

Town of Halfmoon Planning Board

Meeting Minutes – November 13, 2012

Those present at the November 13, 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

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the November 13, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the October 22, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the October 22, 2012 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:

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

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Andrew Abdallah, of Architectural Engineering Design Associates, P.C. of Plattsburgh, stated the following: We are doing the engineering and planning work for the Hillcrest Fire Department, which is in the Halfmoon Fire District. The project is to provide an addition to the building to house vehicles and to renovate the existing building to accommodate business offices and other space for the fire department. We're working with the existing site and developing the existing site. The ultimate project would be about 11,000 SF when it is complete. The site plan shown is the addition of the building, which is the most significant part of the project as well as the new ingress and egress for the vehicles and additional parking. We have an elevation of the building and it will look substantially different once completed. We tried to make it fit a little more into the neighborhood for a building that size. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm. Mr. Watts asked Mr. Bianchino to give the Board a rundown on where you are at with the engineering review. Mr. Bianchino stated the following: Since the last meeting when the Board scheduled this public hearing, the applicant's engineer and architect have submitted some more

detailed information on the site plan and some detailed information on some of the other retaining walls and a few other things that we had asked for. We completed a review of that information, which were basically preliminary site plans. We had some comments that we have gone over with them on the telephone. As of today, they have no problem addressing the comments that we had as they were not major issues and we just need a little bit more detail but basically typical information that we would ask for when taking the plans from preliminary to final. So, we were fine with the site plan as it was proposed. Mr. Ouimet asked do we have an answer as to the permissibility of off-site stormwater management? Mrs. Murphy stated it is permissible pursuant to both our regulations and the New York State Department of Environmental Conservation (NYSDEC). Mr. Higgins stated the following: There was a question raised at the previous meeting regarding traffic flow at the rear of the building and parking at the rear of the building. Has any of that been looked at or was it decided that it's okay the way it is? Mr. Bianchino stated the following: We looked at it based on the conversations that we had with the architect and the operation in the back of that building. We were comfortable with the diagonal parking spaces and the fact that the trucks had to maneuver back to get back in the back of the building. Mrs. Murphy stated the following: If it's okay with the Board, just for clarification purposes for those people in the audience who weren't here at the last meeting; the reason the off-site storage is okay from this Board's perspective is because of the type of application that this is. This isn't a typical commercial site plan or residential site plan. This is a special application based on the fact that it is in fact a building for government use. So, I just don't want any of you to get the wrong idea because this is not a typical site plan for this Board that we see. Mr. Abdallah stated the following: I would like to add one thing and I apologize for not commenting on this before. We are now doing on-site storage for stormwater detention. We originally had a concept where we would use an area for a detention basin but in our final design we ended up with a subsurface storage that would discharge outside. Again, I apologize for not covering that information. Mr. Watts stated the following: This has been sent to the County Planning Board for review in October and they had no County or community wide impact decision. Is your next step to go to the voters for approval? Mr. Abdallah stated yes. Mr. Watts asked when would this be voted on? Mr. Jim McBride, Commissioner – Halfmoon Fire District #1, stated December 11, 2012. Mr. Watts stated we heard the comments and we are waiting for the letter to be responded to. Mrs. Murphy stated I heard the engineer say that he's comfortable saying that the approval is conditioned upon compliance with these comments. Mr. Berkowitz asked is the building going to be torn down as one piece and what happens to the fire apparatus during construction? Mr. Abdallah stated the following: The way we're planning on the project to go is to build the addition, which is where the trucks will be housed when the building is done. Once the addition is completed and useable, the trucks will be moved over there and then the balance of the building will be renovated. So, the trucks will always be there. Mr. Berkowitz stated so it would be a functioning firehouse throughout all the construction. Mr. Abdallah stated yes, that is correct.

Mr. Berkowitz made a motion to approve the special use permit/commercial site plan application for the Halfmoon Fire District #1 (Hillcrest FD) contingent on all outstanding comments are addressed prior to stamping. Mr. Nadeau seconded. Motion carried.

New Business:

12.107 NB

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

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with the applicant, Mr. Scott Earl. We're here tonight for the New York State Route 9 Mixed Use

developments. The overall parcel is approximately 2.92-acres located at 1613 Route 9. This was the former House of Kitchens location and it is being converted into the Halfmoon Sandwich Shoppe and then in the back portion of the parcel there is a warehouse facility approximately 10,000 SF that would also remain on the parcel. So, both of those structures would remain. What we are proposing is an additional structure in the back of the parcel that is approximately 8,800 SF that would be accessed from the same point where the other warehouse is. Mrs. Murphy stated your approval for that second building is the showroom storage and a warehouse is not permitted. Mr. Lansing stated the following: I apologize. The building would be divided into 4 modules; it would be a micro-business type of facility where the front 20% of each one of those 4 modules would be a retail space. The back 80% of the space would be for storage associated with the retail in the front of the building. Each one of the modules are proposed to have a regular access point, a regular man door and then also a garage door as well to access the storage areas. We are proposing a shared loading dock on the eastside of the building and that loading dock could provide access to all of the back areas of those individual modules. We are proposing adequate parking for the site with approximately 26 spaces that's above and beyond the other retail building to the south. We are proposing a dumpster on the eastside of the lot. The site building would be proposed to be served by public water. For sanitary, we are proposing a small wastewater treatment facility at the east end of the parcel and stormwater would be managed on-site. We're here tonight for questions and comments from the Board and we're hoping to advance to preliminary engineering for the building. Mr. Watts asked regarding the small wastewater treatment facility? Mr. Lansing stated yes, it would basically be a small septic system. Mr. Watts stated the following: Okay. One general point; we have people in the audience and we have people on the Board. For your next presentations, could you make your visuals a little better because it is very hard to see from here what you have? Mr. Lansing stated okay, but we try to gray out what is existing and highlight what is proposed to make it more prevalent on what is proposed and what is existing. Mr. Nadeau stated my question is regarding the 20% retail and 80%; but you don't know who your client would be, is that correct? Mr. Lansing stated the applicant is marketing to various tenants. Mr. Higgins stated I see the proposed wastewater disposal system on the plan but what are you doing as far as on-site stormwater retention? Mr. Lansing stated we would be proposing porous asphalt for the project, which is a New York State Department of Environmental Conservation (NYSDEC) practice. Mr. Higgins stated the following: Would that be for the entire site or is that only for part of it? I thought the porous pavement was in addition with underground storage. Mr. Lansing stated no it is not. Ms. Zepko stated we would be working that out with the details but I don't see that being the final treatment for on-site stormwater treatment. Mr. Lansing stated yes, we can work on that. Mr. Ouimet asked what do you propose to do with the existing concrete pad? Mr. Lansing stated the following: We would have to see. Once we do the stormwater calculations, we could see exactly what we needed and whether it is acceptable to the Town or not. We may have to take it up and put down porous concrete or perhaps we leave it and do underground storage. We can work out those details. Mr. Ouimet stated so the initial response is that you're planning on keeping it because you don't know if you need it or not? Mr. Lansing stated yes, that is correct. Mr. Nadeau stated the following: I have a question on the 20%/80%; we're approving it on that basis now, but the applicant is not sure of what clients he would have at this time. Should he come back with a different client requiring a different scenario, where do we stand on this approval being that we're approving 20 to 80%? Mrs. Murphy stated the following: Regardless, the applicant would have to come back in for a change of tenant. So, we would be seeing who was coming in and how much space the clients would be taking. Mr. Nadeau stated but we're reviewing the size of the building and the layout, basing it on the 20/80 ratio at this time. Mrs. Murphy stated the following: That's correct. So, if

they came back in, there would be two different reasons; one would be for a change of tenant and the other would be if they wanted to ask the Board to change the configuration. But right now if they came in with a change of tenant for 25% of the building that happened to be retail, you would have to say no because your approval only allows 20% of the building. So, if they ever want to change that, I don't want you to be under the impression that he couldn't come back in and change that. Mr. Nadeau stated the following: I understand that. It's just that we're looking at this building based on the 20/80 ratios in the configuration of this building. Mrs. Murphy stated right, that's correct. Mr. Berkowitz asked is there area for more parking on the site? Mr. Lansing stated the following: There is. We currently have approximately 37% greenspace and we are required to have 20%. We do have the required number of parking spaces but we could take greenspace and convert it to parking spaces and increased the parking if needed. Mr. Berkowitz asked and is this building including the entire parcel or is this one a separate piece of property? Mr. Lansing stated it is included in the entire parcel with the 2 other structures. Mr. Berkowitz asked is the parking taken up by the other buildings for those buildings? Mr. Lansing stated the following: Each structure independently has enough parking. So, overall we have enough parking for all 3 separate structures. Mr. Berkowitz stated but if this building goes as proposed and you would have to increase the parking for a 50/50 mix, you don't have enough parking. Mr. Lansing stated if it were a 50/50 mix on this building, we could take some of the greenspace and convert that to parking and still be within the greenspace requirements for the parcel. Mr. Higgins stated the handicap spots are quite a ways from the front of the building. Mr. Lansing stated we can take a look at that when we do our final grading and make sure they are in a spot that is of the proper grades. Mr. Higgins asked can't you move them over in front of the building? Mr. Lansing stated yes we could. Mr. Higgins stated being that this is obviously behind, were you planning on any signage out by the Halfmoon Sandwich Shop for these retail spaces? Mr. Earl stated no. Mr. Berkowitz asked what are those crosshatch spots in front of the building? Mr. Lansing stated the following: Those are the areas in front of the garage doors that would access the storage in the back portion of the individual modules. So, they are just striped off so people will not park in front of the garage doors. Mr. Berkowitz asked so, are there going to be garage doors in front? Mr. Lansing stated yes, that is correct. Mr. Watts stated the following: I know it's speculative at this point, but what kind of tenants are you going to have? Would it be a pizza shop or a commercial establishment of that nature? Is this what you're thinking of? Mr. Earl stated the following: This building is very popular all over the State. We have an ATM Company that wants to come in, put their merchandise on display, work with the various people and then install ATM machines. They are a very good size company and they'll take about 4,000 SF of the building. We also have 5 other tenants that are looking at the building. There is no food, no food preparation or anything like that. They are basically micro-businesses and instead of working out of their garage at home, they come in, set up their showroom with the goods and wares that they make or produce or sell and then they have the ability to have some inventory hand. Mr. Watts stated the following: The reason I asked that question is because we've had some of the plazas that were approved in the past and they have been there a while along Route 9; where you have somebody in there who depends on traffic coming in and out and driving by and say "oh look they have this"; we've had issues with the signage and with people trying to generate business. So, that's why I brought it up, because the nature of that doesn't lend itself to Charlie's Flower Shop and that's part of Route 9. Mr. Earl stated the following: Absolutely not. It does lend itself to a company like the Center for Security and this would be a perfect spot. They're known on the Internet and everyone knows them and they don't need to be anywhere other than a showroom for their locks and then off they go with their trucks. It would be micro-businesses. Mr. Watts stated the following: Okay. Yes, because it has been kind of tough with some of the plazas and keeping them occupied and keeping

the people inside the plazas. We like to see all the business do well and if you set them up for not being able to do well, then it's our fault. Mr. Earl stated the following: The concept here is to keep them out of a shopping center. If you put a company like that in a shopping center and they have 3 or 4 vans, where would they keep their vans? If they have continuous loading and unloading of material in transit, where would they keep that in a shopping center? This has an overhead door at ground level in the front. The showroom has a main access door that is designed for 2 or 3 customers at a time and then a shared loading dock so the entire building can load off of one loading dock and not have a building with several loading docks. Mr. Watts stated since this building would be located on Route 9, I'm sure you're developing a good landscaping plan. Mr. Lansing stated we would be hinging off the existing curb cut and the building is tucked in the back so we would be utilizing the existing landscaping in the front.

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

12.108 NB Gary E. Connors Subdivision, 294 Grooms Road – Lot Line Adjustment/ Special Use Permit

Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: I'm here tonight with the applicant, Mr. Gary Connors. We're proposing a lot line adjustment of a 3-lot subdivision, which was approved by this Board in May 2012. At the time of the approval we had the same 3-lots that we are looking at on the current plan. However, we have increased the size of the lots. The front lot that is outlined on the map that is a rectangular lot was previously approved at 28,000 SF plus or minus and the rear lot was approved at about 36,000 SF. The basic reason for the application is that we have been unable to sell the lots as single-family residences even though on the original approval the rear lot at that time was able to support a duplex. Due to the new zoning changes, which increased the requirement to 40,000 SF, we have now revised the lot layout so both the vacant lots would now be 40,000 SF. Again, the reason is that we have been unable to sell the lots as individual single-family lots. Mr. Connors does have a purchaser who would like to buy both lots for duplex purposes. So, we have revised the lots, we've changed the ingress/egress easements and we show a proposed widened driveway over its entire length with a turnaround that is shown on the plan with an appropriate easement for emergency equipment and possible delivery trucks. We have also submitted with the package a survey we conducted on existing duplexes that are in the immediate area. Along Grooms Road and with Aspen Ridge there are nearly 30 duplexes in the area so we feel that the duplexes are certainly in keeping with what is in the existing neighborhood. That is our proposal, which is a revision to the original approval. Mr. Ouimet asked did this Board originally approve 2-lots? Mr. Flanders stated there are 3-lots but Mr. Connors home is on one of those 3-lots; so the prior approval was for 2 additional new lots. Mr. Ouimet stated okay, so what you're proposing is a lot line adjustment to make both lots capable of holding duplexes. Mr. Flanders stated yes. Mr. Ouimet stated the following: I have a question regarding the "K" type turnaround that you have now indicated on the plan. I noticed it's all on one lot and it's not the retained lot by the owner, it's one of the lots to be sold. Mr. Flanders stated yes, there is an easement that covers that turnaround. Mr. Ouimet stated I think that is an interesting concept. Mr. Flanders stated the following: There is an entire easement to cover that turnaround area. Basically, there is the same small easement here for the neighbor, Mr. Burdick that we had on the original approved plan and this is basically the same thing. The two 20 FT strips originally were to the west and we have shifted them to the north so that we could get 40,000 SF for the front lot without moving the line back unnecessarily. So therefore, we had to create this 20 FT wide strip that comes over and makes a little jog to the west. So, it kind of conforms to the existing driveway there. We're proposing to build an entirely new driveway with a wider width. What's there now is

about 10 FT wide and we're going to build a 14 FT wide driveway and there is an easement over each portion of that area. Mr. Ouimet stated and you're going to build it with the thought in mind that it will support emergency vehicles? Mr. Flanders stated yes and there is a note to that affect on the plan. Mr. Ouimet stated the only reason why I raised the issue with the "K" turnaround on one lot is that it may make that lot less marketable for you. Mr. Flanders stated I felt that the Board wanted to see a turnaround. Mr. Ouimet stated I think we did and I'm glad to see it. Mr. Flanders stated the following: Under the conditions, that's about all you can do and Mr. Connors still wants to do it. We could have put the turnaround over onto Mr. Connors lot, but he still wants to be able to build a garage for his residence. Mr. Ouimet stated okay. Mr. Nadeau asked what is that driveway across from the two that you're proposing and what does that go into? Mr. Flanders asked are you talking about across the road? Mr. Nadeau stated yes. Mr. Flanders stated that is Aspen Ridge, which are basically all duplexes. Mr. Nadeau stated okay. Mr. Flanders stated we didn't count all of those duplexes in Aspen Ridge in our survey because it wasn't positively identifiable as being a duplex. We only counted the ones with double mailboxes. Mr. Watts stated this is a new process with the duplexes having to be on lots of sufficient size that the Town Board adopted. In our process we are really doing two things here; we will be setting a public hearing to discuss the lot line adjustment and the Special Use Permit would be required. Mrs. Murphy stated the following: That is correct. Any time you do a subdivision, obviously you have to hold a public hearing. Now with the new local law you also have a hearing on the Special Use Permit for the fact that they're going to be, or proposed to be, duplexes but you can do that as one hearing. Mr. Watts asked do we need to have two resolutions? Mrs. Murphy stated yes but you can do one public notice that states both things.

Mr. Roberts made a motion to set a public hearing for the November 26, 2012 Planning Board meeting for the Lot Line Adjustment and the Special Use Permit. Mr. Ouimet seconded. Motion carried.

A message from Planning Board Chairman; Mr. Steve Watts regarding the Fairway Meadows Phase III Major Subdivision/Zim Smith Trail Extension:

As you are aware, there were a couple of questions regarding the Fairway Meadows Phase III that the Planning Board had relative to this project moving forward. Based upon information that we've received from the residences on Dormie Avenue and some who attended our pre-meeting tonight and based upon information we received from other individuals, the Planning Board wishes to reiterate that before anything could happen based upon our prior resolution that the affected parties, the people who live in that area, have an opportunity to comment. When we had our last meeting, they weren't here because there was some confusion based upon the notice and who should have been notified. So, in fact, that's completely on hold at this point in that there will have to be a whole revisiting of where that Zim Smith Trail goes if they wish to come before the Planning Board and that way people would certainly get a opportunity to be heard. However, there were numerous concerns raised by the Planning Board. I believe the applicant is aware of that also. I just wanted to state, while the people are here, that that is not moving forward at this point for the Zim Smith Trail with the proposed location. That's kind of like two things happening at once. So, Fairways Meadows Phase III, which that was part of, we are not doing anything with now, and there is going to be a further look at what is the best way to proceed. That is the giant Bell Curve of the decision process.

A message from Town Attorney, Lyn Murphy, Esq. regarding the Fairway Meadows Phase III Major Subdivision/Zim Smith Trail Extension:

The only comment that I would make is that this Planning Board right now has granted an approval contingent upon getting sign-off letters from the residences. Those residences have made it very clear that they are not going to give those sign-off letters. So, this Board can't control whether or not the applicant comes before this Board again. Therefore, until the applicant gets those sign-off letters, the plans won't be stamped and Phase III cannot move forward. You just can't say that the applicant is definitely going to come forward again, because he may say, "I'm not doing it".

12.110 NB Halfmoon Assisted Living/Special Needs Assisted Living Facility, 410 Route 146 – Commercial Site Plan

Mr. Watts stated the following: Mr. Kevin Dailey, Esq. is here at his request but there is a Planned Development District (PDD) Amendment that has to be made to the Town Board. I would like Mr. Dailey to please let us know why you want to be here now without the PDD amendment being approved by the Town Board because at our pre-meeting some of the Planning Board members requested that information. Mr. Kevin Dailey, Esq., stated the following: We are pleased to be here tonight with this project. We received a PDD approval in 2008 and now we're here in 2012 with our first project. We came in and we met with Mrs. Mindy Wormuth, the Town Supervisor and Mr. Watts, Chairman of the Planning Board and we want to move things along expeditiously hopefully so that they'll be able to get into the ground in the spring. We discussed with Supervisor Wormuth making a simultaneous application to amend the PDD and also to appear before the Planning Board so we could start the process. The proposed project is called the Halfmoon Healthcare and Bio-Medical Research Campus. However, the uses at this time in the PDD law are restricted to that of a hospital and hospital only because that is what we asked for in 2005. Since that time, with the Berger Commission Report, with hospitals closings and mergers, a lot of things have changed and we are still expecting to have a major medical facility on the campus. For the initial phase and for the first building, we're here tonight looking at a memory care facility, which is a health care use and it's appropriate for the campus. That would require a change to the definition of what is allowed as uses in the PDD law plus a change in the total amount of square footage. That application has been made to the Town Board and I have a call into the Supervisor Wormuth's office asking if we could be put on the Town Board agenda at the earliest time. Hopefully we can move the 2 proposals through at the same time, simultaneously. We do know that this Board can't take any final action until the Town Board approves the PDD amendment and we're doing that at our risk. Mr. Roberts stated so we're looking at something tonight that we couldn't possibly approve at this point. Mr. Watts stated that is correct. Mr. Roberts stated I personally think that the Planning Board should have waited until everything was approved by the Town Board to look at the proposals. Mr. Ouimet stated I agree with Mr. Roberts because if the Town Board doesn't approve the amendment to the PDD that the applicant is requesting, then this project won't ever come before the Planning Board. Mr. Watts asked Mr. Dailey if he was aware of the risk. Mr. Dailey stated yes, we are aware of the risk and hopeful that the Town Board will take action and we have been talking to the Town Board for some months and I have appeared before them and basically they told me the last time I was at the Town Board that they have our application and we're aware of it and told us to bring something in, bring a project in. Well, now we have a project. Mr. Roberts stated if this PDD amendment gets amended again, we may never

see a hospital here. Mr. Dailey stated the following: No, we intend to keep that hospital use there and we're hoping that that will come through. We would like to see those kinds of facilities here sometime in the future. But, we're asking for a broadening of the uses to include medical offices, healthcare facilities, medical facilities and bio-medical research uses, which is what we always envisioned for the campus at buildout. But, there was a question back in 2005 as to what we thought would come here first and at that time we were talking to a hospital and they said they wanted to put a hospital in Halfmoon. So, that's exactly what we asked for and that's what the Town Board gave us at that time. By the way, all of those general uses are already allowed in a (R-1) Residential zone, which is the underlying zoning here with the special permits. Mr. Ouimet stated that having been said; as the project is today as the PDD that has been approved for your project today would not allow this particular use to be put on there, right? Mr. Dailey stated that is correct. Mr. Ouimet stated I think our review at this point in time is premature. Mr. Watts stated hopefully they move along with your application to the Town Board because that is crucial. Mr. Dailey stated we did ask if we could move these 2 proposals at the same time before both boards and there was no objection at that time and that's the only reason why we are here tonight. Mr. Watts stated so you're here at your request? Mr. Dailey stated yes. Mr. Watts stated the following: So, again, you're here at your request and two of our Planning Board members have some concerns relative to the sequencing of it. Those two members have made their concerns known and Mr. Dailey may go ahead and make his presentation but understand that you have to get the Town Board approval. Mr. Dailey stated the following: We do understand that and thank you for letting us proceed and it is appreciated. The lot that we are talking about is Lot #8, which is the lot that is immediately out in the front of the parcel and this is an 81-acre parcel. We are looking at the 8.47-acres that is out in front of the parcel immediately off of Route 146. In our original PDD, we were looking at a much smaller building here but then this opportunity came to do this kind of memory care facility. We will have a lot more for the Board as we go through relative to the community benefit and why there is a need. If you've looked at the demographic changes in the Town, they're dramatic from the last 10 years. Our population has gotten a lot older and there is now a need for this kind of facility in our community. We had a couple of things break right for us as from what existed in 2008 when we had the PDD approval. The neighbors have cleaned out some beaver ponds and have opened up some of the drainage. That would be Mr. Bilinski to the east and Mr. Sweeter. The area has dried out a little bit. So, we had the New York State Department of Environmental Conservation (NYSDEC) take a second look at the wetlands and to our benefit an area that was previously designated as a NYSDEC wetland was deemed by the NYSDEC to now be not a NYSDEC wetland but an Army Corp of Engineers (ACOE) wetland. That benefited us by eliminating the 100 FT buffer zone, which really restricted the use of this particular lot. In addition, we had our archeologist take a second look at the archeological site, which is the Carver site that was a home that was on Route 146 from the 1840's and it's on the Beers map from 1861 and he had drawn a very large area for the archeologically affected site. That really didn't bother us because we didn't think we were going to do that much out in that direction and half the site is within the 100 FT setback from the State right-of-way. As you know, the Town of Halfmoon has adopted the Route 146 Overlay Zone and you measure the setback 100 FT back from where the right-of-way is. So, half of the archeological area was within the setback and we said, "gee, we can't use it anyway". That archeological boundary moved about 100+ FT east, which gave us even more land to work with. So now we have a situation where we can fit the building in comfortably with some wetland impacts, which we're aware of. But, we have a 105,000 SF building with four stories with 133-units for memory care patients. These patients will mostly be in there 80's, they don't drive and we don't have a large need for parking spaces and the building fits. Once again, we have gone through the PDD process so we are in the water district, there are sewers available,

we've done the traffic studies, the endangered species studies, the archeological studies and we've done all the studies. We think this is a very good start for this project and it has taken a long time to get off the ground. We're delighted to be here with this project finally and we'll be delighted to get before the Town Board to talk about the change. Mr. Ouimet asked how large of a facility are you proposing? Mr. Dailey stated it is 105,000 SF. Mr. Ouimet asked how many patients would the facility house? Mr. Dailey stated the following: Some of the rooms are single and some of the rooms are double. I don't have the exact count on that. Mr. Watts stated didn't you say 133? Mr. Dailey stated yes, but I think some of those are doubles but not that many. Mr. Berkowitz asked what would be the staff to patient ratio? Mr. Dailey stated there would be 3 shifts with about 25 people each. Mr. Berkowitz asked would that include kitchen staff and administration? Mr. Dailey stated yes but there obviously would be more administrators in the daytime rather than on the night shift. Mr. Nadeau stated I think all these questions can be addressed once the final plan comes to the Planning Board from the Town Board. Mr. Watts stated the following: Yes. So, I don't think at this point we would be referring this for technical review to CHA now. You made your presentation and as soon as you get from the Town Board, then we'll move it along.

This item was tabled awaiting a Town Board decision.

12.111 NB Delsignore Blacktop Paving, Inc., 47 Clamsteam Road – Change of Tenant

Mr. Tom Andress, of ABD Engineering & Surveyors, stated the following: Mr. Dewey Delsignore is also with me tonight who is the owner of Delsignore Blacktop Paving, Inc. Tonight we're proposing a tenant change and I have provided a map to the Planning board. The property is the Callahan Industries site that has been in operation for many years. We also submitted a letter from Callahan and A. J. Masonry has also been using the site until recently. Mr. Delsignore has a paving company and his main office is located in Brunswick. Mr. Delsignore is looking to put a secondary office in Halfmoon because it is a long ride from Brunswick and he's trying to do a lot of work in Southern Saratoga. The site is almost 65-acres and most of the site is on a hill. There are 3 buildings that are about 16,000 SF total. Mr. Delsignore is looking to gain a change of tenant approval to allow for a satellite office and indoor and outdoor storage of equipment for his blacktopping company. There are paved areas in the front where employees could park and then there is a lot of outdoor stone area where the equipment would be stored. It's a paving operation so there would be pavers, lowboys, trucks, rollers and things like that. Again, it would be mostly through the paving season and he would be leasing the site on a full yearly basis so he would have the property through the winter months. Most likely the only uses in the winter would be for a staging area for Mr. Delsignore's winter plowing or if he did have a large site type of job that he would need to stage in this area. Mr. Roberts stated I believe the previous operation was a non-conforming use, right? Mr. Watts stated yes. Mr. Roberts asked is this going to be an expansion of a non-conforming use? Mr. Andress stated it would be the same use that Callahan had along with A. J. Masonry. A. J. Masonry moved out of the site in the middle of this summer. Also, there was another user called Upstate Striping that was obviously a striping contractor that had a few striping machines at that site. We don't look at it as an expansion of the use because we're using the same facility in the same manner that Callahan has used it for many years. Mr. Roberts asked would you be storing more equipment there than Callahan was? Mr. Andress stated I can't tell you the exact amount of equipment that Callahan had there but I don't think we're going to be storing more than Callahan had because this proposed use is just a secondary site for Mr. Delsignore and it wouldn't be his primary location. Mr. Higgins stated the following: Callahan used the upper outdoor storage area extensively and I don't think that has been used since Callahan moved out. So, would Mr.

Delsignore be using that upper area for storage of equipment? Mr. Delsignore stated the following: we would be using the upper area for some storage of equipment. Again, in the summertime, the bulk of our equipment is out and is gone for the summer. Towards the winter months we bring things in, park them and bring them into the shop for maintenance work, so the answer is yes. There is a lower parking area that we noticed they had as well as the upper parking area. So, I would not want to say that we would not because we would want the ability to use the parking area that was used in past. Mr. Higgins stated it was used by Callahan but it was not used by the previous 2 tenants and obviously that area is very visible from the Northway. So, that's why I think this Board has a little bit of concern of how much equipment is going to be stored up there because we are just trying to keep the esthetics. Mr. Delsignore stated I didn't refer to the upper area; I'm referring to the other area? Mr. Higgins stated I'm referring to the upper area that is above the gravel drive. Mr. Andress stated right. Mr. Delsignore stated the following: I would see no use up in that area right now. It would be just where the trailers are and possibly the lower piece and in another area but there would be nothing in the upper area. Mr. Higgins stated the following: It is understandable to me that you'd want to keep your equipment near your maintenance facilities. But, depending on how much equipment you plan on storing here, you may run out of room on the lower areas. That's why I believe the Board is asking because when Callahan was there, there was a lot of equipment and like I said, it was very visible from the Northway, which is the southern most entrance to the Town and that's why we're asking the questions. Mr. Delsignore stated the following: Yes, I would say that piece where the trailer is and not up on the top if that's your concern. I'm not sure if you can even see the piece behind the building from the Northway. Mr. Higgins stated I don't think you can. Mr. Delsignore stated so that's where we'd be, not up on top. Mr. Higgins asked is this in addition to your other facility so you wouldn't be bringing all of your equipment here from your Brunswick facility? Mr. Delsignore stated the following: That is correct. We do have some equipment but between the lower lot and here, we couldn't fill that up. Mr. Higgins asked but you're going to be doing the majority of your maintenance here rather than in Brunswick? Mr. Delsignore stated yes because this has a much nicer garage facility to do the maintenance. Mr. Higgins stated yes, I'm familiar with it and I agree that it is a large well-equipped shop; so it makes sense. Again, we're just concerned that we're not expanding a pre-existing, non-conforming use and we want to make sure that it works in with the neighbors in that area. Mr. Berkowitz asked how close is the nearest residence and how many residences are in that area? Mr. Delsignore stated there are 1 or 2 houses across the street and that's the only ones that are nearby that I have noticed. Mr. Nadeau stated if I recall, I think there is only a couple houses and you have to go up to the intersection to get to them. Mr. Andress stated you do have the main ridge here and there are houses along this side but it's on the other side. Mr. Berkowitz asked how close is this to the proposed Krause project? Mr. Andress stated it is contiguous to the Krause property. Mr. Watts stated the following: I'm not really sure of the intensity of use that you're proposing. That is a large piece of property and a lot of things could happen there. This is a pre-existing, non-conforming use so as a Planning Board we could not allow an increase in the intensity and whether or not there are houses right next door. The roads down there have to service this site and they're not the best roads and that was part of the issues with the Krause project as well. So, I think we need more definition of use. Mr. Delsignore stated we're not even a tenth of the size of Callahan. Mr. Watts stated I don't know that from what you're telling us. Mr. Andress asked would you like a summary of the amount of the equipment and type of equipment? Mr. Watts stated the following: Correct me if I'm wrong, but more clarification of the use. All of a sudden we have this huge site here and if you decide to close your Brunswick facility and say that you're already approved to run a blacktop business. Well, there are blacktop businesses and there are blacktop businesses, there are paving companies and there are paving companies and there are

restaurants and there are restaurants. So, we have a site that's in the middle of a basically residential area, which is a pre-existing, non-conforming use. I'm not sure in my mind anyway and correct me if I'm wrong, because this is a Board of seven, but I'm not really sure how intense the use is proposed to be now or for whatever approval we give. We might say these are the delineated specific uses that are approved and you can't go beyond that without getting a zoning change. Does that make sense? Mr. Ouimet stated the following: That makes a lot of sense and I have a couple of concerns. I, for one, would like to know what's there now, how intense of a use is operating out of the facility now? How your new proposed change in tenant is going to change that? Are you going to have more equipment than what is there now? What are you going to do in the winter? I know when paving season is over you do something with your equipment. If you do snow removal on a commercial or residential basis, how frequently do you do it? How many contracts do you have? How big of an operation do you run? None of this is known. All of which could result in an expansion of a pre-existing, non-conforming use and if so, we're powerless to do anything with it and we would have to refer this to the Zoning Board of Appeals (ZBA). I just don't know because you haven't given us hardly any information. I don't know what's there, what you're planning on putting there, how frequently you are going to travel on the roads and what are you going use on the roads. I understand from the applicant's presentation that in the paving season the equipment is in the field and it's not going to be traveling back and forth on the roads. But, it's not in the field in the wintertime, I don't think, because you haven't told me and you haven't told us anything about the winter operation. Mr. Address stated I believe in the narrative that we did discuss the winter months. Mr. Ouimet stated and you said snowplowing but I don't know what that means. Mr. Address stated the narrative stated maintenance and snowplowing. Mr. Ouimet stated I know but snowplowing could mean 100 trips in a snowstorm or it could be 2, I don't know what it means. Mr. Watts stated in other words, we need far more clarification of your proposal than we have right now. Mr. Address stated well we certainly can come back to this Board and define the area that we're dealing with. Mr. Watts stated the following: I don't need a definition of that. I need a definition of the intensity of use now and in the future. I think that is what Mr. Ouimet just said. Mr. Higgins stated the following: I, for one, would like the areas that they're going to use because obviously if the upper areas have not been used for 10 years, I don't want neighbors coming all of a sudden if there is a bunch of equipment parked in the upper areas and Mr. Delsignore has mentioned that he doesn't really plan on using that. So, if that was part of your explanation also, I think might help with some of the concerns of the neighbors on that end if it was going to be basically left the way it is now and not used for equipment storage or piles of rip-rap on just the upper piece. Mr. Delsignore stated we have no intentions of using the upper piece. Mr. Higgins stated exactly and that's what I'm saying as part of your description. Mr. Polak stated he could do a summary on where the equipment is going to be on-site and I'm sure they know what they would take out of the site each day on an average. So, you could tell us what equipment would be leaving and what equipment would be coming back. Mr. Delsignore stated the following: I believe we did give that in our narrative relative to how many employees and how many vehicles. Our snowplowing operations in the winter for example: 90% of all of our equipment is left on the sites that we plow. There would be a handful of vehicles that may come if a plow breaks and they could come in to fix the plow. The only thing we may leave is a handful of pickup trucks. All the loaders are already out on site and they are left there. So, I would say the use is minimal. Currently, I do not believe the site is being used in any large manner. When Callahan stopped using the site, I don't know. There were pictures left there that show that the site was a very large operation at one time and it was huge. Mr. Higgins stated the following: I agree with you and that's what we're trying to determine because it hasn't been used in that intensity for at least 10 years. So, obviously the neighbors in that area have become accustomed

to a less intense use for that site and as Mr. Watts mentioned, it is a pre-existing, non-conforming site that we have to be very careful as a Board to make sure that it doesn't extend larger than the pre-existing, non-conforming approval is. I for one think it would help this Board to understand what you're trying to do on the site if you could show the areas that you plan on using, the amount of equipment that Mr. Ouimet asked for and a description of the operation. Mr. Delsignore stated the following: I can do that very simply. Our basic operation relative to the wintertime is storage. When winter comes, the equipment comes in and it is typically parked. There are 11 garage bays so a lot of that equipment could be kept inside and would be if it is being worked on. But in general, let's say there are 30 pieces of equipment. It would be less than 30 pieces of equipment, which you could put just in the very lower piece. It sounds like a lot but it's not that many pieces relative to the equipment and the trucks. Wintertime operations typically would be 2 or 3 vehicles a day coming in and out of their pick-up trucks. Large equipment would not be going in or out of there. During a snowstorm relative to working on the vehicles; all of our snow stuff is kept on the projects other than pick-up trucks or small salters. Typically they may be kept inside to be warm so that when the storm comes they would be readily useable. For our summertime operations; all of the large equipment when that goes out, that's out and it doesn't come in and out everyday. The amount of equipment that would come in would be our pavers and rollers, which typically come in and out most days. So, I would say that it would be typically less than 15 vehicles a day coming in the morning and leave and come back in the evening. Really that would be more like 8 vehicles but to be conservative, let's say 15. That's really the operation. Again, I can't speak for Callahan at what point that they were there but they have 8 paving crews and we have 1 paving crew. So, the scale is much less than anything that Callahan did in their hay day and again, when they stopped using the site to the degree that they used to use it, I don't know. I don't know how large A. J. Masonry was and I don't know what they had coming in and out of there and I'm not sure regarding Upstate Striping operation. The facility is a large facility and it's a great facility for working on equipment and it is a great convenient location right near to the Northway. To have a company in there with 2 vehicles would be foolish for a facility of that size. It would definitely benefit us as we do a lot of work in Southern Saratoga County as well as much further north and west. We do travel around so this location is good. We are not going to have trucks pounding all day long every day because it's not that type of operation and I don't think this operation would impact to the residence. Mr. Watts stated the following: Well, those are the things that we need more clearly delineated by you in writing and those are the things that we need relative to the intensity of use. Mr. Delsignore stated we can definitely do that. Mr. Watts asked did you say there would be salt trucks on the site and where is the salt going to be? Mr. Delsignore stated the following: None of the salt is kept on-site and all the salt would be kept on the snowplowing sites. Our salters themselves are kept in the garage because we try to keep them in a warm place so they are not frozen up when they go out. Mr. Watts stated the following: So, those are the kind of questions we have because if the salt is stored on the site it is right near the river and there could be some environmental issues. Not that that couldn't be addressed. Mr. Delsignore stated I thought that I had filled some paperwork out or I was asked at my office and I gave the number of employees and the numbers of moves in and out. Mr. Watts stated the following: We have one here that says "day hours 6:00 am to 6:00 pm" and then it says "as needed based on night jobs and plowing". Number of employees: full-time 15, seasonal with an asterisk "winter will be reduced to no office staff – see narrative". Then we have you narrative here and each of the Planning Board members has a copy of the narrative and they've all had an opportunity to read it and I guess without belaboring the point, we have residents who live around there and there are certain things we get stuck with in Town because of certain businesses that we have no control over and that is one of the most major complaints we get in this Town. Are they valid? Some are.

The trucks running out of mines at high speeds as they operate on Route 236 and Grooms Road and they damage the roads. But, these are commercial mining operations that are approved by the New York State Department of Environmental Conservation (NYSDEC) that we don't have any control over. If somebody lives on a relatively quiet street, our concern is how much traffic is going to go by that person's house, what kind of noise is it going to make and what time does it occur. I think these are all legitimate valid concerns that we're raising and we need answers from you as an applicant in writing so we can look at it and say, "this is okay or no, you have to do this" or three years down the road when hopefully your business does well or you decide to close Brunswick and you say well we got an approval to run an operation where it wasn't so clearly delineated. Those are the concerns that we have and that's where we are at. So, we will wait until we hear from you before we go further. Mr. Delsignore stated okay. Mr. Address stated we will get that information back to you.

This item was tabled for additional information including: a summary of all equipment, physical areas to be used for equipment storage on site, details on snowplowing uses and a better description of daily operations.

12.112 NB Better Homes & Garden Real Estate/Tech Valley, 1581 Route 9 – Sign

Mr. Tim Prescott, of Ray Sign, stated the following: I'm here tonight representing Better Homes & Garden Real Estate/Tech Valley for a their sign application. I'm proposing a 3 FT x 10 FT single faced internally lit sign and the sign would be lit with fluorescent lamps and electronic ballast. The placement of the sign is going in the former Verizon tenant part of the plaza. Verizon was allowed 58 SF and we're proposing to put up a 30 SF sign so we are well within the scope of the size of the sign. We are proposing to replace what was an existing sign at the plaza. Mr. Roberts stated the following: I have reviewed this sign application and we are always in favor of smaller signs. Mr. Prescott is correct that the size is smaller than the Verizon sign and it looks good.

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

Location: Rekucki Plaza

Zoning: Commercial (C-1)

Sign Area: 30 SF

Sign Dimensions: 3ft x 10ft

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: above storefront

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the sign application for Better Homes & Garden Real Estate/Tech Valley. Mr. Nadeau seconded. Motion carried.

Old Business:

12.052 OB Creatacor, 10 Enterprise Ave. – Addition to Site Plan

Mr. Justin Marini, of Marini Builders, stated the following: I'm here on behalf of Fortress Partners. We are seeking final approval on the plan to expand 10 Enterprise Avenue as submitted. With me tonight are Mr. Robert Marini, Jr., of Fortress Partners and Mr. Jeffrey McCarthy, of Ivan Zdrahal & Associates and Mr. Jerry Glenn of Creatacor. Mr. Watts stated the following: This project has been before the Board previously and we've asked a number of questions. This application is an expansion of an existing building and asked Mr. Justin Marini to briefly run this by in case there are some people in the audience that haven't heard your proposal. Mr. Justin Marini stated we have a

proposal to expand 10 Enterprise Avenue, which are currently offices for Robert Marini Builders and Creatacor. The proposed building addition would be 13,205 SF. Creatacor is going to be taking over the entire space as well as adding an expansion, which is the space that they will require. Mr. Watts asked how many more employees would you have? Mr. Jerry Glenn stated we would have 15 to 20 additional employees. Mr. Watts asked Mr. Bianchino if he reviewed this proposal. Mr. Bianchino stated yes, all of our comments from our review have been addressed.

Mr. Ouimet made a motion to grant a Neg. Dec. to SEQR as the proposed addition will not have a significant impact on the environment. Mr. Nadeau Seconded. Motion Carried.

Mr. Ouimet made a motion to approve the addition to site plan application for Creatacor. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 13, 2012 Planning Board Meeting at 8:15 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary