

Town of Halfmoon Planning Board

August 9, 2010

Those present at the August 9, 2010 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: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the August 9, 2010 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the July 12, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the July 12, 2010 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

New Business:

09.062 NB Capital Region Business Park, Corporate Dr. & Route 9 – Sign

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: The Abele's are proposing to construct a sign similar to their sign at the entrance off of Sitterly Road for the Capital Region Business Park that would be located on Route 9 and Corporate Drive. There is an entrance off of Route 9 near Pai's Tae Kwon Do, which is a Town road that goes through the park and loops around to Sitterly Road. There is an identification sign on Sitterly Road that is an angular sign so you can see it from both directions from Sitterly Road. Currently there is not an identification sign located on Route 9. Route 9 does get a lot of traffic. They do have a sign that is on their property that is to the south on Route 9 but it really doesn't give identification to where people should turn in. We are proposing to place a monument type identification sign that would say "Capital Region Business Park" and there would be no other identification other than that. The sign would be a large monument with landscaping around it on the property that is owned by Mr. Peter Belmonte. The sign would be located adjacent to the right-of-way. The right-of-way that comes down Route 9 widens out because of the turn lanes. The Abele's don't own any of the land down in that area but they do have an agreement that Mr. Belmonte would allow a sign to be placed on the edge of his property. The sign would have 2 separate panels that would be 28.1 SF each, one-sided and the sign would not be lit. Mr. Watts asked Mrs. Murphy if she had a chance to review this application. Mrs. Murphy stated the following: I have and this is a unique situation that the Board has not encountered

but had the forethought to be prepared to address when they suggested changes to the new local law and there is a portion of the local law, at the request of the Planning Board, that allows them to; if the safety, health and welfare of the citizens would be protected by making changes to the ordinance allows the Board to make such changes. I think this is one of those situations where because of the lack of identification, this is an appropriate use of that section of the local law. Mr. Roberts stated I know Mr. Address stated the sign would be close to the right-of-way and asked if either sign was on the right-of-way or would the sign be located on private property? Mr. Address stated the sign would be located on private property in the northeastern corner of the property. Mr. Nadeau asked, in reality, is this sign not located on the Abele's property? Mrs. Murphy stated the following: That is correct; it is on property owned by Mr. Belmonte but they have an easement or a private agreement between the landowners. If Mr. Belmonte was to revoke that, the Board's approval does not allow the Abele's to put a sign there because Mr. Belmonte has to give the Abele's permission to have the sign on his property. Mr. Nadeau asked doesn't our ordinance state that you can't have a sign on someone's property other than their own? Mrs. Murphy stated it does, but we put in a "catch-all" phrase that if this Board determines that there is a waiver, it would be permissible. Mr. Nadeau stated I don't have a problem with that but I just don't want to set a precedent or we will have other people coming in saying "well someone else did it". Mrs. Murphy stated the following: We are not setting a precedent. This is a very unique circumstance; in fact, we couldn't find another one in Town that was similar to this with such a big property set behind other property with no identifying entrance. Mr. Higgins asked are there two signs or is it just a double-sided sign. Mr. Address stated it would be a single sign that would be double-sided. Mr. Higgins asked wasn't the owner of that property in recently for something to be approved on that site? Mr. Williams stated about 2 years ago but nothing happened with that. We have a letter in the file from Mr. Belmonte stating that he is agreeable for the location of this sign on his property. Mr. Ruchlicki stated does the map show a stop sign in that corner? Mr. Address stated there is a stop sign that is a little further down. Mr. Ruchlicki asked where would that new sign be in relationship to that stop sign? Mr. Address stated the sign would be behind the stop sign.

Mr. Roberts made a motion to approve the sign application for Capital Region Business Park condition on the sign is not placed in the State's right-of-way. Mr. Berkowitz seconded. Motion carried.

10.065 NB Floor Source, 1466 Route 9 – Sign

Mr. Carl Wheeler, of A J Signs, stated the following: The proposal is for a wall-mounted sign that would be 2 FT x 10 FT that is made out of an aluminum composite material with vinyl graphics on it. Mr. Roberts asked would the sign be lit? Mr. Wheeler stated no. Mr. Higgins stated the application stated that it would be flood lit. Mr. Wheeler stated I don't know if the landlord is going to put floodlights in afterwards, but we are not. Mr. Roberts stated if the sign is going to be lit, we want to be sure that the lights don't shine out. Mr. Wheeler stated right.

Mr. Roberts made a motion to approve the sign application for the Floor Source condition on the floodlights do not shine in the roadway. Mr. Nadeau seconded. Motion carried.

10.066 NB City Sports Grille (Spare Time Bowl), 1668 Route 9 – Sign

Mr. Fred Early, of Signworks, stated the following: I'm representing Bowl New England who is the owner of the Spare Time Family Fun Center bowling alley. They are asking for a small wall sign just to identify their lounge area, which is a separate kind of enterprise within the existing bowling alley. Previously the lounge area was called Side Lines and in several locations now since the time that they started to change the pylon signs on their properties; they decided to use "City Sports Grille" as the name of their lounges.

This is pretty much just a change of the name for the existing lounge that the bowling alley operates there. Mr. Roberts asked if the sign would have any exposed neon in the proposed signage. Mr. Early stated the following: No. I was looking at some old pictures and we built that round bowl sign years ago before the ordinance was changed. With any luck maybe I can talk them into changing the existing sign and put up a new sign to get rid of that exposed neon for you. At this point they are just asking about this one sign. Mr. Roberts asked would this new sign have any exposed neon? Mr. Early stated the following: This sign would not have any exposed neon. When we did the pylon sign, we did put in that neon ring that was exposed and we built that same sign with that neon ring in most of the other locations that was covered with red plastic. Mr. Watts stated if they are going to advertise, please tell them that they are located in Halfmoon.

Mr. Roberts made a motion to approve the sign application for the City Sports Grille condition on there is no exposed neon. Mr. Higgins seconded. Motion carried.

10.067 NB Falcon Trace PDD, Fellows Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am representing the Falcon Trace Senior Living LLC for a minor 2-lot subdivision, which is part of the Falcon Trace (Planned PDD). The subdivision is located on the eastern side of Fellows Road about 1,200 FT south of the intersection of Upper Newtown Road. The lot is basically in back of the car dealership. The proposal is to subdivide that 30-acre parcel into 2 parcels. Lot #1 would be 26.5-acres and Lot #2 would be 3.5-acres. Both of the lots are going to be serviced by public water and public sewer. Lot #1 would include all the improvements of the Falcon Trace Senior Living Center and Lot #2 would remain vacant at this point in time and basically be set up for a commercial lot. We would like to have this minor subdivision scheduled for a public hearing. Mr. Watts stated did you mention about the strip of land that would be approximately 100 FT wide that would be reserved along the boundary between Lot #1 and Lot #2 for a possible road? Mr. Rabideau stated I had heard that there was something potentially for a road to go through there but that is as much as I know. Mr. Watts stated that discussion has been held with the property owner and he's in agreement with the 100 FT wide strip between the lots. Mr. Rabideau stated okay. Mr. Higgins stated I would like clarification; Lot #2 is C-1 Commercial but the larger Lot #1 is what's going to be used for the senior housing, is that correct? Mr. Rabideau stated that is correct; the large building would be located on one lot and in another area most of the property is New York State Department of Conservation (NYSDEC) wetlands. Mr. Higgins stated in the write-up it said 2 commercial parcels and asked where is the other commercial parcel located? Mr. Williams stated the PDD itself created 2 commercial parcels. Mrs. Zepko stated on the south side of the PDD on Route 236 there is another commercial parcel that is not in this proposed subdivision. Mr. Williams stated we performed a subdivision earlier this summer near the Kingdom Hall of the Jehovah Witnesses that created that second commercial parcel. Mr. Higgins stated okay.

Mr. Nadeau made a motion to set a public hearing for the August 23, 2009 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

10.068 NB Stewart's, 454-456 Route 146 – Addition to Site Plan

Mr. Tom Lewis, of the Stewart's Shop Corp., stated the following: It is getting harder to find new locations because we are really kind of saturated. For the past couple of years we have been looking as to where we could make a shop function better where there is additional land. We would like to invest 1.3 million dollars in this. I mentioned the number only because there is some difficulty with this site because it is not the perfect site and we are obviously looking to make it better. But, the four islands becomes very important and the rental unit because of how much money you have to invest in it. Right now we have

1.17-acres and if we buy the piece owned by Mr. Tom Farrone and Mr. Tom DeVino, which is about a third of an acre, but it would make the lot about 30% larger and it opens up new possibilities. But, it will help to meet the setbacks, if it was a rectangular lot, we wouldn't have the difficulty we have meeting setbacks. As it is now, we have some variances and the shape of the lot that is a long triangle makes the front setbacks even harder to make and there are two fronts. What we are asking for is to expand the building out in the back towards Plant Road. That would make the building about 1/3 larger and the interior would function much better. If you have ever been in that lot, it's just not the best because there isn't enough parking. So, the setback on the building on the Plant Road side would go from 2,760 SF down to 2,000 SF and I believe the setback there is 50 FT. Therefore, we are under a variance already and then the front setback on the canopy on Plant Road goes to 34 FT from 52 FT and the setback on the Route 146 side goes from 26 FT to 18.6 FT. The parking requirements are 61 and if you look at the code it says that a convenience store needs 1 parking space for every 100 SF. This Town isn't the only zoning code that has that but it is a little frustrating in that the nature of the convenience store business and I think everybody will acknowledge; that there is a lot of turnover with a lot of people going in and the average person is there about 3 or 4 minutes, they park, they leave, they park, they leave. So, I would make the case that if the Town Board Members ever decide to look at this again, you may want to go with the retail parking which would be 1 parking space per 200 SF. With that said, we would be going from 10 now to 31. So I have gone into everything wrong with this in the hope that the Board would recognize that we're looking to make a bad situation better and hope that your Zoning Board feels the same way. Mr. Nadeau asked do you currently have 4 pumps now? Mr. Lewis stated no, we have 2. Mr. Nadeau asked can 4 vehicles pump at those 2 pumps? Mr. Lewis stated right, now you can get 4 vehicles and if this proposal happens, you could have 8 vehicles. Mr. Nadeau stated you made a good statement where this is a very difficult site and by adding an equal amount of pumps, where do we help the site out? Mr. Lewis stated the following: The flow would be substantially better. If you have ever gone in there, the way the pumps are now, they're in series as 1 and 1, about 1 out of every 8 cars will park in the middle so that you can only get 3 cars in there and not 4. In doing it this way, with the pumps further apart and separated in parallel, this would work very well. Again, I realize the natural tendency, especially from the Zoning Board, it would be "we will just have less pumps and then you wouldn't need the variance". We have learned over the years to accept "no" very gracefully and it does not work for us unless we have the 4 pumps. We have also asked for access out onto Plant Road, which I think, that would alleviate a lot of the difficulty in and out of that lot. This would circulate very well for all cars that are going east and west on Route 146 as well as coming from Plant Road and we think this lot would function very well. Mr. Nadeau asked would the east exit still stay one-way out? Mr. Lewis stated yes. Mr. Higgins stated the following: I don't go to this Stewart's but I do go to other Stewart's that only have the 2 pumps and they seem to function very well because you do get a lot of vehicle traffic. Looking at this, yes, you're adding .3-acres to the site but if you look at it, it's probably maybe a quarter of the size of the total new site or maybe less and yet you want to double everything on the site? In essence, you want to double the size of the building, double the size of the gas, increase it from one shop to a shop and possibly a bank. In my own personal opinion, I think you're trying to put too much on this site that already has traffic problems. Mr. Lewis stated the following: Well, I certainly don't disagree with you. I understand what you're saying and I think my answer would be that I had some discussion with the ownership over the drive-thru and the bank. I lost the argument so I'm here to ask for it. The drive-thru and the bank is one thing but I don't know if that is a deal killer. I know that the finances just don't work and I would be happy to submit our estimates and how we got to those numbers. The best we can do on the land was a \$280,000 and the gas upgrade is about \$350,000, site work is about \$300,000. The building doesn't double in size so it's not the Stewart's Shop. I think it is 50% larger. It goes from about 2,000/2,400 SF up to 3,000 SF. Mr. Higgins stated it says almost 2,000 SF on the rental piece and the existing shop is 2,500 SF and in my book it is almost doubled. Mr. Lewis stated I am not arguing the point on the rental and I understand Mr. Higgins' point of

view. Mr. Watts stated the following: If we weren't putting a bank with and drive-thru and we were going to have a standard retail operation, would it make things better in terms of traffic or not? Or is there a possibility because even there I suppose it relates to the use of the retail; if it's a pizza place it's one thing and if it's a dentist office it's another thing. Mr. Lewis stated the following: I've been doing this for a long time now and have learned not to mislead the Board. If there were not a bank and there wasn't a drive-thru and it was just retail, then it would be less intense. Mr. Watts stated right, and that might be one thing we want you to think about a little bit. Mr. Ouimet stated the following: I have a couple of concerns and I don't know if they're killers but they are my concerns nonetheless. You proposed moving the entrance further west and when I look at the layout from the drawing that you gave us, it looks as though you may be creating a situation where the cars would be backing into entering traffic. Because as the cars pull forward and park straight into the building, these cars would be entering in the back of them. Mr. Lewis stated yes. Mr. Ouimet stated this appears to be a bit of a safety hazard to me. Mr. Lewis stated I understand. Mr. Ouimet stated the following: My other concern is one that Mr. Watt's brought up that we talked earlier regarding the flow of cars around the now 2 islands. I have been going to this gas station for a significant amount of time, going to Stewart's and also using the gas part of it for a long time. But, I've always seen cars come in the east entrance even though it's one way out. I don't know if you're ever going to prohibit that. My question was if you add another bay of pumps, won't that complicate an already difficult situation with the cars coming in and cars lined up at the pumps on both sides? Mr. Lewis stated the following: My answer is that we wouldn't want to invest this much if we didn't think that it made it substantially better. You'll see the difference between the pumps that are now and it's more than double the distance. We believe that with 4 pumps, it would function well. As to the backing up; you have 30 FT between the parking space and the island. Mr. Ouimet asked are you referring to the curb in and out entrance? Mr. Lewis stated yes, the western entrance. Mr. Ouimet stated the following: Right now the entrance in and out on the west side is to the east of where the angular parking is and now it is going to be directly in front of it. That's the only thing that concerned me and I would like you to take a look at that to see if there is a way that you could do it. Mr. Lewis asked would you put the curb cut elsewhere? Mr. Ouimet stated maybe further up or further west. Mr. Lewis stated I don't know that that bothers me and part of why it was here is because it is opposite the curb cut. Mr. Ouimet stated I understand why you laid it out the way you laid it out but the question that comes to my mind is that it may be a little hazardous. Mr. Nadeau stated I would agree with Mr. Ouimet because currently now as you go out the east side; and I have seen cars actually stacked waiting to come in and I believe you know that, you kind of use those cars as a little barrier to help yourself get out as the cars are going west. As Mr. Ouimet had said you are now going to move it right into the center and as we know, that is an awful busy intersection there. Where you would put it, I don't know. Mr. Lewis stated I wish the site were bigger. Mr. Nadeau stated as Mr. Higgins stated maybe you're trying to put too much on this site. Mr. Lewis stated I would think it is reasonable, if I go back to the home office tomorrow, and say that they cannot have the drive-thru, they cannot have the bank and see if they would want a rental unit and see what happens. Mr. Berkowitz asked in the future isn't that going to be "T" intersection at Plant Road? Mr. Lewis stated the following: We think that's not the case because years ago we were asked to come here and talk about that being a "T" intersection. It is my understanding that from some years ago Mr. Dick Lee called me in and asked me to come in and it was going to be a "T". Mr. Berkowitz stated not a "T" going on Route 146, a "T" going on Plant Road. Mr. Lewis stated the following: There was talk about if we would donate some land and then supposedly Mr. Farrone claimed that he was asked to purchase this for the "T". I'm just telling you what Mr. Farrone told me. Mr. Polak stated it wasn't for the "T" it was for the access off of Route 146 because part of the proposed development down the road has agreed as that is developed they would put in that "T" intersection. Mr. Lewis asked is it your understanding that at some point in the future the Town may do something with that? Mr. Polak stated at some point the "T" intersection will happen as the other project progresses. Mr. Lewis asked are you saying that will happen?

Mr. Polak stated yes, that would happen. Mr. Berkowitz asked are you talking about the Route 146 "T" or the Plant Road "T" where it goes behind the store? Mr. Polak stated I talking about the one on Route 146. Mr. Lewis stated but nothing going through this property because when I was approached years ago, it was asked if we would donate property? Mr. Berkowitz stated the following: No it's not that. It's going to be behind you going off of Old Plant Road and Plant Road. Where you exit onto Plant Road, that's going to be "T" intersection so you need to coordinate that so in the future that would go straight in. Mr. Lewis stated so when the Town Engineer, the Town Planner or the Planning Board says "move this curb cut". Mr. Bianchino stated the following: In this case the offset is on the wrong side so that is not as desirable. If somebody is coming down westbound on Old Plant Road and wanting to make a left onto Plant Road, that spot blocks the driveway and visa versa the building at Stewart's. Whereas, if you move the curb cut on Route 146 further west, the curb cut with the Auto Exchange's left hand turn can still accommodate that without interference. The rule of thumb that we usually use is if you're not going to have a signalized intersection, then having them right across from each other just creates conflicts. So, offsets are usually better in that as long as they're offset far enough apart, there wouldn't be conflicts. I am going to look at this a little bit closer to see what could be done. Mr. Lewis stated with the placement of the curb cuts, I don't think is a big deal for us. Mr. Berkowitz stated there is a willow tree right there that abuts the road so anybody coming from the west to east can't see people coming out of that driveway. Mr. Lewis asked so are you saying that we should remove the tree? Mr. Berkowitz stated the following: I'm saying you should probably take a look at it and I don't know if the tree is on your property or not. Looking at the overhead view, it doesn't look like it is on your property but it overhangs Old Plant Road. Mr. Lewis stated if there is any way we can correct it, we will. Mr. Polak asked would you have additional underground tanks? Mr. Lewis stated the following: I would think we would do the whole thing new. The plans state that "the existing underground storage to remain", so the tanks must be relatively new. Mr. Polak stated you are taking out the existing handicap parking space and asked where the new handicap parking space would go. Mr. Lewis stated wherever the Board thinks it should go. Mr. Berkowitz stated it is over on the side of the building. Mr. Polak stated yes but it says that is to be removed. Mr. Lewis stated we would put it as near the door as possible or we would put it wherever the Boards wants it to be. Mr. Berkowitz stated also, with the circulating, if you want to get to that back entrance from the gas pumps, you're going to have to turn around in that little area to come all the way around toward the bank and then out the back because the back of the building is one-way going east. Mr. Lewis stated the following: I don't see a lot of people doing that and inside the lot would be the gas pumps. Mr. Berkowitz stated I do because a lot of people from Martindale and from Plant Road would use that Stewart's. Mr. Lewis stated the following: I don't doubt that some will. As a general rule most people don't do unsafe things, but some people do. Mr. Berkowitz stated the following: If you go out onto Route 146 and try to get back on to Plant Road, that's an unsafe turn and also because there is such a depression in that area, you can bottom out the car as you turn back onto Plant Road. I know myself that I would just turnaround in the parking lot and go out the back. Mr. Lewis stated the following: The purpose of having a new entrance onto Plant Road is exactly what Mr. Berkowitz said. So, if there were someone who wants to go that way and then heads east, they would turn around. Again, we are looking to make a bad situation less bad wherever we can and we're open to working with this Board to improve what we've proposed. Mr. Berkowitz stated I understand that. Mr. Higgins asked Mr. Berkowitz what if they made that one-way the other way behind the store; then that way you would come in, go around the store, get your gas and then come around. Mr. Berkowitz stated but then you would have the bank and the ATM over there. Mr. Lewis stated the following: I think we just lost the bank. I will talk with Mr. Bill Dake and tell him that the bank is not going to happen and the drive-thru is not going to happen and this is too much and the lot is not big enough. Then he will either say "oh, okay" or he will say "okay let's not do this site". He has done that to me a lot and I'm not complaining because he is a lot smarter than I am. I don't think he'll say that with this one. If I come back and say that we can only do two gas islands, I won't even have to ask him that.

It is my opinion that I will be successful with losing the drive-thru, losing the bank and asking for a retail unit, which when we have a tenant, I understand that we have to come back to Town for the that, right? Mr. Watts stated right. Mr. Lewis stated so we have a shot at that but if it is a tenant that is overly intense, then you'll say "no". Mr. Watts stated the following: Right and we have questioned a few and we have worked in tough spots like Papa John's Pizza up on Route 9. We've started to question over utilization and we just try to make some traffic situations better than they were. We just don't approve stuff because and we try to be very rational about it. Mr. Lewis stated I understand. Mr. Roberts asked how come you're not proposing utilizing the area to the eastern part of the site where is says 1.175-acres. Mr. Lewis stated because what would you do with it? Mr. Roberts stated you could use it as part of the overall development. Mr. Lewis stated would you want us to add more parking spaces there? Mr. Nadeau stated how about maybe putting the exit further down towards the intersection. Mr. Lewis stated yes, that might somehow work and asked if Mr. Nadeau was referring to the existing curb cut. Mr. Nadeau asked if that area had wetlands. Mr. Lewis stated not that I know of and I don't mind moving curb cuts. Mr. Watts stated that might give them justification for the pumps. Mr. Ruchlicki stated the following: Where you have that island for the pumps and the way the driveway comes out; why not just put another one identical to that and just mirror image it and put it out on the Old Route 146? That way you would still have that little triangular piece out on the end but people would have a tendency to leave the pumps and go out to Old Route 146 and then go to the intersection. So, essentially you would have two back entrances. Mr. Lewis stated there are not a lot of Board's who ever tell me to add curb cuts but I think that is fine. Mr. Ruchlicki stated the following: Knowing the situation with the site as far as the traffic flow it would just give people another option because what I think that what you are going find is that a lot of people are going to use that back entrance once it's in there. I know if it was me, if I pull in there and it's congested coming out onto Route 146, rather than to pull out in front of 50 mph traffic onto Route 146, I'd go out to Old Route 146, come back down to the "Y" providing that I didn't have to go west. If I was going to go east, that's what I would do. Mr. Bianchino stated there is an existing residence right across from where Mr. Ruchlicki is talking about and I seem to recall but I can't remember the last expansion but there was some concern about esthetics with a curb cut through there. Mr. Ruchlicki stated I'm just throwing out a suggestion. Mr. Higgins stated we have to be concerned about the overall safety of the Town residents, not just an individual. Mr. Bianchino stated I'm not arguing, I'm just pointing out what's going to happen. Mr. Watts stated the following: Eventually we would hear it here and that's part of our decision process. Too often in the past, one noisy person can change an entire project. We have to think about everybody. I kind of agree with at least taking a look at that, the more traffic that you divert over to Plant Road with the new intersection would be safer. The more people we keep off of Route 146 the safer it would be. Mr. Higgins stated the following: You could possibly move the canopy further away so you're not infringing as much on the frontage. Either way there is not enough room. Mr. Lewis asked which way would you move the canopy east or west? Mr. Higgins stated the following: South is what I was saying. If you had that second exit, you could move the canopy south but Mr. Williams said that doesn't make a difference. Mr. Watts stated we're trying to see if we could not worry about the variance. Mr. Lewis stated the following: That would make it a little harder for the cars that are going to come from one direction. This is the first draft and what we think is really the best we could hope for. It's always for the customer and it's not for the staff. That's all we care about and how could we make it easy for the cars coming in and out. So it does need a variance either way. We have done a lot of expansions because they're just wasn't enough land. This thing was four, five, six months before Mr. Dake said "okay let's do this". It really is very tight in a lot of ways. So you need to balance that, how much you're going to invest in it and is there a return on the investment because Mr. Dake never has a hard time saying, "let's not do it". Mr. Watts stated the following: Where I'm at now is I understand perhaps the need for a variance, which would require us to say no to something in order for you to go get a variance and that's how we operate here. I don't know that we're ready and we want to say no to something where so much has

been discussed relative to maybe moving this over and maybe referring this at this point to CHA to work with your engineer to go over the issues that have been discussed to see if we might make it better. Mr. Nadeau stated it could be a variance situation. Mr. Watts stated honestly it could be done if we said no and they would have the right to do that, but we haven't said no because I think we can still make it better. Mr. Lewis stated I would rather do it that way than to go to the Zoning Board of Appeals (ZBA). Then if we got lucky or smart and get the variance then we would come back to the Board. I'd rather have this Board comfortable with it. Mr. Higgins asked do we want to give the applicant the opportunity to go back to his people and discuss the bank and the elimination of the bank and then refer it to CHA or do we want to refer it to CHA and at the same time their engineer could talk to Mr. Bianchino. Mr. Lewis stated I will let you know Wednesday or Thursday. Mr. Nadeau stated I like Mr. Higgins' idea of letting them present us with what they would change. Mr. Higgins stated the following: Either that or let their engineer work with Mr. Bianchino. But before we go much further, I would like to see something where there are a lot of comments made by the Board tonight with our suggestions and I would like to have them take a look at it. Mr. Watts stated I could refer it to CHA so then there would have to be an escrow established to do the engineering but that does not start until Mr. Lewis goes back to his people and then they go back to CHA. Mr. Lewis stated again, I will call you Wednesday or Thursday. Mr. Higgins stated but I think that the applicant has to understand that the Board still has serious concerns about too much on this site. Just because we are referring it to CHA and my personal opinion doesn't mean that I'm happy with the way it is set up. Mr. Lewis stated if it goes down that road, I promise you that I'll be gracious and if I'm defeated and you guys say "sorry, nice try" I won't give it a second thought. Mr. Watts stated the following: My personal opinion is that we're making a bad situation better but we're not going to go crazy either so let's all work together. Personally, I find the current configuration of that Stewart's one where I don't go to it but now it looks like it would be better. Mr. Lewis stated the following: I would like to remind the Board members who were here around 6 years ago when we did Vosburgh. The Board may recall that I had said that I'm looking to find markets before they really become markets and that I know we're way early on the rental unit because this Board approved a 840 FT unit and we have had almost no bites at all and the rent is not really high. I looked at the numbers before we came here and we actually built it a couple years before we had originally said that we were going to build it and Mr. Dake said "just build the thing now". We didn't have that many stores so we opened up at about minus 30% under company average. It has now been 5 years later and it is right at average.

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

Mr. Berkowitz made a motion to adjourn the August 9, 2010 Planning Board Meeting at 7:52 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary