

MEETING MINUTES
Town of Halfmoon Planning Board
August 24, 2015

Those present at the August 24, 2015 Planning Board meeting were:

Planning Board Members: John Ouimet ó Chairman
Don Roberts ó Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki - Absent
John Higgins - Absent

Planning Board Alternates: Robert Partlow - Absent
Margaret Sautter - Absent

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

Chairman Ouimet opened the Planning Board Meeting at 7:02 PM.

There were not enough Members present for a quorum there the minutes will be held over to the September 14, 2015 meeting.

Public Hearings:

15.088 Robert Ballard & Thomas Ballard, 21 Smith Road – Lot Line Adjustment

Chairman Ouimet commented: The first item on tonight's Agenda is the re-convene of a public hearing. Would anyone like the notice to be read? If not, Duane at our last meeting there was a significant amount of public comment would you care to address any of the issues raised?

Mr. Duane Rabideau was present from VanGuilder Associates and commented: Are you just referring to Mr. Lyon's letter or was there other comments?

Chairman Ouimet commented: There were other comments, specifically the wetlands issue.

Mr. Duane Rabideau commented: Ok, yes. What we have here the lot line adjustment between this parcel and this one right here the wetlands on site had been delineated and we have a jurisdictional

determination from the Army Corp of Engineers that is valid until November 2016. The wetlands are right here this is the south easterly portion of the wetlands that is jurisdictional. There is a pocket of wetlands here and right here which are isolated and are non-jurisdictional. The isolated wetlands were added to the map.

Chairman Ouimet commented: So that map is different than what was on display to the public at the last meeting?

Mr. Duane Rabideau commented: Yes, that is correct. Just be adding the isolated wetlands and the note added stating that there is a current jurisdictional wetland letter.

Chairman Ouimet commented: Paul or Rich could you point out the additions to this map that were not before the public last time?

Mr. Duane Rabideau commented: That is the isolated wetlands and then we added a note stating that there is a valid jurisdictional letter.

Chairman Ouimet commented: Did you have anything to say in response to Mr. Lyon's letter?

Mr. Duane Rabideau commented: There seems to be a lot of mis-statements in it. He is referring that the initial submission of the subdivision back in 2008 where it was coming in as a major subdivision and subject to the Northern Halfmoon GEIS and the comments from the Board apparently Mr. Berger was looking for input for the 100' buffer in the front of the lots on Smith Road and things of that nature. The Board was happy with the nine driveways and also at that point in time was a huge concern of wetland issues and they didn't seem to like they had been addressed so the Board said go back and look at these issues. Since that time, we have addressed wetland issues we also are looking more thoroughly at the configuration of the parcels out there. It was determined that these parcels did not fall under the Northern Halfmoon GEIS criteria since we are going in as a minor subdivisions therefore, a lot of the comments are based on the fact that we are still subject to that, we are not. He also says that the action before the Board is a subdivision and is not strictly a lot line adjustment. That is the only action we are asking for tonight. He did mention the piece meal approach just by the nature of it the fact that these are individual parcels and if you compare it to the criteria of the Northern GEIS it would be like that but we are not subject to it. He stated that we did not have a valid jurisdictional wetland, which we do the Corp of Engineers has signed off on it. He talks about severe soil erosion and storm water runoff onto adjacent properties and blaming that on somebody and does state who it is: a property owner spending thousands of dollars to repair a damaged foundation. I am not sure where that is coming from. All of the parcels that we have worked on at this point in time are all sand there is no runoff. He did talk about whether the key hole easement and potentially maybe something in the future of a proposed subdivision but right now we are strictly just a lot-line adjustment. He just keeps going around and around about this. That basically sums up his comments.

Chairman Ouimet commented: Is there anything else you wish to add?

Mr. Duane Rabideau commented: Was there any other issues I thought I reviewed it with Bob Wilklow that was here the last time.

Chairman Ouimet commented: Wasn't there an issue that was raised by one of the Planning Board members about an existing structure or road that was suppose to be removed?

Mr. Duane Rabideau commented: There's a building in the back. Apparently the driveway that accesses the northern side of the duplex comes off the existing driveway. My understanding in talking with the client is that the driveway will be moved at some point in time apparently I think it is being moved onto the other side of the duplex and right now he is in the process of getting the sand out of there so they would be able to construct a driveway.

Chairman Ouimet commented: So it's still your client's position that it will be removed?

Mr. Duane Rabideau commented: Yes, yes it will be removed. He remembers saying that and said it will happen there was just no time frame in that point in time.

Chairman Ouimet commented: And there still isn't?

Mr. Duane Rabideau commented: Not as far as I know but he knows that it's an issue with the Board.

Chairman Ouimet commented: Ok. Thank you. Would anyone from the public wish to speak? Please come to the podium and identify yourself.

Mrs. Linda Baker, 141 Vosburgh Road commented: I have a question about jurisdictional wetlands. I don't understand how the last map the wetlands were so heavy over here, did you move them? There were a lot more wetlands over here and now it's not there. Our property is over here and it is very wet. It is no dryer than what it was.

Mr. Duane Rabideau commented: The wetlands this is the south easterly portion of the wetlands there is a big loop that goes through here and then it drains down through here. Right down in this area where your houses are you are on the lower end so you have a tendency to be wetter down here because this kind of slopes this way. These have been determined to be jurisdictional wetlands by the Corp so nothing can be done with those. These wetlands right here are isolated so the Corp has determined that they have no jurisdiction so it's up to Tom to do what he wants with them.

Mrs. Baker, 141 Vosburgh Road commented: How do you prevent these wetlands here from going over onto both properties here when you start building?

Mr. Duane Rabideau commented: If the subdivision is proposed in the future, those issues will be taken care of more than likely and those wetlands would probably be filled in and if there is any proposed subdivision here with the new storm water regulations the water issues will be taken care of because it can't dump water onto your parcels they have to take care of it on site.

Mrs. Baker, 141 Vosburgh Road commented: This is the road right? This is the road that would be going back in off from Vosburgh?

Mr. Duane Rabideau commented: If a subdivision is proposed there that would be the place for the road.

Mrs. Baker, 141 Vosburgh Road commented: Is there a plan for some type of safety out here because it is right on the crest of the hill coming up on Vosburgh or up Vosburgh.

Mr. Duane Rabideau commented: That issue would be addressed when the application is before the Board but tonight we are only here for the lot line adjustment. It is two separate issues.

Mrs. Baker, 141 Vosburgh Road commented: Ok, thank you.

Chairman Ouimet commented: Would anyone else from the public wish to speak?

Mr. Joel Willet, 149 Vosburgh Road commented: We own the Halliday Property as you stated before we are on the lower end of this and if this was to be touched or fixed it would fill it in. Is it safe to say if you fill that in all the water running down off that has no place to go but onto my lawn that I can currently only use half the year anyway because of all the wetlands.

Mr. Duane Rabideau commented: I believe that there is not much flow that's more or less just a depression. I know it's wet but I don't think it hold that much water. If it does Tom is going to be careful not to dump it onto your parcel. If he is going to fill them we can tell him to be aware of potential if there surface runoff to direct it away from your parcel and these two parcels here.

Mr. Willet, 149 Vosburgh Road commented: I would like to state that it does flow from the spring season on. The previous owner before we bought the house put a pool in and the water flowing around that has caved that pool in and pushed it down a little bit. Now I no longer have access to what I purchased and I am concerned that it's going to continue to be a problem.

Chairman Ouimet commented: Thank you. Would anyone else from the public wish to speak?

Mr. Duane Rabideau commented: I will alert Tom to that.

Chairman Ouimet commented: Sir, come on up.

Mr. Donald Baker, 141 Vosburgh Road commented: I talked at the last meeting. My wife has indicated that it is an extremely wet situation here it is not simply damp. In the spring time it is impossible to even mow that property there and it is really shocking to see that the wetlands delineation that was developed here doesn't show wetlands all the way through this maybe even into my property. I don't know how that can possibly be the case because it's months before it ever dries out and you can dig down right now and it is still damp even though we have had dry weather. This whole area on the original wetland delineation this whole area was wetlands. I don't know how in 2011 it suddenly disappeared but it did. We are concerned and I am not a wetlands expert or anything like that but for this to have disappeared in 3 years is very difficult for us to understand. I would encourage the Board to look at that issue. Thank you.

Chairman Ouimet commented: Duane?

Mr. Duane Rabideau commented: We have a valid jurisdictional wetland delineation map for that.

Chairman Ouimet commented: Folks I invite you up here to look at that map. It is hard to see.

Mr. Duane Rabideau commented: What we have here this is the map that Army Corp has based their jurisdictional determination on. Here is the strip through here and these are the neighboring parcels and this one, this one, and that one and there is the isolated wetland. This is wetland through the back which is considered jurisdictional so that is protected. The Corp said that this right here in this configuration are isolated and are now subject to their jurisdiction. That is what they said.

Mrs. Tina Lyons, 139 Vosburgh Road commented: I live in one of the adjoining properties and my question is: Do you know the definition of what makes something non jurisdictional? How do they calculate what is non-jurisdictional and what is jurisdictional is there a measurement?

Mr. Duane Rabideau commented: It is based on the consultant goes out flags up the wetlands then sends the mapping and information into the Corp. Then they set up a field walk, the Corp representative comes out looks at the site and goes around all the sites and determines that since this is isolated by their criteria they have no jurisdiction on it.

Mr. Donald Baker, 141 Vosburgh Road commented: May I ask a question here: This area here I don't believe shows up on your other map as a wetland yet it shows up on this.

Mr. Duane Rabideau commented: Basically that it over here.

Mr. Donald Baker, 141 Vosburgh Road commented: I don't think so.

Mr. Duane Rabideau commented: This bump here is this bump here.

Mr. Donald Baker, 141 Vosburgh Road commented: What about all these it indicates its all wetlands.

Mr. Duane Rabideau commented: What we are showing here is just the south easterly edge of the wetlands to show that our line is going through it. It is consistent. The mapping is all there.

Mrs. Tina Lyons, 139 Vosburgh Road commented: Why wouldn't you show all the wetlands why would you only show the ones that you are concerned with?

Mr. Duane Rabideau commented: The only reason we didn't show all of them is because for the action tonight that is the only area that is of any concern as far as the lot line adjustment.

Mr. Donald Baker, 141 Vosburgh Road commented: I would like to just point out that according to map references was done late June and shows obviously standing water in late June and again the first parts of the year I can't use a third of my property and I guarantee that if this was tested earlier in the year you would see a difference there.

Mr. Duane Rabideau commented: It is one of these situations that when we go out with the Army Corp it is site specific to our parcel only we realize there are wetlands on neighboring parcels. Since the Corp is strictly interested in that specific subject parcel and not the neighboring parcels all they want to know is does the complex continue and things of that nature but as far as the jurisdictional wetlands letter it is site specific.

Chairman Ouimet commented: Would anyone else from the public wish to speak?

Mr. Scott Earl commented: Just a quick question, if there were any jurisdictional wetlands on the adjoining property owners would they have a right to fill that? Then they wouldn't have any water anymore. Could they put in 2 or 3' of fill, could they apply to fill the property that they are saying is wet? It doesn't show any jurisdictional wetlands if they are non-jurisdictional. You are saying that if you build a road you can fill that can they fill it? That is just my question. They seem upset that they have water can they do something about it?

Mr. Duane Rabideau commented: This jurisdictional map is specific to our site only so if the neighboring parcels have wetlands they would have to go through the Corp of Engineers to see if they need a permit. Whether their wetlands are jurisdictional or not the onerous is on them to do that.

Chairman Ouimet commented: Does anyone else from the public wish to speak? No one chose to speak. The public hearing was closed. Are there any questions from the Board?

Vice Chairman Roberts commented: John, even though this is only a lot line adjustment with these comments tonight I have some concerns about the wet areas out there even though the Army Corp may say it is no longer wetlands these people are suffering with the water out there. I know you mean well by saying you will tell the applicant to look out for water problems. That doesn't make these people feel any better. I really think we have to look at this water issue a little closer.

Chairman Ouimet commented: Thank you. Any one else have comments?

Mr. Berkowitz commented: Do you agree that it's wet?

Mr. Duane Rabideau commented: I personally have not been on the site or that portion of the site.

Mr. Berkowitz commented: Can it be wet and not be wet enough to not be Army Corp of Engineer wetlands?

Mr. Duane Rabideau commented: Under some circumstances yes.

Mr. Berkowitz commented: What circumstances would that be? What level of wetness qualifies?

Mr. Duane Rabideau commented: It has to meet the three criteria: Hydrology, vegetation, and the soils. If for some reason they meet two out of three it doesn't qualify. If they meet all three criteria it is considered wetlands and then whether it's connected, service connection to anything else.

Mr. Berkowitz commented: Do you know if there is an underground connection to the adjoining lands?

Mr. Duane Rabideau commented: More than likely there is probably just the ground water connection and that does not qualify as a connection by the Corp by their standards.

Mr. Berkowitz commented: Legally if something is built on that land none of that water can transfer over to the adjoining neighbors.

Mr. Duane Rabideau commented: Yes, that is correct, legally and by the Storm Water Management Requirements now in place.

Mr. Berkowitz commented: By chance their land doesn't become wetter because of that project what happens?

Mr. Duane Rabideau commented: Chances are it's not because I suspect going by there today that it's a typical situation where they happen to be at the bottom of the hill so whether this parcel is developed even prior to any development out there more than likely the soils were very wet it would be marginal at best. The farther you go towards to the southeast it gets worse more intense because naturally subterranean wise these parcels are on the down hill side of the ground water that is draining off from the Ballard parcel naturally.

Mr. Berkowitz commented: If you develop that Ballard parcel there is less permeable soils so what could be done to protect these people from being down hill.

Mr. Duane Rabideau commented: Probably I would think maybe mitigate somewhat because all of the impervious surfaces have to go into the retention basins and get pre-treated and things of that nature.

Mr. Berkowitz commented: Would this project qualify to have retention basins and catch basins?

Mr. Duane Rabideau commented: Yes. If it is proposed for a subdivision that is correct.

Mr. Berkowitz commented: If this subdivision is approved you would have to come to us prior to developing it?

Mr. Duane Rabideau commented: The lot line adjustment tonight, the action tonight? Yes, this is strictly that.

Mrs. Murphy commented: Just a clarification for the record: This is a lot line adjustment if the applicant came in he could get 2 building permits as we sit here today and tomorrow if this were approved he could get 2 building permits. Action could be taken without coming before this Board again.

Mr. Duane Rabideau commented: No, he could. Yes, if we're not creating any new building lots.

Mrs. Murphy commented: Correct.

Mr. Duane Rabideau commented: Yes, that is correct. Right now he can get 1 permit on his and his brother can get one and tomorrow would be the same thing. No difference.

Mrs. Murphy commented: Correct.

Chairman Ouimet commented: So you are going with a lot line adjustment tonight you could still get a building permit for this lot, correct?

Mr. Duane Rabideau commented: That is correct. He could get one without the lot line adjustment.

Chairman Ouimet commented: Well, I heard a lot tonight about ground water, storm water, is there something that we should take a look at and send two members of the Board out to take a look?

Vice Chairman Roberts commented: I think so. I just don't feel comfortable approving this tonight knowing what we know now about the wet areas.

Chairman Ouimet commented: I don't feel comfortable either.

Vice Chairman Roberts commented: It is nice to say oh yeah we will look into it but when you leave here and you can get building permits tomorrow we are done.

Chairman Ouimet commented: The issue Don is they could leave here without the lot line adjustment and we can go out at look at it and they could get two building permits.

Vice Chairman Roberts commented: That is true but I don't feel as though we should act on this knowing what we heard tonight.

Mr. Duane Rabideau commented: If the Board does not act on it what is the next step?

Chairman Ouimet commented: The next step is for a couple of members of the Board to go out and actually look at this property and I think with maybe a member of the Planning Staff and yourself or somebody from your office.

Mr. Duane Rabideau commented: Based on the potential site walk what would be like a scenario I guess. What is going to be accomplished I guess more than anything?

Chairman Ouimet commented: I guess if the Board is saying they have questions and need to see it and if you want to take a vote tonight it should be interesting.

Mr. Duane Rabideau commented: No, I am good at reading between the lines. Ok, when do you want to schedule it?

Chairman Ouimet commented: First of all let's see if we have a couple of Board Members to go out to take a look? Don? Marcel? Rich? When can you get out there to take a look?

Vice Chairman Roberts commented: Do you want to set something up guys?

Chairman Ouimet commented: Do you want to set something up tonight or do you want to coordinate it through Richard Harris in the Planning Department?

Mr. Duane Rabideau commented: It works well to coordinate it with the Planning Department. We can meet their schedule.

Chairman Ouimet commented: Is there any reason why we shouldn't refer this to CHA as well?

Mr. Nadeau commented: One of the questions that I have is we going to look at it now which is the driest portion of our summer. What are we looking at a piece of dry land that we can't help these people with? We need to see it when it's wet. We can't wait until its spring time but I think that is what the question mark may be. We will look at it I have no problem looking at it.

Chairman Ouimet commented: Since this was a matter that was before the public when we held the public hearing and closed the hearing today we have 60 days to make our decision. So we only have the next 60 days to go out satisfy, our curiosity, and we should look at it.

Mr. Berkowitz commented: If they are granted a building permit and we don't have control over that how do they mitigate the drainage from their property flowing down hill? That is the only problem? They can do it with a lot line adjustment or without the lot line adjustment.

Chairman Ouimet commented: Correct, but they have the same issues and if they create a situation.

Mr. Berkowitz commented: Right, but how do we regulate that?

Chairman Ouimet commented: I don't think that we do. That is not anything that this Board can control.

Mr. Berkowitz commented: Either way.

Mr. Duane Rabideau commented: That is what I don't understand there are issues with the neighbors. It is a pre-existing condition and what we are proposing tonight absolutely does nothing to alter that.

Chairman Ouimet commented: What you are proposing tonight doesn't alter it but if you do anything on that lot it may or may not alter.

Mr. Duane Rabideau commented: If there is a future proposal for a subdivision it has to come back for the full blown review by the Board and by CHA.

Mr. Berkowitz commented: Yes, only if you put a subdivision there. If you continue with two lots you can do that.

Mr. Duane Rabideau commented: Right, then it becomes a building issue.

Chairman Ouimet commented: The discomfort of this Board is that there is no guarantee that you will come back here. You can build a single family home there and you are still under the constraints to build that home in such a way that it does not negatively impact on your neighbors.

Mr. Duane Rabideau commented: That is correct. That is true. Legally you can't be dumping excess water onto your neighbors parcel. But this is a natural condition there is nothing that we created.

Chairman Ouimet commented: But if you build in such a way that exacerbates a natural condition it causes a problem no it creates more problems. It would be your problem not this Board's problem.

Mr. Duane Rabideau commented: Yes, that is true. Well it would be Tom's problem.

Mr. Berkowitz commented: You are the engineer wouldn't it become your problem also?

Mr. Duane Rabideau commented: No, we are surveyors. No this would be a building issue storm water management plan issue, SWPPP's. We wouldn't even have any ability to do anything about it.

Mr. Berkowitz commented: It would become a civil matter that could take years to get through the system.

Mr. Duane Rabideau commented: That is correct. The "who's" Tom what ever he does if he goes in just as a single-family he has to make it work or he has problems with the neighbors.

Chairman Ouimet commented: I think Duane, that the issues that have been raised tonight have created such an uncertainty by at least the four Board members that are here that we are going to have to refer this to CHA for review as well as send the team of three people from the Board to go out and actually look at this site. As soon as all of that is coordinated and returned to the Board we will put it back on the agenda and vote. That is what we are going to do. We are going to set up a meeting you can coordinate with Rich Harris in the Planning Department to set up a meeting. The sooner the better I think on the meeting. Thank you.

Mr. Duane Rabideau commented: Ok, thank you.

15.108/15.122 Liebich Lane Flex Space, 3 Liebich Lane – Commercial Site Plan/Minor Subdivision

Mr. Joe Dannible, Environmental Design Partnership commented: I am here on behalf of Valente Building Group for Flex Space at 3 Liebich Lane. An aerial vicinity map was shown to the Board. The limit of the Rolling Hills PDD was shown on the map, the red indicates the site, the building to the east of it is the Baron Building the JW Danforth expansion, RGH Medical, and Sysco Building. The overall site itself within the Industrial area that support up to 600,000 SF of Light-Industrial building it is 96 acres and we are proposing to subdivide out roughly 10 acres to construct our 52,000 SF Flex Building. We are again proposing a 52,000 SF Flex Building. It is going to be 100' deep 520' long. We will break the building up into 40' bays each bay will have a main entrance door

along the front or the south side of the building adjacent to the parking areas. Each bay will also have one overhead loading door in the rear and one tractor trailer loading dock to the rear. Access to the site, we have two points of egress/ingress. To the east we have an existing access road that will be shared with JW Danforth property at 5 Liebich Lane and it will also serve as one of the main routes of tractor trailer ingress/egress. That is an existing curb cut it is currently paved as part of the 5 Liebich Lane project. Our second curb cut will be located coming off of Liebich Lane and will complete the circulation around the building not only for tractor trailer and box trucks but also for Emergency Services to circulate around the entire parking lot both to the front and rear of the building. Being a Flex Building we are going to have two different uses the front of the building usually 20-30% of the building will serve as office space. In this case, we chose 30-33% which will be 17,000 SF and the remainder of the rear portions of the building is roughly 70-80% or 35,000 SF will be used for storage, warehouse, and fabrication whatever of the uses within the zone that will occur in this building. With those ratios and we took the worse case scenario 33% office and 66% warehouse we are required to have 135 parking spaces for this development. For right now we are proposing 140 parking spaces and as Halfmoon has done in the past they have a change of use, change of tenant application procedure so the Board would have the opportunity to look at every individual use that comes into this building whether or not they take 1 bay at 4,000 SF, 3 bays at 12,000 SF, or the entire building at 52,000 SF the Board will again have another chance to look at this to make sure the parking requirements are met for this project as a whole at full build out. We are going to connect to Saratoga County Sewer District which is located in Liebich Lane and runs the entire length of Liebich Lane, we are going to connect to the Town of Halfmoon Water supply, and we are going to have Storm Water Management on site. I know the location of the site is definitely a concern of the Town with Storm Water as you had in this area here. There have been some on-going conversations about some storm water and I believe that has been remedied at this point in time. This site is not going to be added to that. What we are proposing to do with the storm water is we are going to take the storm water from all of the building, parking areas and we will be running that to the north to a large combined storm water basin here and here which will manage 90-95% of the runoff. We are going to have a little bit of runoff associated with this road that will managed in this small storm basin along here and possibly a little bit along that edge of the road and that is one of the details that we will work out with CHA as we advance this into the detailed phase of the project. With that I ask the Board if they have any questions that I can answer.

Chairman Ouimet commented: Thank you. Are there any questions from the Board?

Vice Chairman Roberts commented: This may not be a fair question but do you have any sort type businesses you might be bringing in here?

Mr. Dannible commented: Basically what I have been told is the businesses will be a lot of ancillary businesses that support the AMD Manufacturing. It can be anything as with Danforth who bought the whole building they are a Mechanical Supplier. A lot of it is going to suppliers and small distribution and things like that.

Vice Chairman Roberts commented: Any retail?

Mr. Dannible commented: I don't anticipate any but there maybe some minor sales in the front of the building but it is all generally based to be warehouse use. Nothing that is not in compliant with the underlining zoning.

Chairman Ouimet commented: Are there any other questions from the Board?

Mr. Nadeau commented: I think that on the storm water management we definitely have to look at that very closely because we don't want to make it worse than it is.

Chairman Ouimet commented: No question about that. Thank you. I think we will refer this to CHA and our other sister agencies: Fire Department, Emergency Services, and Saratoga County.

15.109 Elevate Cycles Inc., 215 Guideboard Road – Change of Tenant/Use

Mr. Chris Pitts from Elevate Cycles commented: We are here to get a Change of Use and Tenant at 215 Guideboard Road. We are currently at 1581 Route 9. The business of bicycle retail has changed over the past 5 years since we have been in business. We are significantly down sizing we went from 6 full time employees and 2 part time employees down to one employee and me. We have scaled way down, the internet has hit us pretty hard, and sales are down 40%. Currently what we are doing is getting small again back to where we started.

Chairman Ouimet commented: In your prior location I understand you had spinning classes?

Mr. Pitt commented: Correct.

Chairman Ouimet commented: Are you still doing that?

Mr. Pitt commented: No the space doesn't warrant it, we will do bicycle sales some service and will decrease on vehicles coming in. There are 12 parking spaces behind the building and we are looking into using 3-4 parking spaces during peak times. We would decrease down on that before and after our business hours we will be picking up and delivering some bicycles.

Chairman Ouimet commented: Your site is going to be in the rear of the Plaza?

Mr. Pitt commented: Yes.

Chairman Ouimet commented: So you will only access from the rear of the Plaza?

Mr. Pitt commented: Correct.

Chairman Ouimet commented: Rich/Paul did you have an opportunity to look at the parking situation at the plaza?

Mr. Marlow commented: We have looked at in the past and we looked at if for this application. This is what I feel is a fairly low trafficking use and it will not require a high demand of parking at any

given time and there are about a dozen or fifteen parking spots in the back of the building that can be utilized just for him.

Chairman Ouimet commented: Are the spots in the back they are not going to impede deliveries and tractor trailers?

Mr. Pitt commented: No, I don't foresee it being an issue for tractor trailer to get in there at all.

Chairman Ouimet commented: I noticed that you didn't ask for a sign?

Mr. Pitt commented: Currently no we are looking to get in. Our marketing strategy is to really just reach out to our customer base that we currently have. We have about 3500 to 4200 customers in our data base. We are going to reach out to them to make sure they know where we are. Signage I think we would have to look at that maybe at a later date.

Chairman Ouimet commented: Just so you remember if you choose to have a sign you have to come back before the Board.

Mr. Pitt commented: Yes I am very aware of that.

Chairman Ouimet commented: Are there any more questions from the Board?

Mr. Berkowitz made a motion to approve the Change of Use and Tenant for Elevate Cycles at 215 Guideboard Road, seconded by Vice Chairman Roberts. Motion was carried.

15.106 Warren Tire Service Center, Stone Quarry Rd & Route 9 – Commercial Site

Plan

Mr. Jason Dell, Engineer with Lansing Engineering commented: I am here tonight on behalf of the applicant for the Warren Tire Service Center project. I am also here with me is the applicant Mr. Kellogg. The project site is located at the intersection of Stone Quarry Road and Route 9, the parcel is approximately 1.73 acres in size and is zoned C-1 Commercial. The land is currently vacant and wooded. There are no wetlands present on the subject parcel for the Warren Tire Center. The applicant is proposing to construct a 7200 SF Maintenance Tire Service Center. There will be 8 bays and they service approximately 36 cars per day. There will be one access or main access into the facility off of Stone Quarry Road. We situated the access point where it is on the site plan right now as the road slopes up and it crests right in this area and starts to come back down so we are located just on the western side of the crest so you can still see the intersection of Stone Quarry with Route 9. Water supply will be provided to the project through a connection to Town of Halfmoon Municipal System located in Stone Quarry Road. Sanitary Sewer service will be provided to the project through a connection to Saratoga County Sewer District system over associated with the Apartment Complex, Kensington. Storm water will be managed on the site in accordance with all the DEC Regulations and currently we are proposing a storm water management basin in the lower corner of the project site. The typical hours of operation are 7:30 AM to 6:00 PM Monday through Friday and 7:30 AM to 5:30 PM on Saturdays. The proposed layout that we currently have calls for 48% green space. We are here

tonight to present the project to the Board, answer questions that you may have, and ask the Board to refer the project to CHA for their review and comment.

Chairman Ouimet commented: Are there any questions from the Board?

Mr. Berkowitz commented: How many trucks do you have coming in and out per day?

Mr. Kellogg commented: We have a delivery box type truck that comes everyday and delivers tires from our principal supplier and then we also typically get one or two other deliveries a day from a smaller pick up truck type deliveries.

Mr. Berkowitz commented: Are there any tow trucks?

Mr. Kellogg commented: There will be no tow service, no.

Mr. Berkowitz commented: No one will tow their car in?

Mr. Kellogg commented: A tow truck may come in and drop off a vehicle but we don't provide tow service. Typically a vehicle being towed in will have a couple per week it is not an everyday thing.

Mr. Berkowitz commented: Is there any overnight storage of vehicles?

Mr. Kellogg commented: We typically try to store any customer's vehicles indoors unless they ask to pick up after hours in which we would park the vehicle in a lot area until about 10 PM and we can leave a couple of vehicles outside. We like to keep them inside to keep them secure.

Mr. Berkowitz commented: Is there a peak time as far as weekends or evenings?

Mr. Kellogg commented: Our busiest time is usually in the morning between 8AM and 10AM when people are dropping their vehicles off. Then the busier time is 3PM until closing as they are picking them up.

Mr. Berkowitz commented: Weekends also?

Mr. Kellogg commented: Also on the weekends, yes sir.

Mr. Berkowitz commented: Is there any auto oil changes?

Mr. Kellogg commented: We do complete automotive service so we do inspections, lube oil filters, any type of repair other than re-building transmissions. We don't do any body work either.

Mr. Berkowitz commented: You do or you do not do body work?

Mr. Kellogg commented: We do not do any body work, no.

Mr. Nadeau commented: What is the site distance at that driveway? Do you know? Is that on the crest?

Mr. Dell commented: It's just west of the crest we are going to get the site distance verified by the project surveyor I am sure that will come up in CHA's review as well. When I was out looking at it, it was in excess of 400' to the left and all the way down to the intersection looking towards the right.

Mr. Nadeau commented: What is your distance from that to Route 9? Do you know approximately?

Mr. Dell commented: I would say approximately 250- 300'

Mr. Nadeau commented: I don't know if it happens or not I am thinking about the staking in the morning when people are trying to get onto Route 9. Will they stack back that far?

Mr. Dell commented: They have plenty of room to pull in and wrap around the site.

Mr. Nadeau commented: I understand that but I am thinking if they are stacked now somebody is coming in off Route 9 will they be able to turn in.

Mr. Dell commented: Yes, the scale bar at the bottom of the drawing that is 120' so my estimation would be at least in excess of 300' but we will certainly verify that for you for next time.

Vice Chairman Roberts commented: I have the same thoughts that Marcel has and CHA will review this for the traffic. That is my concern again the left turn made on Route 9 that is a little bit of a concern.

Mr. Berkowitz commented: I share the same concern with the traffic.

Mr. Dell commented: We take a look at it and the further we move it to the left you lose site distance coming over the hill so you are limited. We kind of maximized it as far west as to where you can still see the intersection without being blocked by the crest of the hill.

Mr. Berkowitz commented: What is the surrounding area like? I know you have the apartments. Is that a single-family home across the street?

Mr. Dell commented: Across the street there, correct.

Mr. Berkowitz commented: And next door?

Mr. Dell commented: I believe it's a single-family home as well over here and vacant lands to the south.

Chairman Ouimet commented: How much buffering are you proposing between your building and the single-family home to the west?

Mr. Dell commented: Currently right now this is a little deceiving the rendering is showing the area more intent. The woods actually come right out to the road so we could propose a no-cut buffer in this area of trees as well as supplement that with landscaping if that is a concern of the Board.

Mr. Berkowitz commented: What is the zone across the street to the north is that C-1 also? Are they occupied or vacant?

Mr. Dell commented: Yes, I believe so.

Mr. Nadeau commented: The subdivision we did at the last meeting for Adirondack Basements does that border this property?

Mr. Harris commented: Yup that borders this to the west where they were talking about buffering. That would be the flag or the driveway area that was created through the minor subdivision lot line adjustment a couple of meetings ago. I forget the width of it, maybe 50-60' along that western property line would be the parcel now to the south.

Mr. Nadeau commented: Because we had concerns with that applicant about the driveway entrance to it.

Mr. Berkowitz commented: How visible from Route 9 is this?

Mr. Dell commented: Once the woods are cleared out in the front here it will be fairly visible it does come up Stone Quarry Road and there is a ridge line along here so it does come up it will be quite visible.

Mr. Berkowitz commented: Do you own the property along Route 9?

Mr. Dell commented: This is all Route 9 right-of-way right up to here.

Mr. Berkowitz commented: Is that part of your property or no?

Mr. Dell commented: No.

Mr. Berkowitz commented: So where would a proposed sign go?

Mr. Dell commented: Right now we are showing the sign here however; in speaking with the applicant we are going to move the sign from here to the front corner over here.

Chairman Ouimet commented: Are there any other questions from the Board? Hearing none we will refer this to CHA for review and our sister agencies Fire Departments, Emergency Services, and Saratoga County. I ask CHA to pay particular attention to the traffic issue here. Thank you very much we appreciate it.

15.014 Starbucks & Restaurant Dvmt, 1589 Route 9 – Commercial Site
Plan/Special Use Permit

Mr. Jason Dell, Engineer with Lansing Engineering commented: I am representing the Halfmoon Coffee Shop and Restaurant Development at 1589 Route 9. I am here to bring the Board up to speed on where we are with the project as still need to have the public hearing for the Special Use Permit for the drive-through. As you know, the project is located at the corner of Sitterly Road and Route 9. The former Hess Mart was to the south and this was the location of the former Phelan's Banquet House. The applicant would like to propose a 1925 SF coffee shop with drive through as well as a 5500 SF restaurant on the eastern side of the property. The site has been revised since the last time we were before you folks. This use to be a 5700 SF restaurant and it has now been revised down to a 5500 SF restaurant and the reason for that was based upon comments from CHA and some parking revisions that we needed to do in order to meet the code. One egress from the former Hess parcel to the south is still proposed and we are now proposing a right out only to the north that will ease the traffic flow through and make for an easier exit out of the drive-through lane. Storm water, water, and sanitary sewer has all been designed at this point and reviewed by CHA. One other item that has been revised on the plan is that several of the parking stalls have been reduced down, the typical stall width and size for the majority of the project site is 10ø x 20ø however, in order to accommodate some of the site revisions that we made with CHA the parking stalls to the north of the restaurant as well as to the south of the restaurant have been reduced to 9ø x 20ø and in the rear of the building the diagonal parking stalls they are 10ø x 18ø for employees in the back. We are here tonight to answer any questions that the Board may still have as well as to request that the Board schedule a public hearing for the drive-through.

Chairman Ouimet commented: Where is the entrance to the Starbucks Building?

Mr. Dell commented: There will be several entrances on the side as well as in the front of the building.

Chairman Ouimet commented: Where is the predominant entrance?

Mr. Dell commented: It will be in the main portion.

Chairman Ouimet commented: On the side of the building?

Mr. Dell commented: Correct.

Chairman Ouimet commented: Where have you located the handi-cap spaces across the road? Does that make sense?

Mr. Dell commented: In order to meet the Town's Code for parking we had to adjust the site such that we needed to maximize the parking so that is why it is the way it is with respect to the handi-cap.

Chairman Ouimet commented: Do you want a guy like me to walk across the street to get into the Starbucks?

Mr. Dell commented: We can certainly look at relocating those stalls.

Chairman Ouimet commented: Where would you look?

Mr. Dell commented: We would have to re-configure this portion of the site here and push those parking stalls up against the building. In doing so we may lose 5 or 6 parking stalls.

Chairman Ouimet commented: It maybe what you have to do. Are there any other questions from the Board?

Mr. Nadeau commented: I would agree with you on that John it doesn't seem feasible to put the handi-cap so far away from the building. It doesn't make sense. On the other restaurant do you have an idea what restaurant that might be coming in there so we can get an idea of what the traffic might be like?

Mr. Earl commented: We have had several inquiries and we are in negotiations with Dairy Queen but on the front piece John to your point if we extended that current island right to the building and closed off any access the access would be one way basically would be a handi-cap parking area it would be too visible parking spots and then a clear path to the front door without any further traffic going anywhere through there. We just allow pedestrian access on the Route 9 side that is an over site on our part. There is no reason not to have that berm connect to the building.

Chairman Ouimet commented: We appreciate that.

Mr. Earl commented: I wouldn't want anyone to get hurt either.

Chairman Ouimet commented: The last time we saw this configuration the building was configured in a different manner.

Mr. Earl commented: The building was brought out this way and we have been round and round on this project we have had fights with Hess and with the Town trying to get access to build the driveway. In order to use this property DOT saying we must go in through what was formally known as Sitterly Road Extension which has kind of been abandoned now by the Town I believe but we are still in the process of trying to build that. Hess had granted an easement 21 years ago for us to use that and as you know Amerada Hess was sold so now we are fighting with the new owners and we think we finally got them to allow us to build that road which is very expensive. If you can see where the pointer is on the plan if we brought that buffer and closed that loop so there is no access the cars can pull in, park, back-up, and go out but they don't have access to go the rest of the way. Anyone parking along Route 9 here would basically walk-in through a walking access not a car access. So this would be one way in for 2 handi-cap spots and 2 regular spaces and then back out. Just a thought process I will work on it with the engineers anything that makes the site more functional. Right now it's a very ugly site on Route 9 and is one of the prime sites in Halfmoon.

Chairman Ouimet commented: I trust you understand what you are saying about handi-cap spots and normally they are abutting a building.

Mr. Earl commented: Yes, normally they are right up to the front of a building.

Chairman Ouimet commented: I think that is the way we saw it on the original layout of the original building. Are there any other questions from the Board?

Vice Chairman Roberts made a motion for a PublicHhearing for Monday, September 14, 2015 at 7:00 PM for the Special Use Permit for Starbucks Drive-thru at 1589 Route 9, seconded by Mr. Berkowitz. Motion was carried.

Chairman Ouimet commented: Public hearing is set, thank you very much. Will you have a re-configuration of the parking lot by then?

Mr. Dell commented: Yes.

14.128 421 Halfmoon Flex Park PDD, 421 Route 146 – Commercial Site Plan

Mr. Jason Dell, Engineer with Lansing Engineering commented: I am here on behalf of the applicant for the 421 Halfmoon Flex Park Project. The project site is situated between Enterprise Drive and Parkford. The project site will encompass approximately 9.4 acres and this project previously earlier on in the year was before the Town Board for the Amendment for the Parkford PDD that was approved by the Town Board. If you remember, the project consists of the construction of a 44,000 SF as well as a 15,000 SF Flex Space. There will be one primary entrance into the project from Route 9 there will also be an emergency access out onto Route 9 that will originate from the lower parking area. The last time we were before this Board was referred to CHA for review for all of the technical items and in this point in time we have addressed all of CHA's comments and we are here tonight to request approval from the Board for this project.

Chairman Ouimet commented: So I understand is there a re-alignment of the Emergency Access?

Mr. Dell commented: Correct. You can't see it on this map but it's coming off as opposed to heading over the east and then down it is coming straight through the site in front.

Chairman Ouimet commented: Has that been reviewed by Emergency Services and the Fire Department?

Mr. Dell commented: I know it was sent over to them.

Mr. Harris commented: It was sent prior to today's tonight's meeting. We sent it to the Fire Chief last week to take a look at it.

Chairman Ouimet commented: Would he have any issues from the last configuration or no?

Mr. Harris commented: No, they he was in support of the configuration that was further to the east.

Mr. Dell commented: When we had originally talked with Artie, Paul and myself; we talked about coming out adjacent to our existing entrance and at that time he had indicated that it was too close.

Where we are showing it now is approximately 270ø away from the proposed entrance so there is quite a bit of separation distance between the two entrances.

Chairman Ouimet commented: Rich can you follow up with Art please?

Mr. Earl commented: We had a site visit with the Fire Chief and at the time we did not own this property on Route 146 it was owned by Virginia Daigle. We had since purchased that property. The original proposal after the Fire Chief's first site visit was he wanted a driveway an emergency access road between Virginia Daigle's house and the people that live in the house next door. They have a handi-cap daughter and the bus loads and unloads all the time. We had proposed buying Daigle's property and moving that road and he said at that time I am in favor of that no problem. He said the only access would have been between the two buildings it doesn't make a lot of sense but I need fire access in there. Personally I am not comfortable with a heavy #4 stone road the stones could go out onto Route 146 I am trying to work with everyone and see if we can just pave that road and maybe fire gate it so only fire trucks can go in and out but not with the rough rock aesthetically it's not going to look good on Route 146 and the water washes the rocks out. I would feel more comfortable with blacktop or pavement.

Chairman Ouimet commented: I just want to make sure that the Fire Chief doesn't think that we slighted him at all.

Mr. Earl commented: Oh yes absolutely.

Chairman Ouimet commented: Can you follow up with Art?

Mr. Harris commented: Yes, also just a little birdie in my ear the issue of plowing of emergency entrances it is a consistent issue and is always brought up a lot I don't know what your plans are it's not just you it comes up with all projects. It is something that Fire Chiefs bring up it is a constant issue for a lack of a better way to put it.

Chairman Ouimet commented: Is this all private roads through here?

Mr. Earl commented: It is and we also own the adjoining property and we have a fleet of 7 trucks and the adjoining property is a 20-hour a day operation so our salt trucks and plow trucks in fact my salt shed is probably 80ø from this property line so that road will be taken care of first before we even get over to Watkins Plaza or anything over to Route 9. We are pretty meticulous I don't even want ice on my property so we put down so much ice melt last year that we ruined all the carpeting in the apartments on Route 9. People were dragging the calcium all through their houses. We don't want anyone getting hurt that is for sure. The primary would be the fire access as well as the rest of the property.

Chairman Ouimet commented: Thank you. Are there any questions from the Board? Do we have a motion?

Vice Chairman Roberts made a motion to approve, seconded by Mr. Nadeau. Motion was carried.

Chairman Ouimet commented: Approved thank you Scott we appreciate it.

14.123 Cardin Acres, Roger Lane/Chateau Drive/David Lane – Amendment to Site Plan

Due to lack of quorum of eligible voting Board members this item was removed from the Agenda tonight.

Mr. Berkowitz made a motion to adjourn the meeting at 8:07 PM, seconded by Mr. Nadeau. Motion was carried.

Respectively submitted by Denise Mikol, Secretary
Town of Halfmoon Planning Board