

Town of Halfmoon Planning Board

November 28, 2011 Minutes

Those present at the November 28, 2011 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Watl Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the November 28, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 14, 2011 Planning Board Minutes. Mr. Berkowitz made a motion to approve the November 14, 2011 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Roberts abstained due to his absence from the November 14, 2011 Planning Board Meeting.

Public Hearings:

11.117 PH Aleta Kennedy Subdivision, 84 Guideboard Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Ms. Aleta Kennedy, the applicant, stated the following: I live at 86 Guideboard Road and I have an existing building that I want to convert into a house for myself. Mr. Watts stated the following: So, your proposal is to subdivide a 9-acre parcel that currently has a single-family home on it with 3 accessory structures. The result of the subdivision would leave Lot #82 as a 6.57-acre vacant parcel, Lot #84 will have 1.03-acres with one of the accessory structures on it, which the applicant intends to convert to a single-family home. Ms. Kennedy stated that is correct. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:01 pm. Mr. Higgins asked are there any wells on the property? Ms. Kennedy stated the following: None that are active. I have public water from the Town of Halfmoon, which I will put a water line in to that building as well.

Mr. Nadeau made a motion to approve the minor subdivision application for the Aleta Kennedy Subdivision. Mr. Berkowitz seconded. Motion carried.

11.130 PH Classic Sheds & Gazebos, Inc., 1414 Route 9 – Special Use Permit & Sign

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Thomas Ensslin, the applicant, stated the following: I own Classic Sheds & Gazebos. We were before the Board a few weeks ago and I just want to get permission for me to put my sheds on that lot. We would not be changing the use of the lot or the land at all. I would have a combination of what I sell, which are mostly storage sheds, a few gazebos, maybe a little playhouse, pool house type structures and maybe a swing set on-site. My main business is located in Colonie and I have been in business for 21-years. The buildings would be brought to the site one building at a time. The buildings would be delivered by a pickup truck and a trailer and there would not be any tractor-trailer deliveries. I wouldn't be selling any of the buildings until the end of the year and there would not be a lot of in and out activity. This location would be a satellite location for my business in Colonie. It would just be a display location and no one would man the site. There would be signage at the site telling people where they can find me in Colonie on Central Avenue or they could get on my website to find out more information and call us. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Nadeau stated at our last meeting we were looking for distances and location of the buildings. Mr. Paul Sicko, the property owner, stated it's about 300 FT from the house. Mr. Higgins stated we were asking for the distance in the front also. Mr. Ensslin stated I didn't use a tape measurer; I just walked it off because there is a swale area. Mr. Higgins stated right, but it looks like the swale is on the roadside of the right-of-way. Mr. Ensslin stated it is. Mr. Higgins asked so how far is it off of the right-of-way line? Mr. Ensslin stated the following: It would be about 20 FT because the ground doesn't level off for a while. So, for me to put them on a down sloping area, it wouldn't look good and it wouldn't be feasible at all. The buildings would be far enough back and they wouldn't be close to the road. From the road it's going to be about 40 FT but from the other line it is closer to 20 FT. Mr. Watts asked so it wouldn't be in the State's right-of-way? Mr. Ensslin stated no, definitely not. Mr. Higgins asked did you say that there would be a maximum of 5 or 6 buildings directly along the front line? Mr. Ensslin stated right and then a total of 16 buildings. Mr. Ouimet asked do we have a map that actually shows the distance? Mrs. Zepko stated no, we did not receive anything new. Mr. Williams stated I'm sure the site plan provided is at scale where 1 inch equals 30 FT. Mr. Watts asked so can you tell how far it is by looking at the site plan? Mr. Higgins stated the following: If you go 1 inch to 30 FT if you are trying to scale it; but by looking at the site plan it looks to be that you're going to be about 5 FT off the right-of-way. That's what we were asking the last time and that's why we requested that the site plan be modified, just so we know how far off the right-of-way it's going to be. Mr. Berkowitz stated as long as they are off the right-of-way that's fine isn't it? Mr. Higgins stated the following: I just asked how far and for the record if it's 5 FT or if it's 10 FT or 20 FT. I would just like it for the record that it's on the approval of how far off the right-of-way it's going to be. Mr. Watts stated technically they just can't be in the right-of-way. Mr. Higgins stated the following: On the other one across the street didn't we have a stipulation of how far off the right-of-way they had to be? Like I said, if it's 5 FT I don't care. I just think it should be noted on the drawing. Mr. Watts stated or in a note or a letter so they don't have to revise the drawing. Mr. Ouimet stated I think it should be officially noted somewhere. Mr. Watts stated okay, could you send us a letter stating that you'll be at least 10 FT from the right-of-way. Mr. Ensslin stated okay, I don't have an issue with that. Mr. Higgins stated and a maximum of 6 buildings across the front of the property. Mr. Ensslin stated okay. Mr. Watts stated yes, put that all in a letter and we will give you an approval contingent upon you getting that in to us and you can't do any moving of the sheds or placing anything on there until we have that letter in the file. Mr. Ensslin stated that is not a problem. Mr.

Roberts stated I have reviewed the sign application for this proposal and asked if one of the signs was a 4 FT x 3 FT wall-mounted sign. Mr. Ensslin stated yes, I was going to use a 4 FT by 4 FT post in the ground. Mrs. Zepko stated yes, but that's not possible. Mr. Ensslin stated but I do have plenty of walls that I could mount it on or I could just mount it on a shed. Mr. Roberts stated the following: Also there would be a free-standing sign at the south side of the parcel along the frontage. That sign would be 48 SF (24 SF per side) and flood lit. Both the signs would conform as submitted.

Mr. Higgins made a motion to approve the special use permit for Classic Sheds & Gazebos, Inc. conditioned on a letter being provided stating the minimum front yard shed display area will be 10 FT from the property line and that a maximum of 6 display sheds will be placed fronting Route 9 with a total maximum of 16 display sheds. Mr. Ouimet seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Classic Sheds & Gazebos, Inc. Mr. Berkowitz seconded. Motion carried.

New Business:

11.133 NB The King of Credit, 1623 Route 9 – Change of Tenant & Sign

Mr. Tony Mangino, the applicant, stated the following: I'm here tonight proposing to occupy 1623 Route 9 as an extension of our current new and used vehicle dealership that is located at 1658 Route 9 in the Town of Halfmoon that is called Mangino Mitsubishi. For the 1623 Route 9 location we are proposing sales of used vehicles and it would be retail only. This site would also be used for the storage of new and used vehicles in the rear portion of the parcel. We would be doing business as the The King of Credit and it would be a sales operation only. All the vehicle reconditioning, cleaning and mechanical reconditioning would be done at Mangino Mitsubishi across the street as well as our general office function. The hours of operation would be Monday through Thursday from 9:00 am to 8:00 pm, Friday 9:00 am to 6:00 pm and Saturday 9:00 am to 5:00 pm. These are the same operation hours as we have at Mangino Mitsubishi. There would be 2 sales people there that would be full-time employees and 1 part-time telephone receptionist. The site plan illustrates 31 retail display vehicles that would be in the front of the existing building that is there in addition to the abundant amount of spaces for employee and customer parking. In the rear portion of the property we are proposing new and used vehicle storage. Currently, I store my overflow vehicles at an off-site location that is located in the Town of Clifton Park and this location would be much more convenient for us being closer to our operation. Mr. Roberts stated as we always request on Route 9; there can be no unloading of vehicles on Route 9, right? Mr. Mangino stated that is correct. Mr. Roberts stated so there will be no car carriers stopped on Route 9. Mr. Mangino stated that is correct and we don't do that at our current location either because currently they are off-site at our storage lot. Mr. Watts asked would the truck carriers come into the site to drop the cars off? Mr. Mangino stated yes, the trucks would come in to that rear portion area that is the storage area and there is plenty of room back there. Mr. Nadeau asked is Clifton Park Auto Body located in the front lot? Mr. Mangino stated no, Clifton Park Auto Body is 2 properties to the north. Currently the area is vacant and the spots that you are seeing in the front are in front of the existing structure that is already there. It's a paved area and we are going to stripe it to accommodate those 31 display spots. This is the property that is south of Gendron's and 2 properties south of Clifton Park Auto Body. Mr. Ouimet asked would you share the driveway? Mr. Mangino stated yes, it is a common driveway. Mr. Ouimet stated the following: Regarding the new and used car storage in the back; would all of the vehicles stored in that lot be eligible for sale? In other words, you're not going to store any broken down or junk vehicles or be servicing vehicles in

that area. Mr. Mangino stated the vehicles that would be there would be eligible for retail sales. Mr. Nadeau asked is this the former G.E. Modular site? Mr. Mangino stated yes. Mr. Higgins stated the following: You said that tractor-trailers are going to pull in the back and unload. Could you explain to me how they are going to maneuver back there. Mr. Mangino stated the following: The spots that are drawn on the map is an unpaved area. We're going stripe it and those spots were just drawn for illustration purposes only. The cars may not be parked exactly like this and it shows that that area could accommodate 100 vehicles back there and 100 would be a real extreme. The tractor-trailers would be able to pull straight in and there would be plenty of room for the trucks to turn around. We may need to change how we park our cars back there and again, that would be the storage area and our customers wouldn't be parked there. Mr. Watts asked Mr. Bianchino if he had looked at that based on that explanation. Mr. Bianchino stated the following: Yes. I think what the Board is concerned about is making sure that we get the car carriers off of Route 9. Once they get into the site, I would think that there would be plenty of room for them to maneuver around even if someone has to move 4 or 5 cars like they do when it's going to snow or whatever. I would be more than comfortable in saying this because there is plenty of access here with this driveway to ensure that they are going to have the car carriers off the road. I think the Board's concern has always been to make sure that the car carriers have a place to go off of Route 9. Mr. Watts stated and those car carriers have to be able to turnaround and not back out into Route 9 and all of the above. Mr. Mangino stated the access that is shared with Gendron's is very wide so they would easily be able to pull in and there is plenty of room to turnaround in the rear of the site to come back out. Mr. Bianchino agreed that there is plenty of room to turnaround and come back out. Mr. Higgins stated I just didn't want them to back out onto Route 9. Mr. Nadeau asked Mrs. Murphy if she needed to see a copy of the lease ensuring that they do have that right-of-way? Mrs. Murphy asked Mr. Williams if he had permission from the owner to allow them to go forward with the site plan. Mr. Williams stated yes, I have a signed owner authorization form. Mr. Watts stated since this is such a visible area on Route 9, could you explain to us what you're going to do with landscaping, shrubbery, etc. to make this look nice. Mr. Mangino stated the landscaping is proposed on the drawing and it identifies the placement of the shrubbery and it also identifies what species the shrubs would be. Mr. Berkowitz asked if there were apartments behind the site. Mr. Mangino stated yes, the apartments are located behind the Halfmoon Sandwich Shop. Mr. Berkowitz asked is there any fencing or screening separating the apartments from your site? Mr. Mangino stated there is a tree line that is screening the apartments. Mr. Dan Cummings, the property owner, stated the tree line is probably 15 to 20 FT wide and it might be a little more than that. Mr. Ruchlicki asked isn't there a pretty good size garden along that tree line by the apartments? Mr. Cummings stated yes. Mr. Berkowitz asked are you going to cut down any of those existing trees? Mr. Mangino stated we are not going to cut down anything in that tree line. Mr. Watts asked do you have handicap parking for the customers? Mr. Mangino stated yes, 2 spaces. Mr. Watts stated so you would have office trailers and 2 handicap parking spaces. Mr. Mangino stated yes. Mr. Watts asked what is the width of your parking spaces in the front? Mr. Cummings stated the parking spaces are 9 FT by 20 FT. Mr. Higgins asked are the customer parking spaces 10 FT x 20 FT? Mr. Cummings stated yes I believe so. Mr. Higgins stated one thing that I mentioned with other applicants; the display spots are as designated on the site plan and we really prefer not to see display cars parked in the right-of-way or on the grassy areas and things like that. Mr. Mangino stated the following: We also have proposed two signs. We are proposing to change out the panels on the existing free-standing Rainbow Playstations sign. The free-standing sign is 8 FT x 8 FT for a total of 64 SF, 10 FT high and it would be internally lit. We are also proposing a 30 inch x 16 FT wall-mounted sign that is one-sided. This sign would be

aluminum and it would be flood lit. Mr. Roberts stated the proposed signage would conform to Town standards.

Mr. Roberts made a motion to approve the change of tenant application for The King of Credit conditioned on no car carriers unloading from Route 9 and the existing tree buffer between the site and the adjacent apartment buildings remain untouched. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for The King of Credit. Mr. Nadeau seconded. Motion carried.

11.134 NB Jocelynn's Bridal, 1705 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Bruce Tanski, owner of the Shoppes of Halfmoon, stated the following: Jocelynn's Bridal is a business that has been established since 1984. They have been located in the Clifton Park Center Mall for 27 years. The Majid's, the applicants, purchased the business in April of 2002. I did some research on the Majid's and they are dynamite people and they do a great job. They are also very neat and clean. They are going to have 3 full-time employees and 1 part-time employee. Their hours of operation would be open 7 days a week Monday through Saturday 10:00 am to 8:30 pm and Sundays from 11:00 am to 4:30 pm. Mr. Roberts stated the following: The proposed sign would be 15 inches by 16 FT for a total of 20 SF. The sign is one-sided, wall-mounted and internally lit. Mr. Tanski stated the sign will look like the Key Bank sign so there will be some commonality between the two signs.

Mr. Nadeau made a motion to approve the change of tenant application for Jocelynn's Bridal. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Jocelynn's Bridal. Mr. Berkowitz seconded. Motion carried.

11.135 NB Sleepy's Mattress, 1694-1696 Route 9 – Change of Tenant

Mr. Todd Fischer stated the following: I'm here tonight representing Mr. John Eric King who is the owner of the subject property, which is 1694-1698 Route 9. This is the building that originally housed Iron Age Shoes and Northeast Orthodontics. Sleepy's Mattress is a large company throughout the entire eastern part of New York State with 700 stores and they want to open an outlet in Halfmoon. Their hours of operation would be Monday through Saturday 10:00 am to 9:00 pm and Sunday from 11:00 am to 7:00 pm and they have 2 employees and in the rush hours they may have 3 employees. We're pleased to have them in our shopping center. I do not have a sign application to present to you tonight because they didn't get it to me but I do want the Board to know that they are proposing 2 signs, which is not different from what was on the building. One sign would be located on the front side and one on the backside that faces the shopping center. There would also be a small sign on the pylon sign that is located on the corner of Route 9 and Crossing Boulevard, which would take the place of Big League Haircuts. The applicant will come back to the Board to make that presentation. Mr. Watts asked is Big League Haircuts not going to have a sign? Mr. Fischer stated Big League Haircuts is going to be taken over by Dom's Barbershop, which is located in Schenectady. Mr. Watts asked is Big League Haircuts still going to be in the shopping center? Mr. Fischer stated Big League Haircuts would be in with Dom's Barbershop but without the sign.

Mr. Roberts made a motion to approve the change of tenant application for Sleepy's Mattress. Mr. Ouimet seconded. Motion carried.

11.136 NB One Connect Inc., 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. John Smack, the applicant, stated the following: I'm the President of One Connect and I currently reside at 9 Morris Lane in Clifton Park. We are looking to occupy approximately 1,100 SF of space in the Crescent Commons on the second floor. We act as commercial telecommunications and energy brokers. I've been in business for 7 years. I have 3 full-time employees and 1 part-time employee. Our office hours are from 8:00 am to 5:00 pm Monday through Friday. Mr. Watts asked do you have a sign application? Mr. Smack stated no, the only sign for us would be internal to the building. Mr. Williams stated the second floor just has an internal directory. Mr. Watts stated please make sure that you advertise as being located in Halfmoon. Mr. Smack stated yes I will.

Mr. Berkowitz made a motion to approve the change of tenant application for One Connect Inc. Mr. Higgins seconded. Motion carried.

11.137 NB Betts Farm Planned Development District, Betts Lane – Major Subdivision/PDD

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm here tonight representing Abele Builders. This project proposes to rezone a 152-acre parcel of land from Agricultural-Residential (A-R) over to a Residential (R-1) Planned Development District (PDD). The project was just presented last month to the Town Board where it was well received and therefore, passed onto the Planning Board for additional review and comments. At some point we would expect a recommendation back over to the Town Board where the Town Board would rezone the project if everything goes well. We are just kind of getting started on this and again this would be our first presentation to the Planning Board. At some point we would want to get a public hearing together to present it to the public for their comments. But, before we do that we want to do our homework to make sure we have all the information in front of the Planning Board to help us get this project to where it should be before it is referred back to the Town Board. Tonight we will go over the layout of the site and some of the background studies that we've done so far. The property is 152-acres and it has frontage at the end of Betts Lane and also on Hayner Road. The project itself will not include the farm homestead as that would be left all intact along with some of the surrounding agricultural fields. But, a majority of the agricultural fields along with the wooded area to the rear of the parcel would be all rezoned as part of this project. There is the McDonald Creek along the rear of the property and also we have a common property line with two larger parcels of land that were just recently rezoned and approved as a PDD. I'm sure you are all familiar with Glen Meadows, which Abele Builders did and also Swatling Falls. So, those are the two large projects that are immediately adjacent to this one. A lot of the thought that went into this project was also done back when we were designing Glen Meadows and Swatling Falls. So you will see areas here and there where we kind of integrated possible road connections, utilities, sewer, water and things of that nature. We would have access on Betts Lane along with Hayner Road into the project. The interior of the project would be designed with a majority of it laid out in the open farmed areas where we could preserve a lot of the wooded areas and some of the steeper terrain and wetland areas that you see on the eastside of this parcel. I think there is approximately 54-acres of common open space that was presented as part of this project. The interior layout would include three residential neighborhoods very similar to Glen Meadows and Sheldon Hills

where we have a mix of residential units. At the bottom of the parcel there would be 76 two-family homes. In the central core area we're proposing 48 single-family residential homes at about a ½ acre for each lot. Then beyond that is what we would call the patio homes, which are a little smaller and we are proposing 54 units of patio homes. Again, each one sits in its own little area within the subdivision. There would be stormwater management throughout the project and we have isolated a couple of areas where we think we would like to have the stormwater management. We also isolated an area where we are looking to develop several ball fields as part of our public benefit. Along with that would be about 10-acres of active recreation area and that is something we did in early discussion with the Town Board and they seem to think it is needed in the Town and Mr. Abele is very happy to be able to be a part of that. So, that is part of our public benefit for the project. This is just our initial presentation and ultimately this is probably what I believe is a Type I action for the State Environmental Quality Review Act (SEQRA), so it would require a coordinated review. The typical people that would get all of this information is the New York State Department of Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), Saratoga County Planning and Saratoga County Sewer (SCSD#1). All of those would be involved agencies that ultimately may have some input on the project and at some point we would get all this information over to them. We are in the process of doing some studies now that we would be happy to present at a later meeting such as a traffic report. We will delineate wetlands and we'll have all the wetlands finalized and delineated. We're also going to look into the overall utilities for the area and we are working with the SCSD#1 to make sure the sewer is done in a way that allows for future expansion for some other areas. Mr. Nadeau stated obviously you know that Betts Lane is a substandard road and are you going to do any improvements to that road? Mr. Vuillaume stated the following: Yes I believe there would be some improvements. We haven't identified those yet but we are aware of the fact there will be some modifications to that road. Mr. Watts stated our Town Highway Superintendent, Mr. John Pingelski, sent an email to us indicating his concerns and the need for upgrades to that road. Mr. Nadeau asked how are you going through the area where the homestead is because that's really a backyard situation, isn't it? Mr. Vuillaume stated the following: Not really because actually the house kind of faces in a certain direction so it would almost appear as if it fronts on this new road. The turnaround that is there now; I think we might modify it slightly but certainly there seems to be enough area from where our road is going to be to where some of their buildings are to be located. I think we can still work with what's there now and if we need to, we can provide some additional screening for privacy or that kind of thing. Mr. Nadeau asked in the traffic pattern have you projected any percentages of what would go out there verses the other entrance? Mr. Vuillaume stated no we do not have that information yet but I will have that. Mr. Higgins asked where does the other entrance go to? Mr. Vuillaume stated it goes to Hayner Road then to Route 236. Mr. Nadeau asked what was the density on a general subdivision? Mr. Vuillaume asked if you did a standard subdivision? Mr. Nadeau stated yes. Mr. Vuillaume stated I think it's around 130 or 140, somewhere in there. Mr. Watts asked so what is the total? Mr. Vuillaume stated right now we have 178.

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

11.138 NB Saratoga Academy of Arts & Sciences, 1 Halfmoon Executive Park Drive – Sign

Mr. Michael Christensen, the applicant, stated the following: We are proposing to add signage to the building that we have just taken over at 1 Halfmoon Executive Park Drive. We are now the sole tenant in that building. The monument signs in the park are empty and we are proposing to fill that space with our school crest and logo. The sign size would be 19.7 SF, 5 FT-5 inches in height,

two-sided and the sign would not be lit. Mr. Roberts stated the proposed sign would conform to Town standards.

Mr. Roberts made a motion to approve the sign application for the Saratoga Academy of Arts & Sciences. Mr. Nadeau seconded. Motion carried.

11.139 NB Chris' Consignment Thrift Shop, 1471 Route 9 (Crescent Commons) – Change of Tenant & Sign

Mrs. Murphy recused herself from this item. Ms. Chris Franceschi, the applicant, stated the following: Mr. Watts asked is this the same proposal as you were approved for on Route 146? Ms. Franceschi stated the following: Yes and at the 13th hour the owner of the property decided he didn't want to lease the space to me. So, now I have a great new landlord at the Crescent Commons. Mr. Watts stated and you're going to be running your consignment thrift shop the same as you proposed at the previous site at 429 Route 146. Ms. Franceschi stated yes, the exact same thing but this tenant space is a little bit bigger and a little bit neater. Mr. Watts stated so this would be a larger space for you to operate your business out of. Ms. Franceschi stated yes. Mr. Watts stated the following: At the October 24, 2011 meeting we approved the use with a condition of no outside display of merchandise and no outside drop offs and asked is that going to be the same. Ms. Franceschi stated yes. Mr. Roberts asked did you say that you're going to be doing clothing and furniture? Ms. Franceschi stated the following: Clothing and small furniture. No huge sofas or anything like that. If I have the room and I'm low on inventory, I might have a loveseat or a small dinette table. Mr. Roberts stated so you won't have anything real big? Ms. Franceschi stated no there is not enough room for large items and asked if she could have a grand opening banner. Mr. Watts stated check with our Planning Office because you can only have a grand opening banner for a period of time and they can fill you in on the details. Ms. Franceschi stated okay. Mrs. Zepko stated the following: The applicant is allowed one banner and it has to be affixed to the side of the building and it cannot be out on the sign. That is allowed from the grand opening up to 30 days. You cannot have any sandwich board signs and no mobile or portable signs. Ms. Franceschi stated okay. Mr. Watts asked if you have any further questions check with the Planning Office. Mr. Roberts stated for your proposed sign you just want to replace what is already on the building now, right? Ms. Franceschi stated it would be the same sign, just located at a new place. Mr. Roberts stated the following: The proposed sign would conform to Town standards. The sign size would be 2 FT x 6 FT for a total of 12 SF. It would be one-sided, located above the storefront and it would be internally lit. Ms. Franceschi stated that is correct.

Mr. Nadeau made a motion to approve the change of tenant application for Chris' Consignment Thrift Shop condition on no outside display of merchandise and no outside drop offs. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Chris' Consignment Thrift Shop. Mr. Nadeau seconded. Motion carried.

Old Business:

11.003 OB Falcon Trace Lot #2 Maintenance Building, Fellows Road – Commercial Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing Mr. Bruce Tanski, the applicant for the site plan for a maintenance shop on Lot #2 of the Falcon Trace Senior Living LLC Planned Development District. The parcel is located on

the easterly side of Fellows Road about 800 FT south of Upper Newtown Road. The proposal is to construct a 3,200 SF maintenance shop on this parcel that will have one access onto Fellows Road. It will have 4 parking spaces in the front of the building. The proposed storage facility would be used for equipment and things of that nature. The site will be serviced by underground electric tied into the gas line out in front. It will have public water and on-site septic. The screening for the parcel is screened on the east by forested wetlands. It would be buffered by a vegetated buffer, which consist of deciduous and evergreen trees. It basically is a forested situation. Along the road on the west it will have screening with an elevated berm and landscaped with evergreen screening. The screening on the north is the remaining woods that are along the edge of the hill. Also, this is approximately 15 FT lower so that acts as buffering in that direction. Regarding the operation of the site; it's anticipated that the site would not really be used that much because most of the equipment is on working construction sites. They have numerous sites going on and when one project is done normally the equipment goes to a new site and doesn't really come back to the shop. This building is used basically for maintenance of heavy equipment. The anticipated amount of equipment in the storage area is to be about 3 or 4 pieces of equipment. They have 2 dump trucks, which would come back to the site but they'll be stored within the building overnight. They have a tractor with a lowboy for moving equipment around and the tractor would be put in the building. The site is configured so the lowboy can be turned around. The grading plan and the stormwater management plan was prepared by Lansing Engineering and if you have any engineering questions, Mr. Jason Dell from Lansing Engineering is here tonight to answer any of those questions. Mr. Watts stated our latest comment letter was received today, November 28th, from CHA. Mr. Bianchino stated the following: We had a couple of outstanding comments from their response letter. The first two comments were really related to the septic system that Mr. Rabideau mentioned and they were related to some gray issues and I think we've worked out those details. The only thing that I would ask for Mr. Dell to confirm is the elevation of the septic tank so the grading doesn't impact where that pipe is located and whether the top of the tank would be coming out of the top of the ground. Otherwise, I believe that we have resolved the septic issues. The other major issue that we have outstanding is the stormwater management. There were some discrepancies between what had been described in the Stormwater Pollution Prevention Plan (SWPPP) versus the design shown on the plan. There has been some discussion between CHA and the applicant's engineer regarding these concerns and they have agreed to make the changes necessary as per the New York State Design Manual. Mr. Watts asked Mr. Bianchino if there had been changes to the presentation as previously proposed as a result of the outcome of the correspondence between the engineers? Mr. Bianchino stated, yes, we have worked through the concerns. Mr. Watts asked at what date CHA would expect to receive the changes agreed upon in order to be able to sign off on this project. Mr. Dell stated the following: They could be provided by Friday of this week. We worked out all outstanding concerns on the phone today and we can make those changes. Mr. Watts stated I just didn't want to see a delayed response in getting the changes submitted. Mr. Higgins stated regarding the soil stockpile area; is that just for landscaping type soils? Mr. Bruce Tanski, the applicant, stated the following: The reason we have that is if the quarry is closed. So, we would have that available on-site and it is going to be self-contained with those concrete bollards that you see. If we were to have a water break at 2:00 am we would have the material readily available. We had a situation about 8 or 9 years ago over by Squire Park where some of that road let go and we didn't have any material stockpiled to repair it. I'm not talking about big huge piles of material or anything like that. Mr. Higgins stated so it would be some riprap and some #2 stone and that kind of thing. Mr. Tanski stated we would have a dump truck at the most. Mr. Higgins stated in the back I see that it says sediment control fence but I assume that's until the area stabilizes. Mr. Tanski stated correct and it's already up. Mr. Higgins

asked so you're not going to have any permanent designation between the equipment storage area and the wetlands? Mr. Dell stated that will be the transition from the gravel to grass and it would be a very pronounced line of where the extent of the stoned parking area is. Mr. Higgins asked is it a berm or is it an actual lower area? Mr. Dell stated the area starting from the south side and wrapping around to the east as well as from the north and around is a vegetated swale and that is going to be our stormwater control mechanism. Mr. Higgins stated okay, so it goes down. Mr. Dell stated correct and it's approximately 2 FT deep. Mr. Higgins stated I was wondering if it was going to be a berm or a swale. Mr. Ouimet asked Mr. Tanski would the materials that you are going to stockpile there be solely for your own use. Mr. Tanski stated that is correct. Mr. Ouimet asked would it be used for resale? Mr. Tanski stated no. Mr. Watts asked would there be any salt products or anything? Mr. Tanski stated no I have my own salt that I stockpile over at the golf course and that is all self-contained. As far as I know there has been no indication that we would ever need salt at two different locations. Mr. Watts asked so there would be no salt at this site. Mr. Tanski stated right. Mr. Ouimet asked would there be gasoline and diesel fuel stored on-site? Mr. Tanski stated there would be a 250-gallon above ground diesel tank and we have that now on all of our construction sites. Mr. Ouimet asked other than that would there be any other caustic or hazardous materials stored there? Mr. Tanski stated no. Mr. Watts asked Mr. Bianchino if he was aware in his review that there is a 250-gallon diesel fuel tanks and do you see any issue with that? Mr. Bianchino stated according to appropriate standards the NYDEC regulates that so it is not reviewed by the Town. Mr. Higgins asked is there going to be any washing of equipment on-site? Mr. Tanski stated no. Mr. Higgins stated so there's no water separators or oil separators necessary in the building? Mr. Tanski stated this site would be used strictly maintenance because we are sick and tired of working out in the cold at 1:00 am in the morning especially in the wintertime and right now we have no place to go. Mr. Watts asked what if all of your construction sites were shutdown for a period of time because you didn't have any projects; what is the maximum number of vehicles that would be on the site? Mr. Tanski asked are you talking about construction equipment? Mr. Watts stated all vehicles. Mr. Tanski stated 5 maybe, 6 at the most or somewhere in there because everybody drives to the site and if we didn't have any work, everybody would be laid off. Mr. Watts asked how many construction equipment vehicles would be there if you had no work? Mr. Tanski stated the following: We have 4 excavators, 4 bulldozers, 2 off-road trucks and 2 dump trucks. So there would probably be 12 to 15 pieces of construction equipment. Mr. Watts asked how many pieces of equipment would fit inside the building? Mr. Tanski stated the following: I would say that we could probably get at least 8 of them in the building depending on what we put in there. We could put all the bulldozers and probably most of the excavators in there. Mr. Watts asked so the maximum number of vehicles that we would expect at that site would be 16? Mr. Tanski stated the following: I would say 16 but you would never see that unless the economy falls on it face and there is nothing going on anyways. I would hate to put a limit on that only because we don't know what the futures going to bring and hopefully we are going to expand and get bigger because we have sites going on all over. Mrs. Murphy stated the following: You're saying vehicles and you're using construction equipment. You mentioned that you would have 5 or 6 vehicles and then you said 15 pieces of construction equipment. So, that is a total of 21 by my math; just so we are all on the same page. Mr. Tanski stated the following: Most of the time when everybody goes to a job they drive to the job. They don't come here and then go to the job because everything is already at the jobsite. We don't work weekends unless there is an emergency so you might get 4 to 5 vehicles at the most there. That's why we only put 4 parking spaces out front because we don't anticipate that many vehicles there. Mr. Watts stated I'm just trying to delineate what the maximum intensity of use at the site. This is a PDD that was sent to us so we want to make sure we have a certain limit on how intense that site can become relative to

the future. Mr. Tanski stated the following: I think that the size of the equipment would lend itself to what you could put there. In other words, if you put our D-8 there and they put a D-6 there that limits what you can do and then you bring in a 322 CAT there, that would eat up a lot of the spaces. Mr. Watts stated so you're limited with what you can do in terms of the expansion of the site. Mr. Tanski stated the following: Exactly. We would be limited on the site and I will do on record with saying that you'll never see a piece of equipment on the road and never see anything where it's not supposed to be because it's not that flexible of a situation. Also, most of the time they buy the diesel from my Sunoco station so the only time we'll have a little bit of fuel there is just to get the vehicles started. Mr. Watts asked what would be your hours of operation? Mr. Tanski stated 7:00 am to 3:30/4:00 pm. Mr. Watts stated sometimes when you're working on construction equipment, particularly if they are doing something outside, could be noisy and you're not that far from Falcon Trace. Mr. Tanski stated we're 800 FT away from the seniors and the only thing that might change is if we have an emergency or if we have a broken waterline at 2:00 am in the morning. Mrs. Zepko asked do we want to make the motion contingent on all of the maintenance repairs being done within the building itself? Mr. Tanski stated the following: Sometimes that is hard to do because we just had to do repairs on a 322 CAT excavator and we did it outside and it took about 5 hours to do because we just couldn't get the trailer to move it inside and we did that over at Falcon Trace. So, there may become a time on a nice sunny day where we would want to do it outside but there is not a lot of noise or anything like that. Mr. Polak stated like changing a tire. Mr. Tanski stated exactly because sometimes that may be done outside because some of the equipment is too large. Mr. Watts stated I'm just trying to get control over the noise issues for people. Mr. Tanski stated I don't think we're going to have a lot noise there and we are right behind New Country Pontiac and they have all kinds of noise going all the time. I don't think we would be a tenth of what they do because when we can we would be doing everything inside and it would be self-contained. If we have to change a tire, you might hear an air-gun go off for 10 to 15 minutes. Mr. Watts stated and that would only be between 7:00 am to 4:00 pm. Mr. Tanski stated the following: That is correct. We would only be working 7:00 am to 4:00 pm and don't work Sundays at all and only occasionally on Saturdays until noon. Mrs. Murphy stated it should all be contingent on them working out and modifying the plans in conformance with the CHA's letter.

Mr. Nadeau made a motion to approve the commercial site plan application for Falcon Trace Lot #2 Maintenance Building contingent on a sign-off from CHA. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 28, 2011 Planning Board Meeting at 8:02 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary