

Town of Halfmoon Planning Board
Meeting Minutes – January 27, 2014

Those present at the January 27, 2014 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
Lois Smith-Law

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the January 27, 2014 Planning Board Meeting at 7:04pm.

Public Hearings:

13.114 PH Valente Subdivision, 58 Tabor Road – Minor Subdivision/Lot Line Adjustment

Mr. Ouimet opened the public hearing meeting at 7:05pm. Mr. Ouimet asked if anyone would like to have the notice read. Mr. Ouimet read the Valente Minor Subdivision public hearing notice. (*A copy of the Valente Minor Subdivision public hearing notice is on file in the Town's Planning Department*). Mr. Anthony Valente, the applicant, stated the following: My brother, Stephen Valente is also here with me tonight. I currently live at 58 Tabor Road where I just built my house and I just moved in about a month and a half ago. We purchased this property last September to build on our homes on. My brother and I both work for our uncle who owns Valente Gravel. Our father passed away when my brother and I were very young and my brother and I have wanted to live next to each other our entire lives and this has always been our dream. We purchased this property and it has been a goal of ours to live next to each and have our kids grow up next to each other. I currently have my house located in the middle of the property and I would like to put my brother's house on 1.17-acre lot next to mine. At this time we do not have any current plans for the other lot that would be next to ours so, my brother and I would just own that lot together. So, each of us would have one small lot each and we have no future plans for the remaining larger lot. We purchased the property and my brother and I wanted to have normal lot sizes for tax reasons.

Regarding the lot line adjustment in the rear of the property; there is a power line that runs across back and we are proposing to make it a straight line across the back. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Glen LaBlanc, 73 Tabor Road, stated the following: I live right across the street from Mr. Valente's property. The primary reason for us being here tonight is that we are not supporting this subdivision. This lot is based on the past historical limited availability of well water on Tabor Road. I do not want any subdivision of lots in our area with the potential of having additional homes that could then limit water availability and threatening the value of my home. If I have limited or even no water, I will lose the value of my home and the ability to sell it to somebody else. In addition, during the time of the well being put in by Mr. Valente across the street and the huge amounts of earth that has been moved over the summer and into the fall, I had high turbidity in my well water over a course of a number of months. I have asked the Town on a number of occasions as to when they may be speculating Town water will be run on the last remaining parts of Tabor Road only to be told that it is not being considered anytime in the very near or even moderate future. I'm also requesting the original intentions of Ms. Karen Tabor as clearly stated on her August 1986 subdivision plan map that restricts lots 1 through 6, which this is lot 6, from further subdivision allowing only single-family dwellings being an integral part of all future planning based on the current conditions and issues as presented above. Both my wife and I also spoke to Mr. John and Ms. Joan Stiles, who are also against this subdivision, and Mr. Stile's told me that he has made a verbal complaint directly to this Town in regards to the mess on the current property and also stated that he's against this subdivision. There are other concerns of moving forward with any other construction on this property; there have been construction vehicles starting as early as 5:45am with full beepers on the trucks. The property now has complete sand dunes around the entire property and over the summertime I did call the Town only to be told that they had a Soil Disturbance Permit and that was allowed. There was no other further inference given at that point in time. Sand has blown onto and into my property; window sills, siding, garage, decks, etc. My concern with any future construction endeavors by Mr. Valente with this lot will result in the same careless manner of being mishandled. Mr. Ouimet asked the Planning Staff if they were aware of any soil disturbance issues? Mr. Marlow stated the following: I do believe that Mr. Valente has obtained a clearing permit. Mr. Anthony Valente stated the following: I do have a Soil Disturbance Permit and I apologize about the sand. This is the first house that I ever built. I graded the property, as you know how high the property was, to get it down to that level and nobody hates that sand more than the woman sitting in the front row tonight and she has to live with me and it's all my fault and you should not have to deal with the problem that I created. I agree with Mr. LaBlanc 110%, but there is no way that I'm going to be able to live and sleep in my own bed with my wife if I do not have that place completely vegetated the minute that mother nature allows me to have that happen. I know you have some sand on your property, but I can't even see out of my windows. I did not realize what I was getting myself into when I built the house and by not vegetating it right away. Maybe I'm young and maybe I'm naïve and I apologize. Mr. Angela Pettes stated the following: I live directly across the street from this disaster area that used to be a highly treed area. The day that they came in and clear cut was just a very sorrowful site. It was something out of a horror story to me as the trees went down just like toothpicks. There is one tree standing directly across from my driveway. Before Mr. Valente moved into this house, there were piles of sand over the barriers that could have kept that sand contained. I drove over there several times and said "please, do something about the sand". They could have kept the sand below the barriers and kept some of that sand from blowing onto our properties. I have horses and I had to change their water and they were getting pelted with sand. There were days that we couldn't even go out into our driveway without getting hit by sand. It was ridiculous and I don't buy it that he didn't know what

he was doing. There were several complaints lodged about this and nobody has done anything, but to say that he has a right to do it and that it's not an illegal sandpit because they're taking the sand out in the back; it's an atrocity. Has anybody driven by there? It's ridiculous and it's a mess. Mr. Valente stated the following: All I can do is to apologize. I did not get that property graded to get the vegetation down in time and I apologize. You said that I have a million dollars' worth of sand and there was 15,000 to 20,000 yards taken off that piece of property and it was given away so that I could make this a buildable lot for me and him. It wasn't a buildable lot before; it was 15 to 18 FT high. Mr. Stephen Valente stated the following: I just want the Board members to know about the dust complaints and obviously maybe it's too late for anyone here, but Saturday when it was 20 degrees with a very low wind chill factor, my brother and I spread 80 bales of hay because the Town told us that we needed to do something about it. I just want them to know that the minute that we can get vegetation on the property, we will do it and that's our plan. We don't want it to remain sand and we will vegetate it, but we would like to build next to each as brothers. Mr. Glen LaBlanc stated the following: It's not the first time that you've played in sand and you know what it does so, that's no excuse. The focus here is on the sand and although it is a huge problem, the focus has to do with the water quality and the potential for loss of water to wells that are already currently on that road. This has been a long historical aspect of having limited water on that road. I don't have any indication at this point, but I did hear a word from talking to a number of people that they could bring water up behind their property on their uncle's property, but only to their home, but no further. Mr. Ouimet stated the following: Okay, your point is well taken and we heard you before when you were up here. If you have something different to say, go ahead. Mr. LaBlanc stated no, I'm done. Mr. Ouimet closed the public hearing at 7:18pm. Mr. Roberts stated concerning the water issue; does anyone have any idea when Town water may be available? Mr. Bianchino stated the following: No. Well, let me put it this way; at this point I have not heard of any plans other than that there is a potential as part of a public benefit for possibly some future PDD that possibly would give an extension there, but I don't know any specifics on that. I've just heard that that's something that's a target for any potential PDD down the road as a public benefit. Mr. Higgins stated the following: As far as I know in talking to Mr. Frank Tironi, the Director of the Town's Water Department, that was not going to take the water down as far as this site and that it was going to end further up the road. Mr. Nadeau stated the following: Was that on the Hopeck's property where we had looked at PDD and that was going to be contingent on that? Is that the property that we are talking about? Mr. Bianchino stated no. Mr. Ouimet asked have you had an engineer conduct any water quality tests or any perc test or anything on your property or on the properties that you are proposing to subdivide? Mr. Anthony Valente stated the following: No. My septic was the only perc that was done there. As far as water quality; tonight is the first time that I've heard about a water quality problem. Mr. Ouimet asked when you put the well in for your own house; did you run a test to see if you had any kind of water issues? Mr. Anthony Valente stated we drilled the well and I had it tested and it came back as good water. Mr. Higgins asked how deep is your well? Mr. Anthony Valente stated my well is 450 FT and my well was dug when I was out of town so, my well driller had free rein. Mr. Berkowitz asked is the septic system marked on the map? Mr. Anthony Valente stated the following: Not on this map. This map was done just for the subdivision and my septic is located in the backyard. Mr. Berkowitz stated the septic system location will have to be noted on the subdivision map. Mr. Anthony Valente stated no problem as the septic system is noted on the larger map. Mr. Higgins asked are you planning on removing all the remaining sand along the road in front of your house? Mr. Anthony Valente stated no, we want to keep the berm for privacy in between our houses so we can put a yard in between and plant some trees there. Mr. Higgins stated this is just a question, but if you are going to leave the berm, why didn't you leave the trees on the berm? Mr. Anthony Valente

stated the following: I took down the berm a lot and if you drive down Tabor Road and look to the left past my house where there is no mining, it's just 15 FT. Believe me, I would have loved to have left a nice little buffer, but I didn't have choice. I was told to get the land down to where you want it and then you can plant your trees and do what you're going to do with your landscaping for your privacy. I couldn't have left the tree buffer because then it just would have been up, a tree buffer and then a cliff in my front yard. I didn't want to look at the cliff in the front yard and I want to plant nice trees there. Mr. Nadeau stated the following: In reference to the water situation in that area; we approved a project down the road from this subdivision and they went through a lot of perc testing and everything to determine that there was enough water there and we spent an awful lot of time trying to get that project approved as well as making sure that they had water. So, there is a water issue in that area. Mr. Higgins stated there are a couple of lots there that have never been developed because they can't get wells. Mr. Nadeau stated the following: I believe so and I think that's why the remainder of the property never got developed. They were supposed to come in for a phase 2 and I don't believe that ever happened. Mr. Higgins stated right, they were waiting to see if they could get Town water. Mr. Ruchlicki stated the following: You said that your well is 450 FT deep. How far is it to the water? Mr. Anthony Valente stated the following: It is 25 FT and the water is all the way to the top and you could drop a rock in it and its right there. That is why he had asked if we ever have any problems and we've never run out of water. I was out of town and a different guy came in who drilled the well and the guy who drilled the well said "wow, oh ya 450 FT". I had a dowser come there before and the dowser told me that my water was 85 FT and I made the mistake of telling the well driller to go down to 85 FT and he should hopefully hit the water. Well, he drilled to 80 FT and he called me while I was out of town and said "well listen, I got to 80 FT, do you want me to keep going tomorrow?" and I said "yes, keep going because they told me 85 FT". He said "okay" and he called me the next day and said "450 FT and guess what, you have to pay me per foot". So, I had a different guy come in to put my well in and he said that I have great water. I had to put a softener system in and whatnot, but I haven't had any water problems whatsoever there. So, I really don't think that my brother would have any problems, but I'm not a well expert. Mr. Ouimet asked Mr. Nadeau if on the prior project, did the Board require additional engineering to determine whether or not there was sufficient water? Mr. Nadeau stated yes, I believe we did. Mr. Ouimet stated we don't have any engineering on this particular request that you're submitting here as to whether or not there is sufficient water for these two new lots that you hope to create. Mr. Anthony Valente stated okay. Mr. Ouimet stated the following: Especially since hearing from the neighbors saying that when your well was being put in, they experienced some issues with their water. So, given what we've heard tonight, I believe that we should get additional information about the sufficiency of water on those proposed lots. I know that the issue of the sand blowing around has been issue that has been around for a while and I know you were out there Saturday putting hay down. My understanding is that the Code Enforcement Officer had been out to talk to you a while ago. Mr. Anthony Valente stated it was right after I moved in, but that was in December and we had missed our growing season at that point. Mr. Ouimet stated I understand that you missed the growing season and you couldn't do anything permanent, but the hay is not a permanent solution either. Mr. Anthony Valente stated the following: I agree and I hadn't graded it yet. I thought that I could get it graded, seeded and hay it and do it all in one shot. I really thought that once everything froze, it wasn't going to be the issue that it has been. Mr. Ouimet asked how much of that hay has survived today's wind? Mr. Anthony Valente stated the following: I did it on Saturday because of the snowfall and so the snow would hold it down. If you actually look at my lawn, it almost looks like I have grass because it is just little pieces of hay sticking up. I'm not going to lie to you, when we were putting the hay down, it was blowing all over the place as we were putting it

down because it was so windy on Saturday, but we did what we could do. Mr. Ouimet stated it is our understanding that the slopes weren't hayed. Mr. Anthony Valente stated the following: That's what I was about to say; because of the way the wind was coming in, we'd blow it on the slopes and it would just swish it right around. It needs to be graded with less of a slope, the berm in front and whatnot needs to be graded better and I need to do it right before a rain. Mr. Ouimet stated the following: What are your intentions and what are you planning to do at this point in time? Your slopes are not hayed and I assume they are causing sand to blow again or still. Mr. Anthony Valente stated I don't have an answer for you. Mr. Ouimet stated the following: Well, I was just trying to figure out what your intention is. Obviously, your intention was to put the hay down on Saturday and do you intend to go back next week and do the slopes? Mr. Anthony Valente stated the following: I don't feel that it will work. I put the hay down on Saturday and I knew I would get it on the flat parts and it might do something, but it was going to be very very minimal at this time of year to do it. I will do whatever the Town tells me that I have to do, but I don't know what good it's going to do until it thaws enough that I can grade it and seed it and when it's wet and graded so that the hay will stick on it. Mr. Ouimet stated the following: I think it is great that you've shown an intention to go in and do something because you have put some hay down. I think you need to have in the back of your mind a plan to go in and deal with it. Mr. Anthony Valente stated the following: It's in the front of my mind. I watch the weather 10 days out and the second that it's warm enough that I can get in there and do that, it's 110% my goal. Like I said; it has to get done and it's not something that I'm happy about. Mr. Ouimet stated but I think the most important thing for this Board though is to try to understand the water situation and whether or not the water that exists there will support 2 additional lots and not to the detriment of either yourself or your neighbors. So, we're going to need some kind of investigation through an engineering review. Does that make sense to you Mr. Bianchino? Mr. Bianchino stated the following: Yes, they have to drill another well for your brother's anyway. I think they could drill a well or they could use the existing well, do a pump test and they can have an engineer put together a plan. Basically what they would do is to pump that well at high rate and then they could monitor what the impact is on adjoining wells. Mr. Anthony Valente asked are you talking about my well? Mr. Bianchino stated yes.

This item was table pending an engineering review on the wells.

14.001 PH Sicko Subdivision, 1470 Crescent-Vischer Ferry Road – Minor Subdivision

Mr. Ouimet opened the public hearing meeting at 7:30pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Ms. Kelly Malloy stated the following: I am an attorney and I represent Ms. Anna Osborn and Ms. Gloria Berlin who are the owners of 1470 Crescent-Vischer Ferry Road. The applicants wish to subdivide the existing 10+-acre property into two parcels. One parcel would consist of the single-family residence, which has been there for about 50 years and approximately 1-acre of land as shown on the map and then the rear portion, which is about 9-acres give or take and would consist of residential vacant land that would then be merged with other lands owned by one of the applicants, Ms. Gloria Berlin and her husband Paul who are the owners of 1460 Crescent-Vischer Ferry Road. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the public hearing at 7:31pm.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the minor subdivision application for the Sicko Subdivision. Mr. Nadeau seconded. All-Aye. Motion carried.

14.004 PH Webzysolutions Inc., 15 Cabot Way – In-Home Occupation

Mr. Ouimet opened the public hearing meeting at 7:33pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Jay Gupta, the applicant, stated the following: I have a company named Webzysolutions Inc. and this is a home-based part-time business that I'm doing. This is only a computer business where I have an office in my home. I don't have any boards or billboards outside of my home and there is nothing that I do that would disturb the neighbors. Mr. Ouimet stated so, your business is basically an intellectual business that is basically your thoughts and there is no hard anything that you use, correct? Mr. Gupta stated yes. Mr. Ouimet stated and you would have no inventory, no customers would come to your home and everything is done by email, correct? Mr. Gupta stated the following: Yes, everything is done by email, online and phones. I'm the sole proprietor. Mr. Ouimet stated and you would have no employees, correct? Mr. Gupta stated I wouldn't have any employees. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the public hearing at 7:36pm.

Mr. Berkowitz made a motion to approve the in-home occupation for Webzysolutions Inc. Mr. Ruchlicki seconded. All-Aye. Motion carried.

New Business:

14.010 NB H&R Block, 1675 Route 9 (Watkins Plaza) – Sign

Mr. Mark Rizzo from Action Sign Corporation stated the following: H&R Block is proposing to just replace their current sign with a more updated and a more energy efficient sign. They are proposing to add 6.61 SF more than the existing sign. However, that is still 1.74 SF below what is allowed at the plaza. Mr. Ouimet asked could you explain the type of sign; is it backlit or floodlights? Mr. Rizzo stated the sign would be internally lit and it is going to have LED lighting, which is more energy efficient. The old or current sign that is there now is neon, which uses a lot of energy and when it breaks, they are expensive. LED's last 20 years as opposed to yearly maintenance. Mr. Ouimet stated so; it's a fixed LED light that shines behind a panel and illuminates the panel. Mr. Rizzo stated that is correct. Mr. Ouimet stated and it's not a moving sign? Mr. Rizzo stated not at all. Mr. Ouimet stated so; the LED's are not exposed. Mr. Rizzo stated no, they are behind a white diffuser. Mr. Roberts asked in your opinion will the sign be brighter now? Mr. Rizzo stated the following: The lumens should be a little bit less and usually it is and even if it is less, it's even more defused by the white panel than what is actually there now because the neon produces so much light. So, the answer is that it should be less. Mr. Higgins asked is there a NITS rating on it? Mr. Rizzo stated I do not have that information. Mr. Higgins stated because in the past we have approved LED's, but only below a certain NITS level. Mr. Rizzo stated it's actually going to be less lumens than what's there currently, but it will be better lit because it illuminates instead of more like a focus light and it's more defused with the face that is on this sign. Mr. Ruchlicki stated I think what we're looking for is that you won't be able to actually ascertain individual bulbs and that diffuser will make it look like one white panel. Mr. Rizzo stated correct. Mr. Ouimet stated yes, it's not like the sign at the Walgreens or at the gas station. Mr. Higgins stated we're concerned about safety also because we don't want the sign blasting the people driving on Route 9. Mr. Rizzo stated the following: No, there is no flashing or anything like that. Obviously, we want them to see the sign and that's why they are there, but yes, it should be

a little bit less bright, but still very visible from the road. Mr. Roberts stated again, my concern was with the brightness, but I'm satisfied with the response.

Mr. Roberts made a motion to approve the sign application for H&R Block. Ms. Smith-Law seconded. All-Aye. Motion carried.

14.011 NB Rutnik and Company, CPA P.C., 1407 Route 9, Bldg. #2 – Suite 8 (Nine North) – Change of Tenant

Mr. Nicholas LaFountain stated the following: I'm here tonight representing the owner of the Nine North Professional Park located at 1407 Route 9. We are proposing a change of tenant with a new tenant moving in. It's a professional office and it's actually a current business in the Town of Halfmoon. So, they are just moving locations, it's a certified public accountant and they handle a lot of tax matters. They will have 3 full-time employees and 3 part-time employees when tax season hits. They require 8 parking spots. There will be 6 employees at peak season and 2 clients. Mr. Ouimet stated if I recall correctly, we've had some issues in the past that Nine North has had some code compliance issue. Mr. LaFountain stated yes, we just had our fire inspection about a week ago and they found absolutely no issues with the entire park. Mr. Ouimet asked the Planning Department if they had a chance to discuss this with Code Enforcement? Mr. Marlow stated the following: I did discuss this application with Mr. John Cooper from Code Enforcement who does the Town's fire inspections. Mr. Cooper told me that he did do a fire inspection the other day in one of the other tenant's portion of the building and he said there were no problems. However, the only problem that they have right now is that Homestead Funding currently has an open sign permit and they have an electrical inspection that needs to be done and this has been an on-going thing with them. I understand that this is nothing leaning toward this application, but it is part of the building and right now their building is essentially not in compliance with code. Mr. LaFountain stated Homestead Funding is in a different building. Mr. Ouimet stated but it's the same complex though, right? Mr. LaFountain stated yes and what is the electrical inspection on the sign? Mr. Marlow stated the following: They obtained a sign permit last year with the Building Department, they put up a new lit sign and because it is illuminated, it needs to have an electrical inspection by a third party that then reports to our Building Department and they have not had that inspection done. I believe they were sent a notice on January 15, 2014 that they had until the end of the month to schedule the electrical inspection and close the sign permit out. Mr. LaFountain asked was that with the tenant? Mr. Marlow stated I believe the notice was sent to the owner of the complex. Mr. LaFountain stated that would have been on plate and that was something that I would have taken care of. Mr. Harris stated the following: They are granted 1 year from the issuance of the building permit for the sign and that was issued last January 2013. So, they have one year to submit the electrical inspection and according to Mr. Cooper from the Building Department, that permit expired on January 15, 2014. So, there is an open permit and I think the Board is asking this because the generally like to resolve all issues with the property before they grant something new. Although while it may be a different tenant in a different building, ultimately liability wise and compliance wise it comes down to the property owner. So, that's why we check with the Building Department to make sure that everything has been closed that needs to be or any outstanding issues have been addressed. Mr. Ouimet stated so; why don't we do this; you have until the end of the month to resolve the inspection on the sign for Homestead Funding. Why don't we put this proposal over to our next meeting, which is February 10, 2014 and we'll have you back in 2 weeks and by then you'll either have had the inspection or not. Mr. LaFountain stated the following: This is a total different tenant in a different building and I realize that it is the same complex and this is the first time I've heard about this issue. I have worked with Mr. John Cooper through this process of

inspecting all of the buildings and he never said anything to me about an open permit on an electrical inspection. We've had numerous emails go back and forth and in the last two weeks we've probably had maybe 30 or 35 emails and in none of those emails, there was not anything regarding the electrical inspection. Mr. Harris stated I personally talked to Mr. Cooper today and as far as your communication with Mr. Cooper, that's between you two to resolve with him, but we check the day of our meeting because sometimes people do things and I'm not saying you, but the day of a meeting a new banner goes up or a sign or a something that violates the site plan. So, we usually check pretty close to the last minute before the meeting to make sure that everything is up to code or has any outstanding issues and Mr. Cooper alerted us that there is this outstanding open sign permit for over a year and that they were given until January 31, 2014 to resolve it. So, it is our obligation and duty to this Board to report any outstanding items and hopefully get compliance. I understand that you'll work on it, but there are others that as soon as it goes before the Board, there's a new violation and now this Board has already just approved it. So, you can take that up with Mr. Cooper, but we did check with him this afternoon on all of the items on the agenda and he alerted us to that. Mr. LaFountain stated don't you think it's kind of strange that if we've had 35 emails and we go through a whole building inspection of the entire park that he doesn't bring up something like that until this meeting? This is the first time that I'm hearing about it. Mrs. Murphy stated the following: This is definitely not the first time that it is being discussed. There has been a letter written, which I'm sure they can provide you with a copy of the letter tomorrow. Mr. Harris stated I have that letter with me tonight. Mr. Higgins asked is there a problem waiting until our next meeting? Mr. LaFountain stated yes, the tenant needs to move out of his space right away and he needs to prepare for tax season that is coming up. Mr. Marlow stated I have a copy of the notice in my possession tonight that was mailed to you on January 16, 2014 informing you that there was an issue with that sign at Homestead Funding. Mr. LaFountain asked where was that notice sent to? Mr. Marlow stated it was sent to Garner Holdings at 1001 Morgan Ave., Niskayuna, NY. Mr. LaFountain asked was that January 16 of this month? Mr. Marlow stated yes sir. Mr. Roberts stated to Mr. Marlow that he might want to give Mr. LaFountain a copy of that notice. Mr. Marlow gave Mr. LaFountain a copy of the notice. Mr. LaFountain asked is there anything that we can do if we have an approval contingent by the time they move in and we have the Homestead Funding electrical sign permit taken care of? Mr. Ouimet stated the following: I don't know how that would work because if we gave you an approval, the tenant would move in and if it wasn't done by the end month, would you then force them out? How can we give you an approval contingent on an event that has to take place first? The best I can do is to put you back on in two weeks at our next meeting. Mr. Roberts stated I agree with Mr. Ouimet because there is an outstanding issue here and we don't allow this. Mr. Ouimet asked are they planning on moving in on February 1st? Mr. LaFountain stated they are planning on moving in as soon as we get an approval from this meeting. Mr. Ouimet stated the following: Well, it's a catch-22; what's going to come first? Are you going to fix the sign, is the sign going to be approved, is the inspection going to be completed, is the sign going pass because then you can have your approval for the change of tenant. So, we said that your tenant can't move in until you get the approval for the sign, does that help you? We can do that I suspect unless the rest of the Board has a problem with that. Mr. LaFountain asked can you say that once more? Mr. Ouimet stated we could give you approval, but the tenant couldn't move in until the electrical inspection was completed on the sign. Mr. LaFountain stated that is what I meant by the contingency. Mr. Ouimet stated yes, but you have to understand that if the electrical approval isn't secured, the tenant can't move in. Mr. LaFountain stated the following: Yes, that is fine and that would be great. I'll schedule the electrical inspection at 7:00 tomorrow morning and have it done. Can I organize it as a third party? Mrs. Murphy stated you have to. Mr. LaFountain stated yes, I'll take care of it tomorrow, I'll get the

electrical inspection and you guys will have that certification by the end of the month. Mr. Higgins stated the following: We have had problems in the past on this site and this particular applicant was here previously and he did follow through on everything that he said he was going to do. So, I for one am willing in this case to go out on a limb to help them out because of his past history with that site and he has been diligent about getting all of the inspections taken care and there hasn't been, other than this electrical inspection as far as I know, any other problems on the site. Mr. LaFountain stated thank you Mr. Higgins and I would also like to say that when I came in as a building/property manager on this site about 3 years ago, there was a long list of items that needed to be fixed and I fixed all of those items. Every year we have an inspection and last year I think there was only 6 items on the list and this year they found absolutely nothing, which is just incredible for not even an exit light battery that is out or something like that, nothing. Mr. Higgins stated agreed, there was. Mr. Roberts stated the following: I appreciate you stepping forward and doing all of that work, but please understand our concern because of the past, as you said. I have no problem with what is being proposed here tonight.

Mr. Higgins made a motion to approve the change of tenant application for Rutnik and Company, CPA P.C. with the condition that the outstanding sign permit (electrical inspection) for another tenant be resolved with the Building Department prior to occupancy. Mr. Roberts seconded. All-Aye. Motion carried.

14.012 NB JB's Tire & Service, 81 Devitt Road – In-Home Occupation

Mr. Jered Bonn, the applicant, stated the following: I live at 81 Devitt Road, which is the former residence of Mr. John and Mrs. Joan Dudek. I'm currently interested in opening a retail tire business at this property. I will solely be using the garage, which is less than the required 30% for an in-home occupation for this business. If successful, I expect to only have 2 to 3 customers per day and primarily we'll focus on passenger and light truck vehicles. Mr. Ouimet asked what is the zoning for this property? Mr. Bonn stated it is a (R-1) Residential zone. Mr. Ouimet stated a (C-1) Commercial venture, such as the one the applicant just described, is not permitted in a (R-1) Residential zone, is it? Mr. Harris stated correct, that would not be permitted as a commercial facility by itself as a primary use. Mr. Ouimet stated the following: So, we would have no choice but to deny the applicant's request and leave it up to the applicant to partition the Zoning Board of Appeals (ZBA) for an approval to conduct a commercial business in an R-1 zone. It is not an in-home occupation because an in-home occupation that has no retail and no storage. Mr. Harris asked the applicant if he was going to be selling product there such as tires and if he was going to also have tire deliveries made to his home? Mr. Bonn stated that is correct. Mr. Harris stated under the definition of home occupation retail is not allowed. Mr. Ouimet stated so, if you want, we can deny you and give you a gateway into the ZBA. However, there is no guarantee that the ZBA will approve it. Mr. Bonn asked do I have any other option? Mr. Ouimet stated you don't have any other option. Mr. Bonn stated okay, then I don't have much of a choice and I clearly read the code wrong. Mrs. Murphy stated it is in the definition section as opposed to the broken out section of the permitted uses. Mr. Bonn stated okay.

Mr. Roberts made a motion to deny the in-home occupation application for JB's Tire & Service due to the determination that the use is (C-1) Commercial and is not permitted in the (R-1) Residential Zoning District and is not authorized under the definition of an In-Home Occupation. Mr. Nadeau seconded. All-Aye. Motion carried.

14.013 NB Beautique Salon, 1471 Route 9 (Crescent Commons) – Change of Tenant & Sign

Ms. Michelle Corcoran, the applicant, stated the following: I have been a hairstylist in Halfmoon and Clifton Park for about 20 years. I am looking to open up a very small hair salon. I would be full-time and 2 other employees with me would be part-time. Our hours of operation would be Tuesday through Thursday 12:00pm to 8:00pm, Friday 10:00am to 5:00pm and Saturday 10:00am to 3:00pm. We all have a very good solid following and it wouldn't be crazy or overwhelming, it would be a very calm relaxed atmosphere. It is going to be a very small space and we're ready to do it and we're very excited about it. Mr. Ouimet asked is this the tenant space that Dave's Place Barbershop is currently in? Ms. Corcoran stated yes. Mr. Ouimet asked if Dave's Place was gone yet? Ms. Corcoran stated he will be leaving by February 1. Mr. Ouimet asked is that when you're planning to move in? Ms. Corcoran stated I will be getting in there and started so; I would probably open up on March 1. Mr. Ouimet asked the Planning Department if they had an opportunity to look at the parking situation at Crescent Commons? Mr. Marlow stated the following: Yes we have. They are required by Town Code to have 3 parking spaces and there are currently 86 parking spots on the lot and they also have 61 landbanked parking spaces. They have never had any parking issues at Crescent Commons. Mr. Ouimet asked would this proposed tenant a lesser intense use than Dave's Place? Mr. Marlow stated correct, it actually does require less parking spaces than Dave's Place does right now. Mr. Berkowitz asked will you have 1 or 2 stations? Ms. Corcoran stated 2, I would be full-time and the two other employees will be part-time and sharing the space. Mr. Higgins stated you have to be licensed by the State, correct? Ms. Corcoran stated yes. Mr. Roberts stated regarding the sign application, if I'm correct, all you're going to do is replacing the sign that is currently there. Ms. Corcoran stated that is correct. Mr. Roberts stated I checked the application and it does meet everything that we need.

Mr. Nadeau made a motion to approve the change of tenant application for the Beautique Salon. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the sign application for the Beautique Salon. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Old Business:**13.085 OB Falcon Trace of Halfmoon PDD – Lot #4, 181 Route 236 – Commercial Site Plan**

Mr. Roberts recused himself from this item. Mr. Ouimet stated Mr. Partlow will replace Mr. Roberts on this application. Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant, Mr. Bruce Tanski, for the Falcon Trace Lot #4 commercial development. The project is situated on a little over 5-acres at the intersection of Falcon Trace Drive and Route 236. The applicant is proposing to construct one 4,000 SF building on the south side of Falcon Trace Drive and two 3,000 SF professional office buildings along the north side of Falcon Trace Drive. Stormwater will be managed on-site and municipal sanitary sewer as well as municipal water service will be provided to the project. The last time that we were before the Board with this project was back in October and at that time Mr. Ouimet had asked if the dumpster enclosures were going to be fenced and on the engineered plans that we have submitted there is a dumpster enclosure plan that is on the site plan and there would be a wooden enclosure around the dumpsters. Also, Mr. Berkowitz had asked whether or not there would be landscaping on the backside of that dumpster enclosure to the south as a buffer to the Jehovah Witness facility further to the south. So, on the landscaping plan; that is part of the site plan package, you will also see

that we are providing landscaping around the dumpsters as well as on the south side of the southern building. We have received technical comments from CHA and at this point we have addressed all their comments pertaining to the technical issues and we are here tonight to answer any further questions that the Board may have and to ask the Board for an approval. Mr. Ouimet asked is this proposal on for final site plan approval? Mr. Dell stated that is correct. Mr. Ouimet stated the following: I noted and I think I had a conversation with Mr. Jeff Williams about this. There were a number of items still open on the PDD issues to be resolved regarding the widening of Fellows Road and the northern end of the PDD entrance to Route 236, recording drawings of the waterline installed and dedicated to the Town, a trail extension from Upper Newtown Road to Route 236 and if I remember correctly, there was a strip of land to be dedicated to the Town and asked Mr. Bianchino where exactly that strip of land was located. Mr. Bianchino stated it is on the northern end of the PDD next to one of the first subdivided out lots that the excavating business has a lot on and that was part of that subdivision. Mr. Bruce Tanski, the applicant, stated the following: We had a meeting in the fall and I think that the Town Attorney, myself, Mr. Jeff Williams and Mr. Harris were there. Also, I had conferred with Mr. Bianchino from CHA on an amount to put up for a letter of credit and that's what we have done and I've subsequently said that I would have these issues done by June 1, 2014. Mr. Ouimet asked are you referring to the four issues that I just raised? Mr. Tanski stated correct. Mr. Ouimet asked Mr. Harris if this application was referred to the Saratoga County Planning office? Mr. Harris stated the following: Yes, it was referred to the Saratoga County Planning office and the County Planning Board looked at it at their November 22, 2013 meeting. They found no significant County-Wide or Inter-Community impact, but they did recommend that the final site plan include a notation that no further or future subdivision of Lot #4 can occur that creates an additional non-residential lot without an amendment to the PDD legislation for Falcon Trace, which the applicant was made aware of it at the first meeting on this and County Planning remembered that as part of the Falcon Trace PDD and I mentioned to them that it was raised and they added that as a comment. Mr. Ouimet asked did I properly state the issue on the waterline installation because I know you had a conversation with Mr. Frank Tironi from the Town's Water Department on this. Mr. Harris stated just that the waterline be installed and dedicated by June 1, 2014. However, in regards to the trail construction; I don't know if the applicant has included that as part of a letter of credit, but in terms of just insuring that we're all saying the same thing. Mrs. Murphy stated the following: I think what we're all saying is there has to be a resolution to that issue by June 1, 2014 and that may look like an amendment to the PDD because we don't know what that is going to look like, but it needs to be addressed prior to June 1, 2014. Mr. Harris stated I would like to clarify that it's not construction necessarily, but that may be one option. Mrs. Murphy stated that's my understanding. Mr. Higgins stated on the right hand building, you moved the dumpster from where it was before to in the 15 yard setback and I guess I kind of have a problem with putting that in the setback and right alongside. Do you have any other place where you can put that Mr. Tanski? Mr. Tanski stated we can shift it up over here in the corner to get it out of the setback. Mr. Higgins stated the following: Yes, that's where it was before and that's within the setback and even though it's not a structure, it's still something there. Also, there is only one handicap space for that and I see that there is two for the other two buildings and I didn't know if you thought one would be sufficient or should a second handicap space be on that one building? Mr. Dell stated the following: We can add another one per code technically for the amount of parking that we're providing and we need to have two handicap stalls. However, we are providing three for the whole facility, but if this Board wishes, we can certainly add another one over there. Mr. Higgins stated personally I think there should be two on that site. Mr. Tanski stated whatever you guys want. Mr. Higgins stated the following: Other than that, I don't see anything else Mr. Ouimet. Also, I thank you for taking

some of the comments and acting on them. Mr. Ouimet asked Mr. Bianchino if all of CHA's comments have been addressed? Mr. Bianchino stated the following: They have been addressed at this point. The one thing that I did mention in the pre-meeting and I did mention it to Mr. Dell and Mr. Tanski before the meeting was that when they pushed the building a little bit farther away from the waterline in order to meet the offset, they did bring up a potential issue, but it's a Building Code issue that Mr. Dell was aware of and it will really depend on final floor plans and building permits. Everything else has been addressed. Mr. Ouimet stated so; they would have to comply with code in order to get a Certificate of Occupancy (C.O.) anyway. Mr. Bianchino stated correct. Mr. Ouimet stated the following: What we talked about at the pre-meeting; we understand your commitment to June 1, 2014 to get these open items done and a letter of credit, which we appreciate, but we always want to have something permanently in the record as to dates that we're committing to do things by. So; what we would propose is that any approval tonight would be conditioned on these matters be resolved by June 1, 2014 before any C.O.'s are issued. Mr. Tanski stated the following: I take issue with that only because there is a lot that has to go into this, number one. Number two; I have put up a letter of credit for a year and I tried to satisfy everybody by trying to complete this by June 1, 2014. I think it is unfair to hold me to that situation on the C.O. I try to be a good person in this Town and do what we need to do, but I just think that is an unfair thing to put on me at this point. I have every intention of doing that, but as you know and everybody else knows, whether working with attorneys', a lot of things are out of my control. If I had full control of every single item 100% of the time, then I would agree with you, but I have to work with other people on this. Mr. Ouimet stated I guess the interesting thing about that is that I understand what you're saying, but you're providing a letter of credit so, technically come June 2, 2014 the Town could draw against the letter of credit and I don't know what that would do for your ability to get future letters of credit. Mr. Tanski stated I think we put the letter of credit up in the fall if I'm not mistaken. Mr. Ouimet stated I understand that, but I don't think the Town wants to be forced into the position of having to call on a letter of credit because some unforeseen circumstance prevented you from getting four things done. Mr. Tanski stated the following: I don't understand where we're going with this. I know where you're coming from, but all of the construction may not be done by then and we might have to revised the PDD and different things like that and that all has to take time with public notices and all that stuff, right? So, that part can be done, but I would say that to have everything done including the construction by June 1, 2014 might be a little bit of a stretch. Again, it's weather permitting. Mr. Ouimet stated well, it's not going to be a unilateral decision on my part so; I'm going to open it up to the Board and see what they have to say about it. Mr. Higgins stated I think Mrs. Murphy said as far as the construction of the trail; that doesn't have to be done, correct? Mrs. Murphy stated the following: I may be wrong, but it was my understanding that you guys were saying that he would have to take some steps to either amend the PDD or come up with a solution to the trail issue prior to the June 1, 2014, but what he is saying is that he doesn't control it. The Town Board may say, "okay, we're going to adjourn it for 60 days before you even get on the agenda". So, he can't control that it's done and he can only control that the application be submitted. So, he's asking for that to be the criteria as opposed to that issue being completely resolved, understanding that all the other things are within his control. Mr. Higgins stated okay, is that the only item? Mr. Tanski stated correct. Mr. Higgins stated okay, what about the waterlines and the widening of Fellows Road? Mr. Tanski stated as soon as the snow is gone; the waterline issue will be taken care of immediately. Mr. Higgins stated and then transferring the right-of-way to the Town and those three items can all be done before June 1, 2014, correct? Mr. Tanski stated the following: Correct. I just don't want to be in a situation Mr. Ouimet where I have to come back to you and I haven't kept my word to you. I want to leave myself an out here so that you don't get mad at me or that

type of thing. Mr. Ouimet stated I never got mad at you. Mr. Tanski stated but you know what I'm saying, I just want to protect myself here a little bit, thank you. Mr. Nadeau asked so when would the trail situation be resolved, do we have a date for that or can we propose a date for that. Mr. Tanski stated we have to have a meeting on that with some of the people from the Town, including this Board because in some spots there is no room for the trail. Mr. Nadeau asked how was that not determined prior to doing the project? Mr. Tanski stated the following: Good question, don't know. So, I suggested that maybe I would put money up in lieu of that trail and this is something that has to be resolved between myself and either the Planning Department or CHA and I don't know which route to take. So, that's the hold up. Mrs. Murphy stated the following: I would suggest that he, being the applicant, has to at least apply for an amendment to the PDD prior to June 1, 2014. He can do that tomorrow and then he has satisfied your condition. In order to make the application for the amendment to the PDD, this Board gets notified as to what the amendment would be based on our new process. So, you guys will be fully aware of what is being proposed and what is occurring. Then the other dates can stay hard dates and if he gets them done, then he is all set. If he doesn't get them done, obviously he will have an issue. Mr. Tanski stated and I don't have a problem if I don't get them done, don't give me a C.O. Mr. Ouimet stated okay.

Mr. Higgins made a motion to declare a Negative Declaration pursuant to SEQR and the Negative Declaration is consistent with the findings of the original Planned Development District. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to approve the commercial site plan application for Lot #4 of the Falcon Trace of Halfmoon PDD contingent upon:

- 1) Prior to June 1, 2014 and before a Certificate of Occupancy may be issued for the buildings, the following conditions related to the outstanding issues of the approved PDD shall occur:
 - a. the waterline shall be installed, record drawings shall be submitted, and the waterline shall be dedicated and accepted by the Town;
 - b. Fellows Road shall be widened from the northern entrance to Route 236;
 - c. the 100 FT right-of-way (ROW) shall be offered, and dedicated and accepted by the Town;
 - d. an application for an amendment to the PDD shall be submitted or another solution which would be acceptable to the Town related to construction of the proposed trail connection.
- 2) The Site Plan shall be amended to include one additional handicapped parking space for the proposed 4,000 SF building, for a total of two handicapped parking spaces for this building; along with relocating the dumpster on the southern side of the site.

Mr. Nadeau seconded. All-Aye. Motion carried.

13.110 OB CHROME Inc., 405 Hudson River Road – Change of Tenant & Sign

Mr. Duane Rabideau from Gilbert VanGuilder and Associates stated the following: I'm here tonight representing CHROME Inc. This is for a change of tenant application. The parcel is located at 405 Hudson River Road and was formerly the Costanzo's Restaurant. Our clients would like to reopen the restaurant. The applicants were here at a prior meeting and apparently there was some misunderstanding on exactly what their use and what their intent was going to be. This proposal is going to be for a restaurant use only and there will not be a bar or live music type setup. It was also mentioned that they wanted to have outside patio and that has been withdrawn. So, all they would have here is the restaurant, an entrance into the parking in the rear of the site on the south side of the parcel and also an entrance on the north side. Even though this site plan is for a

change of tenant, the parking in the rear is adequate for the proposed use. For parking we have 42 spaces available on-site and 34 parking spaces are required. Also, there was a drainage issue in the rear of the site where we needed some resolution and they have installed a catch basin and an outfall into the open ditch that is located to the south of the parcel. So, that issue has been taken care of. The existing conditions stay the same as before and they've made handicap modifications for a handicap access with a ramp into the building on the south side. There also would be a handicap parking in the rear for entrance into the building on the east side. Mr. Berkowitz asked where is the main entrance to the building? Mr. Rabideau showed the Board where the main entrance was located and stated that they have installed a new door in the rear of the site. Mr. Berkowitz asked so; would the back entrance be the main entrance? Mr. Rabideau stated the following: Just out of practicality. The applicant is also proposing signs at the site. One sign would be on the front of the building, one sign will be on the south side and one will be on the north side of the building and I believe those signs meet the requirements. Mr. Berkowitz stated if for practicality reasons and the main entrance will be in the rear of the building, why would you put a handicap spot in on the side there where you're going to have cars coming in and out? Mr. Rabideau stated the applicant is here and she can explain what would be considered the main entrance. Mr. Berkowitz stated even still, I don't understand why you would have a handicap person walking across an active driveway. Mr. Rabideau stated because there is an actual ramp there now for access. Mr. Berkowitz stated yes, but it still doesn't make sense because you are going to have some guy coming off of Routes 4 & 32 driving quickly and he is going to try to make that turn and there is not a lot of space there to stop if you see somebody. Mr. Rabideau asked would just that one handicap access in the rear be acceptable? Mr. Berkowitz stated no, I would prefer two, but if it is ADA (Americans with Disabilities Act) compliant, I would rather have two in the back then somebody trying to make it across an active driveway. Mr. Rabideau asked with two parking spots and one entrance? Mr. Berkowitz stated a minimum of two and I don't know how many are required, but at least two. Mr. Rabideau stated yes, we could put two handicap spots back here, but one entrance into the building. Mr. Berkowitz stated yes, personally that is what I would prefer. Mr. Rabideau stated that would be fine. Mr. Higgins asked what size are the parking spaces? Mr. Rabideau stated they should be 10 FT x 20 FT. Mr. Higgins asked should be or they are? Mr. Rabideau stated I would have to scale it; however, we do have adequate parking. Mr. Nadeau stated that parking lot is crushed stone so I don't know how that is going to be laid out. Mr. Higgins stated yes, but I was just wondering if the count was based on 10 FT x 20 FT. Mr. Marlow stated when I talked to Mr. VanGuilder a few weeks ago; he did tell me that they were 10 FT x 20 FT. Mr. Higgins stated okay, because it wasn't marked on the plan and that's why I asked. Mr. Berkowitz asked is the handicap parking going to be crushed stone or is that going to be paved or concrete? Mr. Rabideau stated it will be paved where the vehicle is, the unloading ramp and access from there to the building. Mr. Berkowitz asked is that concrete pad that's listed there, already there? Mr. Rabideau stated yes, I think that is where the grease trap and stuff is so; we had to go around it and that's part of the adjustment of the new maps where we had to alter that somewhat. Mr. Higgins asked is there Town water and sewer at this site? Mr. Rabideau stated they have Town water and on-site septic. Ms. Smith-Law asked Mr. Rabideau to show on the map where the entrance to the handicap ramp is? Mrs. Darla Cherry, the applicant, stated the building has always had two entrances; the front entrance to the building and the other entrance is for the banquet facility portion and they are both equipped with ramps for handicap access. Mr. Ouimet stated getting back to what Mr. Berkowitz was saying about relocating both handicap spots to the back, maybe you need one in the front if it's handicap accessible to the front entrance already. Mrs. Cherry stated yes it is. Mr. Ouimet stated but it's dangerous. Mrs. Cherry stated right, but it was there prior to us purchasing the property and they actually had their handicap spots

designated only to this side area. Mr. Higgins stated the following: That's because they didn't use the rear entrance except for special banquet events. So, are you planning on using both entrances simultaneously or are you just planning on using the front entrance? Mrs. Cherry stated the following: To start; we weren't planning on doing any sort of banquets because we are just a new business starting out. So, we're primarily just running it as a restaurant to begin and we will offer banquets in the future when we actually have the money to do so. I think primarily from people that previously went to Costanzo's always used the front entrance from what I understand. However, like I said, if we were to put handicap parking spots in the back, you can go right along the perimeter of the building right up here to the side where you wouldn't be in the lane of traffic. It's not like you can't walk closely to the building if that was the entrance that you were using. Obviously, we would open the back handicap entrance for anyone that felt more comfortable coming in that access. Mr. Higgins stated but someone would either have to call and tell you to open the backdoor or someone that's not handicapped would have to go to the front door and ask you to open the backdoor. Mrs. Cherry stated correct. Mr. Berkowitz stated oh, the backdoor is locked? Mrs. Cherry stated the following: We currently have the backdoor locked because we don't want people walking in and out of there as we are not opened yet. However, we wouldn't have any objections to keeping that open if that was something that you felt would be appropriate. Mr. Polak stated for years that main front entrance has always been the way people entered the building. Mrs. Cherry stated for instance, I would like to tell you about a circumstance that just happened; I was inside the building in a meeting with Pepsi Cola and some people came in and they were handicapped and they said that they would like to have dinner and I told them that I was sorry because we were not opened yet, but she wheeled right up the front entrance and she had said that she always used that front entrance. We would be happy to do anything that you ask of us. Mr. Berkowitz stated I would say to keep that one and then put another one in the back. Mr. Ouimet stated yes, but if you keep the one that is already there, you have to walk across the traffic lane. Mr. Berkowitz stated exactly, which I don't like, but they've been doing it for years. Mr. Ouimet stated if there's a solution where you could put it on the corner; like you said, you could run all the way across the back and around the corner. Mrs. Cherry stated absolutely. Mr. Rabideau stated we could leave that one and we could move the other one down here. Mrs. Cherry stated at this point, no handicap spots are designated in the lot, we haven't done anything because we were waiting for an approval, but we'd be happy to put them wherever you suggest. Mr. Ouimet stated according the ADA don't they have to be located at the most convenient accessible point? Mr. Bianchino stated the following: Yes, but in this case the question becomes what is the most convenient place? I think the driveway issue is certainly a valid point of having to cross the driveway. So, the most convenient and most practical location may be the two in the back corner where you can walk along the edge of the building and then use the handicap entrance. Mr. Ouimet stated that's true, but being an individual who is sometimes challenged walking; it's very difficult to walk on a crusher run surface. Mrs. Cherry stated that back entrance already has concrete there. Mr. Ouimet asked but how far away from the parking spaces is that hard surface and do you have to walk across the loose surface to get to it? Mr. Rabideau stated we have it setup so that both of these are paved plus the walkway to the building. Mr. Ouimet asked so, would you to walk to the corner of that building and then access the ramp? Mr. Rabideau yes, it's all paved from here along the building to the entrance of the building. Mr. Berkowitz asked why don't you shift those handicap spots all the way to that end of the building since they're paved already and then there is less area to walk through. Mr. Rabideau stated the following: The light pole is one problem. We can, but we thought it would be safer here. Mr. Ouimet stated it looks like it is safer. Mr. Rabideau stated we did think about this, but it was kind of too close. I guess the real question is that this seems to be okay, but what do we do with this one? Mr. Ouimet

stated the following: But if you're going to use that front entrance, you're going to need something closer to the front entrance. Most people are going to be ingrained saying that this is the way that I get into this building and I'm not going around the back because it's never opened or there is nobody there if I get in. So, they are not going to go there and they are going to go to the first thing that they see that looks like a handicap entrance. Mrs. Cherry stated the following: Right and we're expecting previous people to come back to the restaurant once we open. They will come just to check it out and see if it's anything that they might be interested in coming to. I think just from previous years of experience and because Costanzo's was there for so many years that everybody knows to go into the front entrance. The rear entrance was primarily for their banquets and their special events. I would be happy to put handicapped access in both areas. Mr. Ouimet asked is there a way to engineer a handicap parking space that you don't have to cross that driveway to get into the front entrance? Mr. Rabideau stated the best option was to put it on the corner because of the very limited space in there. Mr. Ouimet asked does it fit there though? Mr. Rabideau stated yes, it will fit right here and it could have a paved area from there up to the ramp. Mr. Ruchlicki asked what's that notch in the building that you were pointed at, is that a set of stairs? Mrs. Cherry stated there is actually a small deck there with stairs and there is a double door that goes into the side entrance of the building. Mr. Ruchlicki stated I see that you have the roof overhang and that you have that set of stairs there; is there enough room to put a parking spot right there in that notch? Mrs. Cherry stated the following: You can't because there is a residence here and that's a right-of-way for the people that live to the side of us and also to the back of us. So, there is actually an easement there. Mr. Ruchlicki stated okay. Mr. Rabideau stated yes, you would have a situation where you would need two spots for unloading and things of the nature. Mr. Ouimet stated the following: A lot of things look easier, but they don't seem to be workable. Have all of CHA's comments been addressed? Mr. Bianchino stated yes, everything has been addressed. Mr. Ouimet asked Mr. Bianchino if he had any insight on the handicap parking as to what might work? Mr. Bianchino stated the following: I think the way the plan is laid out right now is probably the best way for the access there as there is a small amount of pavement and it's closer to the ramp and I think that is the best way to go. Mr. Higgins asked has the septic system been inspected? Mr. Rabideau stated that's correct and we do have a report. Mr. Roberts stated I have reviewed the sign application and asked if all of the signs were going to be wall-mounted. Mrs. Cherry stated yes. Mr. Roberts stated the signs meet code, but I will caution you that because the signs are going to be flood lit so, please make sure the flood lights do not shine out into the road. Mrs. Cherry stated absolutely and actually on the front of building there are some lights that are come from underneath the roof where they used to shine down on the previous sign that was there. So, we plan on using those previous lights for the front sign on the building and on the side front entrance there are lights there as well. So, we're just going to use those existing lights to light up the signs.

Mr. Roberts made a motion to approve the change of tenant application for CHROME Inc. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the sign application for CHROME Inc. Mrs. Smith-Law seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to adjourn the January 27, 2014 Planning Board Meeting at 8:27pm. Mr. Ruchlicki seconded. All-Aye. Motion carried.

1/27/14

Planning Board Meeting Minutes

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary