

Town of Halfmoon Planning Board

Meeting Minutes – May 14, 2012

Those present at the May 14, 2012 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
John Higgins
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

Mr. Watts opened the May 14, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 23, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the April 23, 2012 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

New Business:

12.038 NB Gary Connors Subdivision, 294 Grooms Road – Minor Subdivision

Mr. Dave Flanders, of David A. Flanders Surveying & Site Consultant, PLLC, stated the following: I'm here tonight with the applicant, Mr. Gary Connors. Mr. Connors is the owner of a parcel of land on Grooms Road, County Road #91. The parcel is approximately 4-acres. The parcel is currently zoned Professional Office/Residential (PO-R). Currently the parcel is serviced by the Saratoga County Sewer District #1 (SCSD#1) and there is a sewer easement running through the property that is a 25 FT wide sewer trunk line. Also, there is Town water located along Grooms Road on the same side as the property. The proposal is to subdivide the 4-acres into 3 lots. The largest lot would contain Mr. Connors' residence, which is just north of the sewer easement, and that parcel is approximately 2.5-acres. The 2 new lots that are proposed are both along the westerly boundary. The smallest lot would be, a little over 28,000 SF and the second lot would be about 36,000 SF. The 36,000 SF rear lot would be a flaglot as well as Mr. Connors' lot. Mr. Connors' lot has a 40 FT wide strip accessing the road; a portion of which is covered by the existing driveway. The proposed 36,000 SF lot has a 20 FT wide strip and also encompasses a portion of the existing driveway. All 3 lots would share a single driveway. Ingress/egress and utility easements are going to be created for the access and for waterline connections and sewer line connections. The

neighbors to the east, William and Lynn Burdick, presently have a driveway that comes off of Grooms Road but it loops over onto Mr. Connors' property and it uses a portion of his driveway. We are proposing to grant the Burdick's an easement over a portion of the driveway, which is delineated on the map. This entire 20 FT wide strip, which is a portion of the 36,000 SF lot, would be an ingress/egress and utility easement also. The purpose of that is not only for ingress and egress to the rear property and to Mr. Connors' lot because part of the driveway is on it but it would also allow for a sewer connection to the SCSD#1t for the front the lot. Both lots would be serviced by SCSD#1 and we have received a letter from the County indicating that they will accept the flows from these 2 proposed lots. Letters have also been sent out to the water district. Mr. Nadeau asked if the Burdick's have an easement at this time? Mr. Flanders stated no, they do not. Mr. Berkowitz stated there is one lot there now and asked if the proposal was for 1 conforming lot and 2 flaglots. Mr. Flanders stated that is correct. Mr. Ouimet asked are all 3 lots going to use the common driveway? Mr. Flanders stated that is correct. Mr. Ouimet asked is the common driveway going to be constructed in such a way to support a fire truck? Mr. Flanders stated I don't know what the construction of the existing driveway is but it is in pretty good shape and it has been there for a number of years. Mr. Ouimet stated I'm concerned with adding additional houses on that one driveway and it would have to support emergency vehicles. Mr. Flanders stated if it is determined that it is inadequate, then maybe it would have to be upgraded at the time the new residences are sold. Mr. Ouimet stated okay, I just wanted to point that out. Mr. Watt stated so; Mr. Connors would remain in his current residence in the rear and asked what the plan was for the other 2 lots? Mr. Flanders stated those 2 lots would be offered for sale. Mr. Watts asked would the other 2 lots be purchased to construct 2 new homes? Mr. Flanders stated that's the idea, yes. Mr. Higgins asked would those 2 lots be for single-family homes? Mr. Flanders stated I would assume that they would be single-family homes and that is Mr. Connors' desire. Mr. Higgins stated if they are going to be duplexes, then Mr. Ouimet's question about traffic and emergency vehicles is even more critical, in my opinion, if you're getting more and more vehicles and people living there. Mr. Polak stated the lots would have to be 30,000 SF to have duplexes. Mr. Higgins stated the back lot is 36,000 SF. Mr. Connors stated I would prefer not to have a duplex there and I would prefer to see a single-family home there. Mrs. Murphy stated the following: The 36,000 SF can hold a duplex. Unless Mr. Connors has something in his contract at the point of sale that limits what can go there, it could be a duplex. So, that would be something that the Code Enforcement/Building Department would deal with when they came in for a building permit. The Building Department would be looking at that issue with regards to the efficiency of the road and whether or not emergency vehicles could access the buildings. Mr. Watts stated but he could if he so desired in the contract of sale have a prevision that it may be developed only as a single-family. Mrs. Murphy stated he could do some sort of deed restriction, but I'm not giving him legal advice.

Mr. Berkowitz made a motion to set a public hearing for the May 29, 2012 Planning Board meeting. Mr. Roberts seconded. Motion carried.

12.039 NB County Waste PDD, 1927 Route 9 – Addition to Site Plan

This item was removed from the agenda.

12.040 NB Legally Bronzed, LLC, 222 Guideboard Road – Change of Tenant & Sign

Ms. Diana Boga, the applicant, stated the following: We plan to change the tenancy at 222 Guideboard Road. The previous tenant was also a tanning salon and we are proposing the same type of business. Mr. Watt stated your proposal is to run a tanning salon and the information you provided states that you would have 1 full-time employee. Ms. Boga stated that is correct. Mr.

Watts asked will you have any part-time employees. Ms. Boga stated no, not as of right now. Mr. Watts asked will you be open for business 7 days a week; Monday through Saturday 10:00 am to 9:00 pm and Sunday 11:00 am to 7:00 pm? Ms. Boga stated that is correct. Mr. Watts asked is the same one person going to be there all the time? Ms. Boga stated the following: Yes that would be me. It will be the both of us but I would be the full-time employee and I will be running the business. Mr. Watts asked Mrs. Zepko if they would have adequate parking. Mrs. Zepko stated yes. Mr. Watts asked is the Health Department the only agency that you would need a license from for a tanning salon? Ms. Boga stated yes, that is correct and I believe I would also need an inspection from the Health Department once we are open for business. Mr. Watts asked would you be maintaining the same signage that was previously at the plaza? Ms. Boga stated yes, we would just be changing the front panels and we are keeping the light box there. Mr. Roberts stated I have reviewed the signage and everything meets the code. Mr. Watts stated when you advertise, please advertise that your business is located in Halfmoon. Ms. Boga stated okay.

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

Sign:

Wall Mounted-above storefront:

Sign Dimensions: 2ft x 18ft

Total Area of Proposed sign: 36 SF

Sided: ☒ one-sided ☐ Two-sided

Lighted: ☒ Internal ☐ Flood

Brief Description: The applicant wishes to utilize the existing signage at the site by replacing the face of the existing signs with their business name.

Freestanding:

Sign Dimensions: 1ft x 5ft -replacing and existing tenant panel

Height: 10 ft

Sided: ☐ one-sided ☒ Two-sided

Total Area of Proposed sign: 10 SF

Lighted: ☒ Internal ☐ Flood

Brief Description: The applicant wishes to place its business name on the existing approved freestanding sign.

Mr. Roberts made a motion to approve the change of tenant application for Legally Bronzed, LLC. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Legally Bronzed, LLC. Mr. Higgins seconded. Motion carried.

12.041 NB Key Valley, LLC Subdivision, Smith Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm representing Key Valley, LLC for a proposed 4-lot subdivision. The property is located on the easterly side of Smith Road about 1,500 FT north of Vosburgh Road. The applicant would like to subdivide a little over 7.07-acre parcel into 4 residential lots. Lot #1 would be about 4.69-acres, Lot #2 would have an area of 31,217 SF, Lot #3 would have an area of 31,854 SF and Lot #4 would have an area of 40,629 SF. All 4 lots would be served by public water, which exists on the westerly side of Smith Road and on-site septic systems. Lots #1 and #2 would share a common drive onto Smith Road. Lots #3 and #4 would share a common drive also onto Smith Road. We

have an Army Corp of Engineers (ACOE) sign-off jurisdictional determination (JD) letter for the wetland area in the rear of the site. Mr. Nadeau asked how would this subdivision affect the remaining lands of Ballard as far as a buildable lot? Mr. Rabideau stated that one of the parcels is a separate lot. Mr. Nadeau asked are you subdividing the Ballard property? Mr. Rabideau stated no. Mr. Higgins asked is there a single home there now? Mr. Rabideau stated no there are no houses. Mr. Nadeau stated regarding the road and I'm not sure where these lots end up, but the rise in the road has very poor sight distance and where would these lots fall in relationship to the road? Mr. Rabideau stated the following: We did sight distances from the driveway to the north and the south; looking north is 625 FT and looking south is 915 FT. Looking north from another parcel is 560 FT and looking south is 605 FT. Mr. Nadeau stated the following: The north is okay; it's the south's part that is the issue. Again, these lots being subdivided are on a deed by themselves and not with the Ballard property, right? Mr. Rabideau stated the following: That is correct. Those separate parcels have been subdivided since about 1971. Mr. Ouimet stated from the drawing it looks like the access to the metal buildings, which is outside the area we are talking about, is through this stone driveway. Mr. Rabideau stated yes, that is the existing drive to those buildings. Mr. Ouimet stated assuming this subdivision is approved, how are you going to access the property? Mr. Rabideau stated the following: They are either going to create an easement or once that structure is taken down, they would have access. At this point in time, we want to keep using this until they at least sell this lot. Mr. Ouimet asked are these going to be single-family homes or duplexes? Mr. Rabideau stated they are anticipated to be single-family but we are not going to rule out duplexes. Right now since there are 2 single-family homes and the intent is to have the others single-family homes. Two of the lots could have duplexes because of the size of the lot but it doesn't make sense to intermix them. Mr. Williams stated we discussed wanting CHA to look at it with the grading that is involved and being that over an acre is going to be affected and whether or not stormwater and erosion sediment control would come into play. Mr. Bianchino asked Mr. Rabideau how much disturbance are you looking at on all 4 of these? Mr. Rabideau stated I believe it is very close to an acre. Mr. Bianchino asked does that include the septic areas too? Mr. Rabideau stated yes, that is correct and these should be standard septic systems because it is all sand there so the systems are going to be relatively compact. Mrs. Zepko stated to Mr. Rabideau that the Planning Department would need an erosion and sediment control plan. Mr. Rabideau stated okay. Mr. Bianchino stated the following: So based on that, I don't know what else there is for me to look at. We can look at the plan when it comes in and I can do that before the meeting.

Mr. Ouimet made a motion to set a public hearing for the May 29, 2012 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

12.042 NB Cole's Collision Center (former Lee's Plaza), 1624 Route 9 – Change of Tenant

Mr. John Cole, the applicant, stated the following: I'm here tonight representing Cole's Collision Center. We are proposing a change of tenant use at 1624 Route 9. There are no changes to the site plan. The office layout, the interior plans and everything will be submitted to the Town's Building Department. We are a high-end collision repair shop. Our hours of operation will be Monday through Friday 7:00 am to 9:00 pm, Saturday 8:00 am to 12:00 pm and closed on Sunday. All the work would be done inside and this will be my fourth location. Mr. Roberts asked would there be any outside storage of vehicles? Mr. Cole stated the following: The vehicles would be outside for a very short period of time but typically the vehicles would be in the back of the store and out of the sight of the public. I can keep some vehicles inside at times. Mr. Roberts asked

would you have a fenced-in area in the back of the store. Mr. Cole stated I believe there is something there now but as far as a barricade or something like that in the future; I wouldn't have a problem with putting up whatever I need to do to satisfy what the Town would want. Mr. Dean Taylor, of REMAX Realty, stated there are 10 parking spaces behind the building that would be used to store the vehicles in need of repair. Mr. Cole stated the following: We have barricades at all the other places that we have and as I mentioned, this is a very high-end store. Typically what we have is a fenced-in area or barricade where we store the cars. Usually the cars are only at the shop for 3 to 5 days. Any vehicle that is a total loss or a car that is not being repaired would only be at the store anywhere's from 3 to 7 days because we move them out of there pretty quick and we keep the site very clean. Mr. Roberts asked would the vehicles be visible from the road? Mr. Cole stated no, the vehicles would not be visible from Route 9. Mr. Berkowitz asked would you get wrecks in the middle of night from accidents or tow trucks? Mr. Cole stated yes. Mr. Berkowitz asked who would be delivering the wrecked vehicles? Mr. Cole stated we do have a towing service but we do work with all local towing services and it is whoever gets the call. Mr. Berkowitz asked where would they put those cars in the middle of the night? Mr. Cole stated those vehicles go right into the store. Mr. Berkowitz asked are you there when they are delivered? Mr. Cole stated at night for after hours towing we would instruct the tow-trucks to drop them off in the back and those vehicles would be brought inside the first thing in the morning for teardown. Mr. Watts asked what is behind the building where you are going to store your cars? Mr. Cole stated the following: I believe there is a berm on the one side that comes down the left side of the building. If you're standing on Route 9 looking straight at the building, you can't see 10 to 12 parking spaces in the back. Mr. Taylor stated also I think G.E. Modular is behind the site. Mr. Watts stated I was curious if you have cars parked behind the building, do you have any different lighting that you're proposing? Mr. Cole stated there is lighting there right now but if I have to add lighting, I can do that too. Mr. Watts stated also I was curious to know if there were residences that might be affected by the lighting. Mr. Cole stated I don't believe there are any residences on either side of the store in the back. Mr. Taylor stated Anvil Fence is located to the right of the store. Mr. Cole stated the following: Yes, there is a commercial property to the right. Also, there is an access road to the left that goes quite a ways back that I think goes to G.E. Modular. Mr. Berkowitz stated there are apartments in the back but it looks like they are about 100 FT back with woods. Mr. Cole stated there is a buffer in between that and I'm not even aware what is back there. Mr. Higgins asked how many spray booths are you going to have? Mr. Cole stated we are going to start out with one spray booth and one prep-deck. Mr. Higgins asked do you have enough height to get that inside the building? Mr. Cole stated the following: Yes we do. The last spray booth we purchased was \$110,000 that is a USI Italia that was shipped in from Italy. It is 4 times filtered before it even gets outside of the building and then it is filtered again. They are all Environmental Protection Agency (EPA) sanctioned and we shoot water based paints. The only thing that's not out there for the technology is the clear coat but that is coming soon. We have an exemption in the other 3 stores because we don't generate enough waste. Mr. Nadeau asked so, you are low generation? Mr. Cole stated yes. Mr. Higgins asked where are you going to be washing the vehicles? Mr. Cole stated inside in the back. Mr. Higgins asked is that sewer or is that going to be drained out in the back? Mr. Taylor stated I believe there is a septic system there. Mr. Watts asked do you require any permits from any State or Federal agencies? Mr. Cole stated I currently have all the permits with the EPA and the New York State Department of Environmental Conservation (NYSDEC) as well. Mr. Higgins stated so the only Department of Motor Vehicle (DMV) sign you will have on the outside of the building is a repair shop? Mr. Cole stated yes, a repair shop. Mr. Higgins asked would you have any used car sales? Mr. Cole stated the following: No, I'm not into selling cars. In all 3 of my stores that we have, we have insurance companies that come and they also bring a high value

to the presentation when the people walk-in. We sometimes have rental cars on the site as well and they are rotated throughout the day. We have a cycle time, which is the amount of time that a car sits on the lot and we are number one in the area where we get cars out of there in 3 to 5 days. Mr. Higgins asked what rental company do you use? Mr. Cole stated we have used Enterprise and Hertz. Mr. Higgins stated but you're not going to be renting cars out of your site. Mr. Cole stated no, I will not be; they will be rented off-site. Mr. Higgins asked are you purchasing the building or just leasing it. Mr. Cole stated at this time we are leasing it. Mr. Higgins stated the reason why I asked if you owned or leased the site is because we were wondering if you could dress-up the site a little bit and maybe put in a few more trees in front. Mr. Cole stated I promise you that I will make the site the prettiest body shop you have ever seen in Halfmoon. Mr. Watts stated the following: Just be careful about how many cars are at the site because some automobile repair shops and collision shops tend to get a little busy. You are going to be the sole tenant there so you can certainly control that. Mr. Cole stated what we do in Albany if we get a lot of cars at the site; we put them inside at night. Mr. Ouimet asked is the permitting required by site or just by your business? Mr. Cole stated it is done by application on the site, which would mean every stack that you get and every emissions that you get the EPA would give you a permit for that. Mr. Ouimet asked in order for you to open a new site here in Halfmoon, you have to get the permits. Mr. Cole stated I have never had a problem getting them and we have actually opened shops prior to getting the permits. Mr. Ouimet asked but you have to get them. Mr. Cole stated yes. Mr. Ouimet stated if we were to approve the change of tenant, it would have to be contingent on the permits being secured. Mr. Cole stated that is not a problem. Mr. Nadeau stated about 15 years ago the DMV made it so that there were no more backyard type operations so, therefore, he has to get an approval from the Town for his site and then everything falls in place after that. Mr. Watts asked are you going to have a sign? Mr. Cole stated yes and we will come back to the Board for that approval. Mr. Watts stated make sure you advertise that you're in Halfmoon. Mr. Cole stated absolutely.

Mr. Roberts made a motion to approve the change of tenant application for Cole's Collision Center contingent on vehicles to be repaired are stored in the rear of the site behind the existing building in the 10 designated parking spaces, and all appropriate State and Federal permits are obtained. Mr. Berkowitz seconded. Motion carried.

Old Business:

11.110 OB Vending Property LLC (Scott Earl), 4 Enterprise Ave. – Commercial Site Plan

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with the applicant of the project, Mr. Scott Earl. The project is approximately 10.89-acres that houses an existing 16,000 SF building. The access for the site is off of Enterprise Drive. The applicant is proposing a 7,200 SF addition on the west end of the building and then also a maintenance garage that is approximately 40 FT x 50 FT. We have been working with the Planning Board and the Town's engineer and we have addressed sewer service and water service to the proposed maintenance garage. The proposed warehouse expansion would use the existing facilities in the existing building. We have expanded the parking; the site as proposed would include 67 parking spaces according to the zoning and we would require 85 parking spaces; so we are proposing 18 landbanked parking spaces on the parcel overall. The applicant does anticipate approximately 40 employees so the parking spaces as proposed should meet the needs for the employees on the site. We are here tonight for questions and comments from the Board and consideration for an approval of the site. Mr. Ouimet stated there were a number of concerns raised by the Town's

engineer and asked if they have all been addressed? Mr. Bianchino stated yes, all of outstanding comments have been satisfied.

Mr. Berkowitz made a motion to approve the commercial site plan application for Vending Property LLC. Mr. Nadeau seconded. Motion carried.

11.123 OB 6 Liebich Lane, Liebich Lane – Major Subdivision

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm representing the applicant, Liebich Lane Associates. The subdivision portion of this project would include a 2-lot subdivision where we are subdividing out approximately 7.3-acres along Liebich Lane for the construction of a 60,000 SF light industrial building. The property is located in the center of the Rolling Hills Planned Development District (PDD). The drawing shows the entire PDD, the light industrial section with Sysco and Liebich Lane. Currently the only facility that operates off of that is the RGH medical supply building that was also recently constructed. What we would be doing is just subdividing one of the parcels along Liebich Lane for this project. Mr. Higgins stated the following: I know the Town's engineer has expressed concerns regarding drainage off of this site. Regarding the existing RGH facility; what was going on there today because it appeared that they were filling in part of the one of the stormwater retention basins. Mr. Vuillaume stated from the recent rain they had trouble with one of the storm structures so I think they were just repairing one of the outlet pipes for one of the storm basins. Mr. Higgins stated okay, because they were putting in much smaller stone than the riprap that was in there. Mr. Vuillaume stated I think that is because it's one of those bio-retention areas where they usually use the smaller river rock for that. Mrs. Zepko stated the following to Mr. Higgins: I had asked them to do that last fall when we were doing our final inspection. Mr. Vuillaume stated yes, we had a walk-thru and we decided that that might be better and I can address some of the drainage questions when we get to the site plan part.

Mr. Roberts made a motion to set a public hearing for the May 29, 2012 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

11.122 OB 6 Liebich Lane, Liebich Lane – Commercial Site Plan/GEIS

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: For the site plan portion of the 7.3-acres, Liebich Lane would provide access to the facility. The proposal is a 60,000 SF one-story office/warehouse building. This would have two access points off of Liebich Lane. One would be primarily just dedicated towards delivery vehicles and the other access would be for visitors for office employees. We spent a lot of time with these detailed plans; more specifically with the grading and drainage. It is a mine site so we have to be very cognizant of making sure that we're not impacting adjacent properties in some of the other developments that might occur with this project. We addressed a couple of CHA review letters and I do believe we've answered all of their concerns regarding the drainage. One of the concerns that CHA had was with the original concept plan regarding some of the sight distance and we have adjusted the entrances to provide for adequate drainage and sight distance for both of the new driveways. As far as all of the rest of the drainage goes; we've been able to provide enough of the new green infrastructure techniques in order to satisfy those requirements. We're using several bio-retention areas similar to the ones that we did on RGH. We've incorporated a dry swale in one area and a vegetated buffer along the back of the property. All of these things would manage the stormwater on the site itself. However, ultimately all the drainage for this entire site does go to a very large depression that currently exists there as a stormwater management area. That may change in the future

depending on how some of these other lots develop but for now it is all centrally located and there is no discharge point right now. So, this project in no way could ever affect anything adjacent to us. I think we are pretty comfortable with the drainage. We have 150 parking spaces and right now we are going to landbank possibly 34 parking spaces. With not having any clear tenants for the entire building at this time, it's a little tough to estimate exactly how many parking spaces we would need. Right now we are estimating 120 parking spaces with 30 landbanked is probably sufficient. We also have a planting plan and we also have an erosion control plan. Mrs. Murphy stated the following: Before the Board starts to ask any questions, I have asked that they refrain from approving this project today, even if they are completely thrilled with it, until after the subdivision occurs. Just so you are aware, this is not a reflection on the application. Mr. Vuillaume stated yes, that's okay. Mr. Higgins stated that area has been recently filled, what are you going to do as far as compaction? Mr. Vuillaume stated the following: Valente has been working on that over the winter and I know they have been doing some of the grading out in the front area. A lot of the material has been pushed back and some of it has been compacted in the area where the proposed parking lot would be. As far as the building, I don't think they have touched anything there yet. So, that will all be monitored as they bring material in. There is quite a bit of fill towards the back of this property that would be required to have proper compaction. That will all get monitored and documented as it's being built. Mr. Mike Stiles, a nearby resident to the site, stated we still have an ongoing problem with the off-site stormwater runoff and I want to go on record that a lawsuit will be forth coming if it continues. Mr. Vuillaume stated if you want to go ahead and defer the site plan to the same time as the subdivision, we would like to do that as soon as possible. Mr. Watts stated the public hearing for the 6 Liebich Lane major subdivision will be held in two weeks. Mr. Vuillaume stated okay.

This item was tabled awaiting an approval on the 6 Liebich Lane major subdivision application.

12.035 OB Halfmoon Sandwich & Salad Shoppe, Route 9 – Change of Tenant/Site Plan

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with the applicant of the project, Mr. Scott Earl. This is the existing House of Kitchens parcel with the existing House of Kitchens building. The currently operating Halfmoon Sandwich & Salad Shoppe is located to the north. The proposal is to relocate the Halfmoon Sandwich & Salad Shoppe to the House of Kitchens building, demolish the existing Halfmoon Sandwich & Salad Shoppe building and construct a parking lot in that vicinity. This project has been in front of the Board several times and we did receive comments from CHA. In addressing those comments; primary changes were relative to the site access and the site access was proposed by the handicap stalls and by the entrance to the building. We have relocated that to the north and we feel that it creates a better circulation within the parking lot and diminishes any conflicts with the handicap parking and access and egress problems at the site. The site does propose a total of 40 parking spaces overall and 10 of those parking spaces would be landbanked so 30 of those parking spaces would be built at this time. The applicant does feel that that is adequate for the site at this time. The other primary change was relative to the dumpster location and the dumpster was moved slightly to the north in a little more secluded location. We are also proposing an enclosure around the dumpster as well as some plantings around it for screening. That's essentially the changes from the last time the Board has seen the project. We did receive some comments today from Mr. Bianchino of CHA and we did discuss those over the telephone and we did respond to those comments. So, I believe we are all set as far addressing any outstanding comments that CHA may have. We are here tonight for questions and comments from the Board and request for consideration of an approval. Mr.

Bianchino stated the following: We did a review letter last week and Mr. Lansing had submitted a revised plan to address those comments. There were a couple of questions we had to ask and I did talk to Mr. Lansing today and went through those and we're good with the revisions they sent to me and we should be okay. I think the question I was asked at the pre-meeting should be discussed with to Mr. Lansing. Again, from our end, they have addressed all of CHA's comments. Mr. Higgins asked Mr. Bianchino if the wastewater area behind the building was acceptable to the New York State Department of Health (NYSDOH)? Mr. Bianchino stated they have to get an approval from the New York State Department of Environmental Conservation (NYSDEC), but yes it should be. Mr. Berkowitz asked does the sewer run up and down Route 9? Mr. Lansing stated no. Mr. Higgins stated I know another establishment in Town had a similar situation and in that case, as far as I understood, the NYSDOH required them to hook in. Mr. Watts stated there is nothing to hook into. Mrs. Murphy stated the following: What happens with those approvals is that we are prohibited by recent case law from saying contingent on the departments doing the approvals. That goes without saying that he can't operate unless he has an approval from them. So, we don't have to make it contingent upon that and in fact we are not supposed to make it contingent upon that. Mr. Watts stated so the enforcement would be with the agency. Mrs. Murphy stated correct. Mr. Higgins stated at an earlier meeting Mr. Ouimet and I had mentioned about moving the main entrance to the side of the building and I know there was nothing in CHA's review letter and we were just curious whether that could have worked. Mr. Lansing stated I'm not sure it would work from an architectural standpoint. Mr. Ouimet asked Mr. Bianchino regarding CHA's May 4, 2012 letter; in paragraph #2 you talk about the applicant submitting a plan for a temporary parking lot and depicting a route and details of a temporary walkway. Could you please expand on that and let me know what the applicant has responded to your request. Mr. Bianchino stated the following: Our concern was during the removal of the existing building; we were concerned about where they were proposing to park. Originally they were talking about parking to the north and walking around. In part of our discussion with Mr. Lansing's office and our office we came to a better alternative, which was to create a temporary parking area on the south side of the building away from the demolition so that people could access the sandwich shop once it is open from the south side rather than having to walk across the demolition and construction areas. Mr. Ouimet asked so will the parking be temporarily reconfigured onto the House of Kitchens lot? Mr. Bianchino stated yes, that is what we talked about. Mr. Ouimet asked where would the handicap spaces be placed? Mr. Lansing stated the following: There is an existing paved area immediately adjacent to the building. So, the handicap parking spaces will be in that area and the balance of the existing area is gravel. Employees and patrons would use the balance of the parking area. We hope that's only a week or a two-week scenario. Mr. Ouimet stated so that's during construction; what is the permanent placement of the handicap parking spaces? Mr. Lansing stated the permanent placement of handicap parking spaces would be right adjacent to the north side of the building. Mr. Ouimet asked has the elevation of the lots been taken into consideration; in other words, what's the ramping going from one lot to the other? Mr. Lansing stated yes, we do meet the Americans with Disabilities ACT (ADA) requirements for the parking stalls and the walkway to the front of the building. Mr. Ouimet asked so would it be a sufficient grade? Mr. Lansing stated yes, that is correct. Mr. Ouimet asked are you going to be required to put handicap rails or anything up on that grade? Mr. Lansing stated no, the grade does not require any sort of railing. Mr. Watts asked how long would this phasing take once the building is closed. Mr. Earl stated we will work about 2 days on the demolition. Mr. Watts asked so how long would the sandwich shop be closed? Mr. Earl stated probably 2 to 3 days. Mr. Higgins stated the following: Regarding the dumpster location; I assume you have it there because then the garbage truck can get in from southern entrance. However, it looks like it's going to be very visible from Route 9 and is there any other

place you can put that? Mr. Lansing stated the following: We try to keep in close proximity to the building so it wouldn't be a long distance to the dumpster. We tried to put it back behind the building and we do have an enclosure around the dumpster and some plantings. We put it back as far as we could and yet still maintain accessibility for the service truck as well. Mr. Berkowitz asked is there any way to tuck it behind there anywhere? Mr. Higgins stated the following: Could you turn it sideways so that the truck comes in from the south side? Because it just seems that even though they have gates that close in front, they always seem to get left open. Mr. Lansing stated we can take a look at that and we can try spinning it. Mr. Higgins stated that's what I was thinking; maybe you can spin it 90 degrees and put some more trees on the west side of it just to buffer it a little more. Mr. Lansing stated we will take a look at that and I think we can do that.

Mr. Ouimet made a motion to approve the change of tenant/site plan application for the Halfmoon Sandwich & Salad Shoppe contingent upon a sign off letter from CHA and for the dumpster to be relocated behind the building as discussed with the Planning Board. Mr. Nadeau seconded. Motion carried.

Mr. Higgins made a motion to adjourn the May 14, 2012 Planning Board meeting at 8:01 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary