

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – August 26, 2013**

Those present at the August 26, 2013 Planning Board meeting were:

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

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

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

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Ouimet opened the August 26, 2013 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the August 12, 2013 Planning Board Minutes. Mr. Berkowitz made a motion to approve the August 12, 2013 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Roberts abstained due to his absence from the August 12, 2013 Planning Board meeting. Vote: 5-Aye, 0-Nay, 1-Abstention. Motion carried.

#### **Public Hearings:**

**13.059 PH      West Crescent Fire District, 1440 Crescent Road – Minor Subdivision**  
**(Lot Line Adjustment)**

This application was withdrawn at the request of the applicant (West Crescent Fire District).

**13.084 PH      Flanigan Subdivision, 37 & 39 Church Hill Road – Minor Subdivision**  
**(Lot Line Adjustment)**

Mr. Ouimet opened the Public Hearing at 7:02am. Mr. Ouimet asked if anyone would like to have the public notice read. No one responded. Ms. Kathy Suchocki stated the following: I'm here tonight on behalf of the Flanigan's. This is just a basic lot line adjustment between 37 and 39 Church Hill Road. Mr. Ronald Flanigan is the owner of 37 Church Hill Road and he will be seeking a lot line adjustment to provide .22-acres to his neighbor's; Mr. Richard and Mrs. JoAnn Flanigan who are located at 39 Church Hill Road. After this lot line adjustment is approved, Mr. Ronald Flanigan's parcel will become 1.2-acres and Mr. Richard and Mrs. JoAnn Flanigan's parcel will become 1.16-

acres and both lots would be conforming and both lots are zoned R-1 Residential. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the public hearing at 7:03pm. Mr. Higgins asked are both lots on Town water because I see the grinder pumps listed. Ms. Suchocki stated both lots are on sewer. Mr. Higgins stated okay, so both lots are on Town water and not wells? Ms. Suchocki stated right.

Mr. Nadeau made a motion to approve the minor subdivision (lot line adjustment) for the Flanigan Subdivision. Mr. Roberts seconded. All-Aye. Motion carried.

**New Business:**

**13.085 NB Falcon Trace of Halfmoon PDD – Lot #4, 181 Route 236 – Commercial Site Plan**

Mr. Roberts recused himself from this item. Mr. Jason Dell from Lansing Engineering stated the following: I'm here tonight on behalf of Mr. Bruce Tanski who is the applicant for Lot #4 of the Falcon Trace Planned Development District (PDD) for the proposed commercial development. The project site consists of approximately 5.14-acres that are located on Route 236 and Falcon Trace Drive and the property is located on either side of Falcon Trace Drive. The subject parcel is within the Falcon Trace PDD and according to the legislation set forth in the PDD; the site development shall conform to the C-1 Commercial zone. The proposed project involves the subdivision of the property and the first lot would be on the northern side of the property and that will consist of a 4.28-acre lot and along the southern side of the property it would be a .86-acre lot. On the northern lot there will be two 3,000 SF buildings that would be constructed and on the southern lot there will be one 4,000 SF building. A total of 50 parking spaces would be required to accommodate the development. Municipal water as well as sanitary sewer service will be extended to the buildings. Stormwater would be managed in conformance with the New York State Department of Environmental Conservation (NYSDEC) requirements and green infrastructure regulations. We are here tonight to present the project to the Board and to answer any questions that the Board may have and to move it forward however the Board sees fit. Mr. Ouimet stated so this is not a subdivision request, correct? Mr. Dell stated there will be a subdivision as part of this project. Mr. Ouimet stated my understanding is that there is already an existing commercial lot on the PDD. Mr. Dell stated that is correct. Mr. Ouimet stated doesn't the PDD legislation restrict the commercial lots to 2? Mrs. Murphy stated the following: Yes, 2 commercial lots. So, any subdividing would cause a problem and you would have to amend the PDD. Mr. Dell stated okay, that we will have to look into further. Mrs. Murphy stated you could do the same development; just without a subdivision but, the PDD is specific to two commercial lots and one of them being defined as the maintenance garage. Mr. Dell stated okay, correct. Mr. Bruce Tanski, the applicant, asked if I left it the way it was and down the road if I wanted to sell one of the buildings; could I come in to amend the PDD at that time? Mrs. Murphy stated the following: Yes, but you couldn't subdivide today. You'd have to leave it the way that it is and then if you wanted sell off a lot in the future, you could always come in to amend the PDD. Mr. Tanski stated okay. Mr. Higgins asked is this in the GEIS (Generic Environmental Impact Statement)? Mrs. Murphy stated I don't think it is in the GEIS. Mr. Higgins stated the following: There seems like there is a considerable amount of the parking space for the 3,000 SF building that's within the 50 FT front building setback and I know that we try to get the parking, whenever possible, to the rear of the building and have some greenspace in the front. I realize that you're dealing with wetlands, but is there any other way so you're not looking at a bunch of parking lot when you're driving by there? Mr. Dell stated we can certainly look to potentially put some of the parking in the back or possibly landbank some of the parking up front. Mr. Higgins stated it looks so nice right now and that's why I was trying to keep

it looking nice. Mr. Tanski stated the following: I would like to be able to landbank the parking because I don't foresee us using all the parking that the zoning requires. I feel the same way that you do and I would like to not put the parking up front if it's possible. I know that our new Senator wants an office there, I have a private investigator that wants an office and I have an accountant that wants an office. This accountant has one person that works with him and he is out of the office all the time. Senator Marchione has 2 or 3 people and they are out of the office all of the time. I don't know what the private investigator does, but I don't think he's going to be around that much. So, I don't foresee a need for all of those parking spots. So, if we could landbank them, I think that would solve the issue. Mr. Berkowitz stated I would like to make a suggestion for the handicap parking; could you put a couple spots in front of each building instead of shared handicap parking? Mr. Tanski stated the following: Okay. According to the ADA (Americans with Disabilities Act) regulation, we have to have the shortest accessible route that's safe. So, we'll put them as close to the building as we can. Mr. Berkowitz stated it seems to me that the shortest possible place would be right in front of the front door of each building. Mr. Tanski stated right. Mr. Ouimet stated now you're proposing 3 spots over to the center between the 2 buildings. Mr. Berkowitz stated if you center it between the 2 buildings, then there are only 2 spots. Mr. Dell stated we can certainly revise that. Mr. Berkowitz stated okay. Mr. Ouimet stated the proposed handicap spot is in the center of the 2 buildings and the entrance ways to both buildings is in the center of both buildings. Mr. Tanski stated right. Mr. Ouimet stated so, the handicap spot is further away. Mr. Tanski stated okay. Mr. Harris stated the following: Can you explain what you would potentially landbank for the two 3,000 SF buildings because all of the parking is in the front yard setback? So, you would have to have some paved for it just so this Board has a sense and can give you feedback on that. Mr. Dell stated the following: We looked to landbank the sites closest to the road and we can't pull the buildings too far forward because we do have the front yard setback from Route 236. So, we do have a little wiggle room there to pull it towards the west because we also have the NYSDEC buffer line that's right along the rear of the buildings there as well. So, we could look to move some of the parking around. However, we are constrained by the wetland buffer line and the front yard setback. Mr. Higgins stated but you have the same constraints on the 4,000 SF building. Mr. Ruchlicki asked is there a reason why you wouldn't want to put the other 2 running parallel to Route 236 like you have the other one on the right hand side? Mr. Dell stated we can certainly look to do that. Mr. Ruchlicki stated maybe you could put half of that lot in back of it. Mr. Tanski stated the following: That was a concern that we had because the front of the buildings look so nice compared to the gabled end sides of the building. I wanted to put stone on the fronts of the buildings and if you turn them sideways, all you're going to see is the side of the buildings, which will be siding because these are going to have stone in the front areas. It would be something like we did over on Vosburgh Road. That was the reason why we did it; just so esthetically it looked better. Mr. Nadeau stated but I think that would look nicer than the parking lot. Mr. Higgins stated put stone on both sides Mr. Tanski.

This item was tabled and referred to CHA for further review. The Board requested revisions to the proposed parking layout and referred further review to CHA. The Board also advised that any proposed subdivision of Lot #4 would require an amendment to the PDD.

**13.090 NB      Bidd Enterprises, 1471 Route 9 (Crescent Commons) – Change of Tenant**

Mr. Jay Verro from Larkin Commercial Properties stated the following: I'm here tonight on behalf of both the landlord, MRK Real Properties, and Bidd Enterprises. We're just looking for a change of tenancy at Crescent Commons located at 1471 Route 9. It's basically just a switch from a current

corporate benefit planning office to a home residential mortgage office. They plan to have appointments 8:00am to 8:00pm Monday through Friday. There would be about 3 people in the office and an occasional attorney would be there for closings. There would be very low traffic. They go out and meet with their perspective home purchasers at their location to do the applications, etc. So, this is just a basic change of tenancy for Crescent Commons. Mr. Ouimet asked would it be just 3 employees? Mr. Verro stated yes. Mr. Ouimet stated so, you would have 3 employees and the hours of operation would be 8:00am to 8:00pm. Mr. Verro stated yes, Monday through Friday and that's when they would have available times for appointments. Mr. Ouimet asked would you have anything on the weekends? Mr. Verro stated no. Mr. Ouimet asked would there be any staff in on the weekends? Mr. Verro stated they have given me their narrative and it stated 8:00am to 8:00pm Monday through Friday. Mr. Ouimet asked how many closing rooms would they have? Mr. Verro stated there is 1 closing room and 2 private offices. Mr. Ouimet stated so, at any given point in time there could be how many people? Mr. Verro stated the following: I would say if they actually had a closing there, there might be 8 to 10 people for a closing. They don't do all of their closings there, but if they do have the need to have a closing, they have the room available for it and at that particular time they could have 8 to 10 people between the attorneys and title company, etc. On a general basis there would be just the staff there. Mr. Ouimet asked Mr. Harris if he looked at the parking situation at Crescent Commons? Mr. Harris stated yes, back when Fred the Butcher was approved, the Board approved 86 paved parking spaces and 61 landbank parking spaces and we reviewed the parking again when Mane Tame was approved and this use will require the same amount of parking as the last tenant, which is 4 parking spaces. So, they're in conformance with the parking. Mr. Ouimet stated so, what you're saying is; if there is an excess in the number of people at the closing, there would be enough parking spaces available. Mr. Harris stated that is correct and there are no known parking issues with the Building Department. Mr. Ouimet asked Mr. Verro if they were going to have a sign. Mr. Verro stated the following: Just on the interior directories, not outside. The retail spaces on the first floor get exterior signage, which is already approved and in existence. The office tenants on the second floor; there is a directory when you walk in on the first floor and then again on the second floor and then there is a nameplate on their door. Mr. Ouimet asked so, is that the only place where you're going to have a sign is on the directory inside the building? Mr. Verro stated yes, only inside the building because their lease calls for no exterior signage.

Mr. Roberts made a motion to approve the change of tenant application for Bidd Enterprises. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**13.092 NB      Captain Youth and Family Services (Cheryl's Lodge), Turf MHP @ 25 Fern Lane – Signs**

Mr. Raymond Walker from Momenive stated the following: This year our community service is going to be focused around Cheryl's Lodge, which is part of Captain Youth and Family Services. We are proposing to fix the basketball court, painting inside and do a bunch of renovations to the kitchen, etc. One of the things we came up with was re-signing the outside of the building. We are proposing an upgrade of the signs at the site, one on the fence, one on the basketball court and also the sign on the eaves of the building. We are proposing similar signage as the existing signs so they all look consistent. Mr. Ouimet asked Mr. Roberts if he had an opportunity to look at the proposed signage. Mr. Roberts stated yes I have and the signs all meet the code.

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

- Sign #1: Basketball Court sign

- Style = fence mounted (on existing basketball court fence; replacing existing sign) and listing:
  - Basketball Court hours 9AM-9PM;
  - Alcohol, Tobacco and Drug Free Zone;
  - Captain Youth and Family Services logo
- Size = 3 SF
- Side(s): 1
- Location of Sign: existing basketball court fence
- Lighted: no
- Sign #2: Cheryl's Lodge main entrance sign
  - Style = wall mounted (overhead building entrance)
  - Size = 13.55 SF (triangular shape)
  - Side(s): 1
  - Location of Sign: main entrance of Cheryl's Lodge main building
  - Lighted: no
- Sign #3: Cheryl's Lodge fence sign (replaces sign approved in January 2012)
  - Style = fence mounted (on existing fence in front of main building)
  - Size = 9 SF
  - Side(s): 1
  - Location of Sign: main building fence
  - Lighted: no

Mr. Roberts made a motion to approve the sign(s) application for Captain Youth and Family Services (Cheryl's Lodge). Mr. Nadeau seconded. All-Aye. Motion carried.

### **13.094 NB      AT&T (Co-location), 860 Hudson River Road – Addition to Site Plan**

Mr. Tom Puchner from Phillips Lytle LLP stated the following: I'm here tonight representing AT&T. AT&T's application before the Board is a proposal of a co-location on an existing approved cell tower. The existing tower is located at 860 Hudson River Road and the site is owned by a partnership going by the name of Allco and the tower is operated by SBA 2012 TC Assets, LLC. The proposal is to install 9 panel antennas mounted at a centerline height of 120' above ground level, 12 remote radio head units and 2 surge arrestors as well as cables and fiber and one 11'6" by 20' equipment shelter within the existing compound at the site. AT&T's equipment would be in the third position, which is the lowest on that tower. Mr. Ouimet asked Mr. Puchner if he had any graphs or depictions of what this is going to look like? Mr. Puchner stated yes, I believe that was submitted with our application. Mr. Ouimet stated the following: Okay. So, the third position for AT&T is what doesn't exist and what is there now is the first two, correct? Mr. Puchner stated yes. Mr. Harris stated the following: The first two antennas are at 140' and 130' height mark. Mr. Ouimet asked did you submit anything that may be going on the ground with what you are planning on installing in the existing equipment? Mr. Puchner stated we did provide a layout for that also. Mr. Berkowitz stated you're just adding on a generator pad and one building. Mr. Puchner stated I believe that is correct. Mr. Berkowitz asked would that all be within the existing fencing? Mr. Puchner stated yes, it would be within the existing footprint. Mr. Ouimet asked when are you proposing to do this? Mr. Puchner stated the following: AT&T wants to get it done so, as soon as we get an approval and a building permit is issued. I don't know of any other timeline other than go. Mr. Nadeau asked what percentage of your co-location in comparison is it to what is there now? Mr. Puchner stated I'm not sure that I understand your questions. Mr. Nadeau stated the following: In a size format; what size is your unit compared to what is currently there. Are you

like 30% of what's there or 50% or equally? Mr. Puchner stated the following: I don't have a number on that. It's below the existing antennas. From looking at the diagram, it doesn't appear to be significantly different. Mr. Harris stated it looked very similar and it has 9 panels on one antenna. Mr. Puchner stated yes, 9 panels. Mr. Harris stated it looked comparable in the renderings to the other two that are above it on the pole and it didn't look very different from those that are there except that it is lower on the pole. Mr. Roberts stated you're not extending the compound and it's all going to be within the fenced area, correct? Mr. Puchner stated correct, it would all be within the existing fenced area and below the existing peak height. Mr. Ouimet stated so, the only thing that would be visible is the new array, right? Mr. Puchner stated correct. Mr. Higgins asked is this site in the back of the storage units? Mr. Puchner stated yes. Mr. Higgins stated it's a commercial area and not a residential area, right? Mr. Harris stated yes.

Mr. Berkowitz made a motion to approve the addition to site plan application for the AT&T co-location. Mr. Roberts second. All-Aye. Motion carried.

**Old Business:**

**12.107 OB**

**Earl – NYS Route 9 Mixed Use Facility, 1613 Route 9 – Commercial Site Plan**

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the Route 9 Mixed Use Facility. The project site is located behind the Halfmoon Sandwich Shoppe adjacent to the existing Prestige building. The applicant is proposing to construct an 8,800 SF retail storage building. So, the Halfmoon Sandwich Shoppe and the existing Prestige building will not be changed by the proposed development. The 8,800 SF will have a septic system for sanitary sewage treatment on the backside of the building. The building will connect to the Town of Halfmoon municipal water system. Stormwater will be managed via a subsurface stormwater detention system. The project proposes a shared access as well as shared parking with the Prestige building. Notable changes to the plan since the last time that we were here before the Board: There is now a joint dumpster location that will service the 3 buildings; the Halfmoon Sandwich Shoppe, the Prestige building as well as the new retail storage building. Per comments that we have received from CHA; we have added additional landbanked spaces should the potential future use of the property require additional parking there is a mechanism by which parking can be installed in there. We have received comments from CHA and we have addressed all of those comments. Those comments were technical in nature and we're here tonight to answer any additional questions that the Board may have and to ask the Board for approval. Mr. Ouimet stated for the proposed retail storage building; what percentage is storage and what percentage is retail? Mr. Dell stated 20% retail and 80% storage. Mr. Ouimet asked will the storage be associated with one or both of the retail tenants or the third tenant? Mr. Dell stated the following: The storage will be in direct support of the retail clients up front. Also, to answer your question, I don't have exact tenants so I don't have a direct answer for you. Mr. Ouimet stated but it's going to be limited to 20% of the building, correct? Mr. Dell stated correct. Mr. Ouimet stated the following: I would like to bring to your attention that currently there is outside storage on the already approved Prestige building and outside storage is not permitted under our code. I know the other Board members are going to have something to say about it. Mr. Dell stated we have added a note to this set of site plans that states "no storage of materials outside the building except during construction". Mr. Ouimet stated the following: Right, I understand that, but there is outside storage today if you were to go by the existing site. Mr. Dell stated I know that the outside storage would have to be removed in order to accommodate the parking and the access to the new building. Mr. Ouimet stated my question to you is when is that outside storage going to be

removed? Mr. Dell stated I guess my answer would be when they begin construction on the new building; they would have to remove it. Mr. Ouimet stated but my understanding is what's being stored out there are vending machines and the vending machines were approved for the building that was approved. So, why are they outside and not inside? Mr. Dell stated I can look into that for you. Mr. Ouimet stated if the vending machines are outside, they should be inside and that shouldn't wait until the new building is constructed. Mr. Dell stated it may be overflow for the existing building so I would have to look into that for you. Mr. Ouimet stated if the existing building was undersized, then that is not our problem because outside storage was not approved. Mr. Dell stated understood. Mr. Roberts stated the following: There is no reason to have those vending machines out there. They are very unsightly and I think they should be moved immediately. Mr. Dell stated okay. Mr. Higgins stated I agree with Mr. Roberts and those vending machines should be removed before (1) we even consider the new project and (2) you're showing a 100% replacement area just to the west of the new building. Is that for the old septic system or something? Mr. Dell stated you have to show a 100% replacement area in case the septic system fails for the Halfmoon Sandwich Shoppe because you have to provide area. Mr. Higgins asked where is the existing septic system now? Mr. Dell stated right next to it. Mr. Higgins stated the following: Okay. If a tractor-trailer was backing into the loading dock, it would have to pull in up alongside the existing building and then back all the way up across to get in. Mr. Dell stated that is correct. Mr. Higgins asked can the underground stormwater handle that weight? Mr. Dell stated yes, that could handle H2O loading. Mrs. Murphy asked Mr. Dell to explain the H2O loading. Mr. Dell stated H2O loading is a standard loading by which we kind of compare everything to that can hold a certain amount of weight. Mr. Ouimet asked are you referring to a full size tractor-trailer or a half? Mr. Dell stated the following: It is a WB50, which is a 42 FT long trailer. The typical highway haulers that you see on the highway are 67 FT in total length and this would be a little bit shorter than that. Mr. Higgins asked what would happen if you had a 53 FT tractor-trailer? Mr. Dell stated they would have to do additional maneuvering. Mr. Higgins asked where are you anticipating snow storage for snow removal? Mr. Dell stated we anticipate having to push the snow storage off the backside if it did accumulate too high or it would have to be removed from the site. There is area down here and there is a slope and if the snow got too high, it would be removed from the site. Mr. Higgins asked is that within the applicant's property or is that where the parking is shown? Mr. Dell stated a little bit of both and if it got to a point where they couldn't park or they had an issue with parking, they would have to remove it from the property. Mr. Partlow stated the following: How are you going to cover the dumpster because I can tell that you will be able to see it from the road? Also, what type of fencing are you going to have up? Mr. Dell stated we're proposing a chain link fence with vinyl slats. Mr. Higgins asked how high will the fence be? Mr. Dell stated approximately 6 FT. Mr. Higgins stated well, the dumpster is higher than that. Mr. Dell stated I will have to look at that for you because it might be a little higher than that. Mr. Roberts asked why would you not put the dumpster further back toward the building? Mr. Dell stated there is an existing entrance where the garbage truck would be able to pull straight in, grab the dumpster, empty it and then maneuver back out and that's the reason why it's put straight in line with the access point. Mr. Roberts stated for the proposed building I'm sure you're going to have deliveries in the back of the building and trucks are going to be going back there anyways, won't they? Mr. Dell stated yes. Mr. Roberts asked so what's the big deal about a truck going back in there to get a dumpster? Mr. Dell stated well they wanted to have one dumpster for the Halfmoon Sandwich Shoppe to utilize as well as the new building utilizing it. Mr. Higgins asked why couldn't you put the dumpsters in right off the parking lot near the existing leach field in the white area shown on the plans? Mr. Dell stated that is all for parking right now. Mr. Higgins stated no, on the other side of where the parking is. Mr. Dell stated there could be a potential to put it there. Mr.

Higgins stated it would be a lot more hidden, which is what we're trying to do on the original location. Mr. Dell stated maneuvering the garbage truck in there could be difficult. Mr. Higgins stated the garbage trucks come in about 3:00am, who's going to be in the parking lot? Mr. Dell stated we can look into that. Mr. Roberts stated I'm trying to make it less visible from Route 9 and make it a little more hidden. Mr. Ouimet stated to Mr. Robert's, I think if you go by the Halfmoon Sandwich Shoppe tonight, you'll see the dumpsters because they're there already. Mr. Roberts stated I know, but why not correct it if we can? Mr. Ouimet stated the following: I'm fully in favor of correcting it. In fact, this plan does correct it if it's done right and if it's done soon enough. If we have to wait for all of this construction to be completed before things get moved, we'll be looking at dumpsters for the next two months. Mr. Higgins stated and outside storage. Mrs. Murphy stated the following: The applicant has been told that that outside storage isn't supposed to be there. So, I assume Code Enforcement would be paying him a visit should he chose not to remove it. Mr. Ouimet stated I guess the question is; is that the opportune spot for the dumpster or is there a place behind the new leach field where the dumpster could be located? Mr. Dell stated the following: The optimum spot is where we are showing it now. That is where the applicant has deemed it most valuable or most opportune for his site to have it there. Mr. Ouimet stated maybe it would behoove you to spend a few more minutes talking about how you plan on screening it and how it's going to be laid out. Mr. Higgins stated the following: Either that or why don't you build a building to put the dumpsters in and then we won't have to worry about looking at it. You could build a building that looks nice and you can open the front doors and take the dumpsters out and that way we won't have to look at it. Just because the applicant feels that that's the opportune position, I, for one, don't feel it is because it's very very visible and we're trying to make it look nice. So, if they insist on doing it that way, I'm going to make a suggestion that we insist that they build a building to put the dumpsters in. Mr. Dell asked a building or some kind of a 3-sided structure? Mr. Higgins stated a building. Mr. Dell asked with a roof? Mr. Higgins stated the following: Yes exactly; make it look very nice and then they can slide the dumpsters out; dump them and then slide them back in. There are two ways to look at everything and the fact that the dumpsters have already been moved away from where this Board approved them to be without anybody asking for permission and now telling us that that's the only location on this whole site? Well, then maybe the site is too crowded, maybe you should make the new building a little smaller and find room in the back. So, if you're going to tell us that that's the only spot for the dumpsters, that's what you said, excuse me; that's what you said. Mr. Dell stated the following: I apologize. I did not mean to say it was the only area, I meant to say it was the optimum. Mr. Higgins stated okay, thank you. Mr. Roberts stated the point that we're trying to make is; if you could at least look at a different site for that to make it more esthetically pleasing from Route 9 and that's the point here. Mr. Ouimet stated the following: The question is; if you don't find a better site, be ready to tell us why. Why that site is the site, why is that unique, and why is that the only site on the property? I think it would do you credit if you spent some time telling us how you're going to make it look good. Right now we are looking at 3 dumpsters from Route 9 and I've looked at them for the last month. Mr. Dell stated the following: We're proposing the dumpster pad on the north side of the site. The new proposal calls for a sliding gate to be installed in front of those dumpsters that would also have the fence and the privacy slats in it. So, you're not going to be able to see the dumpsters per se. Additionally, near the sidewalk and next to the dumpster area, we are proposing some arborvitaes to have some screening that would be on the sidewalk and on the south side of the dumpsters. Mr. Higgins stated the following: Route 9 is higher and if you go by there tonight and you look, you're looking at the top of the dumpsters. So, if you're talking about a privacy fence, that fence would have to be like 14 FT tall so that you can't see the top of the dumpsters. There has to be a better spot for it. Mr. Dell stated we can look into



that. Mr. Bianchino stated the following: We had some outstanding comments that were addressed in the August 12, 2013 letter and we just haven't had a chance to respond back. The really big issue was the parking and I think they have addressed that with the landbanked parking. All the other issues have been addressed. Mr. Ouimet asked is the issue with the dumpsters something that we need to refer to CHA? Mr. Bianchino stated the following: It's an esthetic issue and it's really in the eye of the beholder. If the Board wants to have it relocated to a different place, we can look at it and we can work with Mr. Dell on it. I don't think it requires a full review. We can certainly take a quick look at it, see what he is proposing and that is certainly up to the Board. Mr. Ouimet stated the following: I guess there are two open issues; the issue of outside storage for the existing building and the issue of the location of the dumpster location. Mr. Dell stated okay. Mr. Partlow stated if you can't find another location for it, could we propose maybe putting some trees in that area and to put some greenspace in front of it that is high enough to hide that area? Mr. Ouimet stated as I understand it, I think the problem is that the side of the dumpsters that face Route 9 is the side where the collection is going to be taking place in. So, you couldn't put trees in front of it. Mr. Partlow stated the following: Could we turn it, because that's asphalt? So, why can't we find another direction into it? Mr. Dell stated we would have to look into that because of the swing of garbage truck coming into to pick up the dumpsters. Mr. Ouimet stated the following: You would still have the issue of screening it if you're going to leave it on the asphalt pad that already exists. You are going to have to screen it somehow. I was at the site, I looked at it and I don't think you can swing it on that asphalt pad anywhere to make it look presentable. Mr. Higgins stated I, for one, am not ready to vote on this tonight until they get the problems resolved as far as the outside storage and also the location of the dumpsters that are agreeable to the rest of the Board. Mr. Ouimet stated the following: Like I said, there are two outstanding issues: (1) the placement of the dumpsters and it could very well end up in the same spot, but you're willing to take a look at other options so, we would like you to look at other options and (2) how are you going to resolve the outside storage issue. I, for one, think that waiting until the new building is constructed is totally off the table as far as I'm concerned. Mr. Dell stated okay, I will speak with the applicant on that. Mr. Nadeau stated the following: They're proposing 20% of this to be retail and the rest is proposed for storage. Needless to say, the business that comes in there will be dependent upon that and what if they want a larger footprint of 60% or less? Mrs. Murphy stated the problem would be in the parking calculations and making sure that they adhere or are able to meet the parking requirements. Mr. Harris stated the following: I believe one option was proposed as part of the revised response that the applicant, if they get or secure tenants that change the makeup that either you proposed or that fits the parking approved, they'll come back in for approval if your client agrees to that. Mrs. Murphy stated they have to anyways for a change of tenant. Mr. Harris stated the following: There aren't any tenants right now. So, when they come in and if that changes the makeup of the parking, then they would have to come back for approvals. Not just for a change of tenant but also for changes to the site plan. Mr. Nadeau stated the following: That's what my question is; what if they come back and say that they only need 5% retail, is that an allowable portion for the rest to be storage because we're almost making a storage house. Mrs. Murphy stated yes, at that point I would have to look at our code because it has to be incidental to the primary use as opposed to the primary use. Mr. Nadeau stated so; basically we don't want a storage house there. Mrs. Murphy stated correct and it is not zoned for that. Mr. Higgins asked where are the landbanked 18 spots? Mr. Dell showed Mr. Higgins where the 18 landbanked spots were located on the plan. Mr. Higgins asked how tall is the new building? Mr. Dell stated I will have to get back to you on the exact height of the new building. Mr. Higgins stated I know it says 8,800 SF, but I assume that's floor space. Mr. Dell stated correct, that is the floor space. Mr. Higgins okay, I would still like to know how tall the new

proposed building is going to be because again, we don't want a huge warehouse. Mr. Ouimet stated the following: We are going to adjourn this proposal until the next meeting so you can get to your client and get your reviews conducted. If it's not scheduled on the next agenda, as soon as we can get it back on the agenda, we'll get it back on. Mr. Higgins stated also, if they have some kind of rendering of the building, we would like to see that so we know what it's going to look like and how tall the building is going to be.

This item was tabled pending receipt of a revised plan. The Board requested revisions related to the dumpster location and the removal of the existing outside storage.

Mr. Ruchlicki made a motion to adjourn the August 26, 2013 Planning Board Meeting at 7:42pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary