

Town of Halfmoon Planning Board

Meeting Minutes – October 9, 2012

Those present at the October 9, 2012 Planning Board meeting were:

Planning Board Members:	Steve Watts – Chairman Don Roberts – Vice Chairman Rich Berkowitz Marcel Nadeau Tom Ruchlicki John Higgins John Ouimet
Director of Planning: Planner:	Jeff Williams Lindsay Zepko
Town Attorney:	Lyn Murphy
Town Board Liaison:	Walt Polak
CHA Representative:	Mike Bianchino

Mr. Watts opened the October 9, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 24, 2012 Planning Board Minutes. Mr. Ouimet made a motion to approve the September 24, 2012 Planning Board Minutes with corrections. Mr. Roberts seconded. Motion carried. Mr. Ruchlicki and Mr. Higgins abstained due to their absence from the September 24, 2012 Planning Board meeting.

Public Hearing:

12.085 PH Coreno Subdivision, 90 Ushers Road – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gil VanGuilder, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm the land surveyor representing the Coreno's in their request for a lot line adjustment. Lot A is currently a 19.8-acre parcel and Lot B is 43,577 SF. The adjustment will add 20,958 SF to Lot B from Lot A and making Lot B a conforming lot in the Light Industrial (LI-C) zone. With the adjustment Lot A would become a 19.3-acre parcel and Lot B would become a 64,535 SF. There is public water on Ushers Road. In the future we would need to go to the Zoning Board of Appeals (ZBA) as one of the family members would like to build a house on one of the lots. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm. Mrs. Murphy stated the following: Obviously, the Board is only acting on the lot line proposal and it is your understanding that your client knows that the residential use may or may not be granted by the ZBA. Mr. VanGuilder stated yes, we know that is another step in the process.

Mr. Roberts made a motion to approve the lot line adjustment for the Coreno minor subdivision application. Mr. Berkowitz seconded. Motion carried.

New Business:**12.074 NB Simmons Capital Group, 139 Meyer Road – Addition to Site Plan**

Mr. Donald Simmons, the applicant, stated the following: I'm here tonight to present some additional parking for the building that we are turning into a professional office for my financial planning practice. I gained a change of tenant approval in April and since that time I've been able to purchase the property next door. Mr. Watts asked could you give the Board the history of what happened with the building because I remember that we gave you an approval for a certain size building based upon what was there and somewhere in the midst things changed, is that not correct? Mr. Simmons stated the following: The building was in far worse shape than anybody knew when we started. Primarily the biggest problem was the roof. After we tore into the roof, I found out that it had spacing that was anywhere from 16 inches to 24 inches on center and had 4 or 5 different modifications that were not going to meet the commercial zoning requirements. So, we ended up replacing the entire roof with a truss system to meet code. Mr. Watts asked did you get an approval from the Building Department to do all these things? Mr. Simmons stated yes, we presented all the truss plans back in July for that. Mr. Nadeau asked has the footprint or the size of the building been changed? Mr. Simmons stated no. Mr. Higgins asked did you pour new concrete on the south side of the building? Mr. Simmons stated no, we didn't add any square footage. Mr. Higgins stated according to part of the drawings that we have, they are different. Mr. Simmons stated the following: The part of the building that is on the south side, the foundation was insufficient to support the walls and that also would not have met code. Mr. Higgins stated you talked about the problems with trusses, but you tore down the entire building. Mr. Simmons stated no we didn't tear down the entire building. Mr. Higgins stated oh you didn't, what was left? Mr. Simmons stated we put in a lot of windows downstairs but the first floor is the exact same footprint that it was. Mr. Higgins stated the following: I didn't say footprint. Regarding the walls that are on the lower level; are you telling me that the walls on the lower level are the same walls that were there? Mr. Simmons stated the walls that were there were 2 x 4 construction, so we changed it to 2 x 6 construction. Mr. Higgins stated so in essence; you demolished the entire building down to the foundation and increased the foundation to support a 2-story building. Mr. Simmons stated no, we only changed the foundation in the place that didn't meet code. Mr. Higgins asked which was where? Mr. Simmons stated it was the south side of the building that was originally a garage and the concrete wasn't even 4 inches thick there and it had no frost wall around the outside edges to meet code. Mr. Higgins stated the following: I think the point that Mr. Watts is trying to make is that when you originally came before this Board it was for a change of tenant. My recollection of that change of tenant was doing some modifications to the front of the building to make it handicap accessible and then you went to the Zoning Board of Appeals (ZBA) for a variance. Mr. Simmons stated that is correct but we had to fix the building so it would meet code. Mr. Higgins stated but in your fixing the building to meet code, you made the building larger and you had a pre-existing non-conforming building, which you cannot make larger. Mr. Simmons stated I don't think we added any more square footage. Mr. Mark Bergeron stated the following: I am the engineer that consulted with Mr. Simmons after they identified some issues. The issue on the south side was that it was formerly a garage and that garage was built on a slab on grade. So, at that time it was presumed that there was at least a 4 FT frostwall and a footing there. I told them that the balance of the rest of the building had a 4 FT frostwall as we could determine because there was a basement there but when it got to the garage we presumed there would be, without seeing it, at least a 4 FT frostwall and a footing. They were going to convert that to office space and it was attached to the structure so I had advised Mr. Simmons that in my opinion it was not satisfactory. We then had to cut in about 3 FT around the parameter of that slab to cut out the slab and install a frost wall and footing in that area. There was a jog in the back that jogged in about a foot on the original structure and when we did the new foundation, we just made that corner a square corner that jogged in about foot I think. So we did eliminate that jog and probably

added 8 SF potentially in floor area. I think it was about 8 or 10 FT deep but about a foot. So, in essence in doing this work it was just easier to rebuild that section. Regarding the first floor walls; when they removed the siding, which I thought was the initial intent where they were going to add a window and put up some siding, a number of the first floor studs had moisture damage and deterioration. So, they were not planned to come out. I think initially they were just going to put some new framed openings, new headers where the windows were going to be and reuse the existing wood stud framing. But the other issue was that the wood stud framing on the exterior walls was 2 x 4's which presented a little bit of an insulation problem too I thought. Where as if we were going to replace a lot of the deteriorated and replace the 2 x 4's with something 6 inches deep so we could use R-21 wall insulation. We are using the existing foundation for all of the office space but there was a modification to the parameter of the foundation in the garage area to get it down below frost. So, there was a new footing and wall construction. Mr. Higgins stated plus now you have a 2-story building and previously it was a 1-story building. Mr. Bergeron stated the following: I can't comment on that so much initially. The new trusses that were used were an attic style truss, which has allowed Mr. Simmons to have some available use of the second floor. That was something that evolved and it wasn't really part of my plan. I was originally addressing the foundation items and the exterior walls that were concealed at the time. Once they were revealed they had structural issues due to moisture damage and rotting and they had to be replaced to support any structure. In looking at that we found the existing roof structure had 2 x 6 rafters on a 2 x 8 ridge beam and that had to come off one way or another. Could that had been replaced with common trusses again? Possibly but I think at that time since the roof framing system was coming off, I think Mr. Simmons had thought he could get some advantage in square footage by using attic trusses. That was something that was a definitely change and it wasn't shown on the plans and we didn't conceive that initially. Mr. Higgins stated the following: None of this was shown on the plans. Originally, the only thing that was shown on the plans was the modifications to the front for the handicap. Mr. Bergeron stated the following: The plan was for windows, partition framing and I think there was new siding planned and things like that, which were pretty much façade finishes. Mr. Simmons stated and there was a dormer to the back in the original plans. Mr. Higgins stated but not the 2 dormers in the front. Mr. Simmons stated yes, those 2 dormers were on the original plans. Mrs. Murphy stated from a legal standpoint; does that site plan show what has been built? Mr. Simmons asked which site plan? Mrs. Murphy stated the new site plan that you have submitted. Mr. Simmons stated yes. Mrs. Murphy asked are you here tonight to ask for an approval for that new site plan you submitted? Mr. Simmons stated that is correct. Mr. Watts stated the following: According to your letter; the existing square footage was approximately 3,000 SF for plan #1 and during this reconstruction period of finding these issues with the building, you went to 4,800 SF. Mr. Simmons stated that is all from the attic trusses. Mr. Watts stated the following: Do you have 4,800 SF of useable space in the building now? Is there a second floor? Mr. Simmons stated yes. Mr. Watts asked is the second floor going to be used for something; is it going to be used for storage and is it going to be a office space? Mr. Simmons stated the following: Well, if we can have an approval for office space, I would use it for office space. If not, then it would be used for storage. The differential in cost to do regular trusses or attic trusses is minimal considering what I was going to have to spend to tear off a roof and put a new one on. Mr. Watts stated hindsight is the only exact science, but wouldn't it had been better when you were in the midst of this if you came back to the Planning Board and said "before I go ahead and do A plus B, I better get an approval to increase the size of the building"? Mr. Simmons stated the following: I thought it was sufficient to submit the plans to the Building Department, which we did. This is not my full-time job and I don't know about these kinds of things. I assumed that the Building Department and Planning Department talked to each other. Mr. Watts stated they do. Mr. Simmons stated the following: I assumed that if we submitted all the truss plans, that we were fine. I don't know any more than that. Mr. Higgins stated the following: Being that there has

been so many major changes to the site, I would like to make a recommendation to refer this proposal to CHA and let them look everything over just to make sure that what we are approving is correct. Do you have any idea how big the septic system is? Mr. Simmons stated I had that looked at before we purchased it and I think it is 1,500 gallon. Mr. Watts asked do you have electric meters established at this time? Mr. Simmons stated yes. Mr. Watts asked were you just going to have the one office? Mr. Simmons stated the following: Back in April I presented the space that I would occupy and on the drawings on the south side of the building that you're talking about said tenant 2. So, I assumed that I would put an attorney or an accountant or some other similar practice in there that wouldn't have high traffic. So, that has not changed. Mr. Watts stated the following: Okay, that's that. What I'm trying to get in my mind is your building went up by 50% and then this perhaps useable space in that building for a tenant or tenants or more people in other words, is that correct? Mr. Simmons stated the following: Right. If you add attic trusses to 3,000 SF footprint, I think you pickup about 50% in extra space up there. Mr. Watts stated the following: Well, you could build the building up 6 stories too couldn't you? We are approving buildings and space based upon what's there and what comes before us. Just because you may be able to construct something does not make it okay. It might be okay. But the tail doesn't wag the dog is what I'm trying to say. Mr. Simmons stated I understand. Mr. Watts stated I'm not saying we're not going to be okay but it seems like we are kind of going around and around here. Mr. Simmons stated again, I assumed that if we gave the plans to the Building Department, that was sufficient and that was my error and I didn't know. Mr. Watts asked Mr. Williams if there was communication back and forth between Planning and Building relative to this and wasn't Mr. Dave Milkiewicz over there doing some inspections and found certain things? Mr. Williams stated the following: Yes that is correct. When the building plans were brought in, they showed the attic trusses that allowed room for storage in the upper level. Storage areas, per Code, do not create a need for additional parking. Then a second round of building plans were presented with the upper level created by the attic trusses to be additional office space. This is when the Building Department stopped all inspections until the applicant brought in plans showing compliance with the required additional parking spaces needed for the expanded office area. Mr. Watts stated so the Planning and Building Departments were talking throughout this process. Mr. Simmons stated I don't think that I have tried to mislead anyone. We've tried to get this in front of everybody. In fact, I'm pretty sure Mr. Milkiewicz was there when we were talking about the concrete piece and Mr. Milkiewicz was the one that came over and looked at it and said "yes, this is not going to meet code". Mr. Watts asked was that regarding the original plan and before you did the pours? Mr. Simmons stated the following: That is correct. This building here, which I just purchased, is about 2,000 SF and that building is not fit for anything. I probably will have that building torn down within the next couple of months so the area of the building would become greenspace. In the future I will submit plans for a second building but at this point that area would just be landscaped. Mr. Higgins asked are you combining the 2 lots into 1 lot? Mr. Simmons stated that is correct. Mr. Ouimet stated the following: There are a lot of unanswered questions here. I agree with Mr. Higgins and I think this should be referred to CHA. I also think that if it's the intent of the applicant to demolish the neighboring building; that should be on the plan as well stating that the building is to be demolished or to be removed. Mr. Simmons stated that is in the narrative that I gave you. Mr. Ouimet stated yes, but it's doesn't say that on the map. Mr. Simmons stated okay. Mr. Berkowitz asked can we look at that as 2 separate parcels? Mrs. Murphy stated the following: It's my understanding, based on Planning, that he's merging them to be 1 property because otherwise we have a completely different set of legal issues because he will be expanding a pre-existing non-conforming and he will have to go to the ZBA. So, this entire application site plan approval is contingent upon him merging those 2 properties. Mr. Berkowitz asked so what comes first? Mrs. Murphy stated the following: That's a deed filing. So, that is something he can do while CHA is reviewing the applicant. Mr. Simmons stated that's in process; the deed is being filed. Mrs.

Murphy stated so, CHA can review it while he's doing that and showing proof of that. By function of law; once he owns 2 properties that are next to each other, if they are not in conformance to zoning, they merge. We have them do the merging deed so that it's cleaner for title purposes. Mr. Watts stated the following: So, what we're talking about now is referring this CHA for review. The only caution I would give you is to make sure whether it's your narrative or your plans or whatever; you take into consideration what we have told you. You can't say, "oh, I've made a mistake here" and we don't want you coming back with that again. You have the Planning Department, you have the Building Department and they're in the same office. You need to talk to both of those departments and tell them what you want to do and submit your plans. We don't want to hear "because" after the fact. I don't mean to be rude or anything but okay, so you can put these different trusses up but you could have also made it a 3-story building. Physically you can do one thing but there are Zoning ordinances and Town ordinances and Planning looks at things based upon total occupancy, the number of visits, safety and road access in and out. I'm not saying any of these are going to hurt or hinder you or anything like that but try to learn from what apparently was well intended in saying "oh okay, I bought a mess and I want to make the mess right", rather than try to rehab the mess. I understand that but we've had those situation in Town before but you kind of got a little out of sequence I would say. That's why I was trying to draw out of you exactly what had happened and to make sure that we have some clarity relative to where we go forward. Again, I'm going to refer this to CHA for review but before they start their review, make sure you explain where you want to be, what you want to do and submit your plans. So, if you have plans for next door, I can't tell you to submit them but it might be smarter for you to get it all over with and find out what you can do or what you can't do. Mr. Simmons stated the following: Even in regard to that, I was here the day after I closed on the property to talk to the people in the Building Department asking what I needed in order to get a demolition permit. Again, I'm not trying to hide things because I came to the Town the same day that I became the owner of that property saying that I wanted to demolish the building. Mr. Watts asked which building? Mr. Simmons stated the building that I just purchased that I'm merging into the same property. Mr. Higgins asked how many deeds are there for the two pieces of property; is it 2 or 3? Mr. Simmons stated just 2. Mr. Higgins stated okay, because on the map it talks about deed reference #1 and deed reference #2 both on the north side and I wasn't quite sure how the property lines were laid out. Mr. Brian Lydia, Attorney for Mr. Donald Simmons, stated the following: I performed both closing; one in April and one in September. So, there are 2 separate deeds and it is our understanding that we will be consolidating those deeds to comply with any area issues that Zoning might require for parking. At that point, once it is consolidated or before then Mr. Simmons wants to demolish the existing structure because it wasn't really kept up very well and it's very deteriorated and not rentable. It's more an insurance hazard than anything. So, getting rid of that structure and doing whatever is necessary for parking that would suffice for the Zoning Board. Then once that is known, maybe make another plan for future use of that parcel. I have a draft of the consolidated deed but it's not filed because we don't really know what is necessary yet. But, once we do and whatever conditions the Board requires, we'll comply with at whatever level. Mr. Watts stated if you have any questions; please make sure that you ask. Mrs. Murphy stated just the Board is clear, did you get a demolition permit? Mr. Simmons stated no. Mrs. Murphy stated you have to do that before you tear it down. Mr. Simmons stated I understand that. Mrs. Murphy stated okay.

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

12.083 NB Zach Stone Barber, 222 Guideboard Road (222 Plaza) – Change of Tenant

Mr. Zachary Stone, the applicant, stated the following: I apologize for missing the last two meetings. I'm proposing to sublet space from the Legally Bronzed tanning salon to operate my barbershop located at 222 Guideboard Road. Mr. Watts asked would you just have 1 full time employee with one barber chair? Mr. Stone stated yes. Mr. Watts stated the following: The Planning Department write-up states that your hours of operation be Monday through Friday 12:00 pm to 9:00 pm, Saturday 10:00 am to 5:00 pm and closed on Sunday. Would you have different hours that you think you might want to do? Mr. Stone stated I would like to change that to 11:00 am. Mr. Watts stated so you want to work from 11:00 am to 9:00 pm, is that correct? Mr. Stone stated yes. Mr. Watts stated okay, so you would have 1 employee with 1 or 2 people in there at a time and it would be a standard barber operation. Mr. Stone stated the following: Yes, I'm subletting the room, so it would be me in my room and then the tanning salon is open until 9:00 pm. So, I would be open the same as their hours of operation. Mr. Roberts asked are you actually in the same section as the tanning salon? Mr. Stone stated no, I have another room that sits off to the far right. Mr. Watts asked has there been somebody providing barber services in there before or is this brand new? Mr. Stone stated I believe there was cosmetology in the past and they changed things around with that back room. Mr. Watts stated so this would be a standard barbershop. Mr. Stone stated yes. Mr. Watts asked do you have a sign application? Mr. Stone stated I have writing on my window storefront and I had a sign by the road that just sticks in the ground. Mr. Watts stated the following: You can't have the sign that you placed in the ground because our Code Enforcement people will pick them up and if you continue to do that, you could be issued a ticket. Mr. Stone stated okay. Mr. Watts asked do you know if he wants a sign on the building? Ms. Zepko stated Mr. Stone has stated that he only wants the sign in the window. Mr. Watts stated okay, so he knows he can't stick a sign out by the street. Mr. Stone stated the following: Right. I'm interested in putting up a little spinning barber pole into a light fixture right outside the window but I would have to talk to the landlord about it. Ms. Zepko stated we don't control the barber poles. Mrs. Murphy stated a barber pole wouldn't be a sign and asked if the barber pole had any words on it. Mr. Roberts stated are you going to put your name out there or anything? Mr. Stone stated no. Mrs. Murphy asked would the barber pole obstruct the sidewalk or anything along those lines? Mr. Stone stated no.

Mr. Ouimet made a motion to approve the change of tenant application for Zach Stone Barber. Mr. Roberts seconded. Motion carried.

12.090 NB Kid Kampus, 282 Grooms Road – Change of Tenant & Sign

Mr. Ryan Sawyer, the applicant, stated the following: My brother, Mr. Greg Sawyer, is also with me tonight. We are proposing to open a day care operation at the existing Pal's Day Care. We are taking over ownership of building and running the business. The hours of operation would be 7:00 am until 9:00 am for morning care. The parents would drop off the kids at 7:00 am and buses would pick up the kids anywhere from 7:30 am to 9:00 am and would bring the children to school. The buses then come back around 2:30 pm to drop off the kids. The parents are then responsible to pick up the children around 6:00 pm. So, we would reopen from 2:30 pm to 6:00 pm. Mr. Watts asked how many employees would there be? Mr. Greg Sawyer stated currently about 10. Mr. Watts asked who filled out the application? Mr. Ryan Sawyer stated I did. Mr. Watts stated your application states the hours of operation would be 9:00 am to 8:00 pm. Mr. Greg Sawyer stated it always has been typically from 7:00 am to 6:00 pm especially during the summertime when we're open all day. Mr. Watts stated and you may have more employees depending upon your need and it's a standard day care operation. Mr. Ryan Sawyer stated correct. Mr. Watts stated the following: Could you give us a little clarification on the number of kids; as your narrative

stated 180 kids maximum. Who sets these numbers and how are they set? Mr. Ryan Sawyer stated the State. Mr. Watts asked based upon what? Mr. Greg Sawyer stated the following: Square footage and the amount of space of each room. It depends on the size of each room that allows for a certain amount of kids. So, the State and the Office of Family Child Services are the people that come up with that number. Mr. Watts stated and they're aware that the Planning Board has some authority relative to traffic and different things like that. Mr. Greg Sawyer stated absolutely. Mr. Watts stated we have discovered that a Sharon Fryer Attorney at Law, that is the next item on our agenda, is also inside that building. Mr. Ryan Sawyer stated yes. Mr. Watts stated the following: I know in the past that there were some issues relative to an elevator in that building, the permits and whether it was required or not. Mr. Greg Sawyer stated the following: Currently it has been disabled and has been boarded up and it has been that way for years now. The previous owner did whatever she had to do because we never used because we never had any children with a handicap, wheelchairs or anything of that nature. So we have always had it disabled and it has never been a functioning elevator. Mr. Berkowitz asked what happens if you did get a handicap child? Mr. Greg Sawyer stated the following: There are handicap accesses and that wouldn't be a problem. It's just not required to use the elevator. There are other ways to get in the building and throughout. So, that wouldn't be a problem. Mr. Berkowitz asked so does it meet the ADA (American's with Disabilities Act) specifications? Mr. Greg Sawyer stated absolutely. Mr. Higgins is the building 1-story or 2-stories? Mr. Ryan Sawyer stated the following: The building is below grade. So, you have the 1-story and then the basement, which is below grade. Mr. Higgins asked is the handicap access accessible to both stories? Mr. Ryan Sawyer stated yes. Mr. Roberts asked what is the maximum number of children you plan on having here? Mr. Ryan Sawyer stated right now it is currently zoned for 211 and our idea is to get that maxed out. Mr. Greg Sawyer stated we have been pretty close to maxed out in years past going back when they first purchase the building, which I believe was in 2006, when we had close to almost 200 kids enrolled in program. Mr. Roberts stated the State said 180, right? Mr. Greg Sawyer stated that is because of the lawyer's office that took up some of our square footage, so they lowered the number. Mr. Roberts stated but she's still going to be there, right? Mr. Ryan Sawyer stated until March 1. Mr. Greg Sawyer stated just for a few months then she's leaving. Mr. Roberts stated well while she is there, we can't approve more than 180. Mr. Greg Sawyer stated that is why we are using the 180 number. Mr. Ryan Sawyer stated if it does get revised, we'll come back to the Board and ask for the higher amount. Mr. Roberts stated so now you're going for the 180? Mr. Ryan Sawyer stated yes. Mr. Ouimet asked are you currently operating? Mr. Greg Sawyer stated I am. Mr. Ryan Sawyer stated Mr. Greg Sawyer has been the director for the last 7 years. Mr. Ouimet asked are you operating as Pal's. Mr. Greg Sawyer stated I am operating under Pal's After School and Summer Camp. Mr. Ouimet asked do you currently have a license from the State? Mr. Greg Sawyer stated absolutely. Mr. Ouimet asked for how many kids? Mr. Greg Sawyer stated the following: On the license it says 211. Currently enrolled there are about 75 kids. Mr. Ouimet asked do you have to get your license reissued under the new name? Mr. Greg Sawyer stated yes, we are already in process of that. Mr. Ouimet asked how many slots are you asking for? Mr. Greg Sawyer stated the following: Eventually we are hoping to get back to the same number, which is 211. Right now, like we said, we are looking for 180. Mr. Ouimet stated so you are applying for 180 to the State. Mr. Greg Sawyer stated that is correct. Mr. Ouimet asked do you currently have any violations? Mr. Greg Sawyer stated no. Mr. Ouimet stated I could go on the website to check myself, but I'm just asking you. Mr. Greg Sawyer stated it is public records and that's what it is there for. Mr. Ouimet asked how many teachers do you have? Mr. Greg Sawyer stated currently about 10. Mr. Ouimet stated in order to service 180 children, how many teachers do you have to have? Mr. Greg Sawyer stated the following: It depends on the age of the children. The ratios are different for kindergarten through 9 year olds, which are 10 kids per teacher. As the age goes up, so does the number of ratios. So, we are allowed to have 15 children per 1 teacher. So, it

depends on the enrollment for the staffing. Mr. Ouimet stated I assume you have a target population that you're going after, right? Mr. Greg Sawyer stated yes, that is correct. Mr. Ouimet stated so you would have all age levels. Mr. Greg Sawyer stated it would be kindergarten through 8th grade. Mr. Ryan Sawyer stated right now it is after school only, which is kindergarten through 8th grade. Mr. Greg Sawyer stated it would be 5 year olds through about age 13. Mr. Ryan Sawyer stated we are in the process of expanding into day programs for infants, toddlers, pre-school aged children and rap-K. Mr. Ouimet stated so in order for us to approve a change of tenant, you'll have to have your license reissued and put in the new name as the new operators before we can approve the change of tenant application. Mrs. Murphy stated this Board might want to require that because the State requires that the Town says it's okay before they license the day care. Mr. Ryan Sawyer stated the following: That is okay as far as the State is concerned but we can't start operating as Kid Kampus and collect checks to Kid Kampus without our license. So, you can approve the change of tenant but we cannot start operating until the State approves our license. Mr. Ouimet asked could you tell us a little bit about the bus transportation in and out with how many trips per day. Mr. Greg Sawyer stated the following: In the morning there are about 3 buses that come to pick up the children. Each bus has roughly about 8 children on it. In the afternoon there are about 7 buses that come between 2:30 pm to 4:00 pm. Each bus varies on the amount of children that could be anywhere from about 12 to 20 children. Mr. Ouimet asked is that 12 to 20 children per bus? Mr. Greg Sawyer stated that is correct. Mr. Ouimet stated so right now you are servicing 75 children. Mr. Greg Sawyer stated yes. Mr. Ouimet asked so if you go to 180, how many bus trips would you have a day? Mr. Greg Sawyer stated we have had higher numbers in enrollment and believe it or not the busing stays the same. Mr. Ryan Sawyer stated we are just adding more kids to the same buses. Mr. Greg Sawyer stated the following: I believe the buses can seat up to about 55 children and currently there is only about 12 being used in those spots. So, they could fill about another 40 children per bus. Mr. Ouimet asked are they full sized buses and not half buses? Mr. Greg Sawyer stated yes, they are full size buses and we have one child with special transportation. Mr. Ouimet asked is there sufficient turning radius in your parking lot for the buses to move in and out without having to back out onto Grooms Road? Mr. Greg Sawyer stated yes. Mr. Higgins stated the following: On the original approval there was all kinds of provisions for parking in certain areas and the children could only be dropped off in certain areas. They are supposed to have supervision outside when the children are getting on and off the buses. That was all stipulated in the original approval. Mr. Ouimet stated I just want to make sure that if there is a change of tenant that we approve that the original stipulations go forward. Mr. Higgins stated I agree with Mr. Ouimet one hundred percent. Mr. Ryan Sawyer stated there is a no parking drop off zone where the kids are dropped off where you are not allowed to park. Mr. Ouimet stated tell me a little bit about the attorney that is renting space in the building. Mr. Ryan Sawyer stated the following: This is something that the owner, Ms. Marge Russell; a friend of hers is occupying space for free but since we are taking over the building, we're subleasing to the attorney now. The attorney is pretty much cornered off in her own area upstairs. She has her own entrance and her own locked doors. Her office is located where the library was located for the day care facility. Ms. Freyer is running a real estate attorney business out of. Mr. Ouimet asked what kind of traffic does she generate? Mr. Greg Sawyer stated the following: It is very minimal and it is used only for closings. People would come and it is maybe 2 cars at the most with a seller and the buyer. Mr. Ouimet asked has that proven to be a problem? Mr. Greg Sawyer stated no, not at all. Mr. Ouimet asked did you say that you are going to continue that relationship until March? Mr. Ryan Sawyer stated the following: Yes. I have a mortgage company and I plan on possibly occupying that space and my current lease is up in March. That is an idea that I'm throwing around so we gave her until March to pretty much figure out a place to go. If I do decide to bring my company over to this site, we'll obviously do a change of tenant. If not, then we'll come back in front of the Board to ask for increase from 180 to whatever the State allows us up to 211. When

Ms. Freyer vacates the space, we'll probably have a revision from the State. It is beneficial for us to actually have it only a day care for the children. Mr. Watts asked are you aware that the Professional Office/Residential (PO-R) signage allowance increased and has that been taken into consideration? Mr. Roberts stated yes, and the signage for this application conforms. Mr. Watts stated the following: This sign will be the larger size because that was one of the things we recommended as a Planning Board to the Town Board that in the PO-R zone that the signage be increased so you would get a little more visibility. Mr. Ryan Sawyer stated we were also wondering if we could turn it because right now it is parallel to the road and previously it was approved. Mr. Roberts stated right, because it will be 2-sided. Mr. Ryan Sawyer stated yes. Mr. Roberts stated yes and that does conform. Mr. Watts stated please advertise that you are located in Halfmoon.

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

Sign-freestanding-Kids Kampus

Sign Area: 9.85 SF/side – total of 19.7 SF

Sided: ☐ one-sided ☒ **Two-sided**

Total Height: 4 ft 7 in.

Location of Sign: front entrance of the site, perpendicular to the road

Lighted: ☐ Internal ☒ **Flood**

Mr. Nadeau made a motion to approve the change of tenant application for the Kid Kampus. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for the Kid Kampus. Mr. Nadeau seconded. Motion carried.

12.095 NB Sharon Freyer Attorney at Law, 282 Grooms Road – Change of Tenant

Mr. Watts stated the following: The applicant, Sharon Freyer Attorney at Law, is occupying 1,000 SF located at 282 Grooms Road with 1 full-time employee. Mr. Ryan Sawyer stated that is correct. Mr. Watts stated this was discovered as being there somehow and we were not aware of this as a Planning Board. Mr. Ryan Sawyer stated yes, we brought this to the Planning Department's attention. Mr. Roberts stated for the record this applicant does not have a sign. Mr. Ryan Sawyer stated that is correct.

Mr. Roberts made a motion to approve the change of tenant application for Sharon Freyer Attorney at Law. Mr. Berkowitz seconded. Motion carried.

12.091 NB Halfmoon Fire District #1 (Hillcrest FD), 145 Pruyn Hill Road – Special Use Permit/Site Plan

Mr. Andy Abdallah, of Architectural Engineering Design Associates, P.C. of Plattsburgh, stated the following: We are assisting the Halfmoon Fire District in their fire station expansion. I believe you have a packet that was sent in showing the proposed expansion. Currently the fire station has a existing building that is about 5,500 SF and they're proposing to expand to about 12,500 SF. The newest expansion part is to accommodate fire trucks and emergency vehicles. One of the major problems in the current station are the doors and the sizes of the bays don't really fit the new fire apparatus. The major changes to the site is to add more parking for public activities, a one-way circulation around the building to be able to drive into the bays of the building for fire trucks and the bays would be double deep in the building. They would now have 2 driveways instead 1 large driveway and that would eliminate all the pavement in the middle and that would become greenspace on the final plan. Things that exist now are; an addition for recycling buildings that would be moved to another location along with a dumpster enclosure. Currently the building has

fuel oil heat that would be converted to propane heat and propane tanks are proposed in another corner of the site. There is a generator that exists that would be moved to another corner. It's not shown on the plans but the existing sign will stay where it is located now. They may choose at some point to come back to relocate and propose the sign. Mr. Ouimet asked could you tell us a little more about the public activities that are being contemplated for the building. Mr. Abdallah stated the primary use outside the building is a voting location. Mr. Jim McBride, Commissioner – Halfmoon Fire District #1, stated we have two election districts at our location. Mr. Abdallah stated also they occasionally have small event, but very few. The primary use is activities of the department with training and meetings. Mr. McBride stated also the soccer league uses it for meeting. Mr. George Owad, Commissioner – Halfmoon Fire District #1, stated the following: I think, as you remember, the evolution of the fire department used to be a social institution and that has become less and less and it's more firematic but with the evolution of the neighborhood in our area, we have 2 voting districts that use the space. If there is anybody who votes there now, you know it's kind of tight with the space so the larger meeting hall would be used for that. Also, we have a soccer league that meets there once a month. Once in a while we use the space for parties for our members and that has been done less and less with our prohibition in the last 10 years of not having any alcohol in the buildings. The larger space is going to be used for training. We have mandated training by the State for Occupational Safety and Health Administration (OSHA) and other things. We do training that involves not only ourselves but also neighboring districts that we have mutual aid things with. Also we provide training for our citizens in the district such as Cardiopulmonary Resuscitation (CPR) and things like that. Mr. Watts stated so in other words; we should have plenty of parking. Mr. Owad stated the following: Most of the parking right now would be for those activities. When there is a call, we do have enough parking. Also, one thing that happens is if we're having one those activities, especially if there is an election going on, sometimes people were coming in to vote and they do not park in the areas where they should be parking. So, we are trying to have parking segregated so that it doesn't interfere with the people responding to emergencies and also it doesn't interfere with people who are doing other activities. Our main concern is always for safety. What has happened with the increase in population; we're seeing more traffic and things like this and I think that the way it is laid out it will mediate some of those issues. Mr. Watts asked would the parking lot be paved and striped? Mr. Abdallah stated yes it is and if you look the layout that's there, that's the actual line layout that would occur. Mr. Ouimet stated there has been some concerned expressed on the angular parking in the rear of the building as far as cars backing into the traffic lane and that could be problematic. Mr. Abdallah stated the parking spaces in the back are for the firemen. Mr. Ouimet asked would those spaces be designated for firemen only? Mr. Abdallah stated the following: Yes, those spaces would only be for the firemen. I think there is a letter from the fire district in your packet that talks about the layout. There would be parking strictly for the firemen and emergency purposes and there would also be parking for the public. Mr. Ouimet asked so it wouldn't be likely that a fireman would back out in front of a fire truck coming around the building, right? Mr. Abdallah stated the following: Theoretically, never. Mr. Ouimet asked so that parking area would not be used for the other activities? Mr. Abdallah stated that is correct. Mr. Roberts asked so you don't see a safety issue there with that? Mr. Abdallah stated the following: No, not as long as the public is in another area. Whenever you're moving and combining traffic there is always unintended consequences. Mr. Ouimet stated I guess the alternative would be not to stripe it and don't use it for parking. Mr. Abdallah stated the group that's here is going to know what that area is for. Mr. Roberts asked are you going to put signs up that say "fireman only"? Mr. Abdallah stated the following: Yes, there would be a sign that says "fireman only and no public parking beyond this point". I think in your packet there's a map drawing that shows that. Mr. Higgins asked is that stormwater retention pond a real pond currently, correct or is it stormwater? Mr. Abdallah stated the following: We have not gotten into the design yet but our intent would be a detention basin that just holds

stormwater then releases it minus whatever has to be held to keep the bottom wet. So, that would not be a full pond of water. Mr. Higgins stated so the existing pond is going to have to be pumped and totally rebuilt. Mr. McBride stated the pond is a separate issue. Mr. Higgins stated okay, because it's not shown on the plan. Mr. McBride stated we don't own the pond; we have an easement on that side. Mr. Abdallah showed the Board where the pond was located. Mr. Higgins stated okay, so it's in the back. Mr. Abdallah stated that is our intended area for stormwater, so that is a new area. Mr. Ruchlicki stated currently that is a low area anyway. Mr. Abdallah stated so we're not touching the other pond. Mr. Ruchlicki stated the way the 2 roads come in; there's a little ravine in there. Mr. McBride stated that is correct. Mr. Watts stated so, what do you want to accomplish tonight? Mr. Watts asked Mrs. Murphy if the Board needed to schedule a public hearing or public informational meeting because this is a special use permit. Mrs. Murphy stated the following: This would be a public hearing because they require a special use permit. Who's property is the area for future stormwater management? Mr. McBride stated Tom and Sandy McBride. Mrs. Murphy asked do you have an easement or something that I can look at? Mr. McBride stated yes, we do have an easement. Mrs. Murphy asked do you guys have that? Mr. McBride stated I believe we do have it. Mrs. Murphy stated the following: Could you provide us with a copy of that? You don't have to have it tonight but we would need to have that before the public hearing. I'll also have to research the issue of mitigating your stormwater off-site. That is unique because usually the New York State Department of Environmental Conservation (NYSDEC) requires you to keep all of your stormwater on-site. So, I don't know if the State is going to have a problem with that or not, but I will look at that. Mr. McBride stated okay. Mr. Watts asked Mr. Bianchino if he had a chance to look at what we have here. Mr. Bianchino stated the following: Yes, I looked at the concept and conceptually it looks fine. I would like to see a little more detail on the height of the retaining wall. Based on the existing grade it is probably going to be 10 FT. Mr. Abdallah stated I don't think it's going to be quite that high, it's going to be a little lower than that and I can't tell you exactly what it is. Mr. Bianchino stated again, I would like to take a look at more detail on the plans. Mr. Watts asked Mr. Bianchino if he had enough information to schedule a public hearing. Mr. Bianchino stated the public may ask those questions and we may want to look at some of those preliminary design issues. Mrs. Murphy stated you're not even at public vote, right? You still have to go before your fire district people. Does it hurt you to delay for a month or so while he makes it a little more detailed so if the public has issues, you guys can answer them? Mr. McBride stated we were hoping to have the public vote on December 11, 2012, which is the same night as our Commissioner's election. Mrs. Murphy stated my only thought is instead of scheduling the public hearing for 2 weeks, schedule it for 4 weeks just so that if the public does have those questions, they can be answered and this Board can proceed because if the questions can't be answered, the Board will probably send you back to answer them. Mr. Abdallah stated the following: Our real goal tonight primarily was to make sure you had a chance to look at the project, the concept and to ask questions. All the questions that you had on stormwater; we've looked a little bit at that. Our first thing is the issue of the property easement and then we'll deal with the issue of the NYSDEC and your regulations may have some issue with that too. We have 2 options for stormwater and that's our simple and preferred option. The other option is something under the parking lot and we prefer to stay with the first option if we can. Mr. McBride stated we did hold an informational meeting at our firehouse about 3 weeks ago just for the public's information. Mr. Watts asked did many people show up? Mr. McBride stated just one. Mr. Watts stated the following: We will set the public hearing tonight and then if you run into some delays we can set again and that way we'll have a target date. So, try to get some of that additional information to us. Mr. Abdallah stated the following: The only question I think that goes outside is the question to the NYSDEC and the location of stormwater. I think everything else is in house and with your engineer. Mr. Bianchino stated the following: I did ask our stormwater guys if there was any prohibition with the regulations with having the stormwater area off-site as long as it's

controlled by an easement, which they are proposing. Our guys didn't seem to think there was a prohibition. Mr. Abdallah stated I can get you all of the other technical information and the other things that you asked for. Mrs. Murphy stated the following: For all the non-public service people who may be in the audience tonight; the only reason they can go off-site like that is because the Planning Board doesn't have the same type of parameters on this type of site plan. Unless the NYSDEC says that you cannot do it, the Planning Board is allowed to do it for the public's health, safety and the welfare of the building. Mr. Watts stated which is the fire department. Mr. Nadeau stated my question was; how is it that we will not allow it for an A, B, C separate entity and we would allow it for them? Mrs. Murphy stated our local law specifically says on a commercial site plan that you have to retain on-site. Mr. Higgins stated the following: You might want to mention in your presentation that it doesn't appear that you really have any room for snow storage. So, at the public hearing just mention how you plan on handling the snow removal.

Mr. Nadeau made a motion to set a public hearing for the November 13, 2012 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

12.092 NB Spring Brook Mobile Home Park, Dunsbach Road – Major Subdivision

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm representing the applicant, Garden Homes Management. This application proposes to develop 3 additional mobile home lots within the existing Spring Brook Mobile Home Park. There are approximately 134 mobile home units located in the park. I have 2 maps in front of the Board this evening; one is a partial area of the park that shows some of the existing mobile homes that are located on the site as well as the new location for the 3 proposed mobile home lots. Approximately 3 private roads that enter off of Dunsbach Road provide all the access to the new units and existing units. The new homes would be located in the northeast corner of the park where there is heavily wooded vegetation behind the area that we are proposing to develop. As you look at the blowup area of the new lots that we would be creating, you can see that there is a lot of existing vegetation that would remain and it does not require any type of removal of the vegetation. So, as far as any kind of land disturbance, it really is minimal. I have some photos; the first photo is just kind of a character picture of one of the well maintained mobile home units located right on Dunsbach Road. You can see from the picture and I know a lot of you have driven by there; they really do a pretty good job with maintaining the facility itself. So, I would expect that these proposed units would also be in the same type of character as the ones that are there. Again, back to the original drawing; what we're proposing are the 3 lots that would meet all of the R-2 Mobile Home Park zoning criteria. We would still maintain the existing pump station in between Lots #1 and #2 and we just needed to relocate a couple of temporary storage sheds that are located in the corner of the site. So, there is really not a lot of disturbance required. The utilities are all there; sanitary and water. There is an existing storm sewers within the roads. Specifically Nathan Lane is the road that we would be connecting to. I have some other information here also that you may want to look over. I don't know if you've had a chance to go through the zoning ordinance, but some of the more pertinent criteria within that ordinance specifically states that you are allowed up to 6 mobile homes per acre. So, if you do the math with this particular parcel, we've got 31 acres and it's actually permitted for a 186. Again, we are well within that with the 134 units that currently exist. So, with these 3 new lots we will then be at 137 units. Other setbacks to keep in mind is that they like to make sure that there is at least 30 FT in between each one of the mobile home units and make sure that you're not within 50 FT of an adjacent property. I know that is important to any surrounding neighbors. Again, as I had pointed out, you're over 150 FT to the nearest adjacent property line. The units themselves also need to within 10 FT of the nearest roadway, which we meet. These new proposed lots would have singlewide units, which are required to have 5,000 SF of area for each unit and that is also being proposed. Mr. Higgins stated

I know you just said it but I want to confirm it again; these are only going to be singlewide units, not doublewide, right? Mr. Vuillaume stated right; the doublewide wouldn't fit at these locations. Mr. Polak stated the following: The Town Board requires mobile home parks to renew their license every year. Also, our Code Enforcement Officers do inspections to make sure that everything is in compliance in all our mobile home parks. Everything is in compliance at the Spring Brook Mobile Home Park. Mr. Watts stated the following: Thank you Mr. Polak. That has been a major concern of the Code Enforcement Department, the Town Board and the Town Supervisor to bring mobile home parks into compliance. I don't know that Spring Brook Mobile Home Park ever had any major issue, but I know that some of the other mobile home parks had some issues and everybody is entitled to good quality of life no matter where they reside and some times the owners of these properties need to be reminded of that. It is very rewarding to see many of these mobile home parks and how the quality of life has been improved for our Town residents.

Mr. Nadeau made a motion to set a public hearing for the October 22, 2012 Planning Board meeting. Mr. Higgins seconded. Motion carried.

12.093 NB Fitch Subdivision, 31 Smith Road – Minor Subdivision

Mr. Drew Schaufert, of Santo Associates, stated the following: I'm representing Mrs. Fitch for her minor subdivision application. The property is located at 31 Smith Road. The parcel is a roughly 5.3-acres and the proposal is to subdivide the property into 2 lots. Currently there is an existing single-family dwelling on the 5.3-acre lot. The applicant is proposing to cut an area of 2.50-acres off of the lot to be retained by Mrs. Fitch. The second proposed lot would be a 2.7-acre flaglot. The proposed flaglot would have a 50 FT wide strip out to Smith Road along the north property line that would be put up for sale for the eventual construction of a single-family dwelling. The zoning is Agricultural-Residential (A-R). There currently is municipal water along Smith Road. There is no sewer available so there would have to be an individual septic system installed on the newly created Lot #2.

Mr. Nadeau made a motion to set a public hearing for the October 22, 2012 Planning Board meeting. Mr. Higgins seconded. Motion carried.

12.094 NB Center for Nanoscale Science & Engineering (CNSE), 5 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: 5 Corporate Drive is located in the Abele Park. The Center for Nanoscale Science & Engineering had moved into 13 Corporate Drive a couple of years ago and came before the Board for that change of tenant application. They bought out Veeco, which was a predecessor and was located at 5 Corporate Drive. Since then they have left and it was empty and they're taking some of the space that Veeco occupied. They are also taking some of the Anaconda Sports space. Anaconda Sports offices are still there but they don't have the demand for quite as much of the warehouse area so they would be taking some of that space also. The Center for Nanoscale Science & Engineering would end up with about 16,000 SF of the warehouse space for the facility to use. This would just be an extension of the same type of research work they're doing at 13 Corporate Drive. Mr. Watts asked could you explain to me the Center for Nanoscale Science & Engineering and who are they affiliated with? Mr. Kevin Sharp, of SUNY College of Nanoscale Technology, stated the following: I work for the College of Nanoscale Science & Engineering. This is a division of what's called the Research Foundation, which is a part of the SUNY system. Mr. Watts asked are they located elsewhere in the Capital Region? Mr. Sharp stated they're the whole NanoFab Technology Center down at SUNY Albany. Mr. Watts asked is this all part of that? Mr. Sharp stated it is all part of that. Mr. Watts stated the following: Okay because I couldn't really tell from the narrative or the application and that's why I was trying to

clarify this in my mind. Mr. Watts asked how many people would be working there? Mr. Sharp stated probably around 40 or so after we are all done. Mr. Watts asked 40 at this site? Mr. Sharp stated there are about 20 currently at 13 Corporate Drive and there would be another 20 at 5 Corporate Drive. Mr. Watts asked is this a manufacturing operation? Mr. Sharp stated the following: It would be high-level R&D. We are leading up to full-scale photoable tag manufacturing. Mr. Address stated our application only had 10 for this site because that's what we were told in the beginning but obviously over time they're going to go to potentially 20. So, that will have to be modified. Mr. Watts stated the following: We will put down 20. So you would have 2 sites both located in Halfmoon. Whether it's 10 people or 30, is there adequate parking? Mr. Williams stated yes. Mr. Watts stated I would like to see a little bit more in these narratives. Mr. Address stated I apologize as we had a very large narrative for 13 Corporate Drive and I was under the assumption that you were familiar with it. Mr. Sharp stated we truly wanted to expand to be the leading photo tag center within the world.

Mr. Ouimet made a motion to approve the change of tenant application for the Center for Nanoscale Science & Engineering (CNSE). Mr. Higgins seconded. Motion carried.

12.096 NB Better Homes & Garden Real Estate, 1581 Route 9 – Change of Tenant

Mr. Tom Address, of ABD Engineers & Surveyors, stated the following: This is in the building that Mr. Rekucki has next to the Hess Station on Route 9. We've had a lot of experience over the last few years with the Board looking at that building and the use and everything is working well. This is the tenant space on the far left as you look at the building where Verizon was located. This space is just a single story and they don't have anything below. They would occupy 1,400 SF of space. Better Homes & Garden has their main office in Albany and they are looking to do a satellite office because of the amount of sales in Halfmoon and Southern Saratoga County area. So, they want to be able to put a salesperson at this location. It would also be the real estate agents that are showing homes to someone in the area to have some place to come back and sit down to speak with them about it. Mr. Watts asked is there any sign needed? Mr. Address stated the following: There will be a sign but they hadn't prepared it yet. So, that sign application will be submitted to the Planning Department.

Mr. Higgins made a motion to approve the change of tenant application for Better Homes & Garden Real Estate. Mr. Roberts seconded. Motion carried.

Old Business:

12.013 OB Fairway Meadows Phase III, Dormie Avenue & Timothys Way – Major Subdivision/Zim Smith Trail Extension

Mr. Roberts recused himself from this item. Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with the applicant for the project, Mr. Bruce Tanski. I think the Board is quite familiar with the overall Fairway Meadows project. The overall Fairway Meadows project is approximately 254-acres. Phase I and Phase II of the project have been reviewed and approved by this Board and they are under construction. What we're here for tonight is strictly Phase III of the project, which is approximately 58-acres. On this 58-acres the applicant is proposing 62 single-family dwelling units all in accordance with the Agricultural-Residential (A-R) zoning for the parcel. We have been through this project with the Board and we did obtain preliminary approval from the Planning Board. Since the Board has seen this project last, we have gone to the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH) and the Saratoga County Sewer District #1 and we have obtained their review and approvals as well. It is my understanding that we do have a technical

signoff from the Town designated engineer as well. So, we are here tonight for the Board's consideration for final approval of Phase III. I would like to note that since the last time the Board saw the project, the only change in the project is relative to the trail system. The original Fairway Meadows project had a trail system that originated from the corner of Staniak Road and Johnson Road that meandered through the project and came out down on the northeast corner of the project down by the Fairway Estates project. Since the last time the Board has seen this project, the applicant was contacted by Saratoga County relative to the Zim Smith Trail going through the parcel. The applicant has worked with Saratoga County, Mr. Jason Kemper in particular, and has identified a route for that Zim Smith Trail through this project from one side of the project to the other side of the project. Saratoga County has accepted that route and is excited about that route and we have implemented that into the site plan. So, that is the only change that has been made to the project since the last time the Board has seen the project. We're here tonight for questions and comments from the Board and to advance with the Zim Smith Trail and asked for the Board's consideration for final approval on Phase III. Mr. Watts asked where was the trail and where is the trail? Mr. Lansing stated the following: The trail did originate from the corner of Staniak Road and Johnson Road, came down behind the units on Bentgrass Drive and then went in between the units between Stableford Place and Eagle Lane and then down towards Camber Court. There is a section of the trail that did go down and through and then down to the corner of Johnson Road and Staniak Road. The new trail would just be along the northern section of the parcel going through a portion of Phase III and another parcel adjacent to this parcel. Mr. Nadeau stated so, approximately 10 homes in Phase II; is that trail new to those homes? Mr. Lansing stated yes, approximately 10 homes. Mr. Berkowitz asked is the trail going to be part of the road or is there going to be a separate pathway along the front lawns of all these homes? Mr. Lansing stated the trail would be within the right-of-way along the roadway. Mr. Berkowitz stated so, it's going to be part of road and not part of their front lawns? Mr. Lansing stated the following: There would be a gap. It would basically be a sidewalk per say with a grass strip between the roadway. So, it would be a roadway, a grass strip and then the trail. Mr. Berkowitz asked so would it be like a regular sidewalk. Mr. Lansing stated yes, very similar. Mr. Higgins asked who is going to retain ownership of the trail in front of these people's homes? Mr. Lansing stated it is my understanding that the right-of-way would be dedicated to the Town so it would be a Town owned trail. Mr. Bianchino stated the following: I think the roadway right-of-ways are going to be dedicated to the Town as part of the road dedication. But, I believe part of our conversation with Mr. Kemper from the County was that the County would maintain ownership and maintenance responsibility for the trail. Mr. Higgins stated okay, because obviously if those are existing homes, those people would want to know all of those details and that is why I'm asking. Mr. Lansing stated okay. Mr. Higgins stated so the County would maintain ownership and maintenance and they would do snow removal on that trail and everything else, right? Mr. Bianchino asked do they do snow removal now? Mr. Higgins stated the following: I have no idea. But, if I was one of the owners of one of those houses, I would like an explanation of what is going on because now there is just grass there and all of a sudden they're going to have concrete and everything else. Mr. Watts asked what is the surface going to be? Mr. Bruce Tanski, the applicant, stated the following: It's my understanding that it's concrete and there are no homes there yet. So, if I go to sell you a home, you're going to know that this is happening. Mr. Higgins stated I apologize, I thought there were existing homes there. Mr. Tanski stated no they're not. Mr. Nadeau stated okay, so they're not existing homes. Mr. Tanski stated that is correct. Mr. Nadeau stated I understood that in Phase II those were existing homes. Mr. Tanski stated yes, I'm sorry you're correct. Mr. Higgins stated those are the ones that I'm mainly concerned about because obviously the people are there already and I think we need to present a good explanation of exactly what's going to happen in front of their homes. Mr. Tanski stated the following: I know the trail is going to be concrete and I would imagine that it would no different than it is now. The plows plow the snow and it goes on the side of the right-of-

way and that's the way it stays. I would assume it be that way all winter long because they don't plow any of the trail systems now. So, I would imagine that it would stay the same. Mr. Berkowitz asked is there going to be cross-country skiing, snowmobiling or anything on these trails? Mrs. Murphy stated they do allow motorized vehicles on the trails. Mr. Nadeau stated the following: Yes, they do. Has anyone talked to these neighbors that the trail is coming through there? Mr. Tanski stated we've talked to them and they've known about it for the last 6 months and nobody really seems to have an issue with it. Mr. Watts stated who is on the trail's committee and is this part of the trail's committee work or is the Zim Smith Trail totally separate? Mr. Williams stated the following: Saratoga County talked to Mr. Tanski about the possibility of extending the Zim Smith Trail through his project. It has been the intention of the Town to hold a public informational meeting once the proposed trail corridor was represented on the site plans. This would allow the public and area residents to review and comment on the proposed trail layout. Mr. Watts stated it is very important to get it done but that's not part of the Town's trail's committee work. Mr. Williams stated when we got wind of this, we said that when they finally figure out where the trail is going to be, they would need to present it to the Board so we can then present it to the public. Mr. Watts stated okay. Mr. Berkowitz asked is there a reason why they are going through the front of neighborhood instead of the back of the neighborhood? Mr. Tanski stated it's my understanding that the topography is so deep with some of the ravines that it's impossible. Mr. Berkowitz stated okay. Mr. Bianchino stated Mr. Kemper pointed out to us that this route ends up saving the County a significant amount of money. Mr. Williams stated they wanted to use Mr. Tanki's road as a crossing for the ravine rather than constructing a bridge. Mr. Nadeau stated the following: My concern is that the people who purchased those homes probably purchased them not knowing a trail was going in. We will be setting a public informational meeting so they will have knowledge of this trail going through. Mr. Tanski stated correct. Mr. Higgins stated I think that the point that was made earlier; the present trail is a snowmobile trail so I would assume it would continue on this. Mrs. Murphy asked did you say that Mr. Kemper would be present for the public informational meeting? Mr. Williams stated yes. Mrs. Murphy stated so Mr. Kemper should be able to answer all the questions. Mr. Higgins stated I'm just concerned about the existing trail. Mr. Williams asked Mr. Lansing if the widths of the trail changes. Mr. Lansing stated in the off road portion they are 8 FT wide and then adjacent to the roadway they are 5 FT wide. So, it would be a 5 FT wide sidewalk. Mr. Watts stated the following: I know that this has been an issue in Town before regarding some of the trails with the maintenance of the trails and the upkeep of the trails. So, have all these issues been looked at and resolved or are these all part of where we're going with this? Mr. Tanski stated the following: It's my understanding that the Town or myself or the homeowner's would have nothing to do with this trail. It is strictly a County trail. If they want to maintain it, they will and if they don't, they don't. We would be out of it all together. Is that the Board's understanding also? Mrs. Murphy stated the following: What would happen is that there would be a maintenance easement that would require them to maintain the trail as part of the whole process. Mr. Berkowitz asked if the trail is 5 FT wide, how many feet are between the road and the trail? Mr. Lansing stated I believe we have 5 FT between the sidewalk and the edge of the pavement. Mr. Berkowitz stated so you are talking about 10 FT. Mr. Lansing stated correct. Mr. Berkowitz asked do the houses need to be setback any further than that because of that? Mr. Lansing stated no, the front yard setback is 50 FT so there is more than ample room on the driveway for a car or anything to park and the grass area between the edge of pavement and the right-of-way is approximately 15 FT. So, there is still another 5 FT from the edge of the sidewalk to the right-of-way property line. Mr. Berkowitz asked would this affect people parking their car closer to the road and can they park in the right-of-way of the trail? Mr. Lansing stated the following: There is a mountable curb and they could park up on the edge of pavement. We do have 32 FT roadways so a car could park on the edge of the pavement and there would be more than ample room for vehicles to get by. Mr. Berkowitz stated no, I'm talking about someone parking in their

own driveway. Mr. Lansing stated no, the front yard setback is 50 FT so the driveway is theoretically 50 FT. Mr. Berkowitz stated I know it is a legal driveway but if I had that house, could I park my car on top of that trail if I had 2 or 3 cars in my driveway? Mr. Lansing stated if they did park over the top of the trail, they would be parking in the roadway right-of-way. Mr. Berkowitz stated I know that but what would happen if someone is walking on the trail and I had my car in my driveway? Mr. Ruchlicki stated the following: I think what Mr. Berkowitz is trying to say is if you have 3 or 4 cars lined up in a driveway and one of the cars is parked with the tail end of the car across that trail and somebody comes sailing through there on a snowmobile, that car is going to be in the way. So, what does that person on the snowmobile do? Does he go out toward the roadside and now they are actually running that motorized vehicle on the roadway? I think that is kind of questionable. Mr. Berkowitz stated or if someone is walking, running or biking there. Mr. Watts stated the following: I'm just not sure on the sequence of who/what. We are going to have a public informational meeting, because we are required to. I think we need some more answers even a bit before because when we send notices for a public hearing or public informational meeting, don't the people often come in to ask questions about it? And at this point do you feel comfortable with having all the information to give to the public? Mr. Williams stated yes, we do. Mr. Bianchino stated I will call Mr. Kemper tomorrow to get answers to those questions. Mr. Watts stated okay. Mr. Higgins stated I commend Mr. Tanski with trying to help out the County on this but I think that several of us on the Board are questioning the fact that in the back of these properties there is a ravine that drops off dramatically so the trail can't go across the back side. Mr. Tanski stated the following: According to Mr. Kemper, if we do it this way, it will save the County a couple hundred thousand dollars plus. I will do whatever the County wants but this was kind of their suggestion. Mr. Higgins stated the following: I understand that but again, we're just trying to take the point of the homeowners also. I ride that trail myself and I know that there are snowmobiles on that trail at 2:00-3:00 am blasting back and forth. I was just looking to see if there was another alternative to try and keep the residents a little happier. Mr. Nadeau stated right, because if you were to question the residents and if they knew there was going to be trail there, I'm sure their argument would be that they wouldn't have bought this house and that is what I'm trying to understand. Mr. Tanski stated the following: Unfortunately, the homes were sold before this concept came to fruition. Mr. Nadeau stated I understand that. Mr. Tanski stated I think that's a County question, because I really don't know. Mr. Ouimet stated I really think we should look at this as a safety issue as well because if you have activity on the trail and cars parked in the driveway or whatever you could have a safety issue with the trails being in front of the homes. Mr. Tanski stated the following: With all due respect, I don't think it would make much of a difference because cars park on the road and that's a safety issue. It would be the same thing whether they park at the end of the driveway or they park on the pavement, you've got the same thing. Mr. Ouimet stated the following: Yes, but if they park across the trail that could potentially be a problem. You're less likely to encroach on the trail if it's not in the front of the houses. Mr. Nadeau stated the following: I use that trail quite frequently and I think there is only 1 house that actually fronts the trail and that home is back about 300 FT. With the majority of the houses, the trail is to the rear of their lots. Mr. Watts stated the following: I don't think any of the questions we're asking are insurmountable because every city has sidewalks. We are bringing up these questions because we do have concerns. Again, yes it's great that the County and everybody is trying to get this wonderful trail done and we're not trying to be difficult at all. We are just raising the questions that we think people might ask. That's why I want to make sure that the County, Mr. Kemper and whoever else is part of this is well aware that these questions got asked at the Planning Board meeting because we think maybe at the public informational meeting people will come in ask those very same questions. Mr. Polak stated keep in mind that the people who live there were also concerned about all the noise at the railroad yard and now they could have a snowmobile 30 FT from their bedroom window. Mr. Ouimet stated the solution could very well be

that you stop using motorized vehicles as you enter the subdivision. Mr. Higgins stated the County has this trail designated as the main interface going over to the other snowmobile trails. Ms. Zepko stated their goal is to make it the Champlain Canal. Mr. Higgins stated exactly. Mr. Ouimet stated the following: I think we are used to sidewalks and people just don't walk over cars because they navigate themselves around it. But, when you're talking about a motorized vehicle moving at some speed, it's not that easy to maneuver around without going on private property or into the road. That's really an issue. Mr. Nadeau asked Mr. Tanski if he was in on any of the meetings with the trails committee as far as bringing that up? Mr. Tanski stated no. Mr. Polak stated a good read will be how it goes at the public informational meeting too. Mr. Watts stated correct. Mr. Tanski asked is this going to preclude us from getting a final approval on the subdivision? Mrs. Murphy asked are you asking for that tonight? Mr. Tanski stated yes. Mrs. Murphy stated yes. Mr. Tanski stated the following: This should be a separate issue. I'm trying to do the County a favor here and yet I'm going to be held hostage because of the trails, which has nothing to do with the subdivision. Mrs. Murphy stated the following: But you're changing the parameter of the subdivision by permitting the trail to be moved and the people who bought when the trail was proposed one way are directly affected. So, the public hearing that we previously did showed something different. Mr. Higgins stated personally I feel we should expand the notification to those houses that are directly affected by this and the people across the street. Mr. Tanski stated the following: I agree with Mr. Polak because the people had such an issue with the railroad and now that seems to be a mute point but if people find out that there's going to be snowmobiles outside their door at 2:00 am, there's definitely going to be some issues with that. I don't know how answer this because this is something the County wants to do so I would imagine that you guys and the County have to work that out. Mr. Higgins stated I'm 100% in agreement with Mr. Tanski. Mrs. Murphy stated they're saying that Planning from the County will be here to respond to that. Mr. Tanski stated okay. Mr. Nadeau stated or maybe these people won't have a problem. Mr. Watts stated the following: Right, but we just can't go say, "oh, okay", because you can't. I think Mrs. Murphy and Mr. Polak explained it very well. Mr. Tanski stated I think the only problem is that if the County can't do what they've planned it might kill the County Trail System because I don't think the County has the extra money to go a different route. Mr. Nadeau stated well we have to protect the people in the Town. Mr. Higgins stated the following: I have one other question for Mr. Bianchino regarding the waterline extension. There was a note in the write-up about the waterline extension and could you explain if it has to be done or it has already been done. Mr. Bianchino stated the original district extension included a loop down Johnson Road and that now has been extended as far as McBride Road and Mr. Tanski has bonded the rest of the work that would bring the waterline from McBride Road up to Staniak Road. Mr. Higgins stated okay but I think there should be a note somewhere explaining that.

Mr. Berkowitz made a motion to set a public informational meeting for the October 22, 2012 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 9, 2012 Planning Board Meeting at 8:50 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary