

Town of Halfmoon Planning Board

March 22, 2010

Those present at the March 22, 2010 Planning Board meeting were:

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| 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 March 22, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 8, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the March 8, 2010 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Ruchlicki abstained due to his absence from the March 8, 2010 Planning Board Meeting.

Public Hearing:

10.027 PH Sharpening Shop, 158 Woodin Road – In-Home Occupation & Sign

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Larry Allen, the applicant, stated the following: My business consists of a set of tools to sharpen tools such as: knives, planer blades, saws, kitchen knives and almost anything that needs to be sharpened. My sharpening equipment doesn't make any noise any louder than a hairdryer so there would be no noise disturbance. I would like to put a sign out front of my home to let people know where my shop is located. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm. Mr. Ruchlicki asked would you be using any water-soluble coolants while you are doing the grinding? Mr. Allen stated no it is all dry grinding. Mr. Williams stated the following: The sign would be 1.5 FT x 2 FT double sided for a total of 6 SF. The total height of the sign would be 5 FT and it would not be lit. The sign would be located at the front of Mr. Allen's driveway on his property. The sign would meet the Town Code for in-home occupation signage for square footage. Mr. Roberts asked would the sign be located on Mr. Allen's property. Mr. Williams stated yes.

Mr. Roberts made a motion to approve the In-Home Occupation and sign application for the Sharpening Shop. Mr. Nadeau seconded. Motion carried.

New Business:**10.029 NB Wal-Mart (Outdoor Sales), 1549 Route 9 – Change of Use**

Mr. Watts stated the following: For outside seasonal uses; in order to do any outside sales use, each year we ask the applicant to come back before the Planning Board for a permit. The application is reviewed by our office to see that they are in compliance with all ordinances, regulations and that they are keeping the property fit and up-to-date. Relative to Wal-Mart; our observations have led us to believe that this site is always in compliance with their site plan. One person asked me to request that Wal-Mart check the trees in the back as a few of those trees may have been harmed over the winter. Mr. Greg Piszczek, Assistant Store Manager, stated the following: I believe you spoke to the store manager regarding the trees. We are here to open our annual garden center where we have our stone and gravel. Customers come to pick material up and we have people help them put these materials in their vehicles. Mr. Watts asked if the outdoor sales area was open 7 days a week during the hours that the store is open? Mr. Piszczek stated it is open 7 days a week and when it gets dark we usually close but as the season grows we will stay open as long as there is daylight. Mr. Watts stated Wal-Mart is in compliance with their site plan and we have had no maintenance issues at the property.

Mr. Berkowitz made a motion to approve the change of use application (outdoor sales) for Wal-Mart from March 22, 2010 to Labor Day (September 6, 2010). Mr. Ouimet seconded. Motion carried.

10.030 NB Hayner's Ice Cream, 148 Route 236 – Sign

Mrs. Carolyn Hayner, the applicant, stated the following: I am before the Board tonight to seek approval for new signs to be put up. I have submitted pictures of our proposed signage. Basically, we would be doing the same thing as we have done in the past and we just need new signage. We have changed our design. We have also added 2 triangle designs with a total square footage of approximately 90 FT.

The Planning Department write-up of the signage is as follows:

Freestanding-**Sign #1**

Sign Dimensions: 4ft x 8 ft

Height: 6 FT

Sided: ☐ one-sided ☒ **Two-sided**

Total Area of Proposed sign: 64 SF

Lighted: ☐ Internal ☒ **Flood**

Brief Sign Description: Applicant wishes to replace the face of the existing sign in the same location with a new sign stating, "Hayner's Ice Cream –Hall of Fame".

Building Mounted-**Sign #1- triangular building mounted sign (A=1/2 b x h)**

Sign Dimensions: 33" x 70 "

Sided: ☒ **one-sided** ☐ Two-sided

Total Area of Proposed sign: 8.12 SF

Lighted: ☐ Internal ☒ **Flood**

Brief Sign Description: The applicant wishes to place a triangular sign within the peak of the side of the existing building stating, "Hayner's Ice Cream –Hall of Fame".

Sign #2 triangular building mounted sign (A=1/2 b x h)

Sign Dimensions: 42" x 10 ft

Sided: ☒ **one-sided** ☐ Two-sided

Total Area of Proposed sign: 17.5 SF

Lighted: ☐ Internal ☐ Flood

Brief Sign Description: The applicant wishes to place a triangular sign within the peak of the side of the existing building stating, "Hayner's Ice Cream –Hall of Fame". .

****Note**:** The total signage being proposed equals 89.62 SF, which conforms to allowed signage for this commercial PDD.

Mr. Roberts stated I have looked at these signs and asked if the signs would be lit by floodlights? Mrs. Hayner stated yes. Mr. Roberts stated please make sure that these floodlights do not shine out into the traffic. Mrs. Hayner stated these are the same floodlights that we have had there for the past 11 years and we are not moving or changing the floodlights.

Mr. Roberts made a motion to approve the sign application for Hayner's Ice Cream. Mr. Nadeau seconded. Motion carried.

10.031 NB J & S Watkins Plaza, (Caputo's Pizzeria), 1675 Route 9 – Addition to Site Plan

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: We are back before the Board because approximately a month ago we came before the Board with some modifications that we are proposing to J & S Watkins Plaza in reference to the parking. All this is to get the maximum amount of parking spaces we can get to accommodate a tenant that is coming in and we would still like to go forward with Caputo's Pizzeria. About a month and a half ago this Board had given an approval for Caputo's Pizzeria but we were given a limit on the 18 seats based upon the parking. We are coming back to you again tonight with a new application trying to answer some of the questions that were a concern to the Board when they denied us on the last application. Now that there is no snow we went out and did an as-built of the site and we wanted to make sure that we reflected the corrected parking. We now reflect the correct parking where there were a couple of modifications. In some places the parking spaces were less and in other places there were more. We now have 89 parking spaces that we provided on the plan. I think the last time we were before the Board we spoke in reference to creating a number of 9 FT x 20 FT parking spaces in addition to the 9 FT x 20 FT spaces that were already created years ago by the Zoning Board of Appeals (ZBA) and I think we were creating mostly all 9 FT x 20 FT parking spaces. On the plan we are now showing 9 FT x 20 FT parking spaces and 10 FT x 20 FT parking spaces and right now we actually have 48 - 9 FT x 20 FT parking spaces and 37 - 10 FT x 20 FT spaces. I believe the ZBA's limit was 54 parking spaces. What we are proposing to do tonight is take some of the 9 FT x 20 FT spaces in the front of the building and move them to the rear of the site, which would be used by the employees all the time and convert the spaces in the front and add 1 more space to make them 10 FT x 20 FT. What we are proposing would change the spaces in the front of the building in the area where Caputo's Pizzeria was proposing to go in where the Watkins store entrance is and where H & R Block is. They are the 9 FT x 20 FT parking spaces we are proposing to make into 10 FT x 20 FT parking spaces. We are making those spaces 10 FT x 20 FT because those are the spaces that people would be going in and out of on a regular basis. We are shifting the spaces in the back from 10 FT x 20 FT into 9 FT x 20 FT parking spaces and the ones in the front from 9 FT x 20 FT to 10 FT x 20 FT parking spaces. As a result, we would get 1 more parking space so we would end up with 50 - 9 FT x 20 FT parking spaces which is still under the ZBA's limit and 36 - 10 FT x 20 FT and we have some handicap spaces for a total 90. The 90 spaces gets us fairly close to the numbers we were looking at when we originally came before the Board for 32 seats. It is my understanding with speaking with the staff this would give us 30 seats. Mr. Jack Watkins (owner of J & S Watkins Plaza) and Mr. John Caputo (Caputo's Pizzeria) are both present here tonight in case there were any questions but certainly we could live with the 30 seats and that is what we are asking the Board to consider. Mr. Nadeau stated should we approve this configuration tonight, would that

leave just one vacant store with 10 parking spaces? Mr. Address stated that is correct. Mr. Nadeau stated we want to make the owner of the plaza aware that whatever business comes in would be determined accordingly and we couldn't approve another 18 seat restaurant with only 10 parking spaces remaining. Mr. Address stated I think we're all very aware and Mr. Watkins is aware that the vacant tenant space could only be set up for retail without any restaurant use at all. Mr. Higgins asked does 90 parking spaces meet all the numbers? Mr. Address stated yes. Mr. Higgins asked what is the time frame on all of the modifications? Mr. Address stated the following: We would start immediately on the tenant set-up that would probably take about 2 months to complete. By the time the tenant set-up is done, we would have the modifications done in the front of the building and the striping in the rear now that the weather is good enough. Mr. Higgins stated it was mentioned in our pre-meeting that some of the marking in the main parking lot is faded. Mr. Address stated I think we can certainly do that if it is something that really needs some maintenance. Mr. Watts stated as long as you're re-doing some areas, maybe you could look at the total striping of the lot. Mr. Higgins asked would all the modifications be done prior to the opening of the 30-seat pizzeria? Mr. Address stated yes. Mr. Ouimet asked by all of the modifications, do you mean both the parking lot striping and the build-out would be done before that 2-month period that you were talking about? Mr. Address stated yes and the only change is a small change in the cutting of the concrete island in the front and the re-striping in the rear. Mr. Ouimet asked are you saying that none of the spaces in the front need to be re-striped and would all be 9 FT x 20 FT? Mr. Address stated all the rest of the site is staying exactly as is, but just the spaces in one area would need to be re-striped to 10 FT x 20 FT. Mr. Ouimet asked are all those spaces 9 FT x 20 FT now? Mr. Address stated right and at this time we would not be building the 5 future banked spaces unless we find in the future that we need them and we would still be leaving them in the banked condition. Mr. Roberts asked when does the pizzeria plan on opening? Mr. Address stated I think it is going to take around 2 months for the tenant set-up and to get everything ready. Mr. Watts welcomed Caputo's Pizzeria to the Town of Halfmoon and asked that they advertise as being located in Halfmoon.

Mr. Roberts made a motion to approve the addition to site plan application for J & S Watkins Plaza contingent upon all parking modifications being completed prior to the opening of Caputo's Pizzeria and for a modified parking site plan that will allow 90 total parking spaces to the site. This will allow the Caputo's Pizzeria to have a maximum of 30 seats and leaving 10 parking spaces for the current vacant store. Mr. Nadeau seconded. Motion carried.

10.032 NB Bobrow Distributing Corp., 8 Enterprise Ave. – Addition to Site Plan

Mr. Frank Herba, of Herba Consulting, stated the following: I am here representing Barry Boyd who is the president of Boyd Enterprises who also owns Bobrow Distributing. The current building is located at 8 Enterprise Ave. in the Halfmoon Light Industrial Park, which is off of Route 146. This particular lot is 18.7-acre site. They are using a very small percentage of it because it opens up in the back and it's basically pretty wet and probably would never be developed as part of any kind of a complex or any kind of expansion of the existing Light Industrial Park. Currently they occupy about two-thirds of the existing building, which is just over 29,000 SF. Drawing S-1 is a master plan of what they are proposing to you, which is a 5,000 SF addition to the existing building on the south side of the building in the already developed area and a 16,200 SF addition, which would be Phase II that you will see at a later date if they proceed with that as far as attempting to get that approved and constructed. Right now the proposal is for a 5,000 SF addition that would cover an existing 5,000 SF green area that is currently on the south side of the project. There is not going to be any additional paving for this site because currently there is 30 parking spaces there with the potential expansion for 25 more parking spaces so they could get up to 55 parking spaces there if they needed them. The 30 parking spaces that they have now is more than enough for what is going on with the 5,000 SF additional and they don't expect to have additional employees. The business does need to expand, they have taken on

some more lines and their region is expanding a little bit so they're looking to put more warehouse space in for the confectionaries. This is a candy business and they are large distributors for the northeast region that they're in. There is existing landscaping there and we would lose one tree with this but the balance of them would remain the same. The rear of the property is all treed. On one side is Atlantic British and on the other side are Marini's buildings where there is a construction business and a few other occupants. As I said, there is not going to be any new road cuts, access to the site is going to remain exactly the same, the existing 30 parking spaces that they have will handle the expected expansion. We have existing drainage systems on site, which drain to the current regional drainage site that is part of the Halfmoon Light Industrial Park and that would remain in use. We're not introducing a major amount of additional flow to that drainage system and it should more than handle the proposed expansion. As I said, we are well within the range of greenspace and covered space. This is a peaked gable building in the center and the addition would just be a continuation of the roofline so it would look like all one shape and all the drainage would go to exactly the same area. I don't know how much more you really need to know for Phase I; Phase II is going to be a little bit more complex because we're going to be showing you some wetlands that we aren't going to be getting into and things like that so that would take a little bit more time to get an approval on. The owner seems to be very interested in building the 5,000 SF building now so I said "let's show the Town what we are going to do so let's do it in two Phases". Mr. Higgins asked did you say that this is presently green because in our pre-meeting it was stated that this was a paved area? Mr. Herba stated the following: The area that is going to be covered is not a paved area. What you don't have is the existing island and maybe if you take a look at the existing survey, there is an island that sits in between the paving right. It is a raised area and it drops off about 4 FT from the floor elevation down to the existing paved area. Mr. Higgins stated so it is typically not impervious. Mr. Herba stated the new, yes. Mr. Higgins stated okay so there would be some additional drainage going off of the site? Mr. Herba stated there would be some additional and we have some figures on the plans that show that. Mr. Watts stated the following: You have adequate parking and you wouldn't be adding anymore parking. Does our parking requirements require more spaces based upon the size of building? Mrs. Zepko stated they would still meet code with the landbanked parking spaces that they are showing. Mr. Watts stated are you referring to the landbanked spaces that they are showing on the new site plan. Mrs. Zepko stated yes. Mr. Watts stated so we are going to landbank, there were already some that were landbanked and asked if they would need to show more landbanked since it is bigger? Mrs. Zepko stated they already meet code with the landbanked spaces that were shown on the original site plan. Mrs. Murphy stated they over-built the parking area. Mr. Watts stated I just wanted to make sure that they knew they could landbank. Mr. Herba stated the following: The parking was never added. When they built the building around 2000, they landbanked everything at that point.

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

10.033 NB North American Funding/Kapital Title Service/Daniel S. Glaser, Esq.,
9 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: This is building number 9 in the Abele Business Park. They would just be changing office tenants. There is a combination of spaces that is being proposed. There would be multi tenants but right now it is vacant. The proposed space is 1,300 SF and it is fairly a small office. It is a little odd in that it is being leased by North American Funding but it does have 3 separate entities; North American Funding, Kapital Title Service and an attorney all operating in the same space. The lease is under the one entity but all 3 are going to be working in that space. They would have a total of 3 employees, one for each and then they have 1 part-time employee that would be coming in. Mr. Watts asked what are the arrangements with the 2 separate individuals, one an attorney and one a title search company and are they going to be in there full time, is this their full-time business, are they separate corporations, LLC's? Mr. Andress stated the

following: My understanding is they are separate businesses and they will each be there full time and they are just all leasing the same space. The Abele's have the lease under North American Funding and they must have some type of a sub-lease between North American Funding and the other 2 entities. But all entities would be in this 1,300 SF space. Mr. Watts asked is there anybody here from that organization to clarify that? Mr. Address stated there is not and that is the discussion that I had with the Abele's the other day. The lease is clearly with just North American Funding but all 3 entities would be in the same office space. They are sort of title, attorney and financing. Mr. Nadeau asked Mrs. Murphy if we approve this and one of the services leaves how would that be handled? Mrs. Murphy stated the following: The way the application has been submitted, it is for all 3 entities so should one of the entities leave, the other 2 would have to come back to get a re-approval. They are in together so they live and die by one another. If they filed 3 separate applications, then obviously they would stand on their own. Mr. Higgins asked would they have 3 different signs? Mr. Address stated there would be just one sign for North American Funding. Mr. Berkowitz asked would they be doing any closings in the office? Mr. Address stated it is my understanding that there would not be closings but we do have that there would be the potential for one client coming in a day. Mr. Berkowitz stated at a closing there is more than one client. Mr. Address stated usually the closings occur at a banking facility. Mr. Ouimet stated that is an interesting concept, because to me, North American Funding sounds like a banking facility. Mr. Address stated the following: Yes, you're right but I believe they work with a lot of different type of brokers. They work with a number of different financial institutions. Mr. Ouimet stated I think it wouldn't be a leap for us to assume that if the lender, the attorney and the title company are all in the same building, there is a likelihood there would be closings taking place there. Would there be sufficient parking available if closings that took place there on a regular basis? Mrs. Zepko stated the following: Given the number of employees and the size of the office space, we are still well under the requirements for parking. It does allow significant additional parking for this particular suite so there would be sufficient parking at this site per our Town code. Mr. Watts stated the following: I think the reason why we're asking the questions is that the narrative that was submitted was very sparse. You are indicating to us, "I believe it's my understanding" and those are not really positive statements like "it is this way or this is what we do". I want the applicants to go in there, but it seems to Mr. Ouimet that there might be closings at this location. Then we heard that there is 3 employees but are there going to be 9 people there for a closing because sometimes people bring their attorney and there is more than one person. I don't know that Mr. Address knows that answer. Mr. Address stated I don't. Mr. Watts stated right, so we will meet again in 3 weeks and asked did they have a time when they wanted to get going on this and would they have a tenant set-up? Mr. Address stated I don't know. Mr. Watts stated I just don't have a complete comfort level and I would like Mr. Address to go back to the applicant with the issue of should they have submitted 3 separate applications for 3 separate corporate entities? Mr. Address stated I did ask that question initially and they said the lease is just with the one individual. Mr. Watts asked are there sub-leases? Mr. Address stated there has to be a sub-lease. Mr. Watts asked then wouldn't the people still have to file a separate change of tenant application? Mrs. Murphy stated the following: It may be very much in their best interest to have separate applications if they're not always tied to one another because if one leaves, again they all risk not being re-approved. So that may be in their best interest as far as their approvals go. I do not understanding myself whether or not they are on each others payroll or how that exactly works. Mr. Address stated the following: I was told that they are separate individuals and separate businesses. I asked about the signage and they said just one sign for North American Funding. Mr. Watts stated I can understand the sign and asked Mr. Address to check with the applicant and come back to us with some kind of documentation on what they want to do and where we're at. Then we will go forward for our next meeting.

This item was tabled for the applicant to give more specific information on the relationship between three different business entities and the number of visitations per business. The Board questioned whether or not three applications would be required.

10.034 NB United Rental, 1 Rexford Way – Addition to Site Plan

Mr. Tom Pratico, of Bast Hatfield, stated the following: We are here tonight to discuss a small 25 FT x 45 FT storage building that would be unattached to the existing United Rental facility located at 1 Rexford Way. The reason for this proposal is for storage of the small electric scissor lifts that United Rental rents. We would like to install this building and eliminate 7 connex boxes or storage boxes that are there now. By doing this, and moving an electric gate and fence forward, we are going to eliminate 8 existing parking spaces. However, there is an area in the front that was for display units where they displayed their rental units to retail. The store doesn't do any more retail business and they stopped that probably 3 to 4 years ago. So that area for display could be used for the creation of 8 new parking spots. In addition, we would like to pave about 19,000 SF of area that is compacted crusher run stone right now to put 3 inches of pavement on so they have better use of it during winter conditions for movement of their lifts and things around the building. Mr. Nadeau asked Mr. Pratico if he said that they would be removing the connex boxes? Mr. Pratico stated yes, the connex boxes would be taken apart and then stored down at the bottom of their utility yard because they also rent out those boxes. Mr. Watts asked did you ever have an approval to put those storage boxes in there. Mr. Pratico stated no sir. Mr. Watts stated I just want to make it clear that we didn't give approval and we were not aware. Mr. Pratico stated United Rental and Bast Hatfield appreciate that because they never went for any approval or anything as they just appeared one day. Mr. Watts asked so that is not a precedent setter that you can just appear with things that were not approved? Mr. Pratico stated yes sir. Mr. Nadeau stated we did not approve the connex boxes but yet Mr. Pratico stated that they are going to be taken apart and then stored down at the bottom of their utility yard. Mr. Watts asked would those boxes be there for rental? Mr. Pratico stated yes. Mr. Watts stated but not for storage? Mr. Pratico stated no. Mr. Watts asked would the boxes still be there but nothing would be stored in them? Mr. Pratico stated correct. Mr. Watts stated please keep an eye on that because we have been very consistent in the Town of Halfmoon with a few facilities that wanted to have them out in their parking lot for seasonal storage, which was like 9 months long for the Christmas season. Mr. Pratico stated okay and we are going to re-stripe the entire lot when we do the additional 8 parking spaces. Mr. Watts asked do we need to refer this to CHA? Mr. Bianchino stated the following: I looked at the plan and based on Mr. Pratico's presentation, that area in question is already covered with gravel, which is basically an impervious surface so the paving won't really have an impact on the drainage. The catch basins are in place in that area, so the site's stormwater management system should operate just as it has been.

Mr. Ruchlicki made a motion to approve the addition to site plan application for United Rental. Mr. Ouimet seconded. Motion carried.

10.035 NB Home Depot (Outdoor Sales), 4 Halfmoon Crossings – Change of Use

Mr. John Gray, store manager of the Home Depot, stated the following: I am before the Board tonight to ask for permission for a seasonal outside storage that exists between the months of April and August. This request would give us enough holding power for our customer's demands for items such as mulches and soils. When we get around the holidays of Memorial Day and the 4th of July we usually use space behind the building in a designated storage area. We would have extra pressure treated material for decking and things like that. Mr. Watts asked what is your date of time that you are requesting from and to? Mr. Gray stated the following: It would be between April and I think it said September on the application. We usually don't have anything out there that long and it is usually August. Mrs. Zepko stated this site is a little different than the other 2 that we normally do because

the site plan that we approved states that it would consistently be April 1 through September. So we have a specific date already noted on the site plan for its annual outdoor sales. Mr. Gray stated the following: We usually never have anything out there past the beginning of August. We try to wheel it in after the 4th of July Holiday. That is how it was last year. Mr. Watts asked does April 1st work for you? Mr. Gray stated the following: I believe it says the first or second week of April. I believe it does say to September but we never have anything out there that long. Mr. Watts stated okay because we could be a little more flexible with the dates for you but you have to tell us. Mr. Gray stated if I could start now through the beginning of August that would be fine. Mr. Watts stated the following: That would be appropriate and we can make a note of that. Mr. Gray stated that would be appreciated. Mr. Watts stated there were some issues relative to your site plan, which really didn't get updated that was supposed to be updated and that was due to some issues with the engineering firm and some illnesses. Mr. Gray stated I know that last fall that there was a curb issue turning into the parking lot and that has been cut out and changed for easy access in and out. Mr. Watts asked when are you going to get this revised site plan to us? Mr. Gray stated I reached out to Ian McCarthy who owns the law firm and I'm waiting to hear back from him. Mrs. Zepko stated I spoke with Ian McCarthy's partner and I guess that is part of the reason why we are still waiting for the site plan. Mr. Gray stated I spoke with Mrs. Zepko last Monday and I put out 3 phone calls and I haven't heard back. Mrs. Zepko stated Mr. Ian McCarthy passed away this past winter and his partner Mr. Karaukus was unaware of this outstanding issue. Mr. Watts stated that the Board would grant the approval with the understanding that Mr. Gray will continue to work on providing the site plan to our Planning Department within a month, given the exceptional circumstances of the site plan delay. Mr. Nadeau asked if the sheds had been removed from the parking area. Mr. Gray stated yes, we are in compliance with what was approved.

Mr. Roberts made a motion to approve the change of use application (outdoor sales) for the Home Depot from March 22, 2010 to the end of September 2010. Mr. Nadeau seconded. Motion carried.

Old Business:

09.024 OB

**Halfmoon Village & Yacht Club, 2 Beach Road – (Multi-Family PDD)
– Draft Environmental Impact Statement Review (DEIS)**

Mr. John Montagne, of Chazen Companies, stated the following: Tonight we are here to give this Board an update on where we are and what we have been doing for the past year since we saw you last and where we hope to go over the next couple of months. As you remember about a year ago we came in with the initial concept Planned Development District (PDD) to identify that the applicant would like to do an impact statement on this project. The project is located where the former Krause's Restaurant is down on the peninsula along the river. The proposal is to do a condominium/townhouse development along the river with associated boat slips. The original Draft Environmental Impact Statement (DEIS) was put together based on an outline that we worked up with the Town's Engineer, Clough Harbour & Associates LLP (CHA) and we submitted that to the Town and to CHA in August 2009 to start our technical review process with them. Between September 2009 and January 2010 we worked back and forth with CHA to put all the pieces of the DEIS together and I will go through all of the studies that we produced for them. On January 29, 2010 CHA made a recommendation to the Town Board that the DEIS be deemed complete to start the public review process and that is kind of where we are right now. On March 3, 2010 the Town Board deemed the DEIS complete and has now referred it to the Planning Board so that it can be reintroduced to you and we can discuss when we would try to set a joint hearing on the DEIS and to really commence the public review. I understand that CHA is in the process right now of starting their technical review. Obviously the completeness is really to get through and make sure that everything we said we would study we have studied to a point that they are comfortable with and now is when public comment and technical review really starts. So that is where we are today. I would like to point out that the DEIS was developed based on the applicant's preferred development plan. The preferred development plan is very similar to what

you saw about a year ago. The applicant would build upwards of 244-units on the site. The site itself is about 22.3-acres of developable land per the Town's regulations. If you remember last year, part of the applicant's holdings include the land that the Army Corp. of Engineers (ACOE) used to have which was the canal property around the peninsula and they have lands underwater also. That entire area, all of the lands including the lands underwater is about 37-acres and about 11.5-acres are the lands that are underwater. It is important for a project like this to include that because that gives them the right to do water chestnut harvesting in the river, to do the dredging where the docks would be and to maintain the lagoon area behind. But I want to be very clear to everybody that the actual buildable land above water is 22.3-acres based on the Town's regulation of buildable land. There are other lands along this peninsula that add about another 3.5-acres to that and those are lands that have wetlands on them and some rock outcroppings so that would add about 3-acres of upland above the water level but again 22.31-acres. The idea on the design of the site was to include as much openspace as possible and really enhance this site to be a walkable internal community. The building layout was designed so that buildings themselves could accommodate various levels of densities. And that allowed us when we did the DEIS to really look at footprints, parking, pavements and open lands in a final format regardless of what the final density winds up being with the Town. In other words, you would be able to increase or decrease a particular unit count in a building to accommodate changes but the buildings themselves and the site layout would stay the same. I think it is important for this Board to realize that because what you see here, regardless of the density, is what we would like to build on the property. A couple of things that have changed since the last time that we met with you is that we had originally decided that we would like to do a transfer through the property on the end to get flow to come through the lagoon to get some of the stagnant water conditions out. As we were looking at that and as we met with the ACOE we were balancing what we were doing in cut and fill from the dredging area and we have decided that we would do a small inlet with a pipe that comes down through to make that connection. That would allow us to have a through connection in this part of the site. In addition to that, we met with the fire chief and one of the things that he wanted us to look at is a secondary means of access into the site. So, coming in off of the parking area would be a stabilized walkway wide enough to accommodate fire vehicles to get in and provide the secondary means of access into the site. We are here tonight to talk about the DEIS and the public review process on the DEIS so I want to spend time talking about what went into the DEIS and all of the technical studies. The DEIS is intended to be a document that is easily read and understood by the public but that doesn't mean that it is based on simple information. It is really based on technical studies. So there are a lot of technical studies that had to go into this investigation that we did for this and that is what we have been doing for the past year. The first thing that we worked on was both on-site and off-site design development drawings so that we could evaluate all of the impacts that would be associated with building on the site plan. Detailed site development plans were done; grading plans, layout plans, landscaping plans, parking analysis, stormwater management reporting and all of the other associated normal site plan things you would see for a project of this size. In addition to that, off-site analysis was done for a preferred sewer route. There were a number of alternate locations looked at and the final layout that was decided on takes us back up to Grooms Road. So those were the engineering drawings that were done. At the same time we had correspondence with all of the standard review agencies; The ACOE, the New York State Department of Environmental Conservation (NYSDEC), the U.S. Fish and Wildlife Service, the State Historic Protection Preservation Office (SHPPPO) as well as Town and County Departments; fire chief, fire department, water and sewer, County water and sewer. Because we are going to be doing a boat dock area, there is dredging that is proposed so we have been in contact with the NYSDEC about the dredging proposal. We did sediment sampling per the NYSDEC protocol and we have supplied that to the NYSDEC and we have received their feedback and we have completed an analysis of the material that would be coming out of the river and we now have the NYSDEC's signoff that we can use and manage that material on-site. As part of that we did a complete dredging plan and that is in the DEIS

and shows how we would do dredging, what the process would be, how it would be de-watered on-site and how that would be used during the various phases of construction. Also in the plan is phasing and how we plan on building out the site. The first phase would be buildings 1A, 3A and 3B. The construction entrance would come through the back and the de-watering of the material from dredging would take place on-site and that material would be used on the site in another location. The second phase then would be to build the backside of the site. The access coming into the site would have a construction road that would come around to the back. The final phase would be to build the other buildings. There is some logic to that as we would build some buildings along the river first, the second phase in the back and the last part would be the final phase. The intent for that is so that we manage material as we bring it in from dredging and other things on the site as we do the construction. In addition to that, because this will be done in phases but because it has to be looked at as one project, we did a master stormwater management plan and that is also included in the DEIS and then summarized in the findings. One of the biggest concerns, obviously of anything along the river, is flooding and we did an entire flood study for this based on the Federal Emergency Management Agency (FEMA) mapping that exists for the area and then (HEC-RES) modeling (Hydrologic Engineering Center-Reservoir Evaluation System) which is a computer model for doing flood studies. We spent a lot of time with CHA reviewing that, going through the different analysis we added I think 3 or 4 additional sections as we came through here. We micro-analyzed that and we have come to the conclusion on how the site is now laid out and some modifications we made for dredging and other things and we have a site that doesn't contribute to any downstream flooding or any flooding on-site. That is not to say that we are not in the 100-year flood plain because we are. Portions of this site will be flooded in a 100-year event. We have shown other figures that are in the DEIS that identify where those areas are, we have identified safe areas to get, we have analyzed the building structure itself to accommodate that and that information is in the DEIS. Please take the time to look at that so we can discuss it as we go through the public review process. As I mentioned before, there are environmental issues that you have to look at and one is wetlands. The site itself really doesn't have any on-site significant wetlands that you would think of but there is a fringe around the entire property that is a seasonal fringe in the river and those are regulated by the ACOE. In addition to that, we looked at all of the routes for the sewer route and any potential wetlands that would be along that sewer route and included that in our jurisdictional determination request to the ACOE and Mr. John Connell of the ACOE has that information right now. Mr. Connell will also be doing the review of the joint permit application, which covers the dredging, the wetlands and the off-site sewer route. All that information is in Mr. Connell's hands right now. Phase 1A and Phase 1B cultural assessments were done and one of the other things that we did find on the site is an old archeologically sensitive area, which is an old foundation and another area where there were fire rocks and those things that could be Indian artifacts. The best way to deal with that from our perspective was an avoidance plan. We did an avoidance plan and we have met with SHPPO about that and we have an agreement from them that what we've done here, we have no additional work that we have to do in that. In addition to that we have looked at an off-site archeological 1A and 1B for the sewer route and we are closing that out right now so we can finalize any outstanding issues with the SHPPO. We also did visual simulations for a visual impact assessment. Clearly the site itself is most visible from the river but I think it is just as important to note that we did look at what the site would look like from Canal Road and more importantly from the trail. Mr. Montagne showed the Board photos of the views from across where the Canal trail is going to go through, the backside of the lagoon and an artistic simulation of what that would look like. Mr. Montagne stated the following: This is in the DEIS and a description of that. Now obviously the other most sensitive areas where this is, is on the river itself. Most of the photo views are from the Town of Colonie, from the twin bridges, from a few other locations and we did simulations from that direction also. There is an existing view and simulated view below it looking from the docks over in the Town of Colonie Town Park that is directly across the river from our site. You can see some of the existing residences that you see along the river, the peninsula

and parts of the old restaurant. There is a simulation of the buildings and how they would sit. I think last year when we talked to the Board, we said we were really working hard to save as many of the existing large mature trees on the site as we could and I think we have been very successful in our grading plan to do that. Mr. Montagne pointed out some of the large trees to the Board and stated that all of the trees that are seen are all of the large trees in the survey that we worked very hard to maintain and to work into the design of the project. Mr. Montagne stated the following: It will look much more finished when we get done. Also, on the perimeter we are trying to maintain as much of the existing vegetation. We will clean up the under growth but we are going to maintain as much of the existing vegetation as we can and then enhance it with additional landscaping. Down the river further just below the twin bridges on the Colonie side is a marina. There are docks that go out into the river and this photo is from the end point of the furthest dock. There is a sandbar that is out there and Mr. Montagne showed the Board a simulation of how that would look from that direction from the bridge. Mr. Montagne stated the following: In the initial simulation, the closer you can get you can see some of the intended architecture. This is just some initial concepts on color schemes and other things to try to build this and get some character into that architectural design. The key on this is that we are looking for a fairly high-end project. It is going to have to be fairly high-end in order to cover the costs for some of the other site improvements that we are working on. So the quality of materials and craftsmanship that goes into this building will be very high-end. There are a number of other smaller studies that are here but I think one of the more important studies that you're going to want to know more about is the traffic. A detailed traffic study was done, intersections were evaluated and there is kind of a unique situation here where under existing conditions in the larger clambake events that happened, there is an awful lot of peak traffic that flows through this site. In the design that we have and the kinds of tenants that we are going to have that peak traffic impact is going to change. Clearly we have a lot of intersections that traffic is going to go to here that already have some complications with them. The project itself will not make those situations worse. I do believe there will be some additional evaluation that has to be done in connection with some of the other projects being proposed in the Town right now. Mr. Nadeau asked who did the traffic study? Mr. Montagne stated the following: Chazen did the traffic study. We have a gentleman named Mr. Mike Hartman who was with the New York State Department of Transportation (NYSDOT) for several years and Mr. Bill Logan who is also from the NYSDOT so we have very qualified people to work on the traffic study. As I mentioned before, we did do threatened and endangered species evaluations on the site. Wetland biologists and field biologist did do a foot walkover and that information has been supplied to the NYSDEC. We did a fiscal impact analysis, looked at taxes and other things based on the use and that is in the DEIS. Finally, there are the standard things that you would look into on a DEIS and they are all in the body of the Impact on Community Character, Alternatives Analysis, Irreversible/Irretrievable...so on and so forth. At this point we are starting the public review process as I said and we believe this is going to be at least a 2 or 3 month process or perhaps longer depending on how long you need to get through the information and how long CHA needs to finish their review. We are hoping to have a joint hearing coming up soon between the Town Board and the Planning Board. Mr. Watts stated the following: At the Town Board's last meeting, they did schedule a public hearing for April 21, 2010. Public Hearing notices will be sent to the adjoining landowners and notices would be sent to the press and that is what the Town Board has determined as the appropriate people to notify. I know Mr. Bianchino has worked very closely with the applicants on this project and asked if Mr. Bianchino had anything to add at this time. Mr. Bianchino stated the following: As Mr. Montagne mentioned we're in the technical review process right now and the public comment period. Chazen has made the DEIS document available on their website. We are trying to get a link to that website on the Town's official website so people can go there to review the document. Our technical review will have a draft completed by April 7, 2010 so that both the Town Board and Planning Board members would have our draft comments in their hands 2 weeks before the public hearing. I made my comments "draft" generally for DEIS so that we don't finalize it until after the public hearing. I like those to be an official

record of all the comments that we receive so I try to summarize everything that comes up at the public hearing. So, as we go through the review process and we go through the comment response, it is part of the final environmental impact statement (FEIS) and we have a clear record of what those comments are and what these guys are supposed to address. One thing that we talked about with Mr. Montagne and Mr. Rymph as we went forward was the possibility of perhaps in the interim looking now to the public hearing to have a workshop or two with a couple of the Town Board members and Planning Board members. Mr. Watts asked would this be a workshop that is open to the public? Mr. Bianchino stated it would be more of a working session so it wouldn't necessarily be public. Mrs. Murphy stated there wouldn't be any decisions made pursuant to the public hearing. Mr. Bianchino stated the following: It really was more to obtain comments that the Board members would have and I would summarize those comments. So it should be more of a working session where we could correspond back and forth to answer any questions. It wouldn't be something that is mandatory. It would just be something in an effort to kind of work through comments and questions. Mr. Watts asked would that be after the April 21, 2010 public hearing? Mr. Bianchino stated before April 21, 2010 and again that is just a suggestion. Mr. Watts stated the following: I will talk with Mrs. Wormuth to see if we can meet. However, if we have more than a quorum, then it has to be an announced meeting to the public from either Board. Mr. Bianchino stated right. Mr. Roberts asked Mr. Montagne if he said he spoke with the fire company? Mr. Montagne stated yes. Mr. Roberts asked did the fire company indicate that they presently have or they will have equipment to cover a 4-story building. Mr. Montagne stated I am going to turn that over to Mr. Andy Rymph because he met with the fire company. Mr. Watts stated in the interest of time, in the past, we have discussed these issues with the fire company and correct me if I am wrong, but I believe these buildings would contain standpipes if they were approved because you are going to have 4-story building and you would have issues with ladder trucks. This has been an ongoing conversation with the fire companies relative to providing proper fire protection to buildings that are taller than they are normally used to. Mr. Andy Rymph, of Chazen Companies, stated the following: Our discussions that we had with the fire chief really pertained to two pieces; one is firefighting and the other is general rescue. The main goal of the fire department is to get the people out quickly and that is part of the circulation pattern that we worked on for the 4-stories and that's something that we've looked at previously and will continue to look at especially around the buildings to make sure that there is space or trees or drop curbs and things of detail that we look for. Mr. Watts asked would these buildings have standpipes? Mr. Montagne stated right, the buildings would either have standpipes or sprinkler. Mr. Nadeau asked once all the approvals have been made and assuming that it gets approved, what is the buildout time frame? Mr. Montagne stated I would have to go back into the DEIS but I think that because we're looking at 3 phases, you're looking at a 5-year period and maybe 8-years more for a full buildout. Obviously, if the economy picks up and there is high demand, the goal would be to try to do it sooner. Mr. Polak stated I would like to let the applicant know that at the public hearing I can see the people asking a lot of questions about the availability for the residents to connect to the sewer line along the way and I would like you to have the proper answers for those people and knowledge that the Saratoga County Sewer District is in approval of the route and capacity that you are proposing. Mr. Montagne stated that information was evaluated in the DEIS and we will have that information presented at the public hearing. Mr. Berkowitz asked do you know which way you are going to route the sewer because your map shows 3 options and asked have you decided which one you are going to use? Mr. Montagne stated the following: The main option right now is to get up through to the Grooms Road pump station. If you look at the map, we're coming up over to Beach Road and then back up along Dunsbach. Mr. Higgins asked once it gets half way up Dunsbach then would it be gravity from there? Mr. Montagne stated the following: There is a combination and I don't have all of the specifics on it because I didn't do the engineering on this. Once you get up to the crossing, there is a gravity section and that ties back into the Dunsbach Road pump station. There are some upgrades that are planned along that section. Mr. Higgins stated all the residences up to that point would have to have ejector

pumps to tie into the force main. Mr. Montagne stated the following: We would have to look at that because I can't tell you right off the bat because I haven't looked at the study in a while. We can discuss that and I can be prepared to talk with you on that. Mr. Higgins stated the following: You talked about the 22.3 buildable acres not counting the 11 acres that are underwater. If we're looking at 244-units and you said at a minimum. Mr. Montagne stated I said maximum. Mr. Higgins stated that isn't what you said. Mr. Montagne stated I said up to 244-units. Mr. Higgins stated the following: But then you were saying something about the density in individual units, in other words, what is the 244 based on? Is that based on a certain number of 2 bedroom units or a certain number of 3 bedroom units? Mr. Montagne stated the following: The breakdown on the units is included in the drawings. I would have to go back and look at the exact counts. Mr. Higgins stated the map states 244 residential units. Mr. Montagne stated right and it varies between 2 bedroom and 3 bedroom. Mr. Higgins stated based on 22.3-acres; that is almost 11 units per acre. Mr. Montagne stated the following: Correct. What we're looking at is a 10 unit per acre base and it is about a 9.5 percent increase that we would like to get based on conversations we're having with the Town Board on public benefits. There are a lot of public benefits that we had talked about in the past and we're more than willing to go through all of those with you tonight. The whole idea is that in the PDD legislation there are opportunities for us to look at that. The buildings can accommodate various densities without changing the site design so that we have some room to negotiate and discuss that with the Town. Mr. Higgins stated the following: I think that is the point I was trying to make. You were talking about densities within each building. But anyway, even so, we're still looking at somewhere around 11 if you take the 22.3 buildable acres and divide it into your 244-units. Mr. Montagne stated that is the density that is being requested right now and that is the preferred plan. Mr. Higgins stated one other thing that was mentioned is that we were talking about the marina and you were saying that that's not going to be designed for overnight staying and there's not going to be sanitary facilities. Mr. Montagne stated absolutely not. Mr. Higgins stated and that is all outlined? Mr. Montagne stated that is all in the DEIS. Mr. Higgins stated regarding the single roadway coming in, is that high enough so that that will not flood during the 100-year flood event? Mr. Montagne stated the following: Actually our on-site road isn't the bigger issue on that. We did do a flood study and we did do flood maps for different flood events. I don't remember exactly which ones; I think we did 25-year, 50-year and 100-year. Obviously, in the 100-year event, which is a real catastrophic kind of event, we'll have time if we have to, to do any emergency work. What happens is, it is not our road that will have an issue. There are sections of the existing Canal Road that do have issues where you're going to have some water on them. So what we did is we took a look in a 100-year event; what the water elevation on Canal Road itself would be between our entrance and Beach Road, and I think that is the important thing to focus on. We looked at that and the depth of water, even though there would be water on the road, it will be shallow enough that emergency services vehicles can get through there. So we're not going to be in a situation where we would have a flooding problem on our primary road and we're not going to have a situation where we're going to have 3 or 4 feet of water that we have to worry about where we wouldn't be able to get residents in and out if there is an issue. So I think it is important to take a look at those figures in the DEIS and understand that. It is kind of hard for me to explain it but I would be more than happy to bring a figure the next time to show you how that works. Mr. Berkowitz asked how long has this piece of property been in the Krause family? Mr. Montagne stated Mrs. Krause would have to let you know that but it's has been a long time. *(Mrs. Gail Krause responded to the question without using a microphone and some of her statements were inaudible).* Mrs. Gail Krause, the applicant stated about 50 years. Mr. Berkowitz asked how many times has it flooded and how bad was it flooded? Mrs. Krause stated about 5 or 6 times. Mr. Berkowitz asked did the restaurant get flooded or just the property? Mrs. Krause stated it flooded just around the property. Mr. Montagne stated there is a little depression and that is where the water comes up and gets real close to the back of the restaurant. Mr. Berkowitz stated the following: There are 2 scenarios; one is the 22-acres that are dry and then there is 10.4-acres that are wet and asked how much of that 10.4-acres that are wet

are you actually going to use as part of a marina or part of other uses. Mr. Montagne stated the following: I think the easiest thing to do is I will just walk you through on the existing drawing so you can see what we are talking about. Everything that you see along the line that looks like dry land and down in another area is actually 26 plus acres. But because the Town's regulation also says you have to pullout wetlands and any slopes that are greater than 15 percent; you can see that along the edge we have some steep slopes and we have that fringe of wetlands. So when you take that 26 acres and you subtract those little bits, that's where you come up with the 22.31-acres. The water that we talked about that is the lands underwater and where the property line is; you can see the area that is underwater. This is land that the Canal Corporation used to own and when they transferred that to Mrs. Krause, that is what came along with it. The importance is that we are going to be connecting the docks to this area so that is important for us to have control over. Back in another area we wanted to have the control over the lagoon so that we could clean it and keep out all of the debris that tends to collect in there. Other than that, in our conversations with Mr. John Connell from the Corp. of Engineers, he would like us to do water chestnut harvesting and management as part of our offset for doing the dredging in the river and this area allows us to do that. So what is happening in those lands that are underwater is water chestnut harvesting, part of it is in our dredge area and part of it is the maintenance of the lagoon. It really has nothing to do with the buildable portion of this site. Mr. Berkowitz asked so you are not going to own the land where the marina is going to be? Mr. Montagne stated you can't really own the river itself because the Army Corp. has control over that. Mr. Watts asked would you still be required to get permits from the New York State Canal Corporation to have docks? Mr. Montagne stated yes. Mr. Berkowitz stated so you do not own the land where the docks are located? Mr. Montagne stated no, the only thing that we own is the area where we connect to the shore. Mr. Watts stated the following: So they have a process in place that we go through with all the other docks that are along the river and the ACOE will not issue a dock permit until they get an approval from the Town. That would require a little bit different review on our part. Mr. Montagne stated there are 3 agencies in there also because the ACOE regulates the dredging; the NYSDEC regulates the water quality and water quality certification and the Canal Corporation regulates the docks. Mr. Berkowitz asked so you wouldn't be expanding on to the dry land with the dredging? Mr. Montagne stated no, there would be no filling in. Mr. Ruchlicki asked approximately how big is the pipe for the connection that is going to stop the stagnant water in the lagoon area? Mr. Montagne stated the following: The diameter of the pipe can be almost any size because the one thing that you have to realize is that in this section of the river, which is fairly slow flow because of the dam, the water elevation there is really the same as the water elevation here. So this becomes more of an equalization pipe. Mr. Ruchlicki stated I am trying to understand that you want to prevent the stagnant water from being there, but yet both bodies of water and what's in there, that tends to stagnate, are on the same level. Mr. Montagne stated they are on the same level but the river does flow. Mr. Ruchlicki asked are you going to get a better flow that would prevent the stagnant water from accumulating? Mr. Montagne stated the issue that we have right now is that there is a pitch point and this portion of the lagoon tends to act like an isolated pond. Mr. Ruchlicki asked is that based on the tide? Mr. Montagne stated no, this part of the water is not tidal. Everything below the dam on the Hudson is tidal and everything above it is not. So this is regulated by flows and changes on the Sacandaga when they open up the floodgates to let the water come through. So when we have high flows, we will get flushing through here and when it's low flows we probably won't do anything. Mr. Berkowitz asked will that pipe be gated or caged so no one can get in there? Mr. Montagne stated we haven't worked through all of those details yet but I'm sure we'll get to that at some point. Mr. Berkowitz asked are there regulations on that? Mr. Montagne stated the ACOE may have some questions about how we're planning on doing that but I don't know, per say, that there's any direct regulation on that. Mr. Ruchlicki stated the following: There has to be something to do with the wildlife in there somewhere whether it's pollywogs or something going through there. I was curious about that because I thought it was all going to be on the same level and I was wondering how you

were going to create a flow there. Mr. Montagne stated basically it will, but if you think about it, the river is constantly flowing in one direction so we will get flushing come through. Mr. Higgins stated regarding the traffic study you mentioned that there are a few intersections that presently have problems that you're not going to be adding to and asked how many of those intersections are either "D" for "F"? Mr. Montagne stated the following: I would have to go back to the study and look at it. About the only one that I know that has some serious issues is Dunsbach. Mr. Higgins asked are you proposing any off-site improvements on any of those intersections or is that still being discussed? Mr. Montagne stated there are other projects that are looking at improvements and I think there have been some conversations about it. We're open to further discussion on that. We don't directly influence that intersection to the magnitude that the other projects do so there may be some ways of doing some sharing. Mr. Watts stated are these issues that you are going to address at the public hearing, i.e. the traffic studies? Mr. Montagne stated yes I think we'll spend more time on those specific issues. Mr. Watts stated the following: I know you weren't prepared tonight to answer, in detail, traffic studies questions, etc. Tonight's presentation was just to give us an update and at the public hearing your intent is to provide information relative to all of these areas for the public that is at that meeting. Mr. Montagne stated the following: I think what we'll do is we'll provide you with information on some of the critical ones that you mentioned tonight such as the sewer and the traffic. We'll make sure that we pick up on those and get more facts to present at the public hearing. Mr. Ouimet stated the following: When you do the public hearing the thing that is most curious to me is the emergency access. Tonight is the first time I heard that you made an accommodation for the fire department for a secondary access point. As opposed to taking the time right now to ask you to go through it again, I think you should be prepared to talk about that at the public hearing in detail. I think it is critical for the way the site is laid out that people understand that there is an emergency secondary point in and out of there. I would like to hear more about what kind of emergency planning you've gone through and the process to deal with the evacuation of the site in the event of one of these flood situations. Maybe not with the site itself flooding but the access roads off-site. I think it would behoove you well to talk about that in detail as at the public hearing.

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

The Town Board set a joint Public Hearing with the Planning Board for April 21, 2010.

09.100 OB Hoff Jewelers, Inc., 1546 Route 9 – Commercial Site Plan

Mr. Joe Dannible, of the Environmental Design Partnership, stated the following: I am here tonight on behalf of Hoff Jewelers. This is an application for a retail jewelry store located on Route 9. This project was last in front of the Board in November 2009. At such time the project was referred to CHA for further review. Since that time we have spent various hours going back and forth with CHA to address all of their comments. Some of the notable changes that have occurred since then; we have slightly relocated the northern driveway access to accommodate the New York State Department of Transportation (NYSDOT) curb cut standards and we have removed the southern curb cut. We have defined handicap accessible routes as well as the appropriate parking areas. We have provided the Town with a jurisdictional determination for the New York State Department of Environmental Conservation (NYSDEC) for the wetland area. We have acquired sign-off from the New York State Office of Parks, Recreation and Historic Preservation. We've addressed some concerns about the existing absorption field and it's adequacy. We have provided site lighting, a site grading plan, a planting plan, site details and at this time I believe all of CHA's comments have been adequately addressed. We continue to work with the NYSDOT to obtain a curb cut permit for the curb cut as it's shown on the plans today. We've also provided the Town an elevation of how the applicant is looking to renovate the existing building. We received a letter today from Mr. Greg Stevens from the Town's

building department and he had some concerns about the structural integrity of the existing house, garage structures and the barn structure. To date the applicant has had an architect look at the buildings and at this time he believes that they are adequate and are able to be renovated. However, once they are able to get into the buildings with this site plan approval, they're going to do another look beyond the sheetrock because they can't get in there because there are people living in those buildings and tenants renting those spaces. Once they're able to do that, they're going to do another evaluation of that building to determine the safety of those structures. It's the intent of the applicant to have a very attractive site. The applicant would be selling jewelry and he doesn't want any unsafe structures on the site. He is going to renovate the existing building as well as the garage and the barn structure. Mr. Watts asked Mr. Bianchino if everything was up-to-date at this point. Mr. Bianchino stated yes, as Mr. Dannible has said we did a letter on March 1, 2010 and all of our comments were addressed. Mr. Watts stated I believe Mr. Steven's has had discussions in the past with you relative to the structural issues of the buildings. Mr. Williams stated in past meetings with the applicant and Mr. Dannible the Town and Mr. Stevens have stated the structural issues of the buildings were a concern. Mr. Watts stated right, just like we discussed, the sewer might run down to the back through the manhole behind it when we have that facility built next door. Mr. Dannible stated we have had conversations with the Town and this is the first time we received a formal comment letter. Mr. Watts stated the following: It wasn't a comment letter, it was an internal memo but the discussions have been held. Originally I believe this was going to be a new building and then it went to a rehab of the other building. There was always some back and forth on that and we pointed out that it was so nice across the street and we wanted this site to look nice also. Mr. Polak asked if the applicant would occupy both floors? Mr. Dannible stated what's proposed is retail space on the first floor and the upstairs would be used as small office and storage area. No commercial use would occur on the second floor. Mr. Higgins stated as far as the other 2 buildings, presently there is another company in the garage. Mr. Dannible stated the garage would be vacated and that would be used by the jeweler for employee parking. Mr. Higgins asked how about the barn? Mr. Dannible stated the barn is planned right now to stay as it exists and they would retrofit the outside of it to have a better appearance. Mr. Higgins asked would there be another tenant? Mr. Dannible stated that is not anticipated and there is no tenant. Mr. Nadeau asked should this become approved and then they get into the process to determine if the house would be demolished or removed will it need to go through another site plan? Mrs. Murphy stated the following: What would happen is the applicant would have to come and get a demolition permit. As long as they don't stray from the current footprint, they'd retain their pre-existing non-conforming status. So they could proceed with this approval but they would have to get a demolition permit and a building permit in order to go forward and they could not stray from that footprint. Mr. Watts stated so as long as it stays approximately the same size as what you got, then we're done and the Building Department would look at that. Hoff Jewelers of Halfmoon please. Mr. Dannible stated absolutely.

Mr. Nadeau made a motion to approve the commercial site plan application for Hoff Jewelers, Inc. and if the existing building is to be removed, the new building will need to be located in the original footprint of the existing building and in accordance to the approved site plan. Mr. Berkowitz seconded. Motion carried.

10.017 OB Casale Rent-All, 1641 Route 9 – Sign

Mr. Higgins recused himself from this item. Mr. Chris Seymour, of Hanley Sign Co., stated the following: I am here tonight on behalf of Casale Rent-All for signage. I want to thank Mr. Roberts, Mr. Nadeau and Mrs. Zepko for meeting me at the jobsite a couple of weeks ago. At that time we went over some details and I think that we have it all worked out. After talking with Mr. Tony Casale, owner of Casale Rent-All, we are going to keep the grade the way it is and we would not be building that grade area up at all. The sign is not intended to be any higher than 16 FT, which would put it at the

same level as the signs along Route 9. The sign would be 12 FT from the road grade of Route 9. Mr. Nadeau stated the following: Basically we are approving a 12 FT sign and it would be approximately 4 FT below grade and the grade is not to be elevated and the sign would start at that point. When the monument sign is done it should be no higher than 16 FT, which would make it 12 FT above the grade of Route 9. Mr. Roberts stated the sign would be 12 FT above the grade of the road. Mr. Watts asked if anyone had any questions relative to the nature of the sign, the LED, the brightness and the various issues or are we just approving it as is. Mr. Seymour stated I gave Mr. Williams some literature on the signs. Mr. Williams stated if the Board grants an approval, the reader board will not have any change in wording for a 24-hour period, no flashing, intermittent, moving or animated sign, the sign will have a maximum intensity of 7,000 NITS and will be equipped with a mechanism that detects ambient light and adjust automatically. Mrs. Murphy stated I am hearing that Mr. Williams' request that the Board make it a condition that it be in compliance with not only our current sign ordinance, which prohibits all of those things, but also that sensors that activate based on the ambient light in fact be turned on and that there not be more than 7,000 maximum NITS during daylight hours or 500 maximum at night and that all the other terms and conditions of our sign ordinance will be complied with.

The Planning Department write-up of the signage is as follows:

Casale Rent All, 1641 Route 9, Sign

**Casale Rent All has a total of 16,012 SF of buildings, which allows 298 SF of signage.

Monument Sign:

Sign Size:

Sided: ☐ one-sided ☒ **Two-sided**

Sign Dimensions: **8' x 10'**

Total Height: **16'**

Location of Sign: southern corner of entrance

Lighted: ☒ **Internal** ☐ Flood

Wall Sign:

Sign Size: **40 SF**

Sided: ☒ **one-sided** ☐ Two-sided

Sign Dimensions: **4' x 10'**

Location of Sign: On the front of the Rental building

Lighted: ☒ **Internal** ☐ Flood

Planning Board Date(s): 3/8/2010

Brief Description: The applicant is proposing an identification sign on the awning of the building. The sign is proposed as 40 SF and internally lit.

Wall Sign:-(4) total of this sign

Sign Size: **24 SF ea. (X4)**

Sided: ☒ **one-sided** ☐ Two-sided

Sign Dimensions: **4' x 6'**

Location of Sign: On the front of the Rental building

Lighted: ☒ **Internal** ☐ Flood

Mr. Roberts made a motion to approve the sign application for Casale Rent-All conditioned on the freestanding LED sign will not be higher than 12 FT at the Route 9 grade, the reader board will not have any change in wording for a 24-hour period, no flashing, intermittent, moving or animated parts, the sign will have a maximum intensity of 7,000 NITS maximum during daylight hours or 500 maximum at night and will be equipped with a mechanism that detects ambient light and adjust dimness automatically. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the March 22, 2010 Planning Board Meeting at 8:39 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary