

Town of Halfmoon Planning Board

May 10, 2010

Those present at the May 10, 2010 Planning Board meeting were:

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

Senior Planner: Jeff Williams

Deputy Town Attorney: Bob Chauvin
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the May 10, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 26, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the April 26, 2010 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried. Mr. Ouimet abstained due to his absence from the April 26, 2010 Planning Board Meeting.

Public Informational Meeting:

10.048 PIM Top Cat Landscaping & Snow Removal Inc., 10 Guideboard Road – Change of Tenant

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Dan Chouiniere, the applicant, stated the following: Mr. Jordan Luchetti, of T.L. Metzger & Assoc., and I are here tonight to talk about a possible applicant that we have to lease the property from me at 10 Guideboard Road. My father owned the property before me and he signed it over to me about 5 years ago or so. The property has been in our family for a very long time. The property started out as a farm and it was converted to a construction garage in the late 1950's when Chouiniere Trucking and Excavating was created. The corporation lasted until about 8 years ago when the corporation dissolved. At that point in time my father started a DBA as Art Chouiniere's Trucking and he ran the DBA until he passed away on August 30th of last year. I have submitted 2 aerial photos with an imagery date of April 2007. From the aerial photo you can see the main garage, an apartment that was added on for my father to live in about 15 years ago. Also, there is 3-bay garage that was built within the last 10 years. The photos show what the property looked like up to about October of last year. There is a tractor-trailer that is parked in the front of the property, there are 3 trailers that are stored on the south side of the property, there is a dump truck and a few miscellaneous small trailers and a backhoe that are parked there as well. In the back of the property there is a laneway that exists and at one point in time the laneway was used for cows to be

walked down for grazing when it was the farm. In that laneway my father had concrete barriers where he stored gravel, sand and topsoil. Also, there is a storage area out back, which he fenced in, where he kept pipes and other types of materials that he occasional used. So, that is what the property looks like. There are some surrounding houses around it and I used the "Google" tool for measuring. The house to the northwest is about 120 FT away, the house to the southwest is about 80 FT away and the nearest corner to a building, which is located to the southeast, is an apartment building and that is about 100 FT away as well. So those are the closest buildings that are not separated by a street. I will now turn this over to Mr. Jordan Luchetti and he will give you a little bit of background on Top Cat Landscaping & Snow Removal. Mr. Jordan Luchetti stated the following: As a brief overview of Top Cat Landscaping & Snow Removal, the company was formed in 2003 and it is owned by Mr. Anthony Bonventre who has been in the business since 1992. Currently their headquarters is located at 25 North Main Street in Mechanicville and they keep their equipment and their materials at a location on Brickyard Road in Stillwater so they do not have their office and their equipment and material storage on the same property. The location at 10 Guideboard Road would allow them to combine their office and storage onto one property as well as making them more centrally located to the customers that they serve; such as Momentive, Price Chopper and Clifton Park Center. At the present time they have 10 employees. There are 2 full-time employees everyday Monday through Friday from 8:00 am to 6:00 pm. They have 2 part-time employees, 1 who works daily for approximately 1 to 2 hours in the morning and the other part-time employee works 2 to 3 days a week. In addition to that they also have a part-time mechanic who is on the property in the evening from approximately 5:00 pm to 8:00 pm and his responsibility is to check the oil in the trucks as they come in to make sure the trucks and automobiles are clean and things of that nature. In addition to those employees, they have 5 laborers and these laborers are for the most part out in the field all day long. If an employee needs to stop at the location, it would be to pick up a tool or to pick up some material and then they're back out the door to the jobsite. The equipment and materials that would be stored on-site would be: 1 dump truck, a skid-steer, 4 tractors and all of these vehicles would be stored inside where they have a 5-bay garage. There is 1 dual-axle equipment trailer, which would be stored outside. There are 5 plows, just the plows not the trucks that would also be stored outside. The remainder of the materials that would be stored on-site would be: red-mulch, black-mulch and natural mulch, topsoil and blue stone. These materials are going to be stored in bays separated by concrete blocks and would be stored right on the ground. They are also going to store rock salt next to the mulches and the topsoil. The rock salt would be stored on a paved pad and it would be covered by either a tarp or a tent or some sort of pole barn to keep the condensation, the rain, the moisture and the elements from getting to it. There are going to be two 3,000-gallon storage tanks of liquid de-icer and they would either contain calcium chloride or they would contain salt brine, which is nothing more than salt water. Both are non-controlled, non-regulated and non-hazardous chemicals. Mr. Chouiniere stated the following: On-site, just to let you know exactly the way that's going to be laid out; the Town sent a committee out to look at the property and I explained to them exactly where things were going to be; currently there is an existing shed and just to the left of that is about a 12 FT space between the shed boundary and the existing fence and that is where they are going to put their plows. So, the plows would be out of sight from anyone that would be driving by unless you were specifically looking for them. Just to the west of the shed are the 2 containers for the liquid de-icer. I was a little concerned about how large a 3,000-gallon tank was until I pulled it up on the Internet and it showed a picture of someone standing beside it and it is not quite as large as I thought it was going to be. These are vertical tanks so they don't take up as much horizontal room. Next to the covered salt they plan on pouring a blacktop pad in that area. These areas would all be separated by the concrete barriers that my father had in the back. We have brought those concrete barriers out to the front for use for this proposed project that they want to do. Mr. Watts asked how tall are the tanks? Mr. Chouiniere stated 7.5 FT high and they are 6 FT

wide. Mr. Watts asked if anyone from the public wished to speak. Ms. Liza Milo, of 12 Guideboard Road, stated the following: My husband Jason is also present for tonight's meeting. I live next door to 10 Guideboard Road and I am a lifelong resident of Halfmoon. When my husband and I decided to build a home in 2000, we decided on Halfmoon; not just because it was my hometown but because we knew that it had a lot to offer. The area was suburban, quiet, family oriented and we chose it mainly because it was residential and it wasn't near any big businesses. I have great memories of growing up there and I wanted to continue that with my family. We built our home in 2000 and my Uncle Art (Chouiniere) at that time only had 1 employee who was my cousin Rick and then he slowly started getting out of the business. He picked and chose what jobs he wanted to do mostly because he enjoyed it so much, he did it his whole life and it was like a hobby to him. My husband and I currently have 2 children, ages 7 and 21-months and this proposed project mainly concerns me because we specifically built 350 FT off the road to make a safe environment for our family and out pets. We are now scared that all those efforts for the quiet, safe and country atmosphere has gone wasted. Our oldest daughter was diagnosed in 2004 with Asperger's. Asperger's is on the spectrum of Autism and the problem with this is she is very sensitive to loud noises, changes in her environment upset her, and she is mildly age-delayed. This being a concern with the noise factor, we have even had problems with low flying airplanes, helicopters, tractors backfiring, etc. and she'll come in the house and she won't go back out for quite some time. Being that the property is so close to our property and our children play outside both in the front and in the back; they ride their bikes. This is a concern for me being a 7-day work week as it was described the last time from 7:00 am to 7:00 pm. Now they are saying 8:00 pm. We have worked so hard to keep our family safe, quiet and in an atmosphere where I grew up and we've done a lot of work with my daughter to get her where she is today and I'm very uncomfortable with the amount of noise and with people in and out. I know that people say that it is going to be 7 people, 10 employees...blah-blah-blah. I went on the website and it shows a lot more employees than that. It shows chemical fertilizer and that makes me nervous. When my uncle lived next door, I had no problem with him and he would call to tell me what he was going to be doing and he knew to look out for his niece. My mom worked for the company for 20 plus years and her job was dissolved in 2002. My uncle sold all of his construction equipment to VanAuken. He kept the backhoe and then later he bought a small dump truck to use on his own. After his passing, the business sat stagnant and nothing has been there since then. As far as the materials being kept on the site; my uncle had a scoop of dirt, a scoop of crusher run and sometimes a scoop of small pea stone. There were not as many materials as maybe you were lead to believe. He had a gravel bank and he didn't need to bring all this stuff home with him. There were no stockpiles of mass material. As far as the diesel being kept on-site, it has been at least 10 years since those 2 tanks were out by the road where the previous barn stood. In conclusion, where I live it is residential, I understand that my uncle was grandfathered in and I would like to keep it residential. This is why I live in Halfmoon, I love the Town and I don't foresee myself leaving unless something goes drastically wrong with the residential area. I just don't understand how putting a busy commercial business in the middle of a family neighborhood would make any sense with lawn chemicals and chemicals to treat snow. Back in the day they said that asbestos was safe and now we find out that it is not and 10 years from now we might find out that the chemicals that they are actually using are not safe either. These chemicals can seep into the ground by accident, get into our water supply and just cause further problems. At this point I'm just asking the Board to please keep our area residential and don't allow 10 Guideboard Road to go commercial. Mr. Al Ferro, of Halfmoon Drive, stated the following: I live across the street from the Chouiniere parcel. It seems like everybody knows Art Chouiniere and if you didn't know Art, you weren't from Halfmoon. Half the people here tonight are related to Art but I am not. Art quit operating in 2002 and I remember that because my house was his last job. He dug my cellar, he did a fantastic job and Art said to me "this is my last job, I'm going to start going to Florida, I'm going to sell my equipment".

Back in June 2003 the State gave him permission to officially dissolve his corporation and that is when Art quit. He did sell his equipment to Bobby VanAuken and his one employee went to work for Bobby. So as far as anyone knew, the end of 2002, Art was done and he did not take any more jobs. I'm not familiar with this pre-existing, non-conforming use and I don't know what all the regulations are regarding this. But, if it has been that long since a commercial business operated in a residential zone being grandfathered in, I'd say that I don't want to see another commercial business across the street from me. I'd rather see a home and they should sell the property to somebody who wants to build a house and keep it residential. Mr. Dennis Jensen, of 4 Grange Road, stated the following: I have a direct view of 10 Guideboard Road. The Town's Comprehensive Plan recommends residential neighborhoods both old and new should be protected from incompatible land uses particularly those that rely heavily on vehicle transportation. Existing land use conflicts should be addressed to the maximum extent possible through the use of buffers and other safeguards. Potential future land use conflicts should be addressed by updating the Town's zoning, subdivision regulations and site plan regulations. That was in 2003 and I hope that was done. I'm here tonight to protect my largest investment; my home, my property, my neighborhood. I bought my property in a R-1 residential neighborhood and followed all the rules to build my home for my family, which was 19-years ago. I believe that Dan Chouiniere is using the change in tenant or the change in use application to change the zoning on his .73-acre lot. By declaring his property commercial, he is increasing the property value, which he has zero equity in; it was given to him, while my property value goes down along with my neighbors' property values, which we have all invested hundreds of thousands of dollars in. His request, if granted, will have a detrimental impact on the character of my neighborhood. It will affect the quality of life of everyone in the neighborhood. It is incompatible with the surrounding properties. The Town's Comprehensive Plan states it is their goal to improve the community. How does this improve the community? It does not. I have done some research on 10 Guideboard Road. The school tax collector stated to me that her available records go back 4-years and that Art Chouiniere had applied for and received Senior Enhanced Star School Tax Relief for residential property. Her records also showed the property is zoned as residential. I have 2 forms that would have had to be filled out, 1 the first year and another affidavit for the continual eligibility for a partial school tax exemption for real property of senior citizens for enhanced school tax relief. The requirements are that the property has to be your primary residence, you have to be over 65, you have to make under \$74,000 and it must be exclusive to residential use. This affidavit and application had to be approved and certified by the Town Assessor and forwarded to the State of New York according to Kathy at the school. This proves that 10 Guideboard Road is a residential property and he took the whole tax break of \$42,100. The tax savings was between \$1,000 and \$1,100 for each of those 4 years and that is as far back as her computer would go. With this information, the Town Board should end this now so we all don't have to come back here and go through this again. Thank you and I appreciate you for your time. Ms. Connie Ferro, of 44 Guideboard, stated the following: My uncle ran Chouiniere's Trucking from his home on 5 Harris Road until 1997 when the house was sold. He then moved to 10 Guideboard Road. He started his business long before the Town had rules and regulations so he was allowed to continue. He had several employees and continued his business until 1995 when the gravel bank was sold. At that time he downsized both equipment and employees. I left the business in 2002 and Uncle Art did small jobs to keep himself busy; you can't work all your life and then just suddenly stop. He did rest a little by going to Florida. I feel with my uncle's passing so goes the way of life at 10 Guideboard Road. It is now residential like all the homes around it and I feel that it should stay that way. Mr. Joe Reynolds, of 2 Grange Road, stated the following: I'm fairly new to the Town of Halfmoon and I moved in about 3 years ago from Troy, New York and before that I was downstate. As someone kind of new to the area, I don't have a lot of history and I don't have a lot of knowledge of Top Cat and their processes although I do see them occasionally because I work at Momenive Performance

Materials. My major concern really kind of revolves around the traffic flow between Guideboard Road and Halfmoon Drive. I really feel that this would be a detriment to that process with trucks backing in and out. They say that they want to be more centrally located and maybe they want to use the property as a stop and loading place more often. I can't see into the future as to how they want to use the property but I could definitely see that as more of an option for them. I think that improving the community would be to improve the traffic pattern as well as maintaining a residential area across the whole board. Mr. Watts closed the Public Hearing at 7:28 pm. Mr. Nadeau stated one of the pictures that you submitted is depicting that the waterline is possibly not on that property and do you have any knowledge of that? Mr. Chouiniere stated no, but there is a waterline that is out by the road and it services my father's property. Ms. Liza Milo stated the following: By looking at the map it is hard to see exactly where everything is. All of our markers except one have been moved or taken down by accident. I'd say that the water line for 10 Guideboard Road is probably 5 or 6 FT from my driveway. We found the cement monument in the back and Mr. VanGuilder is coming out this week to re-stake this all the way down. That is a concern if the property does get rented or leased this would have to be moved. My uncle also had stated to me that his leach lines leach onto our property. When we were putting in our aboveground swimming pool, he had come out and asked "how far down are you digging"? My uncle had said that his leach lines go out somewhere this way and he was not really sure. That is one other aspect that I want to look into because it is no longer my uncle living here or my cousin and it would be complete strangers and I don't want any problems. It does appear from the map that we have from Mr. VanGuilder that this is on our property so that is why I wanted him to come out and re-stake. Mr. Chouiniere stated my guess would be that if the water shutoff was put there by the Town or by whoever was putting it through that that was checked before they put the shutoff in. The Town approved it and I don't recall my father ever talking about needing an easement or getting an easement so I can only assume without any kind of further information that the waterline shutoff is on his property. Mr. Ouimet asked can we get a little more clarity on what exactly is going to be stored on the property. Mr. Chouiniere stated the following: As far as the liquid material; there is a liquid de-icer. There would be road salt, colored mulch, a non-colored mulch, topsoil and blue stone, which is a decorative stone. Those things would go right along the fence line. There is also an existing shed. It appears to be that there is some stuff that was there before that I removed. They would start there and then go down the property line there. Right now there is a fence there. Mr. Ouimet asked is it where the trailers currently are? Mr. Chouiniere stated the following: Yes, where those parked trailers were. I would also like the Planning Board to realize that I did a lot of cleaning there after my father passed. There was a lot of stuff around the property and I cleaned up the property and I am still cleaning it up as we go. Mr. Ouimet asked other than the liquid de-icer, would there be any other chemical agents stored? Mr. Chouiniere stated no, Top Cat has told me that they would not be storing any other kind of chemical agent at that site. Any of their other agents are brought directly to the sites where they'd be using them. It doesn't make any sense to move them twice so they are brought right to the places where they are using them. Mr. Ouimet asked so they would be brought from wherever they are purchased by Top Cat and then they go right to the site where it is being dispensed? Mr. Bonventre, the applicant, asked are you asking about the fertilizer? Mr. Ouimet stated yes. Mr. Bonventre stated the following: We do not fertilize out of that location and out of our Stillwater location. Our fertilizer is a completely different group out of Schaghticoke and they would never be part of this part of the operation. Mr. Ouimet asked so there wouldn't be any chemical fertilizers stored at this site? Mr. Bonventre stated absolutely none. Mr. Ouimet asked even though your business does deal in chemical fertilizers but not at this location? Mr. Bonventre stated again, absolutely none at this location. Mr. Berkowitz asked would you be washing equipment that carried fertilizer at this location? Mr. Chouiniere stated no, because the stuff that he is storing there are mowers, which are the tractors that you are talking about, so they would be washing off

lawnmowers. Mr. Ouimet asked can we talk more about the chemical de-icer and the containers that you showed us a picture of. Mr. Bonventre stated sure. Mr. Ouimet asked are these containers corrosive proof? Mr. Bonventre stated absolutely. Mr. Ouimet asked are these containers leak proof. Mr. Bonventre stated they are approved double-wall containers that the New York State Department of Conservation (NYSDEC) has approved for storing this type of chemical. Mr. Ouimet asked is there a useful life of how many years would these containers be used and is there a normal destruction cycle for these containers. Mr. Bonventre stated I don't believe they have a life span, I think they are pretty much a forever product but we inspect them every year before we put anything in them. Mr. Ouimet asked have you used these in the past at your other locations? Mr. Bonventre stated yes. Mr. Ouimet asked and for how long? Mr. Bonventre stated these tanks are only a year old. Mr. Ouimet asked what are they made out of. Mr. Bonventre stated polyurethane. Mr. Ouimet asked is the rock salt going to be stored on an asphalt pad? Mr. Bonventre stated correct. Mr. Ouimet asked what other safety measures are you going to put in place to prevent migration of any calcium chloride or salt product from the natural deterioration of the stored salt. Mr. Bonventre stated the following: We are building this according to the Salt's Institutes best practices of storing salt that it has to be on a non-permeable surface, which would be the asphalt, it would be level and we are going to put a short berm in front of it to prevent anything. Also, the overhead canvas would prevent water from falling on it. In fact, if you look in the notes that we originally gave you, it states that we are placing the blocks on the asphalt but they would be siliconed to the bottom so nothing can seep under the blocks. Once we build this, we are going to go for an award in excellences in salt storage with the Salt Institute. Mr. Berkowitz asked how tall is that salt storage unit. Mr. Bonventre stated at this time the only one they build is 10 FT but it would be on top of 6 FT of block for a total 16 FT. Mr. Berkowitz asked how tall is the fence? Mr. Bonventre stated 8 FT. Mr. Chouiniere stated it would also be located right next to a shed, which is probably about 12 FT high. Mr. Berkowitz asked so would you still see it from all locations? Mr. Bonventre stated we are looking right now to see if we can get one custom made a little bit smaller because we don't need a 16 FT one. Mr. Berkowitz asked how often is salt stored next to a residential area? Mr. Bonventre stated I couldn't give you an exact answer but a friend of mine has a business on Ushers Road and there are other businesses that there is residential and they have salt storage. The Town of Halfmoon has their salt probably 150 FT from a house at the Highway Department. As long as the salt is kept dry and on a non-permeable base, it doesn't do anything, it just sits. Mr. Ouimet stated the following: I think the other part of it and I agree with Mr. Berkowitz, it's good to hear you say that you're going to take all these safety precautions and how you're going to devise this area to store the salt in. It is good that you're going to go for an award over salt storage and that's a wonderful thing. But, the problem that I have and the concern that I have and I'm really not hearing anything that alleviates my concern, is that this is now being placed in a residential neighborhood and these house are reasonably close to this building. In fact, they are very close to this building. I'm concerned that over the years and if you were to get an approval from this Board, you are never coming back here for a re-approval and you could allow the storage infrastructure to deteriorate just through normal use. Mr. Chouiniere stated the Town has a vested interest in looking after this site if they see something that's out-of-line, the Town would contact me as the landowner and Mr. Bonventre as the business owner for any kind of thing to be taken care of as far as that goes. Mr. Ouimet stated the following: Yes, I assume they would but just from my standpoint in sitting here and I'm going to be asked to vote on whether or not to approve this particular tenant going into this particular site to do these particular activities, I'm really not comfortable based on what I heard tonight voting on it and also the concerns from the public. The public had the same concerns that I have. They might of articulated differently, but they are the same concerns. Mr. Chouiniere stated the following: Just to let you know, in the past 2 weeks, the NYSDEC has been on-site and they did a 30-minute inspection of the property. I'm not quite sure who called them, but they did show up on-site. I

actually called the Town to find out if they had called the NYSDEC to come in. So, I'm going to guess that the neighbors are probably going to be not all that withholding in calling the NYSDEC whenever they think they'll be a problem. So, the NYSDEC were there inspecting on-site. Obviously, I hadn't been contacted so I don't believe there is any kind of information there that's worth it. But, I believe that obviously there would be people around that would say "you know what? Something doesn't look right". That is just my guess by the people that have been talking here tonight. Mr. Watts stated the following: I see a lot of folks with their hands up. Right now were at the stage of the Planning Board asking questions of the applicant so we are going to do that at this point. Mr. Berkowitz asked in the surrounding area is there Town water, well water and are there septic? Mr. Chouiniere stated I couldn't tell you which properties are on well and which properties are on Town water. I know that my father's property is on Town water and I know that some of the other homes in area are on water but I couldn't tell you who exactly is on water and who is not on water. I do know that water is available on each of those roads. Mr. Berkowitz asked but there are residents who have well water? Mr. Chouiniere stated I couldn't tell you one way or another but I do know that Town water was made available. Mr. Watts asked the public that was present in the audience if they had well water or Town water and everyone said they had Town water and one gentleman said he still had a well along with the Town water. Since this is a residential neighborhood and you didn't touch on it tonight but I didn't get a good sense from you of how often trucks would be coming in and out of the site, picking up salt during a snowstorm. Mr. Chouiniere stated the following: During a snowstorm Mr. Bonventre made it clear that the only truck that would have salt on it would be truck that is leaving. They have salt on-site wherever they do plowing and that is where the majority of their salt is going to be. So, they are not going to actually come back to this site to get salt to travel back out again. Once they're there, they're there. So a truck may leave with salt on it, they may get a call where salt is required in a small area and they may take it from the bin at the site but that's it. So, you would not see a lot of trucks going in and out. During the summertime, if a belt breaks on a mower, a guy might come back and grab another belt and go back out to the site again. So, there would be people coming in and out. It's not going to be people coming in and out on a consistent basis all day long. Mr. Bonventre stated we have one dump truck and that is all that is going to be coming in there to get a load of anything. Mr. Watts asked what if your business expands? Mr. Chouiniere stated my guess is that if his business expanded and he came to me and said he needs to store more stuff, we would have to come back in front of the Town and that would be an expansion of the use. Mr. Bonventre stated we would move to a different spot if we had to expand, because that site is not big enough. We don't plan on any kind of large expansion any time soon. Outside of what we are doing right now, there are 3 sites that we have. A lot of our contracts are much larger and the contract comes with a storage area for us. In other words, if we did become larger, we would have to discuss with Mr. Chouiniere because there is only so much room at his site. Mr. Chouiniere stated the following: If the approval is contingent upon any kind of expansion, we would be willing to agree to some sort of cap on any further equipment or any further expansion that we would have to come back before the Board. I have no problem with that. I want a business in there that is going to have as little impact as possible on the neighbors and I believe that this is what this is. I've instructed T.L. Metzger, who is representing me; to bring me something that was a small operation that would only use this in a small way and I believe that I have found that. Just as an addition to what we've been talking about here tonight; I do want the Board to keep in mind that there are many other pre-existing, non-conforming uses in the Town. Mr. Paul Hickok has an operation, Polson's Tree Service and my cousin has a farm stand well within a tenth of a mile of me and they all have pre-existing, non-conforming uses in the Town as well. While this is a residential area and I do want to have a minimum impact on this area, there are other businesses in this area that do exist. Mr. Berkowitz asked Mr. Bonventre if he had other areas of salt storage? Mr. Bonventre stated yes. Mr. Berkowitz asked so why is it imperative they have salt storage in this area?

(At this point: Mr. Bonventre spoke without a microphone so much of his conversation was inaudible for transcription). Mr. Bonventre stated the following: We have salt storage at our Stillwater location and now that we are moving to a new place, we would need to keep a pile there. It is basically a pile of dirt. Whoever is leaving from our location takes a load with them so they wouldn't be waiting. When there is snow on the ground, it's more for weight on the truck. Also, with the salt, there is an emergency pile for us and it is not in our regular stockpile. Our stockpile is going to be used very often in Clifton Park, Waterford and Malta. Those piles are the ones that we feed out of during storms. Also, generally it is not our practice to get more salt in the wintertime. We pretty much stop salting between the hours of 12:00 am and 5:00 am because when we are plowing, we don't put salt down at night. Mr. Berkowitz asked if there were an ice storm, would you put salt down in the middle of the night? Mr. Bonventre stated no, the only location that we would is at Momentive and we have a stockpile at the Momentive location and it is a different type of salt. The salt that would be in storage in Halfmoon at Guideboard Road is not an approved product at Momentive. Mr. Watts asked what would be the maximum height of the salt storage? Mr. Chouiniere stated it has to fit inside the container. Mr. Bonventre stated it wouldn't be any higher than 12 to 14 FT. Mr. Watts asked how would that salt be loaded and would it be loaded onto a truck. Mr. Bonventre stated it would be loaded with a skid-steer loader onto a truck. Mr. Watts asked how many of those trucks would be coming in and out and how many times would those trucks come in and out of the site in a day or a big snow storm day? Mr. Bonventre stated when a truck is on location, there is a pile right there. Mr. Watts asked how many of those trucks do you have and where do you keep them? Mr. Bonventre stated 2 plow trucks would be kept at the main location. Mr. Watts stated so there wouldn't be trucks coming from other locations and it would just be these 2 trucks. Mr. Bonventre stated right; just 2 trucks; one dump truck and one pick-up truck would be kept on location. Mr. Ouimet stated the following: I really don't understand what you're going to do with 6,000 gallons of liquid de-icer if all you are doing is salting with rock salt. What do you do with the de-icer? Mr. Bonventre stated as the narrative states; we have one liquid de-icing tank, which holds 3,000 gallons per tank. Mr. Ouimet asked does that spray the de-icer directly on the ground? Mr. Bonventre stated yes that sprays the liquid de-icer directly on the ground. Mr. Ouimet asked how is that loaded into the de-icing unit from the tanks? Mr. Bonventre stated with a connection hose with flanges. Mr. Ouimet asked are those tanks kept on a hardpan surface as well? Mr. Bonventre stated the tanks would go right over to the surface that we are having paved for the salt. Mr. Ouimet stated okay so the tanks would also be kept on that surface as well. The loading operation for the salt, when you have to load the dump trucks, is that going to be done on a hardpan surface as well? Mr. Chouiniere stated there is blacktop surface that goes all the way down to a concrete surface. Mr. Ouimet stated okay as long as it's all going to be hardpan. Mr. Chouiniere stated there are parts of this driveway that would be gravel. Mr. Ouimet stated the following: My concern is that the salt gets on a non-paved or soft surface and migrates into the ground and then it gets into the ground water. That is why I have been asking so many questions on how it's stored, how are you going to use it and how you are going to transfer it back and forth is because I'm concerned that it might migrate onto a soft surface and get into the groundwater. Mr. Bonventre stated we are connecting the permeable surface to an existing surface. Mr. Ouimet stated the following: I understand what you are saying but you understand my concern; I don't want the salt going on the grass, I don't want it going on a dirt surface and I don't want it going on crushed stone surface because it has a tendency to move when it rains, when it snows and when it does whatever it does. Mr. Bonventre stated I don't want to go through that because it would just make confusion. We are going to salt this parking lot as well when it snows. Mr. Ouimet asked is that lot salted now in the winter? Mr. Chouiniere stated the lot was only salted when there was ice. Mr. Ouimet asked has it been salted in the last few years? Mr. Chouiniere stated I would say that it has not been salted. Mr. Ruchlicki stated the following: It seems to me that I keep hearing time and time again as we discuss

this project things that would lead me to believe that there is some sort of expansion taking place here. Regardless of what the operation was previously or what it is going to be in the future, I haven't been able to distinguish that there isn't any expansion taking place and it sounds to me like there is regardless of whether it is salt storage or bringing those tanks in. That in itself is an expansion of what is there unless I'm totally misunderstanding it. That's my opinion and that's the way I feel about it. There's some sort of expansion taking place here so where do we distinguish what is being expanded and what isn't being expanded and how does that fit in with the regulation of the expansion of a pre-existing, non-conforming use? Mr. Roberts stated the following: I was going to say the same thing that Mr. Ruchlicki just said. The more I sit here listening; I think it is an expansion. Mr. Watts asked Mr. Bob Chauvin to give the Board the rundown on the ordinance and how that works with an expansion of a pre-existing, non-conforming use and the time limits. Mr. Bob Chauvin stated the following: The initial inquiry that you would make is based upon one of the woman's statements of whether there was an abandonment of the pre-existing, non-conforming use. Our ordinances have a provision that advertises it after 2 years. So, if it was abandoned for a period of 2 years, then they lose the right to have a non-conforming use. So that would be your first level of inquiry. The second level of inquiry is as Mr. Roberts and Mr. Ruchlicki just commented on would be; is it an expansion, in your opinion, of a pre-existing, non-conforming use. The construction of a salt storage shed, placement of storage tanks and the additional placement of these areas for the storage of mulches and other areas. You can make this inquiry to determine if it is an enlargement if you get by the first question of the abandonment. Once you get to that level, if you determine that it is an enlargement or an extension of a pre-existing, non-conforming use, then the matter has to go to the Zoning Board of Appeals (ZBA). You would have to get the ZBA to give them a use variance and enlargement permission. You can't grant it but you can certainly deny the application on the basis of what you've heard and the comments from the public. But, if you find that it is an extension, you can't grant it. Mr. Ouimet asked has this site been used commercially for the last 2 years? Mr. Chouiniere stated the following: It has not been used as a corporation site. My father had a DBA as Art Chouiniere's Trucking, he was handing out calendars to that affect, he was dealing with different people and he was doing business with people. So, in that respect, there was a business there until the day he passed away. I don't know if a pre-existing, non-conforming use is dependent on a corporation. The corporation was dissolved. Although, his business continued on. He had insurance; he had business insurance on the property, he had business insurance on all of the machinery and he was doing business. He was of ill health and when he did stuff, other people helped him but he was doing it. Mr. Bob Chauvin asked for the last 2 years? Mr. Chouiniere stated the following: Yes. There were 3 tractor-trailers parked on the property for at least the last 5 or 6 years and there was a tractor-trailer that moved in and out every day up until last October that was owned by the neighbor. The neighbor would come over during the winter and sometimes during the middle of the night he would start up the vehicle and let it run to get it to warm up. So, there were things going in and out of there. That property sits nice and clean right now because of all of my work not because nothing has been happening there. Mr. Bob Chauvin stated the following: I didn't mean to mislead either the applicant or the Board; the expansion could either be in the size and the degree of your use of the property; it could be the actual change in use also, which those two things go hand in hand sometimes and sometimes they don't. But, that is a Board decision in what they see in terms of what your proposal is and what's going on. In terms of the corporation; I don't think that that's significant in terms of whether or not there is abandonment, it's the use not the entity that's making the use of the property. Mr. Ouimet stated the following: For the point of clarification, if the property was previously used commercially but lightly, not intensely and not heavily. Would increasing the intensity of the commercial use to that property trigger a different inquiry as to whether or not that is an expansion of what was previously there? Mr. Bob Chauvin stated that would be a part of your consideration on

whether or not you find that that's the case. That is why I was trying to distinguish between in where you can have a change in the use without actually physically changing a lot of things, which you could determine as an enlargement or an extension of the pre-existing use; multiple uses for example, a change in use like this may be or you could have just physically an enlargement of the use, which would also constitute an enlargement or extension of the pre-existing, non-conforming use. This is something the Board has to look at.

Mr. Berkowitz made a motion to deny the change of tenant application for Top Cat Landscaping & Snow Removal Inc. on the basis that the proposed use is an expansion or enlargement of a pre-existing, non-conforming use. Mr. Ruchlicki seconded. Motion carried.

New Business:

10.012 NB Leyerle Subdivision, Hudson River Road – Minor Subdivision/Special Use Permit

Mr. David Flanders, of David A. Flanders Surveying, stated the following: I am here tonight representing the Estate of John F. Leyerle. We have a proposal to subdivide a 29.5-acre parcel that lies on the westerly side of NY State Route 4 & 32. It is quarter to three-eighths of a mile south of Jack Byrnes Car Dealership on Route 4 & 32. The property is surrounded by several residences on the westerly side of the road, a Niagara Mohawk power transmission line to the south and lands formerly of Canadian Pacific Railway on the west. The property is currently zoned M-1 Industrial and we have been before the Zoning Board of Appeals (ZBA) and have been granted a use variance for residential use. The property has extensive New York State Department of Conservation (NYSDEC) wetlands on it and a related 100 FT buffer as well as extensive Army Corp. of Engineers (ACOE) wetlands. Both the NYSDEC and ACOE have walked the site, reviewed the wetland delineations and accepted the wetland delineations. The NYSDEC jurisdictional wetlands are shown on the map and the ACOE wetlands are on the balance of the property are under their jurisdiction. We prepared a development plan for ACOE to show them what we wanted to do, which essentially shows 2 residential buildings being proposed and the related septic system areas and the approximate clearing limits, which they have accepted. We are here before the Board to request a subdivision of the 29.5-acres into 2 residential building lots. One lot would be 19-acres for a single-family house and then the other parcel would be 8.8-acres for the same use. In addition to that, there are little strips of land that we would like to convey to the existing property owners; mainly Anthony and Anne Derico and Lavigne for separate reasons. The Derico parcel has an existing home, a garage and a couple of outbuildings and they would like to acquire an "L" shaped parcel around them that is about 1-acre just to expand their property. It would basically entail some upland area that would be beneficial to them. The land is of no value to this residential lot because it is separated and it doesn't have adequate access. The other two strips that we would like to convey to Lavigne is because there is a major encroachment over the property line on their north line and the property line actually goes through their garage and a better part of their driveway. We would like to convey to them a strip of land so that their driveway and garage would be entirely on their property and it would have the proper setbacks according to the zoning. There is a triangular piece of land to the south along the Lavigne's south line, which adjoins the Lands of Green. This is another piece of land that really has no value to anybody except an adjoining owner and Lavigne has expressed interest in purchasing that so we would like to convey that parcel to the Lavigne's also to increase their total property. The property is serviced by Town water and on-site septic systems and fill systems would be required. Mr. Nadeau stated the following: I don't have an issue with this subdivision. The only concern I have is that whoever may purchase this property should be made aware that the general area is zoned M-1 Industrial. If they are buying a residence there, they should have the knowledge of knowing that there could be a manufacturing operation coming in

that area. Mr. Flanders stated that was a requirement of the ZBA and the Town Attorney is coming up with a note that is going to be placed on the subdivision map to that effect. The note would essentially say that there is a special use allowed for residential but a McDonald's could go there too. Mr. Nadeau stated or a manufacturing company. Mr. Flanders stated right.

Mr. Nadeau made a motion to set a public hearing for the May 24, 2010 Planning Board meeting. Mr. Roberts seconded. Motion carried.

10.041 NB 1st National Bank, 1693 Route 9 – Sign

Mr. Pat Boni, of Saxton Sign, stated the following: We are proposing to change a sign out at the 1st National Bank of Scotia. We want to remove a 27 SF existing illuminated sign and replace it with a 21 SF halo lit illuminated sign. The new proposed signage would read 1st National Bank and we are omitting "of Scotia". Mr. Roberts stated I checked this out and the biggest change is that they are reversing the color scheme. Mr. Boni stated also the sign is illuminated with florescent lamps and the sign would be halo lit with LED's so it is not going to be as bright.

Mr. Roberts made a motion to approve the sign application for 1st National Bank. Mr. Nadeau seconded. Motion carried.

10.049 NB Judith LaRock, 1471 Route 9 (Crescent Commons) – Change of Tenant

Mr. Michael Klimkewicz, owner of Crescent Commons, stated the following: Ms. LaRock will be renting about 400 SF from us at the Commons. She will be operating 8:00 am to 6:00 pm daily and mornings on Saturdays. She will need about 2 parking spaces. Ms. Judith LaRock, the applicant, stated the following: I have been in the massage therapy business for 16 years and I specialize mostly in medical massage and that includes fibromyalgia, which is becoming very well known to everyone and it's an extremely painful condition and I have it myself. I also specialize in lower back pain and those kinds of things more so than doing a relaxation massage. Mr. Watts stated your narrative states that your hours/days of operation would be 9:00 am to 6:00 pm Monday through Friday, 9:00 am to 1:00 pm Saturdays, closed on Sundays with 1 full-time employee. Ms. LaRock stated that would vary; all together maybe at the most it would be 6 hours during the day and that would be mostly in the morning and one in the afternoon. Mr. Nadeau asked would Ms. LaRock be replacing another business, is a business leaving or is she's just going in. Mr. Klimkewicz stated she would be going into an empty space. Mr. Roberts asked if there would be a sign later on. Mr. Klimkewicz stated no she doesn't need exterior signage. Mr. Watts stated when you advertise; make sure you say you're in Halfmoon.

Mr. Berkowitz made a motion to approve the change of tenant application for Judith LaRock. Mr. Roberts seconded. Motion carried.

10.050 NB Fastenal/AmeriPride/Floor Source, 1466 Route 9 – Sign

Mr. Kevin Coughlin, the applicant, stated the following: I own 1466 Route 9 and we just want to change the sign out in front from a wooden sign that is about 12 years that's been deteriorating to an internally illuminated box sign. The sign would be 5 FT x 8 FT. I have checked with the codes and everything fits. Mr. Roberts stated the following: I have looked at this and the proposed sign would actually be smaller. Is it going to be lit the same way as the existing sign? Mr. Coughlin stated no, the existing sign has floodlights on it and the new sign would be internally lit. Mr. Roberts asked if it would have any exposed neon? Mr. Coughlin stated no.

Mr. Roberts made a motion to approve the sign application for Fastenal/AmeriPride/Floor Source. Mr. Nadeau seconded. Motion carried.

10.051 NB I Love New York Pizza Inc., 1 Plant Road – Commercial Site Plan

Mr. David Bogardus, of Northeast Land Survey, stated the following: I am here with my client Mr. George Lulgjuraj and Peter Faith who is the traffic engineer for this project. This project is a commercial site plan revision that the Board looked at and I believe approved in 2009. The property is located at 1 Plant Road and the property is 0.326-acres and it is zoned C-1, Commercial. The project was previously approved with a proposed building of 23 FT x 56 FT and the revision that we are asking for is a 25 FT x 60 FT building for an increase of 212 SF. We are also requesting an additional use for the property based on some information that we've gathered regarding traffic. The project was not approved for a take-out service and we are here tonight to see if we can get take-out service along with the catering and the delivery service for the proposed pizza shop. If it helps at all, we can change the name of the project from I Love NY Pizza to I Love Halfmoon Pizza. Mr. Nadeau stated the following: We have been round and round on this project initially but I think one of our issues initially was on the take-out and we had concern with the amount of traffic that would be coming in if it were a take-out operation. I am a little puzzled why this application is here again. Mr. Bogardus stated the following: We had a traffic analysis done, reviewed the comments by the Planning Board from the previous approval. I believe that I provided a copy of that and our traffic engineer, Mr. Peter Faith, who is with us tonight, can go over that report and possibly alleviate your concerns. Mr. Faith stated the following: I prepared the letter dated March 19, 2010 to try to identify what happened upon the change of use from a catering and delivery only to a pick-up operation for I Love NY Pizza business. I did some research in looking at the previous Planning Board minutes addressing the traffic concerns that you had regarding this operation and I also looked at the review letters prepared by CHA to try to identify what the concerns were regarding a full delivery operation and pick-up at this facility. It seemed to boil down to the three main categories of (1) sight distance on the driveway on Plant Road, (2) whether there is a potential for access to the Wendy's road in the rear of the site and (3) how much traffic would be generated by the change in use to allow pick-ups at the site. When I looked at the sight distance; we are all familiar with that area of Plant Road and that it is very close to Route 9. If you take a look at the sight distance that's available similar to all of the uses in that area, you don't have enough sight distance for the 40 mph speed limit. You can see the signal at Route 9 and it gives you enough sight distance for stopping sight distance. It doesn't give you what is commonly referred to as the desirable sight distance for all driveways based on a 40 mph speed but the fact of the matter is that most traffic isn't traveling at 40 mph in that stretch because they're making a turn off of Route 9. So, I summarized my analysis on the sight distance at the proposed driveway meets the stopping sight distance standard, which means it is not critically limited, which means that there is no mitigation required. I also noted that all the driveways in that stretch between the existing barbershop and the other two businesses and the access to the residential neighborhood in the area all do not have the desirable sight distance either but they all meet the stopping sight distance. So, we are in the same boat as all the other driveways in that location. Regarding the access to the Wendy's road, I believe Mr. Lulgjuraj has requested access and was denied. I do make the note that if that was a Town road, the Town could easily provide access to this facility and any other property in that area to adjust some of the sight distance concerns that we just talked about. But, probably the most important point that you are interested in is the trip generation. Unfortunately, there is not a lot of trip generation information published from the Eastern Transportation Engineers for solely standing pizza shops. I used a lot of the information that was presented for the pizza shop on the other side of Plant Road in an existing plaza to try to correlate that to this use, which is a slightly smaller building. I also had to estimate how much traffic a delivery only pizza shop would generate and to identify the difference

between the change in use that we're proposing. I explained that in my letter but the bottom line is that I estimated that the existing use would generate about 9 to 10 trips in a peak hour during what I call the peak pizza time on a Friday evening and if you make it a change in use to a pick-up and delivery operation, it would be about 29 to 30 trips. So that would be an increase of about 20 trips in a peak hour to this facility if the changed were made to allow people to come in to pick-up their own pizza instead of requiring a catering only/delivery only operation. So that equates to about 1 trip every 3 minutes. Mr. Nadeau stated the following: I understand and we're all well aware of that area being not a very good area and typically this Board does not like to approve projects knowing that we have a bad situation and such as your statement of the 40 mph speed. Mr. Faith stated the following: I did not indicate that it was a bad situation. I indicated that it doesn't meet the published desirable sight distance for the posted 40 mph speed limit. Mr. Nadeau stated however you want to call it, my concern is that it's not a good situation and in situations where we don't have a good situation, we don't want to add more to it. Mr. Faith stated well the Board already approved a driveway and approved the use of the driveway. Mr. Nadeau stated that's right, we did but we didn't approve a take-out service. Mr. Faith stated if a pizza delivery vehicle coming in and out has adequate sight distance, so wouldn't people that also come in pick-up a pizza have adequate sight distance? Mr. Roberts stated I agree with Mr. Nadeau. Mr. Watts stated I think the issue was also with the matter of the volume of traffic, not just sight distance. Mr. Roberts stated there is a concern with limited parking also. Mr. Watts asked how many parking spaces are in this new proposal? Mr. Roberts stated 6 right now and if you get take-out, potentially you could get a lot more than 6 people there at one time especially if you have workers that would be parking at the site. Mr. Lulgjuraj stated I would be the only one parking at the site. Mr. Roberts asked would you be the only person there? Mr. Lulgjuraj stated the following: I am the only guy who would do everything. We also have a business in Delmar. I would have a driver. Our business is family owned in Delmar. We wouldn't do 75/76 orders in those peak hours on Fridays and I never did. What I'm trying to say is that we are a small family business, we are not a franchise and we do not have a big volume. Mr. Roberts stated we approved you on the condition that you wouldn't have take-out/pick-up orders. Mr. Lulgjuraj stated the following: Yes, you approved me on that condition but I can't survive with just deliveries, you know that and everybody knows that. I can call it I Love Pizza of Halfmoon. Mr. Roberts stated the following: By changing the name is not going to correct the problem. I'm sorry, I wish it would but it won't. Mr. Lulgjuraj stated I don't understand why I'm not allowed to also have pick-ups. Mr. Roberts stated because that is what you agreed to the last time you were before the Board and you accepted that. Mr. Berkowitz stated the piece of property that you purchased isn't large enough for the volume that you want to do. Mr. Lulgjuraj stated how much do you want me to do? Mr. Berkowitz stated you work there and now you are going to be working in both Delmar and Halfmoon and you are the only employee. Mr. Lulgjuraj stated no I have 4 employees in Delmar and I would work in Halfmoon. Mr. Berkowitz asked are you going to be the only employee in Halfmoon? Mr. Lulgjuraj stated me, my wife and my kids. Mr. Berkowitz asked how many kids do you have? Mr. Lulgjuraj stated 2 kids. Mr. Berkowitz stated now you're up to 4 employees. Mr. Lulgjuraj stated yes but I'm the only full-time employee working there. Mr. Berkowitz stated you still need people delivering and you still need a car parked there. Mr. Lulgjuraj stated I will deliver. Mr. Berkowitz asked are you going to close the shop to deliver? Mr. Lulgjuraj stated no, my wife will be in the shop. Mr. Berkowitz stated the following: I live on that road and there are at least 4 pizzerias within a mile of your location and they all have a lot of cars in front of them. Papa John's opened up 2 months ago and there are at least 10 cars in their parking lot just for Papa John's all the time. Mr. Lulgjuraj stated Papa John's is Papa John's. Mr. Berkowitz stated the following: Papa John's only has take-out and delivery; there is no seating inside and there is a lot of cars in that parking lot. Papa John's parking lot was designed to handle that many cars and in your parking lot there isn't enough room for all those cars. Did Mr. Faith look at the background traffic on

Plant Road in the development that's is proposed for Plant Road? Mr. Faith stated no, I just did an analysis of how much traffic would be generated. Mr. Berkowitz stated but you also have to look at the background traffic, I'm not an engineer but I know you have to look at the background traffic, which you did not. Mr. Faith stated the following: I did not do a level of services analysis; I did a trip generation analysis on how this traffic would be generated. I would like to clarify that when I said 20 trips; each pick-up is 2 trips. It is not like 20 orders are being filled; it's only half of that. Mr. Berkowitz asked how many pizzas do you do an hour? Mr. Lulgjuraj stated I never did 10 pizzas an hour. Mr. Berkowitz asked do you do less than 10 pizza an hour? Mr. Lulgjuraj stated yes I do less. Mr. Berkowitz stated I find that hard to believe. Mr. Lulgjuraj stated in my business sometimes I might have 8 to 10 pick-ups all day long. Mr. Berkowitz asked so you only do 10 pizzas in one day? Mr. Lulgjuraj stated for pick-up 10 to 15. Mr. Berkowitz stated so that would be about \$300.00 a day. Mr. Lulgjuraj stated yes, \$300.00 to \$400.00 a day. Mr. Roberts stated the following: We went through this previously for all these meetings and we had concerns then and we have concerns now. Nothing has changed from what I see to allow this and I'm against this. Mr. Watts stated the following: The issues as we see it then are the parking restrictions and going beyond what this Planning Board gave as an approval even with trying to give him a bit of chance with his property purchase. We've tried to do the best we could by what we approved and even that was a tough stretch. Mr. Ouimet stated the following: I think the physical location of this site restricts what you can use it for. If you are going the ins and outs, pick-ups, deliveries and movement back and forth, that site isn't conducive to that kind of operation. Mr. Watts stated that includes not only just the sight line issues but also the parking issues. Mr. Ouimet stated the following: Yes, it's not just the site line issues; it's the parking issue and it's the intensity issue; it's all three. You have to add them all together; it's not one verses another. Mr. Ruchlickii stated I agree with the increase in intensity. Mr. Bogardus asked what about the increase in the building size for an increase of 212 SF? Mr. Bob Chauvin stated the following: I think because you have the two tied into one application, you need file a separate application or withdraw the one and only proceed on the other. Otherwise, the record would not be clear as to denial resolution. That would be your determination.

Mr. Roberts made a motion to deny the commercial site plan application for I Love New York Pizza, Inc. on the basis of the geographical location of the site to the Plant Road and Route 9 intersection and limited number of parking spaces with regards of increasing the intensity of use of a take-out service and concern with vehicular entry and exit and the adequacy of the interior vehicular circulation. Mr. Ouimet seconded. Motion carried.

10.052 NB Abele Subdivision, 108 Lower Newtown Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I'm here tonight representing Mr. Chris Abele and Mrs. Phyllis Abele on their request for a minor subdivision of their parcel of land located right beside the Clifton Temple Baptist Church. They wish to subdivide their 15.85-acre parcel into 2 lots. Lot A would be approximately 11-acres and Lot B would be a 5-acre parcel around their existing house. There is on-site septic and on-site water. We are proposing a single-family residence on Lot A but the church has expressed interest in possibly acquiring this parcel. Mr. Watts asked if the parcel was 15.85-acres would be subdivided into 2 parcels? Mr. Rabideau stated yes, 2 parcels with the house and all the improvements on Lot B.

Mr. Nadeau made a motion to set a public hearing for the May 24, 2010 Planning Board meeting. Mr. Roberts seconded. Motion carried.

10.053 NB Slocum/Lane/Betts Subdivision, Route 236 – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I'm here tonight representing Mr. Bruce Tanski as the applicant for the subdivision of lands of the Martha Lane family trust, which is a 23.3-acre parcel. The request is to subdivide that parcel to cut out a 5-acre parcel in the front. Also we want to annex a portion of lands of the Betts farm to another parcel. There would be a ingress/egress easement through the front parcel and this is part of the Planned Development District (PDD) process for the Falcon Trace apartments.

Mr. Roberts made a motion to set a public hearing for the May 24, 2010 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

10.054 NB Mark Bethel Subdivision, 46 Plank Road – Lot Line Adjustment

Mr. Mark Bethel, the applicant, stated the following: My request is for a lot line adjustment. The existing lot with the house on it would be Lot #2. I'm trying to adjust the lot line on Lot #2 for the new owner so that we can keep a portion of it mainly for the purpose of having a turnaround area so they can pull in, turn around and then exit back out. Plank Road is a pretty busy road and if they don't have that turnaround, they have to kind of drive straight up and reverse back out into the Plank Road area. I own Lot #1 and Lot #3. We would also be adjusting the back line on Lot #1 just to get a 40,000 SF lot out of Lot #3. Mr. Williams stated the following: the rear of Lot #1 would be conveyed to Lot #3 in order to straighten the shared boundary line. Lot #2 has private septic, Lot #1 would be connected to County Sewer and Lot #3 will have private septic.

Mr. Roberts made a motion to set a public hearing for the May 24, 2010 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

10.055 NB Corepay, Inc., 2 Halfmoon Executive Park Dr. – Change of Tenant & Sign

Mr. Thomas Rento, the applicant, stated the following: I own the building at 2 Halfmoon Executive Park Drive. We have one tenant leaving and one tenant coming in and both are office uses. Mr. Watts asked how many employees would Corepay have? Mr. Rento stated 4. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes, the tenant moving out also had 4 employees. Mr. Rento stated we would just be replacing the tenant panel on the existing monument sign. The sign size would be 2.25 SF, dimensions 9 inches x 3 FT, wall-mounted and would not be illuminated. Mr. Nadeau asked what is Corepay and what do they do? Mr. Rento stated the following: Corepay is a staffing service. They are an office operation. A husband and wife own the business with a receptionist and one other employee. Actually, 7 years ago they were in this very space in Executive Park. They moved for 7 years into a building 2 doors over and they are just moving back in.

Mr. Roberts made a motion to approve the change of tenant & sign application for Corepay, Inc. Mr. Nadeau seconded. Motion carried.

Old Business:**10.032 OB Bobrow Distributing Corp., 8 Enterprise Ave. – Addition to Site Plan**

Mr. Frank Herba, of Herba Consulting, stated the following: We were before the Board for a presentation for a 5,000 SF addition to the Bobrow Distributing facility that is located at 8 Enterprise Ave. in the Halfmoon Light Industrial Park. The Town's engineers raised some questions and we have answered all of those questions. Essentially, what we have here is the addition of the existing site and we are eliminating a small portion of greenspace. We are not eliminating any parking spaces. The

capacity for extended parking is currently in excess of what is needed there but there is availability for such parking, which is shown as landbanked parking spaces. The existing drainage systems would all be contained in an on-site detention basin that the subdivision was designed to handle the drainage. We are not introducing a whole lot of additional flow to the drainage system. Currently, all the drainage does flow to the existing facility. This is an 18+-acre site and all of the greenspace requirements would all be met per Town Code. At this time we are asking for final approval for the 5,000 SF addition. Mr. Watts asked Mr. Bianchino if all of CHA comments have been addressed. Mr. Bianchino stated yes.

Mr. Nadeau made a motion to approve the addition to site plan application for Bobrow Distributing Corp. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 10, 2010 Planning Board Meeting at 8:34 pm. Mr. Roberts seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary