

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – February 13, 2012**

Those present at the February 13, 2012 Planning Board meeting were:

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

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

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

**Town Board Liaisons:** Paul Hotaling  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the February 13, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the January 23, 2012 Planning Board Minutes. Mr. Berkowitz made a motion to approve the January 23, 2012 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

#### **Public Hearing:**

##### **12.008 PH ESP Auto, 41 Plank Road – Special Use Permit/Site Plan**

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Eric Pearson, the applicant, stated the following: I'm relocating my automobile detailing business to 41 Plank Road. My business is a simple detailing business. I have a few used car dealers that I clean cars for. My hours of operation would be Monday through Friday 9:00 am to 6:00 pm, 9:00 am to 4:00 pm on Saturday and closed on Sunday. All work will be done inside the building including the washing of the vehicles. There wouldn't be any noise other than a car dealer dropping off a car and picking the car up a day or two later. I don't believe there would be any impacts on the neighbors at all. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm.

Mr. Berkowitz made a motion to approve the special use permit/site plan application for ESP Auto. Mr. Ouimet seconded. Motion carried.

**New Business:****12.010 NB      RIE Technical Services, 1471 Route 9 (Crescent Commons) – Change of Tenant**

Mrs. Murphy recused herself from this item. Mr. Tom Ruby, the applicant, stated the following: I'm an independent consultant to GE Power Systems. I'm basically moving my home-based operation into a small suite located at 1471 Route 9 in the Crescent Commons. I would be the only employee and my hours of operation would typically be between 8:00 am and 5:00 pm Monday through Friday. I won't have any business hours on Saturday and Sunday. Mr. Roberts asked the applicant if he was going to have a sign on the site. Mr. Ruby stated I will just have a sign on the door and I probably will not have a sign out by the street. I also have an office in Schenectady on the Schenectady Campus. The Crescent Commons location on Route 9 would be closer to my home. Mr. Watts stated when you advertise; make sure you say that you are in Halfmoon. Mr. Rudy stated yes, of course.

Mr. Roberts made a motion to approve the change of tenant application for RIE Technical Services. Mr. Ruchlicki seconded. Motion carried.

**12.011 NB      Capital District Youth for Christ, 1544 Route 9 – Sign**

Mr. John Richmond, of Capital District Youth for Christ, stated the following: Mr. Ray Lightcap, my colleague, is also present for tonight's meeting and he is also a resident in the Town of Halfmoon. We are here tonight to request a sign to show where our new facility is located. If you will notice, we have "The Edge, Halfmoon" on our sign. Mr. Watts stated yes. Mr. Richmond stated the following: I have provided all the logistics of the proposed signage to the Board as far as the height and width of the sign and where it would be placed. Mr. Roberts asked is this sign going to be placed in the same location as the temporary sign is right now? Mr. Richmond stated approximately, but we're going to make sure it is 40 FT off of the right-of-way. Mr. Roberts stated make sure the sign is placed off of the right-of-way and on your property and the floodlights should not shine out into the road. Mr. Richmond stated right.

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

Location: West side of Route 9 north of Dunkin' Donuts

Zoning: C-1, Commercial

Sign Size: 100 SF

Total Height: 10' 6 "

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: south of entrance to site

Lighted: ☐ Internal ☒ Flood

Mr. Roberts made a motion to approve the sign application for Capital District Youth for Christ. The Board stated that this is a special circumstance of allowing the off premise sign due to safety reasons of properly identifying the location of the access of the business to the rear parcel. Mr. Nadeau seconded. Motion carried.

**12.012 NB      Atlantic British, 6 Enterprise Drive – Addition to Site Plan**

Mr. Tom Andress, of ABD Engineers and Surveyors, stated the following: Atlantic British has been around for a long time and they are located in the Halfmoon Industrial Park. We did one addition to the building about 8 to 10 years ago. The applicant is proposing to construct an 11,080 SF office/warehouse building on the site to be used for additional storage of inventory or a tenant space for a future tenant. The applicant states that the 32 employees do not use over half of the

current provided 80 parking spaces. The applicant has shown 27 additional parking spaces to be landbanked to bring the potential parking to 96 spaces. We would lose a few spaces in the rear to create a handicap parking space. Mr. Nadeau asked what would the warehouse be utilized for? Mr. Address stated it would be used for what they have now and they would be able to use it for additional tenant space. Mr. Ruchlicki asked what is happening at the left hand corner of the building and would part of that foundation be exposed because of the grading? Mr. Address stated as opposed to grading that area; yes, that area would be exposed and we would do specific contours around this area.

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

**12.013 NB      Fairway Meadows Phase III, Dormie Ave. & Timothys Way – Major Subdivision**

Mr. Roberts and Mr. Chauvin recused themselves from this item. Mr. Bruce Tanski, the applicant, stated the following: This is Phase III of Fairway Meadows. Currently we have finished 165 homes, which was contiguous to the 150 units of townhouses. If it is possible, I would like to setup a public hearing. I think we have most of our sign-offs and it is my understanding that CHA may have a couple small issues. Mr. Bianchino stated that is correct. So hopefully we can go ahead with Phase III of this project. I plan on using our new GPS devices that we installed on our bulldozers if I could bring CHA to the 21<sup>st</sup> century to give us the okay to use them. Mr. Watts asked Mr. Bianchino if he had a couple of issues that he wanted to discuss relative to the water agreement? Mr. Bianchino stated the following: Most of our comments have pretty much been addressed. There were 2 things that were outstanding in our January 27, 2012 letter. One comment related to the Army Corp. of Engineers (ACOE). The original delineation was a while back with the ACOE and needs to be reconfirmed. The second issue was related to the extension of the water district. A review of the documents indicated that our water district map does not include Phase III at this point. The original map in our report that was done in 2005 and approved in 2007 included the entire subdivision but there is some confusion on it because I don't think it included Phase III because at the time Phase III obviously still had not been approved. So, I suggested that the Town Board clarify that it is the Town Board's intension to include Phase III in the water district extension. That map and report has been updated by the engineers and we do have that documentation. In going through and doing that research, we did look at the original Planned Development District (PDD) approval of the original subdivision approval for the water extension and it did include the extension of a waterline down Johnson Road, up Staniak Road and into Bentgrass Drive to loop the waterline with the entire subdivision. That line hasn't been installed. So, I just want to remind Mr. Tanski that the waterline needs to be installed as we finish this up. As I mentioned to the Board earlier, it's good because when Howland Park comes in for an approval, part of their PDD approval would be for the lowering of the road profile on Johnson Road to get rid of that hump that creates a sight distance problem with McBride Road. So the fact that that line isn't in yet is good because then we won't have to lower it when we lower the road. We just need to coordinate the timing of that with Mr. Tanski. Mr. Tanski stated the following: Like I said, you are going to have to let me know at what point you'd want it done. Also, a couple months ago we did a house over on Bentgrass Drive and somebody had turned us in to the ACOE and the ACOE came down and did a complete walk through of the site. We finally got a letter back that found that the ACOE had no findings. Mrs. Murphy stated what would happen is, if the Board chooses to do preliminary approval, I'll draft up the extension agreement, which will include bonding for the waterline and we'll go through the process as we normally do with the understanding that the engineering has already been completed. Mr. Tanski stated it is my understanding that it may have already been included in the beginning according to Mr. Bianchino.

Mrs. Murphy stated it's not in the district extension agreement with the Town but it is in everything that went through the New York State Department of Health (NYSDOH). Mr. Bianchino stated we just want to make sure that from the Town Board's and NYSDOH's standpoint that the loop is closed and right now it is not. Mr. Tanski stated I understand. Mr. Nadeau asked what is the status on the trail system? Mr. Williams stated the following: I believe Mr. Jason Kemper, the director of Saratoga County Planning and who also heads the Zim Smith Trail for the County has been in contact with Mr. Tanski on the possibility of Mr. Tanski providing a trail corridor for the Zim Smith to continue east so the County can hook up with the City of Mechanicville. Talks are conceptual at this point with the possibility of swapping out the approved internal trails for Fairway Meadows for a corridor for the Zim Smith trail. I haven't had a chance to talk to Mr. Tanski about this yet but I know Mr. Kemper has been discussing the desire for the Zim Smith corridor with Mr. Tanski. Mr. Tanski stated the following: Just to bring the Board up to date, I think at this point it might be even a little more than conceptual because I've been working with the railroad and there is a 30,000 volt high tension line that they want to stop at Elizabeth Street in Mechanicville. They want to reroute it along land that I have next to the golf course and then we're going down next to the townhouses and I'm going to give the County some land there. Then there is another piece of land that I own by the railroad and I would give up 2 lots so that the County could put a small park in there. So, this is something that the railroad is trying to put together with Mr. Kemper. Mrs. Murphy asked is the property part of the PDD? Mr. Tanski stated no, this is another 28-acres that I purchased from the railroad. Mrs. Murphy stated okay, so it won't affect the existing PDD? Mr. Tanski stated it won't affect the existing PDD. So, when we come back in say 6 to 8 months for another PDD there would be 2 lots that we have already drawn up. Mrs. Murphy stated I understand that part but you said that you were giving them land along the back of the townhouses. Mr. Tanski stated the following: No, the part of the townhouses is right between townhouses and the existing road that goes down to the Russell's house where the dead end is. There is land that goes down there and I'm giving land there. Mrs. Murphy asked is that part of the PDD? Mr. Tanski stated no, it's land that wasn't part of the PDD for the townhouses. Mrs. Murphy asked would that be any part of the PDD? Mr. Tanski stated no. Mrs. Murphy stated okay. Mr. Tanski stated and even though we might be a year or two away from the Zim Smith trail they want to secure the property and that's what we're in the process of doing now. Mr. Watts asked are you keeping the Town involved as to what your doing? Mr. Tanski stated yes, that's why I'm telling you that tonight. Mr. Watts stated make sure everybody works together with our Town Board to keep everybody appraised. Mr. Tanski stated the following: There is a high tension line and this line is going to go away that will let me pickup 2 lots where that high tension line is. Now this line would run down along the back of my property and then I would have to give up some of my property next to the retention pond for the trail. Mr. Ouimet asked would the public hearing contain a discussion about the trails issue or not? Mr. Tanski stated probably not because I don't think they've decided how they want it to go and I've given them 2 options. Mr. Watts asked "them" meaning? Mr. Tanski stated the following: The County. I've given the County 2 options of what they can do to my property and that depends on how they want to go. Because of the steep slopes in the back, they have to come way up my property, go across and then go back down. So, I don't think we would have a definitive answer. Mr. Ouimet stated the following: I understand that. I guess my question is more global than that. Will the public hearing that we have to have for Phase III, would that include a discussion about the trails either option wise or a final proposal irrespective of where it is. Are we are going to talk during this public hearing about trails or aren't we? Mr. Tanski stated I think we can but I think we're a year or a year and a half away from doing that. Mrs. Murphy asked are there proposal trails in Phase III? Mr. Tanski stated yes. Mrs. Murphy asked will they disappear if the railroad thing comes through? Mr. Tanski stated yes. Mrs. Murphy stated so that should be put on the public record for everybody to hear. Mr. Tanski stated

okay. Mr. Watts asked the Board if they all agree that that's a good idea. The Board all agreed. Mr. Tanski stated I'm trying to work with the County as best I can because if they want to take 2 lots, they figure the people will drive down to this park and then get on the Zim Smith Trail. Mr. Watts stated right, but we're the Town Planning Board and the County may have their options or things that they want to do but I think that we have a legal responsibility for any of these changes so the more transparency that there is with this process the better it will be. Mrs. Murphy stated the following: The development was approved with an inner-trail. So, that is something that has to be addressed in the future if that were to not occur. Mr. Tanski asked should I try to get Mr. Kemper to come to the meeting if I can? Mrs. Murphy stated I'm more concerned with giving our residents notice that the trails that are shown on that proposed map may not come to fruition so that when people come, they can make an informed decision with regards to whether or not that is something they want or don't want. It should be mentioned but I'm more concerned about the actual trails that are in the development. Mr. Tanski stated okay. Mr. Berkowitz asked Mr. Tanski if he was going to link a road or a trail to that parking lot? Mr. Tanski stated yes, that is one of the things that we have to do. Mr. Berkowitz stated okay. Mr. Williams stated the following: For clarification; Fairway Meadows is a single-family conventional subdivision development and we're talking about Phase III of that development which is not a PDD. The townhouses next to Fairway Meadows are called Fairway Estates, which is the PDD. Mr. Hotaling stated the following: I just wanted the facts on both sides so someone doesn't come back to the Town Board afterwards and say that we just let it happen. So, we need to work together on this. Mr. Watts stated so we have to make sure that the Town Board is aware of what is happening with this Town/County trail issue. Mr. Williams stated the public hearing would be for the subdivision of lands to create the residential lots. Mr. Watts stated so our public hearing notice is not a notice about the trails? Mrs. Murphy stated at the public hearing Mr. Tanski should state publicly what is being considered with the trails. Mr. Watts asked so there wouldn't be anything in the public notices or an expanded notification? Mrs. Murphy stated I don't think we're at that point yet because we still don't know what's going to happen. Mr. Watts stated I just wanted to get that on the record. Mrs. Murphy stated there should be a map note on the proposed changes for Phase III. Mr. Tanski stated Phase I and II are also conventional. Mrs. Murphy stated after there is a clear idea of what is going to happen to the trails, then we should probably do a public informational meeting at some point in time with regards to those trails. Mr. Tanski stated okay. Mr. Ouimet stated are we going to have a discussion about what may or may not happen to the trails proposed in Phase III? Mrs. Murphy stated yes, we have to. Mr. Ouimet asked Mr. Tanski if he was okay with that. Mr. Tanski stated absolutely. Mr. Ouimet stated whether or not it's a final plan or it's an option or one of many options that are being floated by the County. It's just to make people aware that they're in the mix. Mr. Tanski stated I agree.

Mr. Ouimet made a motion to set a public hearing for the February 27, 2012 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

**12.014 NB      Computer Answers, 1602 Route 9 – Change of Tenant & Sign**  
**(formerly Parkway Music)**

Mr. Pavel Zaichenko, the applicant, stated the following: I'm the owner of Computer Answers and we're planning to move our location to 1602 Route 9. Currently we are located at 1707 Route 9. We are also proposing a couple of signs that are going on the building. Our hours of operation would be 9:00 am to 9:00 pm seven days a week. At the locations there are generally about 2 people employed through the week and a couple of commuters from our other locations. There were some questions about the parking related to the property. We generally never use more than 2 parking spaces. There is one technician running the office and then there is usually one

customer that would come in at one time. Generally the customer is in and out within 15 minutes because they would just drop off their computer and then return when it is finished. We also submitted a sign application for our business. Mr. Watts stated the following: So you would operate your business from 9:00 am to 9:00 pm and you would have one or two employees. Your customers would be rather limited with drop-offs and pick-ups. Mr. Zaichenko stated the following: Yes, we fix desktop and laptop computers. People would drop their equipment off for a free diagnosis and then we would call them for the results and once we fix the computer or electronic device they will return to pick it up. Mr. Watts asked Mr. Williams if there was adequate parking available at that location. Mr. Williams stated yes. Mr. Zaichenko stated the following: We also have 2 other locations. Our Albany location has been in operation for over 7 to 8 years now and we have been spending consistently over \$2,000 to \$3,000 in marketing every month. So, we do have a large following that's now coming to Halfmoon as well because they are spreading out between the new locations. We are continuing to do a lot of marketing for it. I do have an additional question in reference to the parking because we would like to use this space in that building that we're in, which is next to us, for an additional business that we would like to sublet to. That gentleman is not here tonight to represent himself about that property but I wanted to ask a question about the parking. We generally don't use more than 2 or 4 parking spaces and we don't need 8 parking spaces for our main facility. In fact, our retail space is no more than 1,000 SF and the rest of it is used for repair or storage. So, we really only need 4 parking spaces and the sublet space that we already have someone looking at and we are working with is only going to have about 400 to 600 SF of actual retail space. These people are going to be specializing in selling bread and candy. I don't know if you have a conflict about me speaking about that. Mr. Watts stated the following: We can't really address that at this point because we don't have a formal application. I know there have been informal discussions with Mr. Williams and Mr. Kevin Murphy who is the owner of that plaza. So, we really can't make any commitment one way or the other relative to that until we have a formal application that's been submitted. Mr. Zaichenko stated I understand. Mr. Watts stated the following: We did discuss in general the parking and the way that that the parking lot has been improved. They have striped the parking lot and now people can see where to park and it's a lot better than it was based on our suggestions. It may well be that there will be enough parking but I can't tell you based upon a verbal representation that it's going to be okay or not until somebody signs on the dotted line and it says how many people and what they're going to do. With the nature of Trick Shot Billiards in the back, that's more of an evening/weekend operation. Mr. Zaichenko stated I was made aware that there are only 8 parking spaces remaining in the lot and if all 8 parking spaces are assigned, then the other sublet suite won't have any spaces left. Mr. Williams stated the following: I suggest the applicant submit a design to our office and bring in the numbers that they agreed to use for their usage. Then we will look at it to see what we can come up with and see if there would be enough parking for the other tenant and all the other existing uses at the site. Mr. Zaichenko stated the following: Okay. So then we will talk about the parking at another time. Mr. Watts asked are you referring to the parking for the other tenant? Mr. Zaichenko stated the following: No, for us. I just want to know how many parking spaces would be assigned to our business today. Mr. Berkowitz stated the following: You're not assigned specific parking spaces. The building has to have so many parking spaces to be compliant with Town law. You are a computer company and you have a different use than say Trick Shot Billiard's has or any other use at the site. So, we look at the whole building as one and with the last tenant in we decide if they have enough parking spaces for that use. Mr. Zaichenko stated okay, because that is an important aspect for us too. Mr. Watts stated we don't mark off a parking lot when it's a multi-use site. Mrs. Murphy stated the following: I know what you're trying to say and you're not going to get an answer. From a logical mathematical equation standpoint you want to know specifically what is left over. Mr. Zaichenko stated I just don't want

there to be nothing left for when we apply for the bakery. Mrs. Murphy stated Mr. William's is telling you that he is willing to sit down and talk to you and explain all of that but this is not the appropriate time to do that. Mr. Watts stated we will be reasonable and we will look at application when we have information about what the other use is. Mr. Zaichenko stated okay, I appreciate that. Mr. Berkowitz stated the only way you can be 100% sure is that in two weeks if you know for sure that the bakery is going to be there, you submit the change of tenant application for the bakery and you and the other applicant come in together and then we can look at it. Mr. Zaichenko stated the following: Okay, so at this point this proposal is with respect to Computer Answers and the other application is undetermined. I have another question in relation to the signage. Mr. Williams stated we will discuss that when you come in to talk to us about the bakery. Mr. Roberts stated you could remove the wall-mounted sign on the building that you are proposing to get more room on the free-standing sign. Mrs. Zepko stated the following: Without having all that information in front of us we cannot answer that question. What you are proposing tonight is exactly what is on your change of tenant and sign application for Computer Answers and that is what this Board is going to act on. Mr. Roberts asked the applicant if he would just be replacing the tenant panel on the freestanding sign. Mr. Zaichenko stated that is correct and the wall-mounted sign will not be above the roofline. Mr. Roberts stated make sure that it is not above the roofline because we don't allow that. Mr. Zaichenko stated it will be below the roofline. Mr. Roberts asked will the sign on the building be lit? Mr. Zaichenko stated yes, it will be lit. Mr. Roberts asked will the sign have any exposed neon? Mr. Zaichenko stated no, the sign will be white with lettering and the lights will be on the inside. Mr. Berkowitz stated if you're thinking of changing that sign when the bakery comes onboard, you might want to think twice before ordering the sign. Mr. Zaichenko stated the bakery would have its own sign. Mr. Watts stated as long as he has space and it has to be approved by the Planning Board. Mr. Zaichenko stated there is a space on the roofline for the bakery sign. Mr. Williams stated there is room for the building sign. Mr. Watts stated when you advertise; make sure you tell people know that you are located in Halfmoon. Mr. Zaichenko stated okay.

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

**Sign #1**

Location: place a new sign over the entrance to the suite

Sign Dimensions: 4ft x 15 ft

Sign Size: 60 SF

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: on front elevation of the building

Lighted: ☐ Internal ☐ Flood -none

**Sign #2**

Location: Replace existing panel in the freestanding sign (former Parkway Music space)

Sign Dimensions: 2ft x 8 ft

Sign Size: 16 SF

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: at entrance to site

Lighted: ☒ Internal ☐ Flood

Mr. Nadeau made a motion to approve the change of tenant application for Computer Answers. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Computer Answers condition on the building sign is not higher than the building on which it is mounted. Mr. Nadeau seconded. Motion carried.

**12.015 NB      Felicity Hair Salon, 1859 Route 9 (Stewart's) – Change of Tenant & Sign**

Ms. Ellyn Congdon, the applicant stated the following: We are proposing to open a hair salon and we would utilize the same space that was used by a previous beauty shop at the Stewart's plaza located at 1859 Route 9. We will just be changing the name and we would be keeping everything pretty much the same. Mr. Watts stated your write-up states that your hours of operation would be Tuesday, Friday and Saturday from 9:00 am to 3:00 pm, Wednesday and Thursday 10:00 am to 8:00 pm and closed on Sunday and Monday. Mr. Watts asked will you have 2 employees? Ms. Congdon stated yes. Mr. Watts stated so you will just be switching out the business that was there previously with one less employee. Ms. Congdon stated the following: Yes, it will pretty much be the same. We are also proposing to have a two-sided panel on the free-standing sign by the road. We would just be replacing the tenant panel that was used for the previous hair salon business. We are also proposing to add a sign on the building that would be over the entrance to the suite. Mr. Berkowitz asked do you want to change your hours of operation or extend them just in case you have people coming in after hours who have proms and weddings? Ms. Congdon stated we might be open a little later on Friday nights until 7:00-7:30 pm and Saturdays maybe until 4:00 pm. Mr. Watts stated when you advertise; make sure you tell people know that you are located in Halfmoon. Ms. Congdon stated I will.

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

**Sign #1**

Location: place a new sign over the entrance to the suit

Sign Dimensions: 2ft x 8ft

Sign Size: 16 SF

Sided: ☒ one-sided   ☐ Two-sided

Location of Sign: over entrance to suit

Lighted: ☒ Internal   ☐ Flood

Planning Board Date(s): 2/13/12

**Sign #2**

Location: Replace existing panel in the freestanding sign

Sign Dimensions: 1.5ft x 7.8ft

Sign Size: 14 SF

Sided: ☐ one-sided   ☒ Two-sided

Location of Sign: at entrance to site

Lighted: ☒ Internal   ☐ Flood

Mr. Berkowitz made a motion to approve the change of tenant application for Felicity Hair Salon. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Felicity Hair Salon. Mr. Nadeau seconded. Motion carried.



**Old Business:****11.078 OB      Stewart's Shop #127, 454 Route 146 – Commercial Site Plan & Sign**

Ms. Jennifer Howard, of Stewart's Shop Corp., stated the following: Tonight we are looking to receive final approval at our Stewart's Store located at 454 Route 146 and Plant Road. We have addressed all of the CHA's comments. The only thing that I would like to address is the fence. Stewart's did agree to appease our neighbors, the Leonard's, and put up a fence like Mr. Bruce Tanski did at the Sunoco on Route 146. CHA made a comment on whether or not we wanted to breakup sections of that fence and put some landscaping in between. We have no problem with doing that and we are leaving it up to the Board's discretion. So however the Board sees fit for us to install the fence is how we will proceed. Mr. Roberts asked how long will that fence be? Ms. Howard stated the fence would run almost the whole back property line. Mr. Watts asked Ms. Howard if she had the site plan? Ms. Howard stated the following: Yes. We are basically going to follow the existing chain link fence that is there now. Mr. Watts asked would that go all the way down to where the detention pond is? Ms. Howard stated just about, yes and again it would follow the same path as the existing chain link fence. We have proposed on the plan a break of 6 FT landscaping every 50 FT of fence but it is certainly up to the Board. Mr. Watts stated I think we want the continuous fence. Ms. Howard stated it would be a 6 FT vinyl fence and is the same fence that Mr. Tanski has at the Sunoco. Mr. Watts asked would this meet the neighbor's request with the additional 80 FT? Mr. Williams stated I believe the letter from the neighbor's was asking for an additional 80 FT to be extended further to the east to the edge of the property line. Mr. Watts asked is there any objection to doing that from an engineering point of view or from any of the Planning Board members? Is there any objection from Stewart's to doing that? Ms. Howard stated the following: I knew about the request but I think that is a lot of fencing and I question what the additional 80 FT would accomplish because we are up over almost \$20,000 for the fence. I'm not sure what the purpose of the additional fencing would be for because there is nothing over there and currently there is no fence in that area. Mr. Watts asked would that be a solid fence? Ms. Howard stated yes. Mr. Bianchino asked is there any type of vegetation in there? Ms. Howard stated yes, but that is coming down and right now I don't think it is a buffer. Mr. Watts stated in the letter that we received they talked about "for additional privacy" but I'm not seeing per say what privacy that would grant to anyone. Ms. Howard stated the following: While I completely understand this and we are trying to be sensitive to the fact that people don't want lights shining onto their property. I just question the additional fencing because of the maintenance and upkeep. It's not that I don't want to do but I'm thinking long-term that all the fencing would be a lot to maintain and what are we trying to accomplish. Mr. Ruchlicki stated the only thing that I can see for the additional fencing is that last driveway and if there is no vegetation there, then maybe it is the headlights that the neighbors have concern with. Could you explain the drainage easement to me? Ms. Howard stated that is for the drainage off of the road. Mr. Ruchlicki asked is it a swale? Ms. Howard stated yes. Mr. Berkowitz asked so does that fence extends past that swale? Ms. Howard stated that is correct. Mr. Berkowitz stated so the Leonard's would basically be blocked by the fence looking west towards the store and the existing vegetation at the corner is going to be removed. Ms. Howard stated yes and that is why we decided to do a stockade fence. Mr. Nadeau asked is that going to create a sight distance issues with cars coming into that intersection if you extend the fence another 80 FT? Mr. Bianchino stated no. Mrs. Leonard, a neighbor, asked if she could make a comment. Mr. Watts stated the following: It's very out of the ordinary for me to do that. We have tried to accommodate your request, as has Stewart's in many ways. I will allow you to make a comment for clarification purposes. Mrs. Leonard stated the following: Right now the existing vegetation blocks the traffic noise and everything that is happening on Route 146. Mr. Leonard stated the plan that I have has the retention area on it but it's not on the plan that you have in front of you tonight. According to the plan that I have the retention area shows that it has

been extended over 100 FT to the east and that was the reason why we requested the additional fence. All our property will be facing the retention area but this plan differs from that plan. Mr. Berkowitz stated what we approve is what has to happen. Mr. Watts asked if we approve it with what? Mr. Berkowitz stated with the fence the way it is pictured on the site plan. Mr. Williams stated the following: Mr. Leonard is looking at the grading plan and we're looking at the site plan layout. The grading plan will show that the eastern part of the site is being graded out and the Leonard's wish is to have the fence further down to buffer what is to be graded down to create the stormwater management area. The corner is to be all graded out for the retention area and Stewart's has proposed plantings around the perimeter of the retention area with maples and blue spruce plantings. Mr. Ouimet asked is the entire wedge going to be clear-cut and then reconstructed and replanted? Mr. Williams stated yes. Mr. Ouimet stated so in essence; the retention area is going to extend further east. Mr. Williams stated yes it will. Mr. Ouimet asked past the swale? Mr. Williams stated yes, almost to Stewart's property. Mr. Ouimet stated looking at this I don't really see a practical affect of extending the fence 80 FT but I do recognize that maybe through plantings it might be able to cut the visual impact of that retention area. I think that more fence is a little too much. Mr. Berkowitz stated the following: I think you're going to have less noise with the way that this is planned than you have now. Because right now you can basically see Route 146 through your driveway, can't you? Mr. Leonard stated yes, in the winter. Mr. Berkowitz stated there is nothing really blocking the noise from coming through now and with the plantings it will block even more noise than a fence would. Mr. Leonard stated the following: What about looking at the view of the retention area? If that fence could be extended somewhat, it would cover some of the deeper elevations of that retention area. For 20 years nothing has been done with the existing retention area. Mr. Watts stated the following: Well it's going to be done now; it is going to be graded and trees are going to be planted. When does Stewart's plan on starting the work? Ms. Howard stated we are looking to begin this March. Mr. Berkowitz asked right after the grading is done will the landscaping be placed in there? Ms. Howard stated the following: I don't know in what order things would be done. This typically will take 12 to 14 weeks from start to finish. So it would be within 14 weeks. Mr. Watts stated so the whole site would take a little over 3 months. Mr. Leonard asked could you extend the fence somewhat? Ms. Howard stated the following: I'm just not seeing the need for that. We have proposed the plantings and we have also put some around the front. Mr. Roberts stated I agree, I think the plantings are more effective than the additional fencing. Ms. Howard stated just so we're clear, the fence that we are proposing is over 300 FT and with the additional fencing it would be around 400 FT. Mr. Roberts stated in fact, that much fencing might not look good if you go too far with it. Ms. Howard stated I think that's what the engineer's point was and you'll be surprised when the fence is installed. Mr. Ouimet asked is there any way to enhance the plantings? Ms. Howard stated we are proposing sugar maples and Colorado blue spruce around the retention area. Mr. Ouimet asked is there the ability to enhance the number of those plantings? Mr. Berkowitz stated or put some lower level shrubs because when those trees grow, they are going to be bare on the bottom and maybe put something of a higher density that is lower. Ms. Howard asked do you want the shrubs placed in between the trees? Mr. Berkowitz stated yes, in between. Mr. Ouimet stated I'm thinking if the gap is wide enough and if the trees are high enough, they are going to lose the ability to buffer visually and for sound. Ms. Howard stated yes, we can certainly put something lower in between the trees. Mr. Ouimet stated I think it would look better with additional vegetation than 80 FT more fencing. Mr. Watts stated the following: I agree with Mr. Berkowitz and Mr. Ouimet. Stewart's has gone well beyond in doing good things for the neighbors and straightening out a very congested site along with traffic and safety issues. I think Stewart's has done a lot and I agree with the rest of the people who have spoken on the Planning Board. I think that there is a rather lengthy fence that they've put in and I personally don't see the need for additional 80 FT of

fencing. We have listened to the comments and we have done our best. Ms. Howard stated we have one free-standing sign that's going to be 32 SF and it would look the same as the existing sign with the LED gas prices on the bottom and Stewart's logo on the top. We also will have one building sign and that sign will be 10 SF. The existing building sign was 21 SF so we would be reducing the size of that sign.

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

Sign #1

Location: place a new sign over the entrance to the suit

Sign Dimension: 1ft 8in x 8ft

Sign Size: 10 SF

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: over entrance to suit

Lighted: ☐ Internal ☐ Flood -none

Sign #2

Location: freestanding sign

Total Height: 16 ft (same height as existing)

Sign Dimension: 4ft 8ft

Sign Size: 32 SF x 2 = 64 ft

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: at entrance to site

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the commercial site plan for Stewart's Shop #127 condition on a solid stockade fence (instead of an intermittent fence/evergreen planting buffer) is placed as indicated on the site plan and that the plantings around the stormwater detention basin be enhanced with additional plantings to help buffer the rear residential uses. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Stewart's Shop #127. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the February 13, 2012 Planning Board Meeting at 8:01 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary