years ago to see about looking into subdividing and developing his property and the bottom line in the letter that we got said that I guess Hogan Lane was not a dedicated road at that time and also to put any more houses out onto Dominica Drive, which is the only access in from Guideboard Road and there was a regulation saying that no more homes could emptied out onto that and that's why we were told that anything that we might be looking to do couldn't be done. So, getting this letter and hearing about the subdivision, I'm just trying to get clarification if something has changed and if Hogan Lane is now a fully dedicated road and if more houses can be emptied out onto Dominica Drive. So, we're just looking so we know what we're doing as far as what we're planning on doing in the future. Mr. Ouimet asked Mrs. Mikol if she wished to address that or shall I defer that to our Town Attorney? Mrs. Mikol stated the following: Dominica Drive was created and built back in 1966 and 1967 and most of the houses in there were built prior to zoning as zoning began in 1968. I think the last house that was built in there was due to a subdivision that we did in 1990 and we were never told that. We were told that we were exempt from that and that development was grandfathered as it was built prior to zoning. Also, some of those houses in there didn't even get building permits as far as I know because we didn't have a Board back then. Yes, Hogan Lane is a Town road up to a certain point according to the records in the Assessor's Office. Mrs. Murphy stated the following: I know that Hogan Lane is in fact a dedicated road and at least it has been maintained by the Town, it's plowed by the Town and it's a roadway by use. So, it's definitely appropriate to have frontage on Hogan Lane. I don't know anything about it and I've looked at our Planner's and I don't think they are aware of any kind of limitation on vehicle and traffic entering into Dominica Drive. Mr. Harris stated I think Mr. Bianchino has some history on that. Mr. Bianchino stated the following: I think the way the ordinance used to read and I seem to remember when the zoning committee, not the current zoning committee but the one before 2003 maybe and after the last Comprehensive Plan update, the ordinance and the subdivision regulations or zoning ordinance used to read no more than 900 FT or 800 FT and 19 lots I think, but I think when that last revision was done after the Comprehensive Plan, I think we changed that and the Planning Board has discretion to allow more. So, I'm assuming that that's what Mr. Lorini is talking about on the old ordinance, but I think that's been revised. Mr. Lorini stated the following: Okay, then that certainly clarifies the issue there because again, it was over 20 years ago. So, if something has been changed and now it's up to your discretion so, then it sounds like possibly we have an avenue now to do something with that land on the end. So, that's fine. My only other question I have regarding the map and again, we have no issues with any development being done, but any map that we have of ours showing our property where they're coming across with 110 FT and our maps show that we have 120 FT along that line and that's what we have showing on anything that we own or my father has had. We're in the process of having a surveyor do a resurvey it or going over because my father passed away at the end of last year so, as a result, that and some other things we're just trying to get some things in order and one of the things was to get this surveyed and get things more inline not relying so much on papers that are back from 1973 or when he bought it, but all of maps show 120 FT along the line and the 110 FT line coming to Hogan Lane and our maps show 120 FT. So, that's a little discrepancy there that I'm sure can be resolved. I just wouldn't want anything to be okayed and I don't know if something being okayed at 110 FT now somehow messes up something that we try to do in the future. Mr. Doug Mikol stated I don't know a whole lot about zoning or planning or all this other stuff, but we reconciled our maps when our survey was done with the Tax Assessor and asked Mr. Lorini if he had done that with his maps? Mr. Lorini stated no, our surveyor said that they would not rely on the tax maps. Mr. Mikol asked Mr. Lorini if he brought a map with him. Mr. Lorini stated the following: No, I didn't. The maps that we have are deeds and I double checked things with the map when I came up to see it and when I saw the 110 FT coming along to where it meets Hogan Lane, everything we have says that we have 120 FT and then it showed 60 FT of Hogan Lane frontage and then the remaining piece goes back along the next people across the

street. Mrs. Murphy stated the following: The map has been revised since the map that you saw so, if you were able to read the line number now, it says 124 FT up to Hogan Lane. So, that's consistent with what you said. Mr. Lorini stated the map that I looked at last week in the Building Department and then I came back again because I kind of dug into some things because I thought something just didn't make sense. Mrs. Murphy stated right and they needed more frontage so, they needed the extra 20 FT. Mr. Lorini stated I'm sorry then and by being 124 FT you're past us so, that was the only other question that I had. Mr. Jim Varriale stated the following: I own the property located at 2 Hogan Lane. I'm open to with what's going on and I really have no objections and more or less I have questions, concerns and so forth that I would just like to have put on record regarding 2 Hogan Lane. Living there, there is a beauty with it and I'm the last house in the neighborhood and it's quiet and quaint. I have wild animals in the backyard and things like, but unless you live there, there is hardship too that I experience with living on the end of that road. The hardship primarily being is that it is a dead end. So, there is no hammerhead and there is no circle and I have traffic turning around daily in my driveway and with that there are certain inherited hardships. With the building of this new lot, it's going to change a couple of things as well and I just wanted to highlight a couple of things out. I would just like to look at this really quick because this is the first time that I've seen this. Is the proposed home going to be located on the back side of the property? Mr. Mikol stated yes. Mr. Varriale stated and the 20 FT access, what is the angle of your driveway? Mr. Mikol showed Mr. Varriale the angle of the driveway on the map. Mr. Varriale stated the following: Beautiful and I'll tell you why in a second. Okay, that's the first that I've seen that. Mr. Mikol stated we're right at the top of it. Mr. Varriale stated the following: I also do have a current updated map so, I can tell where that is. With this proposed build that is going on, there are a couple of things that I wanted to address and put on the record. One thing with that; the property, the driveway or the roadway surface is not properly maintained as it currently exists. If it's my understanding, the roadway surface needs to be maintained to the end of my property and in fact, it's only maintained to the end of my driveway. I have to actually plow the end of your street in order for me to get my vehicles out in the wintertime because a snowbank is put 10 FT from my driveway. I have snowmobile trailers, I have landscape trailers and that's been an ongoing hardship. At one point we had the Town trucks turning around in our driveway and they would do it at 4:00am in the morning and I would always have a packed driveway and I could never get the snow cleared off of it. So, I asked the Town if they would just push it out of the way and they said it was a liability. So, as a result, I told them that they couldn't turn around in the driveway anymore and now they are turning around in Nora's driveway, but it's not just the Town trucks; it's County Waste, it's UPS, it's the mailman and it's any vehicle that inherently goes down the road that doesn't know that it's a dead end street and they all turn around in my driveway. So, I'd like to see something with the Planning Board to address that to the point where maybe we can and it appears with your new subdivision that the roadway may actually be extended and I assume that it would be paved and that would probably satisfy the concern I have about it being put to the end of my property. If it goes that far and you're out there paving, I'd like a consideration about having a portion of my driveway replaced. I replaced the driveway two years ago and I ended up putting a binder coat down and already, if you drive down there, you're going to see that the bottom part of my driveway is already crowned and a portion of it is coming apart and it is absolutely due to the fact of vehicles that are turning around in the my driveway. With that, I don't know if there is any proposal to put a circle in or some type of hammerhead to address this problem because it's going to get worse. It's going to be your daughter's driveway or it's going to be my driveway now that County Waste is going to turn around in. Right now they come around and they pick up the refuse at 1 Hogan Lane and they turn around in Nora's driveway, of which the Town replaced her driveway last spring, and then they backup to my house and they pick up my garbage and they pull away. With this new property down there, it's a pretty sure thing that they're going to have garbage removal, which means that

the County truck is now going to pick up 1 Hogan Lane, it's going to drive down and pick up 3 Hogan Lane and that truck is going to turn around and it's not going to turn around at 1 Hogan Lane, it's going to turn around in 3 Hogan Lane or it's going to turn around in 2 Hogan Lane unless this is addressed. It's a big concern and it's something that has to be figured out. In addition to that; I want to make sure that adequate consideration is done with the services such as electrical, sewer and things like that that there won't be any interruption of service or degradation of services as a result of this new house being placed. I would also like the Town to consider the new services that are being placed in here for 3 Hogan Lane and apparently maybe other building lots that might be built in the future that underground services are entertained for the remaining portion of this buildout. I really do not want to see telephone poles in front of my house. Underground services are a much more reliable service and they're not prone to trees falling on them and it is much more esthetically pleasing. So, I would like to have on record that I would like to see that as a consideration where these services are actually placed underground. Other than that; one thing that it may affect too is obviously the construction trucks are going to be coming down this street and we want to make sure that our access in and out is not impeded and that it's not going to cause any more additional degradation of the roadway surfaces on Dominica Drive. When you first go onto Dominica Drive, the road is not too bad, but when you start winding around and you get to 41 Dominica Drive, which is maybe the third or fourth last house, and the top of that hill is very wet and it wouldn't appear to be so, but the roadway surface is crumbling and I want to make sure that something like that is addressed in the future where that's not going to be a continued thing and the Town would look at replacing it, if in fact it's necessary. With that; when I was talking about your house and where it was located, a concern that I had was that the way the driveway was going to be placed and if there was a way that it could be positioned and graded to the point where I wouldn't be getting lights from vehicles entering into my house and it appears the way you have that listed, it was exactly what I was hoping to see with something that would be an angle and they're going to pull in the driveway and when they pull out, I think they're lights will already be beyond my property, but I wanted to just put that on note that I want to make sure that that was addressed as well. Other than that, I don't have any objections to it and I welcome your daughter to our neighborhood and I do ask the question; it sounds like it's a realization that there are going to be additional homes built over there most likely. Would that be a confirmation? Mr. Ouimet stated I haven't heard that. Mr. Varriale stated the following: Obviously, he would have intents on doing so and it sounds like within the way the zoning is that it's remotely possible. If you walk back there between the two properties; there is a sewer manhole that's right on the edge of the embankment before it goes down to the Creekside. So, it's obvious that at one point in time the development was planned to go on further, but it was my understanding too that exactly what the concerns that this gentleman raised was in fact the case that Hogan Lane was no longer a buildable site and that's what I was told when I moved into my property as well. Moving forward, all I ask is that we be notified either by phone or in person or by letter as far as what may be going on with the progress of this. We are definitely the property that is most affected by this progress right now and I want to make sure that we don't feel a hardship from it. Mr. Ouimet asked Mr. & Mrs. Mikol if they wanted to address any of his comments for the record. Mr. Mikol stated the following: With the services; we are trying to keep everything underground with no poles and none of that stuff. Where the waterline would be extended, I guess an 8-inch pipe or something has to be placed down in there. Other than that; we will try to keep the construction at a minimum. We do own a big piece of property so, we can put trucks off to the side or whatever and keep them off the road and keep the dirt to a minimum too. So, we'll be conscious of that. Mr. Ouimet asked what are your plans for Hogan Lane; do you plan on improving it? Mr. Mikol stated me, no. Mr. Ouimet stated well, that was one of his questions. Mr. Mikol stated well, it's actually owned by the Town, I would assume and I wouldn't be putting blacktop down for the Town road. Mr. Ouimet stated well, I just wanted to be clear so, he understands. Mr. Mikol stated no, I don't think my daughter could

afford that. Mr. Ouimet asked what about the underground utilities? Mr. Mikol stated they've all been investigated and we had the sewer guy there and he gave us the route we should do and that will just be trenched to the force main or whatever is out there. Mr. Ouimet stated so; you're not planning on erecting any poles? Mr. Mikol stated the following: Actually where the house is situated there is no pavement there and the pavement ends at Mr. Varriale's driveway and the actual physical road goes to his property line, which again has been confirmed with our map and the Assessor's Office. I also had the Town's Highway Superintendent, Mr. John Pingelski, out there and he even admitted that according to the maps that we own to the property and I guess that's what you're talking about with getting that paved. Mr. Varriale stated the following: It is my understanding that the Town is responsible to maintain the paved roadway service to the end of my property and it is only to the end of my driveway. I would really ask that someone from the Planning Department come out and really take a look at what I'm talking about and take a look at the driveway that's two years old. I only did a binder coat down with intentions of putting a finishing coat on, but the driveway has crowned and it's cracked and where it meets road and where the roadway ends it continually cracks and gets pushed back further. So, something has to be done whether it's a portion that they have to do. So, I think at this point, to the end of my property line that would certainly fall in the Town's responsibility and as I said earlier, if they're going to bring the trucks into do that, I really want to entertain the fact that I think you guys need to help me out with what I'm experiencing with the driveway as a result of being the last house on the street and all the trucks that are turning around on my property. It's not that we put up with it, but to be completely frank with you I don't want them turning around in my driveway. You wonder who it is and it happens at all hours of the night with lights shining into my house and they're people who don't know that it's a dead end street. Speaking of the dead end street; the dead end street sign is located within feet off of Guideboard Road and it's located higher than a normal sign would be located. So, anybody that pulls into that neighborhood does not know that it's a dead end street as you do not see the sign and you would notice that if you pulled in that you would physically miss the dead end sign because you pass it before you realize it and I think the sign is probably ten feet off the ground. So, some kind of consideration needs to be made with that. Mr. Lorini stated the following: I came up to ask; is it possible if I could get a copy and is this on file because last week when I came in to the Building Department to get the map that's incorrect, is this something that I can get within the next few days? Mr. Ouimet stated we're going to get to that. Mr. Lorini stated the following: Okay. Also, when you mentioned the change in the zoning regulation regarding my question that I had about the number of houses and something has obviously changed; is it possible to find out what that stipulation is or even get a copy of something explaining that compared to the old regulation that we have a copy of? Mr. Harris stated Mr. Bianchino did have a copy of the old zoning ordinance and that old provision was in there and we can find out the date it was taken out, but it was removed from the code a restriction of 19 lots on roads 800 FT or longer. Mr. Lorini stated so, whatever there is and I'm assuming that there is a stipulation or something was written up that nullifies that or is there something in the Town Code that I could find or see or physically get a copy of just for our own information. Mr. Ouimet asked Mr. Harris to make sure that Mr. Lorini gets a copy. Mr. Harris stated yes, we can get you a copy of it and it was in 2005 when the Town Board amended the zoning regulations to remove that. Mr. Ouimet stated so; the Planning Department will send you a copy. Mr. Lorini stated okay, thank you very much. Mr. Harris stated yes, you can call me or email me and I can get that information for you. Mr. Ouimet stated the following: I just want say that I have a couple of serious concerns here. The first one is; it appears that the public notice was drafted and prepared based on a prior map. So, in my opinion, I don't believe the public received proper notice. Mr. Harris stated the following: Yes, we received the map that has been the subject of the discussion tonight today. Mr. Ouimet stated today; so, this is not a map that was on file in your office that the public could go and view prior to tonight's meeting, correct? Mr. Harris stated correct. Mr. Ouimet stated in

addition; has this been referred to the County? Mr. Harris stated not this version yet because we received it this afternoon and the County did issue a determination on the prior version. Mr. Ouimet stated but, the County haven't seen this, correct? Mr. Harris stated correct, they have not seen this map. Mr. Ouimet stated so; we need a determination from the County as to whether or not this has County Wide Impact, correct? Mr. Harris stated correct. Mr. Ouimet stated the following: Okay, this is not something that has been reviewed by the County either. I'm really uncomfortable putting this before the Board for a vote tonight and I'm uncomfortable closing the Public Hearing because the public really hasn't had an opportunity to digest everything that's there in that new map. So, what I think I'll do at this point in time is; adjourn the Public Hearing, reschedule this for two weeks and asked can we get the County to issue an opinion in two weeks? Mr. Harris stated yes, the timing should be okay for that. Mr. Ouimet further stated okay, adjourn it for two weeks, ask you to come back in two weeks, trust that you're not going to change the map again and we'll have the actual map, the final map if you will, available in your office for public review. Mr. Harris stated yes, do you want this re-noticed? Mr. Ouimet stated that is a question for the County or the Town Attorney. Mrs. Murphy stated because the date on the map is actually contained in the public notice, I would re-notice it. Mr. Ouimet stated okay, and the square footage. Mrs. Murphy stated and the square footage, which has changed. Mr. Ouimet stated the following: Both the retained square footage and the square footage of the carved out lot. Unfortunately, I think I have to do that. I'm sorry, but can this be done in two weeks or do we need four weeks? Mr. Harris stated yes, I'm confident that we can do it in two weeks. Mr. Nadeau stated just a question; maybe with talking with Mr. Pingelski, can we have something done with that sign stating that it is a dead end? Mr. Ouimet stated yes, I was going to ask the Planning Department to contact the Highway Superintendent on the issues that were raised here tonight specifically; the length of the road, how the turnaround ends, signage and things of that nature. Mr. Harris stated before the gentleman leaves, if he wants to see me, I would like to set something up with the Highway Superintendent and myself to visit with you since it is his jurisdiction in terms of maintenance and extending that so, that would probably be the best thing to do. Mr. Ouimet stated the following: Since this applicant is not proposing to make any changes to Hogan, I don't think it has that much to do with this matter that we're considering at this point. Although, I do think that it does need to be addressed by the Town one way or another, okay? Mr. Harris stated yes.

Due to the applicant submitting a revised plan on August 11, 2014; the Board tabled this item and set a new Public Hearing on the revised plan for the August 25, 2014 Planning Board meeting.

**New Business:**

**14.089 NB      Halfmoon Healthcare Campus PDD, Route 146 – Amendment to PDD**

Mr. Kevin Dailey, Esq. stated the following: I'm an attorney from Vischer Ferry, New York in the hamlet of Rexford. I'm here representing the Halfmoon Healthcare PDD and when I walked in you probably said "oh, no he's here again with this project that we've been looking at for 8-years". Mr. Ouimet stated that's probably true, but we're not going to admit it. Mr. Dailey stated the following: I wanted to start out with that humorous aside and thank you for all of your forbearance over the years on this project. We're here this evening requesting a couple of things. We've made an application for an amendment to a Planned Development District (PDD) to the Town Board and they've referred the matter over to the Planning Board for a recommendation and there's a little bit of recent history over the past couple of years. We ended up with two PDD's on one 81-acre parcel with different expiration dates, different uses and a whole different approach and from the perspective of a Planning Board it wasn't really a good planning tool to have it that way. So, what we're hoping to do tonight is to take our most recent PDD, which was approved in February of 2013 as Local Law #2 of that year and that affected the front of the parcel that was closest to Route 146

and actually there's 25-acres that were affected there and we're hoping to extend the boundaries of the PDD to include the entire 81-acre parcel, have the uses of the PDD expanded and also apply to the entire parcel and basically bring this all under one PDD local law as a planning tool for the Town so that we'll have one set of guidelines as we go forward into the future. I've had extensive discussions with Mr. Harris, Mrs. Murphy and I probably talked about this on and off over the course of the past nine months or so and we've actually drafted some legislation, which we think works. I talked to Mr. Bianchino and in the previous PDD we had gone through really a complete planning process; laid out buildings, parking lots, a number of parking spaces and we feel that we have a good handle on what the site will bear in terms of square footage and parking so, we have a handle on that. I also want to make sure that I touch on the fact that ultimately for anything beyond the first building, which this Planning Board did give us a site plan approval for some months ago. For anything else that comes in, we have to come back here for a further site plan approval and we have to look at the square footage. We did well with the first building because it's a nursing home type facility, which requires very little in the way of parking. However, if it was a more intense use like a hospital or a doctor's office, obviously you have more parking responsibilities and we may end up with less square footage as a result. So, the square footage that we're using is based upon what we discussed with CHA and it works at this point in terms of what the land will bear, but that could go up or down depending on where we are coming in in the future. The expanded uses that we're requesting are the uses for the most part, which are already in the zoning law and those uses are setup and you can get one of those uses if you go through a special permit process. So, we incorporated those uses into the PDD application and what we're hoping to build here is a combination facility that looks a lot like this picture (Mr. Dailey showed the picture to the Board members). That picture, and I did furnish copies to the Town Supervisor, is a picture of the Unity Healthcare Campus in the Town of Greece outside of Rochester and down at the bottom you'll notice that there are some buildings at the bottom of the picture and those are residential units for a lot of healthcare seniors, memory care as much as we're talking about doing here in the Town of Halfmoon. The facility that is in the central part of the picture is a medical facility and when we came in and started talking about doing this project, I met with Mr. John Ouimet and Mr. Walt Polak and Mr. Polak stated; "look, there is one thing that we want to make sure that the Town gets. We want to reserve 225,000 SF for medical hospital type uses because this community is going to need that in the future". We agreed with that wholeheartedly and we have set up language in the PDD to require that the developer's owners always set aside that amount of square footage for that medical use in the future, but what we do have now is a little bit more latitude in terms of what we may be able to place there relative to additional nursing homes or doctor offices or other healthcare facilities and that certainly gives us much more latitude and the ability to bring something else in and what I've told the Town Board members is that we may actually need to back into the need for the higher and more intense medical use by creating a need there on the campus especially with some more senior living and nursing home type facilities. So, that's the intension, it has changed over the years, but we feel we've got a very good project and a very good parcel of land to use and we're hoping for a positive recommendation back to the Town Board. Mr. Ouimet stated do you propose a change to the public benefit that was originally outlined? Mr. Dailey stated relative to public benefit the public benefit is locked in for the site plan that this Board has approved. Mr. Ouimet stated so, is that a committed public benefit? Mr. Dailey stated the following: That is committed. For any future uses, we have to come back here for a new site plan, for a subdivision of whatever lot would be involved, but we are required also to go back to the Town Board for further discussion on public benefit and the Town Board may find that the use itself may be a public benefit in and of itself. Such as medical facilities or alternatively if it's more of a for profit doctors' groups; then in that particular case they would have to do more for community benefit. They'll take a look at that on a case-by-case basis as we proceed. Mrs. Murphy and I probably spent most of our time discussing that point over the past several months.

Mr. Ouimet stated I would assume that you're going to have to iron out some kind of public benefit in order to get the statutory change to authorize a PDD, aren't you? Mr. Dailey stated I think we've covered that in the language and I think the Town Board is satisfied with the approach that we're taking. Mr. Ouimet stated that might be, but it would be nice if you could enlighten us as to what you're proposing. Mr. Dailey stated well, at this point we're locked in for the first item. Mr. Ouimet stated well, that was a given as we already negotiated that with you early on. Mr. Dailey stated the following: But we don't know at this point exactly what is going to go in next. It could be a nursing home, it could be a medical facility or it could be doctor offices. So, as we actually have something that's concrete that we can come back to the Town Board and to the Planning Board, I think that the Town Board is satisfied that they will wait to see what it is and then decide at the point where we are making application for a site plan what kind of a public benefit and to reply to that. Mr. Ouimet asked the Planning Board if they had any comments on the public benefit? Mr. Roberts stated I think it is going to be very difficult to determine public benefits as you go along piece by piece here and I think that's going to be tough on the Town Board. Mr. Ouimet stated well, public benefit is a Town Board issue and it's not a Planning Board issue, but we've always insisted that we know what the public benefit is before we're asked to make a recommendation plus or minus to the Town Board. Mrs. Murphy stated the following: Just so the framework that the applicant is proposing is that they cannot come to you for a site plan review unless or until the Town Board sees what they're proposing establishes the public benefit based on that proposal and it conforms with the proposed zoning. Then and only then can they come to you for a site plan. Mr. Ouimet stated okay so, it's not going to be left up to the Planning Board to determine what the public benefit is. Mrs. Murphy stated no, they have to go to the Town Board and the Town Board will establish it and then refer the site to you. Mr. Ouimet stated and it's also clear to the Town Board or you've made it clear, Mr. Dailey, to the Town Board that the public benefit that has already been negotiated for the memory care facility stays in place no matter what and you're not going to dilute it or change it or modify it in any way? Mr. Dailey stated no intention to do that and I thank Mrs. Murphy for her clarifying that and helping me. Mr. Ouimet stated but that's been made clear to the Town Board that you will not do that? Mr. Dailey stated that is correct. Mr. Ouimet stated okay. Mr. Nadeau stated the following: Where are you proposing this "fantasy or futuristic hospital" on this lot? The concern that I have is that if we're going to start developing all these adjacent buildings, are we going to constrict ourselves for the main goal of this site to begin with, which was going to be a hospital. Mr. Dailey stated the following: That's a good question. We have to reserve enough space to provide a 225,000 SF facility and adequate parking to service that. In the current site plan that was approved by this Board I think in 2008 (Mr. Dailey showed the Planning Board where the area for the facility was located on the site plan). If we use that area for something else, we would have to designate on this map an adequate space that could handle all the activities that would take place there. We recognize that we have to show that to this Board per the direction of the Town Board in the legislation that we have set aside enough space to accommodate that and achieve that. Mr. Nadeau stated but if we don't know what size building or issues or parking or driveways or accesses; how are we going to be able to do that after we've designed the other areas? Mr. Dailey stated we'll have to come in with an adequate plan to show you if in fact we're proposing to do building 2 or 3, we're going to have to show you something otherwise even if it's shaded in to show that that will be able to work. Mr. Ouimet stated so; basically you're putting before us a plan to merge additional acreage into the area that we've already approved for the memory care facility? Mr. Dailey stated the following: Yes, the original PDD that was approved in 2013 had 25.2-acres set aside for this PDD. We want to extend those boundaries to cover the entire 81-acre rectangle so that we have one PDD that controls the use of the entire site. Mr. Ouimet stated right, but then you're not proposing anything to go in there other than the fact that you're going to reserve a certain amount of acreage for an undefined healthcare facility. Mr. Dailey stated that is correct. Mr. Roberts stated I noticed that you're referring to the



225,000 SF building as a facility now and does that in any way mean that this may not be a hospital? Mr. Dailey stated the following: Yes, the definition of what is a hospital has changed dramatically in the nation over the past 25 or 30 years and there actually is a definition of what a hospital is in the New York State Health Law. What we're seeing in a lot of other communities and the Veteran's Administration (VA) is a good example of this and if you try to build a new VA hospital today, it will cost \$500,000,000 and still won't adequately serve the population that it is intended to serve. So, you're seeing more of out-patient clinics and the whole healthcare industry is changing and your traditional hospital with so many beds and all of that and we're not going to see that in the future in the U.S. That said; and I think we would all hopefully agree with this in our community, as we have 110,000 people now in Southern Saratoga County and what our hospitals in downtown Albany and downtown Schenectady are proposing are urgent care facilities that are open 24-hours, which is great if you've cut your finger, but if you're having a stroke or a heart attack, it's 45 minutes to the nearest emergency room after you make the 911 call. I don't think that our community should have that and I think that we deserve better and if we're going to have that, I think this is the best location as it's at Exit 9 and it's centrally located and that's the last big piece of property that is undeveloped at this point really between the Northway and just off of Exit 12 or between the Mohawk River and just off of Exit 12 or 1.25-mile from the Northway. So, if you start to look at what the future needs of this community are, that would seem to be the best place that we would put it. I want to tell you the truth that we worked very very hard to get a hospital to come here. I was in that lobby with St. Peter's, Seton and Northeast Health when they announced they were coming then they did a merger and the merger didn't work out so well and now they're not coming and they want to give us an urgent care facility. We had Albany Medical slated to come here and Albany Med decided to go to Exit 12 instead. So, we tried very hard and we just couldn't do it with the circumstances that we found in the Town at that time. So, we may find something that is non-traditional, we may find a for-profit entity coming here and we're starting to see a growth for-profit entities that are basically not subject to the whims of the New York State Department of Health (NYSDOH) and we're starting to see some major changes in how healthcare is provided. So, are we going to get a traditional hospital, probably not, but do we deserve to have better and more health care in this community than what we have now? I think that we would all feel that that would be the case and that's what we're going to try to do. Mrs. Sautter stated the following: I know that the Town Attorney tried to explain that earlier in the pre-meeting to me and said that most people understood it, but for some reason they couldn't wrap their heads around it. So, basically I just want to be clear with what you're saying is that this is the PDD, because when you first came in you said we have two PDD's, which I don't think is the case. I think you had one PDD and you pushed some property if that's what I'm meant to understand and now you just want to bring it back in. Mrs. Murphy stated he and I don't say this the same way, but we agree in concept. When the second PDD was created, it took in land from the first PDD thereby eliminating the first PDD and PDD's have a shelf life of two years typically and sometimes three. So, the one that he is talking about that's still in effect, that's just a language issue and it's not still in effect, but he's asking that it be encompassed and the old area that we know as the PDD be encompassed in this. Mrs. Sautter stated okay, I just wanted to clarify that because people like I always like to think that people read the minutes. Mr. Dailey stated the first one was passed in 2008 and the second one was passed in 2013 and we'd actually been in seeking an amendment to the 2008 PDD and we were told that no, you need to do a new PDD for a portion of this. Rather than to get in an argument with anybody, we said "okay, we'll do that", but it still hasn't addressed and now we have the balance of the property that we're trying to get everything under one roof in effect. Mrs. Sautter stated the following: I think what I would like to see personally, because I'm looking at this and I see a lot of wetlands and a lot of delineation and terrain and is that where you specifically thought you would put the "hospital facility" and I don't know what you want to call it now, but I would like to see you keep it there. I don't want to see that many changes because looking around

the map, I'm not saying that it has to be the first thing built there, but looking around I see that there may not be other options and we may get something that may be nothing at some point. So, I think I don't know. Mr. Dailey stated we can easily put and you'll probably want to see me again, but certainly we put that facility back there and I'll just take the boundary lines off. Mrs. Sautter stated I don't know how anybody else feels about it, but I think that if that is what this was built for and you're promising us that, that we should set that aside and don't say in effect if it's used and maybe we'll put it over here or maybe we'll put it over there, because I don't see a lot of other land that could hold something as large as you are talking about. Mr. Dailey stated as a point of reference, we would be happy to put it back on. Mr. Ruchlicki stated all I want to add is that even if you just showed a block of 225,000 SF so that we can get an idea of scale based on the wetlands and the delineations that exist currently and if you wanted to put it all the way at the end of what appears to be that cul-de-sac that's out there instead of up in that one spot that you pointed out, I think the Board would feel more comfortable if we had something of scale to look at. Mr. Dailey stated the following: Sure and I would be happy to do it. A couple of other things that everyone should be aware of; when we did our wetland delineation, which is now 5 years ago, so; we have to go get it redone. We had a lot of fingers of wetlands out there and what we had to do is basically build or work around the wetland fingers and then, of course, some of them were New York State Department of Environmental Conservation (NYSDEC) so then you had the 100 FT buffers and the whole time you're trying to put a building in here; use and work around the wetlands. We've met with the Army Corp of Engineers (ACOE) on the Federal wetlands and they liked project and they think it's needed in the community and we're going to be doing an individual permit with the ACOE to basically get rid of some of the fingers of wetland and mitigate on-site on a two-for-one basis and they're going to let us do this. So, that actually is going to give us more of a clean pallet to work with so that we're always trying to work around a wetland and once you build a couple of parking lots and some buildings, those little fingers of wetland will end up being degraded anyway. So, they recognize that and you're going to be seeing more of that as we go forward. The other thing on wetlands; just off the edge of the map was a large beaver pond and when I say large beaver pond, I mean like 4 FT deep and that beaver pond has been taken out by the property owner down there and as a result it's sort of like pulling the plug in the bottom of the bathroom. So, all the water has drained out the area and we think that some of the wetland areas may not be wetlands the next time we get them delineated. So, we're going to get an updated delineation, talk to the ACOE and I can't say enough about how nice Ms. Christine Deslauriers from the ACOE has been in terms of working with us. We think we have a real plan and it will benefit this project. So, I wanted to give you a heads-up on that also. Mr. Ouimet stated the following: There are a number of things that we have to do; we have to refer this to the County for review and I also want to refer it to CHA. I also want to ask at this point in time, even though you don't know what you're building, we need a traffic study or we need some confirmation that the existing traffic study stands the way it was originally put together. A lot of things have changed and you're proposing changes on how to utilize the property. So, we're going to ask for that and ultimately we're going to have to set a Public Informational Meeting because it's an amendment to a PDD and we're not going to make a recommendation until we hear from the public on it. I don't know what the Board's pleasure is and it depends on how fast CHA can do the reviews and how quickly you can get a confirmation of the traffic study all of which would have to be done by the time we have the Public Informational Meeting. Mr. Dailey stated right, we talked to Creighton-Manning when we did the site plan. In fact Mr. Higgins had a lot of questions relative to parking and traffic generation for that. Mr. Ouimet stated right, on the memory care facility. Mr. Dailey stated yes, so we did a separate report and I brought him a letter on that, but we'll check on that and see how much we need to do to get that updated. Mr. Ouimet asked Mr. Bianchino if he needed the results of that review by Creighton-Manning before he can complete your engineering review? Mr. Bianchino stated I can start looking at the language and the proposal and then as soon as they can

get something to me. Mr. Ouimet asked so, what are we talking about time wise? Mr. Dailey stated I can call Creighton-Manning in the morning so, we'll get right on it and I'll also get the basic map and we'll add that hospital building back in as a point of reference so the Board can see the amount of space that that would take up. Mr. Ouimet stated if you add that hospital back in, how are you going to estimate the parking requirements? Mr. Dailey stated we're going to basically use surface parking at this point. Mr. Ouimet stated didn't you have a 5-story garage for parking? Mr. Dailey stated the following: We're going to get rid of the garage. It was a great idea at the time and after we started talking to hospitals they said "you know, don't you realize that in the cities that people will actually pay to park at a hospital and they're not going to pay out in the suburban areas. You might come in with a deck because we don't like our doctors or patients walking too far in the snow, but you've got to rid of the 4-story garage". Mr. Ouimet stated even the urban hospitals have valet parking now and you don't pay. Mr. Dailey stated I know when I visited St. Peter's, I always paid but, I didn't know until years later that I could actually give them my ticket and they would stamp it, but that's not the case in Saratoga County. Mr. Ruchlicki stated it may be too early at this stage, but if we make all these changes and I know the property that you're talking about relative to the beaver pond and the drain in the area; so, can we get a re-delineation or is it too soon? Mr. Dailey stated we'll get the re-delineation done. Mr. Ouimet stated I think that is at site plan review and we'll require it at that point in time because we're not even there. Mr. Dailey stated the following: We have to do that to make the application to the ACOE for the individual permit. Most of the people that come in to see this Board are usually working under the Nationwide Permit System and once you get over a 1/2-acre you're looking at an individual permit and it gets a lot more complicated, but we're going to do it because for this project it makes sense to do it. Mr. Ouimet stated the following: Okay. So, we have a lot of referrals to make and I'm still questioning how long it's going to take for these things to be done and returned so the Public Informational Meeting makes sense. Are we talking six weeks? Mr. Dailey stated I would think less, but relative to setting the Public Informational Meeting, would it be something that when we're ready get the information to you and talk to Mr. Harris and get it scheduled? Mrs. Murphy stated you have to do it at public meeting. Mr. Ouimet asked would four weeks be enough? Mrs. Murphy stated why don't you adjourn it and then have them come back in a shorter time period and see how he is doing and if you have it all, you can schedule the Public Informational Meeting and if he doesn't, then you don't. Mr. Roberts stated there is no need to set one tonight for anything. Mr. Ouimet asked can you come back in two weeks? Mr. Dailey stated I can come back in two weeks. Mr. Ouimet stated okay, we'll adjourn it tonight and we'll have you back in two weeks and we'll go from there. Mr. Nadeau stated a question on the beaver dam; did it create a new wetland on the neighbor's property or weren't you concerned? Mr. Dailey stated I only heard about it by rumor, but apparently that was either in the back of the Bilinski property or somebody's property over there, but literally it was like letting the water out of the bathroom. Mr. Ouimet stated so; you don't have any independent confirmation that the beavers have re-located somewhere even though their dam was dismantled and we don't know if the beavers are still roaming the Town or not.

This item was tabled and referred to CHA for review.

**14.092 NB      Precision Periodontics, 1426 Crescent Vischer Ferry Rd – Addition to Site Plan**

Mr. Lance Manus stated the following: I'm the engineer for Ms. Neda Azadivatan-le from Precision Periodontics. The proposal that you're looking at tonight is simply to expand on the existing parking that she has now. This was a former office building that didn't have as much need for parking and she just came in last year and since then there have been a few occasions once in a while that she gets enough cars that you may have a car or two or three parking right out on

Crescent Vischer Ferry Road overflowing off the parking area. Mr. Ouimet stated I'm sorry; people are parking on Crescent Vischer Ferry Road? Mr. Manus stated yes, the area that she has now, while it served this when it was an office building over the last several years and now that it's a dental office and there are two dentists in that office there is insufficient parking. Mr. Manus showed the Board where the employee and patient parking was located. So, depending on how they park they will get three, four and maybe five cars in there, but if they were to get six or seven and the people drive up to come in the driveway and they see that it's so crowded, they'll stop and they'll park right along the edge here so, they are really parking out onto Crescent Vischer Ferry Road. She would definitely like to eliminate that and I believe the neighbors have already spoken to her about it because it is a medical facility and it's hard to control the patient scheduling to that point. So, what we're asking is that she just extends out the parking and I'm only going out another 30 FT by 50 FT and it's about four-hundredths of an acre expansion and because it is overflow parking she has enough most of time and we wanted to keep it more or less pervious. She didn't really intend to want to pave it or blacktop it and we would basically just put down a stone and gravel parking, which would serve just as well and be far more permeable so that we're not increasing the run-off at all. There is an existing drainage area now with a 24-inch culvert that leads across Vischer Ferry Road. If you have driven by, you can see that this area is pretty well overtaken right at the moment with cattails because there is an existing little detention pond area and that contains the flow, which with the on-grade lines that are shown on here, everything flows in this direction now and it heads there and then it eventually winds up going across Crescent Vischer Ferry Road. With your 10 FT x 20 FT dimension for parking, it would increase the parking to about nine spaces. So, it would be reasonably safe and that would alleviate the problem of cars having to park out on Crescent Vischer Ferry Road. Mr. Ouimet asked would this be marked parking spaces? Mr. Manus stated yes, we would mark it and there are a couple of different options and this one would fit the spaces with the just the 50 FT and we're tight to the hillside here and we have to cut about 3 FT into the hillside to keep this relative flat and sloped, but with the dimensions of 10 FT x 20 FT and the actual space and the fact that the cars would be pulling up and this is a grassed area and the bumpers would be overhanging so, I really feel reasonably that they would have a good 24 FT turning isle between them so that way we could get car parking on both sides, but this seemed to be the most reasonable to get nine full spaces in there. They are parking up to five in there now and this is the way people are parking; they pull up this way and kind of overhanging the existing paving and then they pull two or three cars along this way. So, they are already doing it, but I had to lay it out based on what Mr. Marlow had mentioned with the 10 FT x 20 FT dimension space. So, realistically with the cars and the size that they have now with mini's and everything else you could probably get ten to twelve cars in there. So, we would mark it out for the nine spaces. Mr. Ouimet asked are you proposing any addition to the vegetative buffer between the parking areas and Crescent Vischer Ferry Road? Mr. Manus stated it's just grass now until you get up to this area. Mr. Ouimet stated I know, but was there any thought of putting any plantings in there. Mr. Manus stated that's at the Board's discretion if you would like us to put a couple of shrubs in there because the only shrubs that are in there now are right here and out in front of the building. There is a telephone pole and her sign is there and this is just basically grass. Mr. Ouimet stated but by adding additional parking areas I think some type of vegetative screening would be needed. Mr. Manus stated that would be fine and I'm sure she would be more than happy to do that and we could put some small evergreens in there that would stay green all year and would delineate the space. Mr. Ouimet asked Mr. Marlow if he had an opportunity to look at the parking requirements and the parking layouts? Mr. Marlow stated yes, we have and actually when they came in the first time the parking was situated and now they're just kind of actually giving themselves more so, if anything, they're more in compliance than they were already at this point. Mr. Ouimet stated it sounds like based on the presentation that we might have not taken into consideration the kind of traffic that the dentist is getting into her office if they're parking in

the driveway and things of that nature. Mr. Marlow stated that's a very good possibility. Mr. Ouimet asked does it look like what's being proposed would alleviate that condition? Mr. Marlow stated yes, I think that will certainly help the situation and obviously I'm assuming if she gets too busy, she'll have to find a new building and I'm sure that's she aware of that, but I think from where she is at right now this would probably be adequate. Mr. Manus stated the following: It is very rare, but it's only been on a couple of occasions when people have had to park there. Most of the time it's just the conflicting vehicles trying to get around in the little tiny area that they already have with the existing drive. Mr. Ouimet asked would this change the traffic conflicts? Mr. Manus stated definitely yes, because just by stretching out the parking and bringing it up another 8 FT in this direction will just widen the whole space in addition to adding additional spaces down at the end there. Mr. Ouimet asked has this been referred to County? Mr. Marlow stated it has been referred to the County and we submitted before the deadline for their meeting next Thursday. Mr. Ouimet stated okay, so we can't do anything tonight, correct? Mr. Marlow stated correct. Mr. Ouimet stated I would recommend though that since we have to wait for the County to give us their opinion on whether or not there is a County Wide Impact and we'll have to put this on for the next meeting for a re-review, but I'd ask you to speak with the owner to determine whether or not you can improve the vegetated screening between the new parking area and Crescent Vischer Ferry Road and you can report back to us at our next meeting. Mr. Manus stated okay.

This item was tabled due to the need for review by the Saratoga County Planning Board. Also, the Board requested the applicant to consider landscaped screening along the parking spaces adjacent to Crescent Vischer Ferry Road.

**14.093 NB      Northway Surgical & Pain Center, LLC, 1596 Route 9 – Commercial Site Plan**

Mr. Joe Dannible from the Environmental Design Partnership stated the following: I'm here on behalf of Northway Surgical & Pain Center. We're here tonight for a conceptual site plan review and if everything goes well, we would like the application referred to CHA to begin their review of that process. The property is located at 1596 Route 9, which is located in the center of your map. North is up on this map, Sitterly Road comes in here, and there is the gas station at the corner, Trick Shot Billiards, Southview Apartments and the Town Center Plaza. The site is already graded and it's essentially pad ready and waiting for development. The site itself is just under 2-acres and what we're proposing to do is to put up a 10,000 SF surgical center, parking for 55 cars giving us a parking ratio of 5.5 cars per 1,000 SF, which just slightly exceeds the Town parking requirement. Access to the site; we're proposing a single full access curb cut on the south side of the property and north is now to your right on this map and a full access curb cut on this side of the property and then on the north side of the property we're proposing a limited access restricted to emergency vehicles for circulation through the site on the north side of the property. After we come to this meeting and we get a general consensus of the Board that they like what they're seeing, we're immediately going to submit to the New York State Department of Transportation (NYSDOT) to have them start evaluating these curb cuts. The importance of the second curb cut on the north side of the property is to get ambulances into the site to where the ambulance will park in the event of an emergency occurring during one of the procedures at the surgical center and that person could be wheeled right out this door and have an ambulance waiting right there so, they would be able to pull in and circulate the site in the easier method possible. So, again the speed of an ambulance and emergencies to site is the need for that second curb cut to come into the property. The site itself has 47% greenspace and a few of the items on the site; we have a designated patient drop off lane in the front of the building, there would be an entrance canopy and an enclosed glass area that we're looking at right now. An emergency access from the north to this area here, which is a large concrete area and this door, would facilitate ambulatory needs if

something were to happen during one of the procedures. There are a couple minor changes to the site plan since it was submitted as there were a couple of discrepancies in there that I want to point out. We did add a third handicapped parking space to the island just off of the drop off lane and also we're proposing 25 of the parking spaces being reserved for staff parking and we would like to reduce that parking stall dimension to 9 FT x 20 FT and reducing that down from the 10 FT x 20 FT and helping us out with our green infrastructure calculation thus and also reducing the impervious area on the site. A refuse enclosure would be located in this area and stormwater management would be managed on-site with bio-retention and infiltration basins. We'll make a municipal connection to public service and there is a municipal connection on Route 9 for this site. Mr. Ouimet asked is the surgical center part only related to pain management and not for other surgical procedures? Mr. Dannible stated the following: It's strictly for the pain management and they do some procedures in the office. Right now half of the entity that's looking to build this building here has an office in Clifton Park and they're not allowed to any of the procedures and the injections that they do to help manage the pain or go in after the nerves is what they do. They actually have to sublet to hospitals to do those procedures. They're now combining with another doctor out of the Albany area and they're going to do all their surgical procedures at this new building that they're going to provide. Mr. Ouimet asked is this proposed structure bigger than what they are occupying in Clifton Park? Mr. Dannible stated it's not particularly bigger as they had to upgrade the facility to have the appropriate instruments inside to be able to do surgeries than the space that they're in and it's easier to build a new building with the new technology than it is to retro fit the existing. The building that they have right now in Clifton Park I believe is only about three or four years old and they do want to do the procedures and that's the need for the new facility. Mr. Nadeau stated with your new curb cut, you may have to apply for signage at that point restricting only emergency vehicles. Mr. Dannible stated yes and again, we'll submit that right to the NYSDOT. Mr. Nadeau stated my question is; what's to stop anyone from the public using that? Mr. Dannible stated the following: The thing is; we can't gate it with a Knox Box or anything like that because the ambulances have to get in there. Realistically it's going to have to be somewhat of an enforcement issue to protect that, but we have to leave it open to be able to get those emergency vehicles in and out of the site in the fastest way possible. The "do not enter" signs and restricted signs work for probably 90% of the people. Mr. Ouimet stated the interesting thing is that you have two-way traffic going around two sides of the building. Mr. Dannible stated yes, two-way traffic can come up in here and then you go into the one-way parking and loop back around the site. These turning radii in here will not accommodate an ambulance or a fire trucks and that also shows why we need that second access point to be able to circulate fire trucks and larger vehicles around the site. Mr. Ouimet asked why would you need two-way traffic around that side of the building though? Mr. Dannible stated a car could be coming in here and come down and around one way and come back out. Mr. Ouimet asked but why wouldn't you just have all the cars go out on the south side? Mr. Dannible stated that's where all the cars would exit and this basically becomes a loop where you come in, come in to this parking area and then loop back around the building. Mr. Ouimet stated I know, but I don't know where the prohibition is for a car from the south side across the west rear of the building and taking a right hand turn and go out that door; what prevents that? Mr. Dannible stated the following: We've tried to set up the geometry of the curb to prohibit that movement of people exiting the site. One of the things that you're also going to notice is; this is kind of unique in the medical facilities and I'm told there's never going to be any more than six patients on this property at any one time and that the majority of the parking for 25 and maybe 30 staff people will be parking on the site. So, the majority, if not all of this parking to the rear and the side of the building is all going to be used by the physicians, the nurses and support staff, therefore, they're going to know where they can go in and out of the site. It's only the few people that are going to be parking up here that maybe you're going to be concerned with and the people who are parking up here mostly likely will always going to use that

entrance. Mr. Berkowitz asked did you say that there is only going to be six patients at a time? Mr. Dannible stated they have one prep, one in surgery, one in the recovery room and they can do up to two procedures at one time in the two different rooms. Mr. Berkowitz asked so, there are only two surgical suites and that's it? Mr. Dannible stated yes. Mr. Berkowitz asked are there going to be doctor's offices there? Mr. Dannible stated yes, the doctor's offices are up in this corner of the building. Mr. Berkowitz asked what about the patients in those treatment rooms? Mr. Dannible stated the following: Again, they're doing the procedures here and their follow up visits are going to be back in either the Clifton Park office or the Albany office. So, they're strictly for procedures. Mr. Berkowitz stated so; there are no patient treatment rooms. Mr. Dannible stated that's my understanding as I haven't seen the actual floor plans and they tell me that there are six patients on this site and that's pretty much the maximum that you're ever going to see. They will have prep, surgery, recovery and all follow up visits are going to be at remote facilities. Mr. Berkowitz stated so; they're having 25 staff members for six people? Mr. Dannible stated that's how they do their procedures and they have a lot of people involved in the prep work. Mr. Ouimet stated that's a pretty good care ratio, I'd say. Mr. Berkowitz stated yes. Mr. Nadeau stated regarding the handicapped parking, people will have to cross basically in the main entrance of that area, is that correct? Mr. Dannible stated there will be a crosswalk and they can cross that. Mr. Nadeau stated but they'll have to cross in front of the basic traffic and have you looked at better area for that so they don't have to cross into the traffic? Mr. Dannible stated the following: Again, this lane is only for patient drop off and when we're dealing with the very low number of patients that come to the facility, most of them are just going to park and come in as this is an out-patient facility. Maybe you're going to have three or four drop offs the entire day so that conflict between vehicles and pedestrians is very minimal. On the site we tried to get the handicapped parking right on the building next to the sidewalk and the size and shape of the site really prohibited us from doing that and in any instance where we did that, we lost the drop off lane, which is likely the area where handicapped patients would most of the time be dropped off by a driver if that was to happen. Mr. Ouimet stated so; your design is only to have a one-way traffic in that patient drop off lane? Mr. Dannible stated yes, one-way and they would pull up to the sidewalk, drop off and then they would come into the building. Mr. Ouimet stated you are going to have to figure out a way to control that so that it's only one-way. Mr. Dannible stated there will be "do not enter" signs on this end of it and we'll have a one-way drop off area on that side. Mr. Berkowitz asked are there going to be any radiological services in the building? Mr. Dannible stated I don't believe so, but I can verify that at our next meeting. Mr. Ouimet stated I think it says in the write up that there is x-ray. Mr. Berkowitz asked does this need State approval? Mr. Dannible stated they do need a Certificate of Need. Mr. Berkowitz stated okay. Mr. Ruchlicki stated the following: It's just a personal thing with me, but that island that you have on that back side where that second point of entry or exit for the ambulance is; I understand the concept, but I don't know if it's really necessary. I think it's really more of a problem then it is a solution with what you're trying to do and I just want you to look at that a little better because I'm not so sure you're going to regulate the flow of traffic in and out of that second entrance unless you put something there and if you can't block it, it seems to me in today's day with all the modern technology if they have a door that you walk up to and hit a button and it opens so that you can get emergency personnel in and out with a stretcher, you should be able to put something across that entrance that does the same thing. So, if they know that an ambulance is coming in, they should be able to open that in plenty of time before the ambulance gets there. Mr. Dannible stated that is something that we can definitely explore. Mr. Ruchlicki stated only because you have other issues with parking there that I think we're going to get into later on, especially the handicapped, but for now just think about that and that second entrance and some way of regulating that flow through there. If it's only for ambulance, you should be able to control that 100% and that's just my opinion. Mr. Dannible stated yes and you definitely raised a good point as I didn't think about and they know an ambulance is coming and I'll see what I can

do. Mr. Ruchlicki stated even if something happens and the ambulance has to get there in a timely manner, they're going to have plenty of warning. Mr. Berkowitz stated you mentioned six patients per peak hour. Mr. Dannible stated yes. Mr. Berkowitz stated your own write up mentioned eight patients on-site during peak operation and I realize that you have enough parking. Mr. Dannible stated maybe we added one for the waiting area because I know the prep, the operation and the recovery and maybe they're adding one for the waiting area so, we're updating and I'm sorry about that. Mr. Berkowitz stated okay, I just wanted to clarify that. Mr. Ouimet stated the following: We're going to have to make a couple of referrals and one is going to be to the ambulance corp to see if in fact the design as you're laying it out, they can make that swing on the west side of that island you're proposing. If they come in that road and swing around, they're going to have back into the emergency entrance and they're not going to pull straight in so, they're going to have to back in. Mr. Dannible stated they are going to pull right in here and park right here and that's why we have this large concrete area so that they can maneuver the patients around and they'll be able to bring them right out and right into that area. Mr. Ouimet stated the following: We are going to have them look at and see what their opinion is as to that kind of layout. The other thing is; has this been referred to fire yet? Mr. Harris stated yes, we referred it to them, but we didn't give them a deadline. Mr. Ouimet asked has this been referred to the County. Mr. Harris stated yes, we sent it to the County, the Water Department and we're going to send it to the ambulance corp also. Mr. Ouimet asked do we have anything back from any of the review agencies? Mr. Harris stated no, we didn't ask for it back by tonight. Mr. Ouimet stated so; what we'll do, in addition to referring this to CHA, we will also refer it to Emergency Services; the ambulance corp and the County and we'll wait to hear from the County on the County Wide Impact. Mr. Dannible asked would it be beneficial for me to seek out the Emergency Services and set up a meeting with them? Mr. Ouimet stated the following: Yes, I would think, especially the ambulance corp. I would assume that the draw for the ambulance services will be in Clifton Park/Halfmoon Ambulance Corp., but I don't know where they'd get their patient draw from; Malta or any of the other ones come in and I don't know how you're going to approach that. So, start with your client and find out where their patient draw comes from because if the ambulance service providers are just Clifton Park/Halfmoon, that's one referral, but if they go a private ambulance corp like Empire or Mohawk, you might have to go a little deeper in our referral. Mr. Dannible stated we anticipate this is only going to be used for an emergency instance if something goes wrong. Mr. Ouimet stated the following: I understand that, but the question is who is going to service the emergency. Are they going to come in by ambulance and are they going to go out by ambulance. Mr. Dannible stated the following: It's only going out by ambulance in the event of an emergency. So, that's going to be the closest responding ambulance corp that would go there. Mr. Ouimet stated okay, but I would just ask that you to check with your client as well. Mr. Dannible stated absolutely. Mr. Ouimet stated okay so we're going to make those referrals and put you back on hopefully in two weeks if we get the responses.

This item was tabled and referred to CHA for further review.

#### **14.094 NB      Rainbow Direct, 1627 Route 9 – Change of Use**

Mr. William Snide, the applicant, stated the following: I'm representing Rainbow direct. We are proposing to be able to sell upscale sheds and I have provided you with a brochure. Right now we have the playground equipment and we followed your direction on putting the smaller sets up front and the larger ones in the back and I hope you had a chance to drive by and we're pleased with it. We're proposing to put nine displays of the sheds and these are sold at other Rainbow Direct locations in five different states and they would like to do it here. Mr. Ouimet asked would you have a maximum of nine that you are showing? Mr. Snide stated yes and we might not even go with that many, but we would like to have the ability if we wanted to. Mr. Ouimet stated no more



than nine, correct? Mr. Snide stated yes and we wouldn't impede the drive through to get to the back building, which was a former auto body repair and there is also a small like, about the width of driveway, that passes through to the auto dealership next door and we wouldn't impede that at all. There is a little berm right here with grass and whatnot so, that's a natural barrier and that wouldn't be impeded. So, that's the layout that would be able to fit the sheds. Mr. Ouimet stated if I recall correctly; when you were here to get approval to open Rainbow Direct, there was a different applicant and was that your son? Mr. Snide stated yes and due to health reasons my son is on a leave of absence. Mr. Ouimet stated okay, but is your son the franchise holder or is it you? Mr. Snide stated the following: It's not a franchise, it's basically a direct distributorship and it's being operated by Mr. Mike Keys who is the one that has entered into the lease with Mr. Dan Cummings so, we work for him. Mr. Keys is located in the Rainbow Direct headquarters in New Jersey so, that's our main headquarters. Mr. Ouimet asked do you do outside sales for him. Mr. Snide stated yes and we're part of the Rainbow Direct group in five different States. Mr. Ouimet stated so; you are the one who's responsible for the layout of this particular site. Mr. Snide stated yes and we would comply with any wishes of the Board as we did with the play sets as we did put all the small ones up front and laid them out with the bigger ones in the back. If you have driven by, I think you were pleased with how we complied with your wishes. Mr. Ouimet stated I think one of our Board members was actually there and I'm sure we'll hear from her in a few minutes. Mr. Snide stated okay, great. Mr. Ouimet stated the following: When I drove by the site, it was my recollection that the green roofed units were going to be the ones that were placed closer to the road and that you wouldn't have the multi-colored tarps on the sets close to the road. So, I believe that was part of the approval process. Mr. Snide stated to be honest with you I don't recall that, but if you say that's the case, I don't recall that because my son was the major lead man on that one. I do know the Board wanted the smaller sets up front, which we complied with. Mr. Ouimet stated and we wanted the green tarp roofs so that the visual stimuli of the multi-colored roofs wouldn't be apparent from Route 9. Mr. Snide stated we can certainly correct that as we can just get new tarps brought up. Mr. Ouimet stated I also understand that you're displaying trampolines in there and that wasn't anything that we approved. Mr. Snide stated okay and I believe there are three trampolines in there on the right hand side. Mr. Ouimet asked where would the right hand side be? Mr. Snide showed the Board the location of the trampolines. Mr. Ouimet stated so, there not in the area where you're proposing to use for sheds, correct? Mr. Snide stated no, in here are swing sets and then up front I think there are three trampolines. Mr. Snide stated yes. Mr. Ouimet stated but we didn't approve trampolines, did we? Mr. Snide stated I'm not sure. Mr. Marlow stated no, the approval was for nine play units and no trampolines were included in that. Mr. Ouimet asked has anybody from Code Enforcement gone to this site? Mr. Marlow stated I'm not aware of codes, citations or anything of that nature, but I can check with the Building Department the first thing tomorrow morning. Mr. Ouimet stated okay. Mr. Snide stated if we need to come back and get an approval for those we will and we'll have them taken out in the meantime if you want. Mr. Ouimet stated well, I don't think you have an approval to have them there and do you need a code citation in order to do this because I thought when you came in here you said that you were a long time business person in the Town and you had a good relationship with the Town and we approved a certain number of display items and it appears that you've put in more than that. So, if you need a code citation, we can arrange for somebody to go out there and cite you. Mr. Snide stated no, you don't need to cite us because we're trying to comply with the desires of the Planning Board. Mr. Ouimet stated alright and maybe what we should do is to adjourn this application until two or four weeks to get a review of the site plan now to make sure that it complies with our original approved site plan. Mr. Harris stated yes, bring it into compliance and then we would do an inspection before we put them back on the agenda. Mr. Ouimet stated I don't think it's fair for this Board to entertain any application to expand a use when in fact the existing use that was approved is questionable. Mr. Snide stated okay. Mr. Ouimet stated I'm not

saying it is or isn't, but we need to send somebody out there to review the site. Mr. Snide stated okay, fair enough. Mr. Ouimet stated I know that Mrs. Sautter has visited this site and ask if she had anything to add. Mrs. Sautter stated the following: It is just as we said because when I was driving down Route 9, I did look and I noticed three trampolines just where you said they were and I pulled in to see them. One thing that I did see that you complied with is the black mesh fencing and I thought that that looked very nice, I thought that it was sturdy and thank you for that and it looked like it was a very secure facility. I did notice and I don't know how, but there is a big volleyball outside and I don't if kids were playing on the trampolines or whatever, but it's on your property right outside that fence there. Mr. Snide stated did you say that you saw a volleyball outside? Mrs. Sautter stated yes, so I don't know if you put those on the trampolines. Mr. Snide stated there was a ball in one of the trampolines and I haven't been there recently. Mrs. Sautter stated so; I don't know if the kids were playing with it or what, but it was out there. Mr. Snide stated if that's the case, they probably wanted to shoot at the basket because there is a basketball in one of the trampolines and they probably shot it over. Mrs. Sautter stated yes and I thought to myself, okay well that's almost on Route 9 and that's what I thought; you put a trampoline in with a basketball hoop there and it is now going over the fence and it is right on Route 9. Mr. Snide stated okay, fair enough. Mrs. Sautter stated so, that's why I think we would prefer them not to be there. Mr. Ouimet asked the Board members if they recalled whether or not that we approved trampolines for that site? Mr. Roberts stated I don't recall ever hearing about trampolines. Mr. Nadeau stated I don't recall, but I know the applicant doesn't remember, but I don't recall that either. Mr. Ruchlicki stated no, we did not approve that. Mr. Snide stated the following: At our previous site that we had occupied, where the automobile place is now; we had a large trampoline there and it's a different make and model and everything and we've gone to the springless type now, which is safer as we always have pushed for safety. So, if the Board didn't approve it, then we will remove them. Mr. Ouimet stated the following: Okay, so can we arrange to have Code Enforcement take a look and adjourn this at this point in time unless anybody has any other questions. So, if there are issues, this application won't be on in two weeks. Mr. Snide stated if there are issues, we'll take care of them. Mr. Ouimet stated as long as they are done in two weeks then we can put it back on in two weeks. Mr. Snide stated okay, because I thought the trampolines had been approved and if they haven't been approved, that's fine and we'll take them out and maybe we can come back at a later time to get an approval. Mr. Harris stated for clarification purposes; we did request a site plan on the last approval and they showed nine play sets drawn to the dimensions by your son and it was rectangular in shape and I forget the sizes and trampolines were not part of that plan. Mr. Ouimet stated right, no trampolines, but the other issue that I would like Code Enforcement to pay attention to is what's up in front; are they small sets and do they have a green canvas covers or multi-colored rainbow colors. Mr. Snide stated no, problem as we can switch those out. Mr. Ouimet stated so; that's what we'll do and we'll put you back on in two weeks from tonight and let's hope that all of the issues, if there are any, are resolved by then.

This item was tabled pending site compliance by the applicant with the previously approved Site Plan.

#### **14.096 NB      K-Bass Towing, 95 Clamsteam Road – Change of Use**

Mr. Ken Busta, the applicant, stated the following: My son, Mr. Christopher Busta is also present for tonight's meeting. I want to make clear that there is an existing repair shop there right now, Dick's Exit 8 Auto Repair located at 95 Clamsteam Road and Mr. Hicks is the owner and he is running the garage. What we want to do is that he's renting us a stall to park our flatbed truck in during inclement weather and alongside the building there is a clear area to park the truck alongside the building and also there are five or six spaces off to one side of the parking lot and if

the State Police or the Sherriff calls us and we have a violation or whatever and it has to be brought in that night for say a DWI or an arrest of whatever and then the person would come down the next day and pick up the car and take it. Mr. Ouimet asked are you planning to fence that area and lock it? Mr. Busta stated yes, if we had to, we would. Mr. Ouimet asked do you currently tow for law enforcement or not? Mr. Busta stated yes. Mr. Ouimet asked where do you put impounded cars? Mr. Busta stated the following: We would bring them down there and we don't really have any impounded cars. So, if we get a call in the middle of the night for a DWI, we pick it up and bring it down there and the next morning they're calling to come and get it. So, they come down and pay their toll bill and they drive it away. Mr. Ouimet stated but you're not required to secure that car at all? Mr. Busta stated well yes, the owner lives right next door and we have a space alongside the building so, it's a very safe place and it's very secure and it's not fenced but it secure. Mr. Christopher Busta stated the following: We do actually have an area behind that building that's designated to be a little bit more private and it's actually like a sand lot that's pushed way back and that area there is more designated for some of the vehicles that come in and that way they're not out by the road and they're not out and are not out easily accessible or anything. Primarily what we do is we're not really interested in a lot of the big wrecks and all that crazy kind of stuff. It's very difficult to enclose a flatbed truck as I'm sure you know the size of them as they are very large. So, what we have here is a garage that's designed and it was actually a bus garage or a FedEx repair facility and the truck will fit inside that garage just to keep everything copasetic. The truck goes inside and the doors close. We like to use the back lot to kind of keep things neat and clean and it all has been freshly re-graveled with some binder down for that reason and that way we made sure that everything is kind of pretty to the eye basically as we don't have anything out there that's an eyesore. We do rent that half of the garage along with that right half of the property there for ourselves and then the left half if you're looking at the front of the building, is designated for the fabricator there who has the previous shop. Mr. Ouimet asked are you taking over the towing service that the prior garage owner operated? Mr. Busta stated the following: No, we have our own business and this particular gentleman here did not tow and he's actually an auto body, which I believe is a 433 auto body garage, and that was the code for that. He doesn't do body work anymore at this time and he's basically just a metal fabricator and he works on a lot of different things like that where he frames and does repairs like that. Actually, if you're coming down Clamsteam Road, and you were headed south on Clamsteam there is a truck entrance ahead sign, which we did provide a picture and that was approved and also used for a lot of the larger trucks, commercial use trucks that were approved to be there at this particular garage and it always had large tractor trailers being serviced and worked on there and they were always approved there. Since that time, now we have not only ourselves doing work service or tow any medium duty or above and we only tow light duty, which is all of your passenger plated vehicles, smaller vehicles and whatnot like maybe a small pickup truck at the biggest. So, we don't do the big tractor trailers or rigs and really none of those types of vehicles come in there. There's another facility somewhat down the road there that does have those types of vehicles there, but our particular lot is really geared more towards your everyday use. Mr. Busta stated the following: I want to make a comment that we are not in and out of there every day bringing in cars. Our truck is parked alongside the building and if we get a call, we will go there, start the truck up, leave and go do the call and 90% of these calls are pick up the car and bring it to a repair shop and we do it and we come back and just park the truck. We will from time to time get a violation car or a car that has been in an accident and it's not drivable and it will come back there and usually within a day or two the insurance company comes down, makes an adjustment and it's taken out. I have a photograph here of the side of the building where the truck would be parked during nice weather and I have a photograph of like half the lot where we have four or five spaces. Mr. Berkowitz asked has there ever been a tow truck at that facility before that you know of. Mr. Busta stated this particular facility was never a tow truck outfit to my knowledge. Mr. Berkowitz stated so; he never had a tow

truck to bring in a car in in the past. Mr. Busta stated he may have had one in the past, but we don't know and that garage has been there for over 40 years. Mr. Ruchlicki stated correct me if I'm wrong, but I think when you were talking about the impound area, I think his curiosity was more so if you had a situation with a DWI, you need a place to really secure that car because it's entirely possible that that person will come back later that evening with another set of keys and drive it away. Mr. Busta stated well, here's the situation, when you have a DWI, the State Police or the Sherriff will ask us for a card and our card has our phone number on it and nothing else and these people don't where the car is going. Mr. Busta stated the following: We actually do that on purpose to not make it a high traffic area and to not have people in and out of there to keep it down. What we try to do is to establish a way to make very neat clean and precise and scheduled. There are a lot of places that are just chaos coming in and out and we like to have things schedule and for that reason alone, the cars are parked in an area that is not easily viewed. Mr. Ruchlicki stated so; you can't see them from the road, correct? Mr. Busta stated the following: Correct and also the dog sign is a deterrent, but believe it or not in the years and years that we've been in that type of business not once have we actually ever had an altercation or an issue or somebody coming to take the vehicle or had to call to report anything to the police. It's very low key and I understand that anything can happen, but we have never had any issues with anyone being there doing something that they should not have been doing. Mr. Ruchlicki stated based on what you just told me, that kind of clarifies it for me because I know that we've had in the past where we've discussed that type of situation where it is in a fenced in area, but the way that you just explained that and how it is that the troopers notify you if you don't have a phone number that you're dealing with and the person that has been ticketed, they don't know where you're located. Mr. Busta stated the following: Correct and we make sure it's prime time daytime hours and we don't do any late night stuff and we will not do anything in the middle of the night. It's more or less 8:00am to 5:30pm hours for any office. The one photograph that shows the side of the building, there is a huge area behind it and if we had to put a fatality or an impound or they said to us, which has only happened once, this car is impound and do not release it until we call you back and it can go behind the building where you can't see it. In that case we would like to do that to make sure that it's pleasing to the eye and out of sight, but yet there is no one that comes by to get to the car or to do anything with the car as they kind of make sure that everything is scheduled and done properly so we're not having a lot of stuff going on. Mr. Ouimet stated so; these are five areas where you could put up to five cars in that you rent from the owner of the garage, is that correct? Mr. Busta stated the following: Well, actually between the back of the building and the side of the building we could probably fit ten easily. The picture that I showed you that has the white 4-door sedan in it, that is out in the front of the building where we would do a violation car or a car that he was repairing if he wanted to park it over there and the owner parks it over there. Mr. Ouimet stated but that's not some place that you would use for the impound if you we're told not to release the car. Mr. Busta stated no, the impound would be alongside the building or directly behind the building. Mr. Ouimet stated I suppose that while it's not your intent to fence this impound area, law enforcement could require you to do that, couldn't they? Mr. Busta stated the following: I have been in contact with them and as a matter of fact the State Police came and examined the facility as well and at that time their rules seemed to be a little more stringent then the Saratoga County Sherriff's and at that time they had no issues with our lot setup and our lot plan and they did not require us to fence the area in. If need be and that was something that was approved and you guys were wanting to have a little something in there, I don't believe we would be opposed to that because it really is a very smooth operation and setup to where it really hasn't been necessary and I feel as if the fencing and the gating almost attracted not the attention that you would want and it kind of leaves everything nice and it just looks more natural. So, we really haven't pursued that at this time. Mr. Ouimet asked is this area lit at night? Mr. Busta stated yes and there is a motion sensor style spotlight on the front and that does shine down in the parking area. Mr.

Ouimet asked on the existing building: Mr. Busta stated that's a security light system, but as far as like lights on the side of the buildings or lights facing different houses or anything like that, we really didn't want to do that to bother or to disturb anyone. Mr. Hicks has two spotlights in the front of the shop that are over each overhead garage door that lights that immediate door area and then there is a light on the side that's a motion light and if you go along the side, it will go on. Mr. Ouimet asked Mrs. Murphy if this was an expansion of a pre-existing non-conforming use? Mrs. Murphy stated yes, that's what it sounds like as it's zoned R-1 Residential and the garage has been there forever, but you're adding a use to it as you're adding towing, which hasn't been there before, so that is called an expansion of a pre-existing, non-conforming and this Board has to refer you to the Zoning Board of Appeals (ZBA) because they have to deny you and they can't say yes to making a non-conforming use bigger. Mr. Busta asked what does that mean and what do we do? Mr. Ouimet stated the following: If you were taking over the garage and just running a repair shop, we could view it as a Change of Use with just new owners doing the same function that's been for 25 or 30 years, but since it is a new function with towing and towing is not a function that emanates from this garage in the past, this garage was a use that was pre-existing when zoning came into effect and zoning zoned the area as R-1 Residential. So, having a garage in a residential area would not be permitted under zoning, but since it was already there prior to zoning; we couldn't take it away. So, that garage can stay as a garage as long as it functions as a garage except if they abandon it for two years or three years and then they would lose the exception and then it would go back to R-1 Residential, but what you're asking to do does not take over that garage and you're asking to add another function to it, namely towing, which wasn't previously done by that garage. So, this in fact expands that non-conforming use, which is a commercial use in a residential area and we can't approve that and that's not saying that you can't get an approval if you go to the ZBA and you tell them what you want to do and they're satisfied that it doesn't negatively have an impact on the community and they could approve the use and then you would be back before this Board based on what we've heard tonight and I don't think that would be an issue with us. Mr. Busta stated okay, but I know in the past that they repaired UPS trucks there. Mr. Ouimet stated repair is something that you're not doing and towing is what you're doing. Mr. Busta stated but I think they went out to tow them and bring them in and I can be sure. Mr. Nadeau asked is Dick's doing towing? Mr. Busta stated right now Dick is not doing towing, but he may have in the past, but I don't know. Mr. Nadeau stated the following: I think you might be right about UPS as I think Taylor ran that shop before and he may have done that, but I don't recall. So, I guess the question is; if Dick's is not doing it. Mrs. Murphy stated the following: Any kind of use that's a pre-existing, non-conforming and if not utilized expires within two years. So, I don't think anybody is telling you that they have a problem with what you're proposing. It's just that our local law doesn't allow this Board to approve it and this Board has to deny you and then you appeal that denial to the ZBA and then they'll hear you and make a judgment with regards to whether or not they believe you would have a negative impact on the surrounds and then they'll make their determination and if they say it's okay, they'll refer you back to the Planning Board for an approval. If they say that it's not okay, then it's not okay. Mr. Busta stated not being overly familiar with that type of stuff; would it be okay if we asked what we would need to do or what the next step would be? Mrs. Murphy stated absolutely, the Planning staff can help you do all of that. Mr. Harris stated the following: Yes, the Board tonight likely will issue what they call a denial and then a resolution of the Board that lays out what section of the code discuss pre-existing, non-conforming uses and the expansion of them being prohibited. So, you'll take that and you can talk to us tomorrow or in a few days about filing with the secretary of the Zoning Board of Appeals (ZBA), who works in the Town's Building Department with Mr. Steffen Buck and she handles processing the paperwork with the ZBA. So, while we work with them, the application and package is presented to the Building Department for action with the ZBA. So, you'll have to get on their agenda and you'll have to present your project before them. Mr. Busta asked can I start that

process by coming in and seeing you? Mr. Harris stated actually, you'll start by contacting Mrs. Denise Mikol in the Town's Building Department and by tomorrow afternoon we'll have the resolution and that will be in Mrs. Mikol's hands and we'll also get you a copy. Mr. Busta asked so, if I came in tomorrow and asked for Mrs. Denise Mikol in the Building Department and explained to her what we're trying to do, she would be able to guide us from there, right? Mr. Harris stated yes, that is correct.

The Change of Use application for K-Bass Towing was denied based upon the Board's determination that such a use would constitute an expansion of a pre-existing, non-conforming use.

**14.076 NB      Sonis Brothers Inc. (Sunoco), 1500 Route 9 – Change of Tenant/Use**

No action was taken on this item due to the applicant's failure to appear before the Board for the second time.

**Old Business:**

**14.057 OB      Upstate New York Subway LLC, 1508 Route 9 – Addition to Site Plan & Change of Use**

Mr. Donald Zee stated the following: I'm the attorney for the applicant and with me tonight are Mr. David Flanders who is the surveyor and Mr. Bob Hurley who is the applicant. Very comparable to what you just indicated in the previous application; this was a non-conforming use and we sought an expansion of a non-conforming use because of the intensity. The lot in and of itself, as you are all well aware, was approved as meeting the requirement of the size, however, there were issues with regard to the width of the building lot as well as the sizes of the parking spaces as well as the width of the travel lanes. The applicant at the previously application eliminating the issue with regard to the parking space sizes and the applicant made all of the parking spaces conforming to the Town code. Previously there were parking spaces that short as 15 to 16 FT and we did make a change into the site plan that this Board had seen at the last application as to the direction or the travel lanes. All the travel lanes are one direction and currently it's designed to go clockwise and we're proposing to go with counter-clockwise. As the Board may recall, we have angled parking in the front, which are handicapped with the spacing immediately adjacent to it, and we were to expand the pavement area in front so that these parking spaces conform. The travel lane in this area is only 15 FT and we received a variance for that. The travel lane on the north side of the building is 19.7 FT where it's required to be 22 FT, but with the 22 FT travel lane and with the 15 FT, those are normally required for two lanes of traffic and here we have just one direction. In the rear of the property we would expand the area to the rear of the current pavement by going further to the west and adding pavements to increase the parking space size there. We do meet the requirement of 22 FT for the travel lane here and on the south side of building the travel lane, which is one direction, would only be 19.7 FT and required was 22 FT, but we received the variance for that. We also received the variance with regard to the lot width that was required. I believe this is the third time the application has been before the Board and the first time there was a grave concern by the Board with regard to the intensity of use with adding a kiosk as well as a drive-thru window and those have been eliminated completely. Mr. Ouimet asked Mr. Harris if all the variances that were required have been received? Mr. Harris stated yes, correct. Mr. Roberts stated I just want to make sure that this was reviewed by Mr. Bianchino and is he all set with it? Mr. Ouimet asked Mr. Bianchino if he had the need to see this again? Mr. Bianchino stated no, I'm all set. Mr. Ouimet asked has emergency services signed off on this or has nothing has changed since the last time they were here. Mr. Harris stated correct, nothing has changed since their last statement that this is acceptable and if it was a brand new building on a vacant piece of property, they would have some concern with the layout, but since it is existing there are no concerns. Mr. Ouimet stated the following: I would like to thank the applicant for making the changes that this

Board had asked for in the plan. We talked about this a couple times and this is the second time this plan was before us. We were pretty much prepared to act the last time except for the fact that there were variances that were needed and we were not able to.

Mr. Nadeau made a motion to approve the Addition to Site Plan and Change of Use application for Upstate New York Subway LLC. Mr. Roberts seconded. All-Aye. Motion carried.

**14.077 OB      Halfmoon Heights Mobile Home Park, 60 Cemetery Road – Addition to Site Plan**

Mr. Joe Dannible from the Environmental Design Partnership stated the following: I'm here on behalf of Garden Homes in their application to do some minor organizing at the former Turf Mobile Home Park now known as Halfmoon Heights Mobile Home Park. We were here a couple of weeks ago and we presented our application and we were looking to put in a 30 FT x 80 FT storage building to house the maintenance equipment for the park and also put in an outdoor parking area that would house extra vehicles, trailers, RV's, boats, jet skis and things of that nature. Basically this is to help organize the park, get those things out of people's front yards, side yards and rear yards and get the majority of that clutter removed from the roads within the park making it a safer environment and easier for emergency services to access basically to provide a gravel pad to put about 60 of those type of vehicles in that area. A couple of the concerns at the last meeting; we did not have the County referral at that meeting and since that time, it has been referred to the County and the County has issued a letter that there is No Significant County Wide Impact or Inter-municipal Impact on the project. A couple of this that were amended since that time; we put in three pole mounted lights, 20 FT mounting heights, LED fixtures, and housekeeping shields so the lights are not spilling back towards the mobile homes. The other item was an access coming off of Fern Lane and we're putting in a proposed roller gate and that gate will be 26 FT wide clear to accommodate emergency services as well as to be equipped with a Knox Box so that emergency services can come there and gain access with ease and then proceed in to any emergencies that may occur within that area. Mr. Ouimet asked Mr. Harris if all the referrals came back that we have made? Mr. Harris stated yes, we spoke to the County and as Mr. Dannible said there was No Significant County Wide or Inter-municipal Impact that they determined and the fire district had no issues or concerns with their proposal. Mr. Ouimet stated there are a couple of questions that still remain that we discussed at the pre-meeting and that's how many vehicles, articles or whatever you want to call them per trailer are going to be allowed into this lot and in addition; whether or not it will be limited solely to the people who have trailers on this particular site? Mr. Dannible stated I can answer part of that question; yes, it is certainly limited to only the people within Halfmoon Heights Mobile Home Park that would utilize this storage area. I'll let Mr. Tom O'Brien elaborate on the other question, but it's my understanding that we have around 60 spaces depending on the exact size of the vehicles being store and it's on a first-come/first-serve basis for the members of that park. Mr. Ouimet asked is it limited to one trailer or one snowmobile or can one guy come in with like three things to park there such as a boat and a trailer. Mr. Tom O'Brien, Regional Manager for Garden Homes stated the following: I manage the park as well as other parks. Our goal is to basically cleanup the lots and we hope that people don't have multiple items that they're going to store there. It would be from within the park and nothing from outside of the park. Basically, we're providing a convenience to the tenant, but also we're trying to clean everything up and make it look nicer. So, that's our goal here. Mr. Ouimet stated are there written rules that says that? Mr. O'Brien stated yes, that's correct. Mr. Nadeau stated I can appreciate what you're trying to do there and I think that that's a good idea, but what's to stop somebody from putting a trailer there or whatever that's unlicensed? Mr. O'Brien stated it has to be registered and that's in the rules. Mr. Nadeau stated okay, because I don't think we want to have a salvage yard there. Mr. O'Brien stated no, that's in the rules. Mr. Berkowitz asked how would you remove

an item that was unregistered; would you remove it or how long would it stay there? Mr. O'Brien stated the following: We would try to find out who it was and if we knew, we would go to that person to remove it or to register it. If not, we would tow it somewhere to get rid of it. Mr. Berkowitz stated okay, has this ever happened before? Mr. O'Brien stated never.

Mr. Roberts made a motion to approve the Addition to Site Plan application for Halfmoon Heights Mobile Home Park with the following conditions: (1) Limit one item (vehicle, trailer, etc.) per home to be stored in the newly constructed overflow lot; (2) All vehicles stored in the overflow lot must be registered; and (3) The overflow parking lot is limited to the use of the mobile home park residents only. Mr. Berkowitz. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 11, 2014 Planning Board Meeting at 9:08pm. Mr. Nadeau seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary