

**MEETING MINUTES**  
**Town of Halfmoon Planning Board**  
**February 8, 2016**

Those present at the February 8th, 2016 Planning Board meeting were:

Planning Board Members:	John Ouimet – Chairman - absent Don Roberts – Vice Chairman Tom Ruchlicki John Higgins Marcel Nadeau Tom Koval Richard Berkowitz
Planning Board Alternates:	Margaret Sautter - absent
Director of Planning: Planner:	Richard Harris Paul Marlow
Town Attorney: Deputy Town Attorney:	Lyn Murphy - absent Cathy Drobny
Town Board Liaison:	John Wasielewski Jeremy Connors

*Don Roberts opened the meeting at 7:00pm.*

*John Higgins made a motion to approve the Minutes from January 25, 2016. Rich Berkowitz seconded. Motion Carried.*

**Don Roberts:** Before we start I've got a little announcement here, our Chariman John Ouimet is recovering from a little medical mishap and he just wanted me to let everyone know that has on the mend a little bit and he hopes to be here for the next meeting. So we wish John luck on that so, ok thank you.

**15.175      Spare Lots Office Building, 409 Route 146 - Commercial Site Plan**

*Tom Koval recused himself.*

**Jason Dell:** Good evening, I'm an engineer with Lansing Engineering I'm here on behalf of the applicant for the Route 146 Spare Lots Office Building. The project site is located at 409 Route 146, its immediately west of Enterprise Dr. Currently there are four parcels out there that total 1.53 acres, those parcels will be consolidated for the project. All the parcels are currently zoned C-1 Commercial. So for the project the applicant is proposing to construct an 18,240 sq ft office building, it will be a two-story building so the footprint is about 9,120 sq ft. There will be two access points into the project off of Route 146, here and here. Currently

there are four curb cuts in that area that served the existing homes that were out there, so there will be consolidated down to 2. Water and sanitary sewer will be provided to the building by connections to the existing mains that are out there on the northern side of Route 146. Storm water will be managed on site in a sub surface storm water infiltration and detention system. And parking has been provided in accordance with the town's requirements. Now for the project we require two zoning variances that we were before the Halfmoon Zoning Board last week, Monday for and they granted the variances, and the variances included a front yard set back variance, the code requires a 50 ft. front yard setback in the area, we were granted a 10 ft front yard setback from the route 146 right of way. The second variance that we were granted had to do with the size of the parking stalls. Halfmoon requires a 10 x 20 stall and what we are proposing on the western side of the building, due to the limited depth of the lot we requested and were granted a 10 x 18 ft stalls. So we are here tonight to introduce the project to the board, answer any questions that you may have and move the project forward as the board sees fit.

**Don Roberts:** Ok, now you said that ZBA did grant the variance for the parking? Smaller parking.

**Jason Dell:** Yes

**Don Roberts:** Ok, thank you, any questions?

**John Higgins:** Isn't there a wet lands on the back of those properties.

**Jason Dell:** Yes as you can see our plan kind of shows theres a stream corridor that comes along the back, going through here meanders up and this way and yes there are quite a bit of wetlands back in this area. There are no wetlands going to be impacted by the project and that's part of the reason why we were seeking the variance the way we did with the building moved to the front portion of the sites as opposed to shifted further back, was because of that stream right there. Mr. Higgins.

**John Higgins:** Is the stream on the property or on the back property?

**Jason Dell:** Mostly on the back property, it just barely touches right there. It's actually on the majority of all that is on the Four Enterprise property.

**John Higgins:** Ok. cause I know Corky Filo always said that he had wetlands on the back of his property.

**Jason Dell:** Yes there are, this area up here is all wetlands.

**John Higgins:** But that's not part of these four lots?

**Jason Dell:** Correct.

**John Higgins:** Ok, thank you.

**Rich Berkowitz:** Jason have you done any traffic projections that might occur from the site?

**Jason Dell:** A traffic study is currently underway, we are still waiting to get that back.

**Rich Berkowitz:** Because that's not too far from the proposed hospital complex or the proposed medical complex?

**Jason Dell:** That is correct. So that will take all of that into account?

**Marcel Nadeau:** How close to the proposed complex is it?

**Jason Dell:** I will have to get back to you on that one I'm not sure of the exact location, I know that plan has been in some flux over the years.

**Marcel Nadeau:** Yea it has.

**Don Roberts:** Anyone else?

**John Higgins:** Now the property to the west isn't that what was approved at the previous meeting?

**Jason Dell:** 421 Flex?

**John Higgins:** Right

**Jason Dell:** you'll see we've actually got a sidewalk here that's actually going to connect over to the 421 flex building, that's about where my pointer is now is about where that building starts. There's one house that's currently right here that's going to stay for a while the entrance to 421 Flex is right about here, so there is still one property in between the two, and Mr. Earl does own this property.

**John Higgins:** Yes cause I was just wondering about for traffic wise if it made any since to have the two parking lots joined in just for traffic flows. Cause right now if you are going from this building to the flex park you have to go out onto 146 and back in, I am just tossing out ideas.

**Jason Dell:** We did look quite some time ago at connecting all of this the problem is what you had mentioned before that wetland complex and the elevations associated with that stream channel, these properties as well as the elevation that the 421 Flex park is up at, you know in the future when this house is done away with we can certainly look to do something like that, connect them but right now we are going to propose at a minimum add a sidewalk connection between the two as well as a sidewalk connection back to four enterprise.

**John Higgins:** Is there an emergency access through that property?

**Jason Dell:** For 421, yes that emergency access kind of comes down right about here.

**John Higgins:** So in the future that could possibly connect everything?

**Jason Dell:** Yes.

**John Higgins:** but you can put a sidewalk in with out affecting the wetlands?

**Jason Dell:** Yes this sidewalk if and when it was to occur it would have to be up on piers.

*Don Roberts: informed Jason Dell that, this application has to be referred to Saratoga County Planning Board, our town engineer, Clough Harbour and Associates and the fire dist.*

**15.187 / 15.188      Noradki Subdivision ,30 Ushers Road - Minor Subdivision & Special Use**

**John Noradki:** I live at 30 Ushers Road, I'm just looking for a subdivision at my current location.

**Don Roberts:** What are your plans.

**John Noradki:** I'm planning to build a house, ill be doing the water and the septic since there's nothing from the town really there.

**Don Roberts:** Ok

**Richard Harris:** Don just so you know this does require a special use permit because of the LIC Zoning District. He has got a pre-existing non-conforming mobile home on the lot to the left, you will see it, its right there and then there's some structures here but that is outside of the mobile home park so its pre-existing non-conforming. But in that zoning district, and I did verify this with the town attorney just to make sure, the code allows through special use permit, an applicant to subdivide a preexisting residential use as long as what's being created can conform to today's standards, and his new lot over here where he wants to build a single family home does conform with the zoning dist. requirements so this lot here would be the kind of the new lot about 1. 38 acres right here and then the remainder parcel would be this kind of pistol shaped lot that's currently split by the railroad tracks and doesn't provide much access, but he did indicate he plans to maintain the mobile home possibly rent it so, this does require an addition to minor subdivision special use permit. Which he has applied for.

**Don Roberts:** Ok thank you Rich. Any questions from the board?

**Tom Ruchlicki:** What is your access to the remaining portion of the track? Are you able to get

**John Noradki:** The town took it away from me so I have no access.

**Tom Ruchlicki:** you can't get it?

**John Noradki:** I emailed the railroad to get access back and they've done nothing for me so, its kind of land locked right now. Everybody else seems to have a crossing other than myself so.

**Tom Ruchlicki:** Ill take a look at this.

**Don Roberts:** You will, Ok.

*Tom Ruchlicki made a motion to schedule a public hearing for February 22, 2016 for the Norakdi Special use Permit. / and Minor Subdivision.*

*John Higgins made the applicant aware that he had to show on his maps the location of wells and septic systems and the neighbors.*

**16.004 Northeast Controls Inc., 3 Enterprise Dr. (Halfmoon Light Industrial Park) Commercial Site plan**

**Tom Andres:** With ABD Engineers, I guess I'm starting to feel a little old when these are 20 years old and were coming in to do additions on them. I think you and Marcel were around but that's about it. Any way Northeast controls, we have developed most of this Halfmoon Industrial Park, 20 something years ago, they were one of the first buildings in there, they actually have frontage on both sides of Enterprise in front of them is the storm water management area and the Grace church is in front of that. They are approximately 22,000 sq ft. now they would like to add about 11,000 sq ft of addition to the rear of the building. A great portion of it, its probably hard for you to see, the yellow represents the pavement area so a lot of the addition is actually with in the pavement area there's some small amount of parking on the side and a little bit of the back of the building is going to the other side so they have a large maneuvering area they really don't use for much and this will get them for right now they have outdoor storage which the board had approved a number of years ago for their pallets but those are new pallets that they can ship on so they want to get those inside , they don't actually have loading docks they just have overhead doors so this will give them a four ft loading dock also and obviously a fair amount of additional warehouse space inside. Water, sewer all through the existing building there wont be any facilities out in this addition, they are bringing in a new waterline though just because of fire code demand so, with the new regulations they have a sprinkler line coming the other way and its not large enough so we are bringing an eight inch one from the east side.

**Don Roberts:** Any questions?

**John Higgins:** Parking I assume?

**Tom Andres:** We are adding approximately, we're adding 12 new spaces to this. They have more than enough parking in the front parking lot they do park on the side near the existing overhead doors near the back warehouse portion so were adding 12 spaces inter mixed in there really to accommodate the staff that's in the warehouse portion. We are also adding an access around the north side of the building; because there is an area there they want to be able to bring their computer equipment in and out of, so some of their service people utilize that other access.

**John Higgins:** Ok thank you.

**Don Roberts:** Anyone else? (No comments)

*Don Roberts: informed Tom Andres that, this application has to be referred to Saratoga County Planning Board, our town engineer, Clough Harbour and Associates and the fire dist.*

**16.005            Stewarts Shop, 214/216 Guideboard Road - Commercial Site Plan**

**Chuck Marshall:** From Stewart Shops, with me is Steve Kinley also of my office. Stewarts Shops has purchased the former Mobile gas station and 10 bay car wash from Wever Petroleum located at the intersection of 236 and Guideboard road. Upon satisfactory approvals by this board the county and DOT, we will redevelop the site for 3,675 sq ft Stewarts Shops, that building will be hardy board construction with a stone veneer, we will also construct a four bay car wash should a tenant materialize. We have had preliminary discussions with a couple different people, if that part of the site plan doesn't materialize a tenant by our approval we will bring the edge of pavement, approximately 30 St off the west side of the store and not develope that portion till a later date. We will after this store is up and running because we don't close stores we will close the store on the east side of 236, um the reality is as you have seen Stewarts at Plant road particularly purchase property adjacent, we're redeveloping more locations than we are doing more new store locations and the one at the east side of 236 suffers from a stacking problem where making lefts both in and out of the facility during peak times are difficult. I know that traffic is a concern at this intersection. I know we will be reducing if you consider the exisisting Stewarts and the proposed or the existing Stewarts and the existing Wever car wash and mobile facility there are seven fueling stations and ten wash bays. We will go to 6 fueling stations and four wash bays. So you will have a net reduction of one pump. I'm sorry I'm going to go back. There is currently seven pumps so there's fourteen fueling positions, and we will go to six pumps so there's 12 fueling positions. So they're a net reduction of pumps and reduction of trips through the intersection. The 236 curb cut will remain that curb cut is proposed to be limited access with no left hand turns out, the Guideboard road curb cut will move slightly to the west and will remain a full access curb cut.

**Don Roberts:** Ok now once you're up and running and close the other store what are your plans for the store on Guideboard now.

**Chuck Marshall:** I've heard from a realtor in the capital region of reasonable success that the inventory for single use buildings is low in this market so we do anticipate turning it into a office, professional office is the best use for that space because it has to be relatively a destination. Again it won't serve as a high retail location because of the poor turning movements and low visibility.

**Don Roberts:** Any questions?

**Marcel Nadeau:** What's the status on Guideboard as far as the right of way in that area?

**Don Roberts:** Well we are going to refer to Clough Harbour anyway and ask Joe to look at this, as far as impacts at the intersection. And any possibility of getting some land on the road for future turning lane.

**Chuck Marshall:** In our initial design you will see parking spaces 28 - 37 that's probably the area of best use for the turning lane, we understand that the intersection is problematic, even though we see a net reduction in trips. So we would be willing to, working with the towns engineer to develop a plan that turns a portion of that into green space.

**Don Robert:** My own opinion, this is just my opinion here I understand your going to reduce the pumps and the car wash possibly I don't see a net reduction in the traffic there, you guys offer a lot more than what mobile offered there so my own opinion, I don't think your going to see a net reduction in traffic that's just me.

**John Higgins:** That's me too Don.

**Chuck Marshall:** According to the manual we will see a net reduction in traffic.

**Don Roberts:** Yea you know what you can do with the manual right (laughing)

**Marcel Nadeau:** The easement going down to the Getty station on Rte 9 is that on the property, is it off the property? On the one drawing the S-2 it shows that Halfmoon Petroleum Inc. is that still owned by Weaver. If you look right to your left all the way to the left on that drawing

**Chuck Marshall:** I was unaware of that, but obviously anything that would run with the land, so if it was an easement but ill double check I don't know the answer to that.

**John Higgins:** But is Stewarts buying that piece of property also?

**Steve Kinley:** Well we are buying the two parcels. But I'm not sure what happens on this side, on the left side of that property line, I'm not sure what happens.

**John Higgins:** ok well its going to the engineer anyway but just I was just curious because the easement over there and that rear access going down to Getty station over there

**Steve Kinley:** John you're talking about the easement on the property that's labeled Halfmoon petroleum right?

**John Higgins:** Yea I, I didnt know.

**Steve Kinley:** We will take a look at it, it appears to be off of outside of this project limits, and we can look at it as part of our review.

**John Higgins:** Ok, I wasnt sure whether Stewarts was also buying that piece also.

**Steve kinley;** Oh no that piece has recently changed hands.

**John Higgins:** To someone other than Stewarts?

**Steve Kinley:** to someone other than Stewarts yes. We have purchased the two parcels of Weaver though.

**John Higgins:** Ok

**Don Roberts:** Anything Else?

*Don Roberts: informed Steve Kinley that, this application has to be referred to Saratoga County Planning Board, our town engineer, Clough Harbour and Associates and the fire dist.*

**16.009 / 16.010      Mattress by Appointment, 1603 rte 9 - Change of Use/Tenant**

**Phillip Walton:** This evening I'm applying for a change of use and tenancy as well as change of use of sign at the Halfmoon Town Plaza which is at 1603 Rte 9, as you mentioned. I'm looking to open a franchise location there of a mattress, I guess you could say direct from wholesaler to retail mattress store. A little bit different than your typical mattress business just in the sense of we advertise much cheaper and no one is actually there, one employee, myself, and your actually only there when you set appointments to sell those mattresses, so we don't see much of a change in projection as far as parking or traffic for the location.

**Don Roberts:** And you said how many employees?

**Phillip Walton:** Just one, and then we will have a delivery truck in there from time to time to deliver, merchandise itself in the back of course, and then maybe some extra help on those days and that's about it.

**Don Roberts:** Any questions?

**Marcel Nadeau:** we had talked about the sign, previously you hadn't.

**Don Roberts:** Rich just gave it to us, the gentleman just brought it tonight, we do have a signed rendering tonight so.

**Philip Walton:** And the two places that would change are on the monument sign for the plaza itself and then the overhead sign directly above unit 5B.

**Marcel Nadeau:** No change in size at all though they are just replacing the panels?

**Philip Walton:** Yes, Sir no change in size

**Don Roberts:** They are both going to look like that both of them.

**Philip Walton:** Exactly

**John Higgins:** Now are you going to have inventory in this location?

**Philip Walton:** Yes, sir the space is 16 x 60 I believe. Just under 1000 sq ft. As you come in there will be a desk and a few chairs for clients on the right side and then there's going to be about five to eight display beds on the left and then there's going to be some inventory on the right and we also have the ability to order anything direct as well. So essentially in today's a day in age where most consumers become quite educated and shopping around gives us a chance to offer them the same mattress they can buy anywhere else but at a better price because of the major difference in overhead if you will.

*Rich Berkowitz made a motion to approve Mattress by Appointments application for change of Use/Tenant & Sign. Tom Koval seconded. Motion approved.*

**15.178/15.179 Ludovici Custom Hot Rodz, 1554 Route 9 - Change of Use/Tenant**

*The applicant failed to appear.*

**16.016/16.017 Heavy Hauler Trailers & Truck Equipment, 1489 Rte 9 - Change of Use /Tenant**

*The applicant failed to appear*

**15.155 RCC Enterprises DBA Maple Leaf Child Care Inc. 41 Werner Road - Change of Use/ Tenant**

**John Moran:** Representing Maple Leaf Child Care and we are just asking for a change of tenant for the location.

**Don Roberts:** You were before us for a while here.

**John Moran:** Yep, they weren't too sure how it should have been handled

**Don Roberts:** Paul you want to try and explain how we got to this point real quick?

**Paul Marlow:** The last time they were here there was some questions regarding the number of students and previous approvals, long and short of it was what came out of discussion from this board was that due to the increase in the number of children we suggested that a variance be sought, the applicant went through that process, it was a long tedious process and thank you for sticking with us on that. We did get a variance approval for an expansion of a pre existing non conforming use to allow for more students in the day care and as a result of that approval they are here today seeking a change of tenant approval for their proposed daycare.

**Don Roberts:** Thank you Paul. Questions by the board?

**John Higgins:** Now you are just going to utilize the one building in the back is that correct?

**John Moran:** Our plans right now there is a 5,600 sq ft building on the back of the property which would be lower right hand corner. This building right here 5,600 sq ft building our plans right now are to remodel that and bring it up to compliance as far as the building dept and the dept. of social services so we can obtain a license for about 100 children which would be utilized as after school children at this point. Further use down the road we are not too sure what our plans are to do with the location. Possible rip down some of the other structures and build a building for child care or a you know if we get approvals to do that but for now our only plan is to utilize this one building, it would be mainly used for school aged children which busses would come in the morning about eight thirty, nine o'clock pick up the children in that location, deliver them to school bring them back three, three thirty in the afternoon drop them off then moms and dads come back six o'clock in the evening anywhere from four to six we'd be closing at six o'clock and pick up their children and that would be our intended use.

**John Higgins:** In the pre-meeting they mentioned that you have a flow for the school busses So that there's no stacking on out to Warner road?

**John Moran:** I don't believe there would be, usually its only one school district that would be bringing them, and it shouldn't be an abundance of busses maybe one or two from two elementary schools that would arrive at different times

**John Higgins:** How will the bus navigate around the parking lot if you could just show us?

**John Moran:** Well, it would come off Warner road there is an entrance here, and they come through here, come over in front of the building drop off here and probably loop back down around and back out.

**John Higgins:** ok so the drop off is off the end of the building?

**John Moran:** A drop off would be right in this area here, then there would be a teacher out to meet the bus. And walk the children into the location right here is the crosswalks and the bus would stop behind this area and again in the morning it would be up to the driver but usually they would put the door on this side so the kids could be directed right to the building and in the morning they may do that pattern reversed, come in this way and drop off, depending on what way the door faces.

**John Higgins:** The reason we are asking the questions we are concerned about children not having to cross in front of cars we have several locations in town and that's why we've asked where school busses are, things like that.

**John Moran:** That's a great question and not only that, that's our philosophy as well. We want to make sure that the kids have an in grass and an egress in the building as safe as possible. We don't want them running through parking lots, I mean it becomes a large liability, I will say when the busses do come to pick up the children, the children usually are already there so there's not a lot of activity in the parking lot cause there's really really not many of their parents wouldn't be there dropping off at that time cause the busses are there

they would already be to work in the morning. Evening there wouldn't be an abundance of traffic there either cause the kids come in and obviously mom and dad are at work.

**John Higgins:** Well obviously you are going to put some signage by some loading area

**John Moran:** Everything would be marked properly and we would make sure that the children are safe, you know we haven't worked out all the details yet because were just out of the process of buying it but I can tell ya that is our philosophy, to ensure the safety of the children obviously.

**John Higgins:** ok and so you are going to own the entire site your planning on is that correct?

**John Moran:** We're buying, there's four and a half acres which pretty much outlines it goes up here and runs down along here back down to Warner road. Yes we are buying. Were buying the entire, there's four and a half acres of property there we are buying the entire thing and that's, it would only be childcare people there, the intent to use the childcare on the site.

**John Higgins:** And obviously you have intents to use any of the other buildings for any of the other purposes you need to come back before the board.

**John Moran:** I said the only other purpose would be child care as well and we could come back for that, ya know that's kinda of what we do, we are in the child care business so and our philosophy is we like to have single standing buildings for childcare and nothing else in that location it just creates a safer environment.

**Don Roberts:** Are you proposing a sign at all?

**John Moran:** We will.

**Don Roberts:** Then you will have to come back for that as well just so you know.

**John Moran:** yea I mean were not that far there's an existing frame out there some but I understand we would have to come back for signage and that type of stuff but I guess their main objective is getting the site approved to run a child care out of there.

**Don Roberts:** Any one else? (No comments)

*John Higgins made a motion to approve Maple Leaf Child Care Change of Use/Tenant.  
Rich Berkowitz seconded. Motion Carried.*

*The site will have 100 children, and the permit is for the use of the building in the rear only.*

#### **14.040            Bisceglia Subdivision (4 Lot) Hudson River Road - Minor Subdivision**

**Duane Rabideau:** From VanGuilder and associates here representing Tom Bisceglia for the continuation of discussion and review of the proposed four lot minor subdivision. Since the

last presentation representatives of the planning board dept, and CHA walked the site to see if there were any outstanding issues remaining. I think by the end of the walk the only remaining issue appeared to be remaining concern was the off site drainage to the north. We ourselves, we still contend the concerns are overly stated but to address the concerns, we have added to the subdivision plan a five foot wide overflow swale that would abut the edge of the wet land complex which this, that right there, here is the wetland complex that flows north, we are proposing a five foot wide swale abutting the edge of the wetlands and if for some reason, that's to divert any possible increase to run off that would go directly to the river, basically set up to touch the edge of the wetlands and if by some odd chance that there was an increase in flow that these overflow into the swale and basically follow the natural contours down to the river. Basically not pushing anything farther north. And that's where we stand now.

**Don Roberts:** Thank you Gavin. Now as you said we did have a site visit before I get a report on that I would like to have, we have some correspondence about this from some neighbors, I would like Rich read it into the record, Rich or Paul I guess ok. I guess Paul is going to do it ok.

**Paul Marlow:** On February 6th, Rich received an email from Ann Tarsa I will read this into the record. *Rich, would you update me regarding any decision made by the planning board about my request for additional buffers being placed on the boundaries of our properties. I ask again that this request be strongly considered to ensure a better level of privacy and comfort for myself and for future residents on both properties. Thank you, Ann Tarsa and then we received two emails from Mr. Kurt Gendron. First one, To Town of Halfmoon Planning Board, From Kurt Gendron 685 Hudson River Road, Ann Tarsa 655 Hudson River Road, Rick Abbott 645 Hudson River Road, Ron Libman 693 Hudson River Road, and Kevin Lindman 695 Hudson River road. Concerns, the planning board has not provided critical data to assure that the proposed subdivision meets all the town code requirements. We were told on a public record during the 11/23/15 public hearing that constrained land calculations were available for the proposed subdivision. Planning board members have stated multiple times on public record that they feel the proposed subdivision is too intense, high density yet they have not been provided the constraint unconstrained land data required per code which would address these concerns of maximum allowable density. We are not stating it does not meet code we are stating that nobody knows for a fact that it meets code because the proper surface area calculations have not been provided. This is the same as lot dimension requirements the town doesn't take the applicants word for it, they require survey footage measurements. Given the information the proposed subdivision cannot be approved, stating that it meets code, the code below is very clear as concerned neighbors, this data has not been provided to the planning board for use in their decision making or public review. Last minute raw data provided by the applicant determined constrained and unconstrained land surface area of the proposed subdivision is a conflict of interest and needs to be at a minimum reviewed at some level by the town engineer or some third applicable party engineering firm for accuracy, Then Shortly thereafter we received another email from Mr. Gendron, Stating During a site walk down on my property there were solutions proposed to resolve federal wetlands drainage concerns I have raised for storm water run off onto my property. The concern is the proposed solution requires the version of federal wetlands natural course, which cannot be approved by myself or the applicant or the Town of Halfmoon. I support the proposed solution but as to the Army Corps. of Engineers be provided and proposed as a solution. If the solution is going to be part of the basis to state*

*neighbors concerns have been addressed and resolved. Thank you for your time and ongoing support Kurt Gendron.* And I should just note that as part of Mr. Gendrons first email there was an attachment from the town e-code which is the online equivalent to our town code, with definitions of constrained and unconstrained lands.

**Don Roberts:** Ok, thank you Paul. I know we had a site visit would someone like to report on the site visit?

**Tom Ruchlicki:** Sure, we started at the south end of the property on the border of Tarsas property and addressed the concerns she had, she had asked if we could possibly put in some additional greenery, arborvitae I believe is what she asked for. When we walked the land we noted that, substantial amount of clearing has been done onto the applicants property which reduced the already naturally occurring screening and then we also noticed and I can see by the topography map that we've been provided that the proposed location of the house is approximately 12 to 14ft higher than the house Mrs. Tarsa. A six foot arborvitae wouldn't provide any additional screening that you'd be looking down at the top of the house she would be looking down at the top of the house anyway, she's going to be looking up at the house regardless of whets put up so my personal feeling there was no need or nothing warranted asking the applicant to put anything additional in. At the north end of the property we walked and checked the drainage issue and looked at the neighbors concerns about drainage and we discussed potentially putting in an additional swale to handle the run off that currently goes or could go across Mr. Gendrons property. We noted that a potential solution to that would be to put in a new five ft. swale just south of the property line that would handle any overflow, not draining the Army Corps. wetland but simply giving it a new spot to run off to where it's not affecting his property at all. We also noted that its his property has been cleared onto the applicants property so we didnt feel as though screening, didnt warrant any additional screening at that location. We did ask for an updated map showing the proposed swale, which I believe Duane was just showing us and in the pre-meeting we discussed this and we came to the determination that even the concerns with this being Army Corps. and this affecting the Army Corps. Land that would be when they applied for building permit this would all be contingent upon Army Corps. approving that.

**Duane Rabideau:** Well the intent of that swale basically is not to impact the wetlands in any form because the Corps jurisdiction is to the edge so basically we can go right up to the edge, and the intent is to not drain the wetlands but basically to start the invert of the swale at the water level so we are not altering it vertically or horizontally. So basically the Corps. that is non jurisdictional and we want to make sure it stays non jurisdictional, so the Corps. would say we have no interest in it.

**Tom Ruchlicki:** I believe what we were addressing was Mr. Gendrons concern that we would affect the wetland where it does cross onto his property and that's what we were looking to ensure and I believe that's what you addressed was by not attaching to the wetland but simply giving it a point to overflow when we have a heavy rain.

**Duane Rabideau:** If that ever did happen, that's correct, basically what is out there now all the water we saw all the drainage courses we saw are under federal jurisdiction and basically we have no intent of altering or modifying that at all.

**Don Roberts:** Ok, thank you Tom. Now Duane my understanding is there going to be a homeowners association for these lots?

**Duane Rabideau:** No.

**Don Roberts:** Will you explain how the driveways going to be maintained who is going to be responsible for that driveway?

**Duane Rabideau:** Well its going to be a driveway maintenance agreements between the four people, basically it you will buy into it, share costs of driveway maintenance anything to do with a private waterline that will all be spelled out.

**Tom Ruchlicki:** And that will be written into the deeds for each property?

**Duane Rabideau:** That's correct.

**Rich Berkowitz:** How does that work when it's partially, lived on or say two out of the four homes are purchased?

**Duane Rabideau:** Basically they will, they'll know that going in.

**Rich Berkowitz:** So Bisceglia's pick up half; the two homeowners pick up a 1/4 each?

**Duane Rabideau:** That I'm not sure, that has to be worked out as part of the real estate deal.

**Tom Ruchlicki:** Now do they also take responsibility for the culverts going under the driveways?

**Duane Rabideau:** That's Correct, anything associated with ingress, egress. With in this easement area.

**Tom Ruchlicki:** Now when that contract will be written that they're cleared out or checked at least once a year, however often it need it?

**Duane Rabideau:** Whatever the standard maintenance language that everybody else has used.

**Don Roberts:** So those new homeowners will be responsible together for all of this then?

**Duane Rabideau:** That's correct, there's no way the town is involved with it at all.

**Don Roberts:** Thank you, okay our town engineer Clough Harbour Joe Romano you had a chance to review the swale and all the other engineering aspects are you satisfied that all requirements have been met?

**Joe Romano:** Yea, previously our comments have been addressed with Duane with the exception of, from the site visit the addition of the, I guess ill call it the overflow swale which it appears to be a reasonable solution to the concern that was raised. And although Duane this plan will be submitted as part of your Army Corps. application so the Corps. will see the

swale, although they will not necessarily have jurisdiction of the construction of it but it will be represented on the plan that is submitted to them on the permit.

**Duane Rabideau:** That's correct and they will address that and they will make sure, it will be an impact it will show up in the permit.

**Joe Romano:** Its not impacting the wetlands.

**Tom Ruchlicki:** and when is that swale constructed, pre construction or after the homes are constructed?

**Duane Rabideau:** I would say when the first home goes in, because that's when the concern of potential increase in flow would happen.

**Tom Ruchlicki:** Ok, good.

**John Higgins:** Yea I have a question, I thought with Army Corps. wetlands there's area around the wetland that's protected.

**Rich Harris:** That's NYS DEC wetlands.

**John Higgins:** Ok so Army Corps. It's just right to the edge?

**Rich Harris:** Yes.

**John Higgins:** Ok I just wanted to check thank you.

**Don Roberts:** Anyone else? (No comments)

**Rich Berkowitz:** I make a motion to approve the Minor Subdivision contingent on the concerns with the driveway HOA and the swale.

**Don Roberts:** Being...

**Rich Berkowitz:** Army Corps. approved

**Don Roberts:** Not only that but the timing of it when its going to be done.

**Rich Harris:** Excuse me Rich, you just mentioned HOA?

**Rich Berkowitz:** Not HOA, I'm sorry the driveway agreement, maintenance agreement

**Rich Harris:** maintenance agreement

**Rich Berkowitz:** Maintenance agreement.

**Don Roberts:** And the swale being.

**Rich Berkowitz:** And the swale being up to Army Corps.

**Rich Berkowitz:** I would like the swale to be done prior to the construction of the houses cause as soon as they start disturbing the land that's when the run off is going to.

**Duane Rabideau:** Yea that can be, when we get the Corps. permits that swale would be part of the permit, per se. As an auxiliary piece, so when we do the disturbances then we would also do that.

**Don Roberts:** So Rich Your saying part of your motion is contingent on the swale being constructed before the houses?

**Rich Berkowitz:** Yes, right.

*Rich Berkowitz made a negative declaration pursuant to SEQRA, seconded by Marcel Nadeau. Motion carried.*

*Rich Berkowitz made a motion to approve the Minor Subdivision contingent on our concerns with the driveway maintenance agreement, and the swale being Army Corps. approved, and the swale being done prior the homes being built. Tom Koval seconded. Motion Approved.*

**15.106**            **Warren Tire Service Center ,Rte 9 & Stone Quarry Road - Commercial Site Plan**

*Tom Koval recused himself.*

**Jason Dell:** Engineer with Lansing Engineering, here on behalf of the applicant for the Warren Tire Service Center, we have been here before the board on several occasions, most recently a couple of weeks ago. The applicant is proposing to construct a 7,200 sq ft. tire service center, last meeting the board wanted to go out and take a look at the site where the proposed sign was going to be located there were concerns I believe that was alleviated at the site walk and I believe that the other item that the board was concerned with was visibility from the apartments across the street and the proximity of those apartments to the Tire center so I believe when we were out there taking a look at it the boards concerns were alleviated there as well. Prior to the meeting here we did receive a letter, correspondence in it there was some concerns about visibility from the neighbor to the west and the applicant has agreed that we would put some screening arborvitae along the western property edge over here to screen her from this side of the building. From the eastern side of the building there is a landscaping plan that was prepared for this side of the building, that was part of CHA's review and Joe did have several rounds of comments requesting us to thicken up that vegetative screening along here. To which we did and I believe we addressed all her concerns so at this point tonight we are here to answer any questions the board may have and request an approval.

**Don Roberts:** Ok, before we go any further I've got some correspondence about this from neighbors, Rich, will you please read them into the record.

**Rich Harris:** Sure, Jason alluded to one of the letters we received ill read it both I received a copy, and chairman John Ouimet and it was addressed to myself, John Ouimet and esteemed

board members from Mathew Kennedy. *I'm writing you to express my concerns over the proposed Warren Tire Service Center at the intersection of Route 9 and Stone Quarry road in our town. It is only recently been brought to my attention that the public may not be afforded the opportunity to express their concerns at a Public Hearing so i am compelled to write you. I have several concerns regarding the design and layout of this project that will affect the quality of life of the many residents of Stone Quarry Road and feel that they should be addressed. First is the manner of access to the business that is currently being planned to be exclusively on a residential street that is Stone Quarry Road. Traffic on Stone Quarry Road has been a serious topic of discussion several times over the last few years regarding development on the street. Construction of the Kenningsington of Halfmoon along with the continued development to the east put a tremendous strain on this narrow winding road. The speed and volume of traffic on the road is at times very hazardous to residents and motorists and this project would obviously add significantly to that. Most certainly adding several hundred trips per day to the road, mostly at peak traffic hours taking into account employees, patrons test drives for repairs, tow trucks, flatbeds, delivery trucks, parts vehicles, various refuse and recycling vehicles. Clearly the principal value of this site is its frontage to Route 9 and traffic that passes by it. Why isn't the access to this parcel via route 9 instead of the currently entirely residential Stone quarry road. Stone Quarry Road and Rte 9 meet at an unsignalized intersection that is very unlikely to be granted a traffic signal. I can see no valid reason for traffic flow control for the entrance to this project to be on stone quarry road instead of route 9. The proximity of the driveway to that intersection and the entrance to the Kensington project which is also a school bus stop in the mornings and in the afternoons it is not unusual for vehicles to be five or six deep behind the bus at the stops. More on days with traffic issues on the highways and the currently available for lease property at the very end of the street are very likely to cause stacking issues. Should access to the property be exclusively off Stone Quarry Road, that problem will be unrepairable when it presents itself. The driveway off of Route 9 on the southern edge of the parcel would seem to be the logical and most rational choice. The recent subdivision of the adjoining parcel to the south has given the Warren Tire parcel more than enough road frontage to do so and any arguments about the grading of the property aren't far overstated. Certainly much more significant grading occurs regularly in the town and occurred across the street at the Kensington for parcel access. Most of the necessary grading will be done in either case to provide visibility for the building and to create the parking area. The current plan would seem to simply be the faster and cheaper method of doing things allowing the developers of the parcel this current lay out to make their development process a little easier will permanently make the lives of the residents of the town harder. Placing all that additional traffic on a street where hundreds of residents now live and placing additional stress on a roadway not adequately designed or constructed for the task that the town of Halfmoon not the developer will ultimately have to maintain and repair in perpetuity. In addition Warren tire Center would certainly benefit from having driveway access to route 9, which their patrons are bound to locate more easily. As a customer I would be looking for access to a building that was built fronting the route 9 corridor on the route 9 corridor. If I was driving south down route 9 and didnt realize that I needed to turn down stone quarry road to enter the business, wouldn't I drive another 800 ft down the street to the next driveway which also happens to be a competing tire center, why turnaround I wonder. Second my other concern is with the layout of the screening of the project area to the surrounding residential properties. I am very troubled by the setback from the residential property to the west. Thanks to the newly subdivided parcels 50 ft strip approved July 27, 2015 there was only a 65 ft setback from the adjoining residential property. I am particularly disturbed since one of the*

*concerns about the original strip being subdivided out from the Warren Tire property was that it may not be suitable for use as a driveway to that parcel, now it would appear that it is also being used as a loop hole to allow the setback to be smaller than would normally be allowed. Potentially now creating not only a second driveway but moving the buffer between the commercial and residential zones. Having that small setback may or may not violate the letter of the rules but it certainly violates the intent. Any development that occurs should be very well screened from the residential properties either by distance and a no cut zone or privacy fencing, heavy landscaping, an earth berm or some adequate combination of all of the above. I'm also concerned about the overnight lighting situation. With twenty-four hour lighting of a parking lot in addition to the already two bright lights of the Kensington project. I see no screening, fencing or lighting considerations whatsoever on the plans proposed. The entire project being highly visible from the adjoining residential area. While this project was not yet officially proposed when the other land strip subdivision was approved a few months ago the timing of the application for this project just days later affect of the division seemed both suspect and unfortunate. Why is there a 16ft-paved curb cut from the parking lot to the strip that was not approved to be a driveway? Unfortunately that parcels new owner Kevin Koval , Adirondack Basement systems has already chosen to clear that fifty ft strip of vegetation and has even graded the strip despite having no approval for a driveway so that strip currently provides no screening from the proposed Warren tire facility. While there was nothing submitted or approved for that strip parcel it would seem that it is already destined to be a defacto driveway. Perhaps the more appropriate Route 9 access to the Warren Tire facility, it could also provide access to the koval parcel as well. Thank you for your time and attention to the matter I hope that you can find a solution to our concerns and approve this project for all the citizens of our town. Sincerely, Mathew j. Kennedy. 147 Stone Quarry Road Halfmoon N.Y. 12065. That email was received February 2nd 2016, also hard copies received today, the letter was forwarded to the applicant for response and on February 3rd I received an email, To the Town of Halfmoon Planning Board thanks for the input in regards to the route9 access to the property. In several examples with recent new construction with warren tire in every case, new building and access have been put on access streets instead of major routes. One in Queensbury and one in Hudson falls just like this project in both cases it has worked out much better for flow of traffic. We moved out of leased properties on very high traffic roads when this project first proposed using stone quarry road we were in favor of this because of previous experiences the recent traffic survey stresses this and supports a commercial business on that property with our type of traffic flow. In regards to the buffer zones, warren Tire has made every effort to not impact the surrounding properties, special exterior lighting that does not spill over to surrounding properties. Vegetation placement was also significantly increased and several other new construction projects. We are in much more dense residential populated areas with little or no buffer zone and have no negative feedback. Warren Tire runs the most professional neat and organized operation than you can possibly find in our industry and this new site will be the best one we have. Warren Tire feels the planning Board and town engineers have thoroughly addressed all these concerns in anticipation of these types of comments and this project goes above and beyond the requirements to approve a commercial project at this location. Warren Tire has a long history of being good neighbors and is of great importance to us to maintain this reputation. Sincerely, Bob Kellogg , President. And then today Chairman Ouimet received a letter from Mrs. Ellen Kennedy, Dear Mr. Ouimet I wanted to express my concerns with respect to the subjects site plan I am respectfully requesting a vegetative border along the north and western border of the property as it directly affects the border of my property 151 Stone Quarry Road. Apparently I am no longer directly impacted by definition due to the fact I no*

*longer border the property to the north and west, that was the result of the boards July 7, 2015 action approving Adirondack Basements request for a lot line adjustment to allow a 50 swath of land bordering my property to provide potential future access to Stone Quarry Rd. That 50 Ft swath of land is now separating me from the Warren Tire development. I spoke against the Adirondack proposal, however my concerns were dismissed at that time and I hereby apparently unfairly lost status as an impacted party in this case I am directly and unfairly impacted because the boards actions made what might have been a buffer zone a now potential and probably traffic zone for Adirondacks property access. What rights I have or had might have been a buffer zone is now probably gone. Additionally I now will be looking from my backyard down to Warren Tire operations. Compounding the boards actions the developers have demonstrated their lack of respect for my property boundaries, that property boundary is a dried out border of piles of dead vegetation and trees which has been cleared from the lot and which is unsightly, a fire hazard and a nuisance attracting rodents. I am completely losing confidence I will be fairly treated in these matters. If I have no legal standing as a border of the property I will respectfully request consideration as a neighbor that the board request Warren Tire to provide a vegetative buffer on the rear of the property to shield my property and the neighboring residential owned properties from their commercial operations. Sincerely, Ellen Kennedy, 151 Stone Quarry Road, Clifton Park NY 12065. Carbon copied Kevin J. Tollisen.*

Don Roberts: Ok, Thank you Rich. Can you address the buffer request Mrs. Kennedy is asking for?

**Jason Dell:** I believe what she is looking for is a buffer along here, which would be the western side of our property, if this was her house here she would be looking this direction, so what the applicant has agreed to is to put a row of arborvitae along here, it would either right along here, we might have to put it along the edge of the parking cause we do have a storm water basin in here, but we would be willing to do something along here for buffering.

**Don Roberts:** Ok, Thank you for that, also I must point out that this parcel and the parcel across the street is Zoned commercial just so everyone knows that, alright

**Rich Harris:** And the parcel adjacent.

**Don Roberts:** And the parcel adjacent, and they are all zoned commercial it's not residential. Thank you.

**Rich Berkowitz:** Can you refresh me on what the Adirondack did.

**Rich Harris:** They, this lot and the lot to the west was one lot.

**Rich Berkowitz:** I know that, I'm concerned with the clearing you did, do you know what they did there?

**Rich Harris:** Apparently they removed vegetation and did some grading, but did not require any type of permit for that from the town, we were not involved in the review of it or any kind of construction that has occurred.

**Rich Berkowitz:** But they haven't come in for any site plan reviews yet?

**Rich Harris:** That's correct nothing has been submitted for site plan on that parcel.

**Rich Berkowitz:** So we can still buffer that when they come in if we need to.

**Don Roberts:** We can address that if we need to.

**Rich Harris:** Yes correct, any construction on that parcel to the west with the flagpole driveway would require site plan approval.

**Rich Berkowitz:** And actually they are required to buffer since they are abutting a residential zone?

**Rich Harris:** That's correct, yep there is a required buffer in the code, as opposed to what this lot is facing which is either the acquiescence of the applicant or the board condition, there is a required buffer in the code for commercial property that border residential zoned districts which would be the case with the Adirondack Basement property to the west.

**Don Roberts:** Ok

**Rich Berkowitz:** Jason what height were you thinking of these arborvitaes, not a 1 ft its going to take fifteen years to grow.

**Jason Dell:** Ya know we would certainly leave that up to the board and I can work with Joe Romano on a proper spacing and I will talk to our landscaping architect, we don't want to make them too tight and too high so they don't grow.

**Don Roberts:** Thanks, okay now we did have a site visit, Rich do you want to explain that?

**Rich Berkowitz:** Yea myself, Don Roberts, Margaret, Jason, Mr. Kellogg and Rich Harris Went for a site plan visit just to see where the actual sign was going to be placed and also where the entrance of the property was going to be and its on the down slope between stone quarry, the top of the hill and rte 9. Originally the sign was going to be sixteen feet and now its going to be twelve feet and the only residential area that will possibly see it will be Kensington apartments and the Kensington apartments are basically buffered by their own swimming pool and building that's in front of the swimming pool, which is fenced in, there are a row of trees on the Kensington property that are buffering the most eastern part of that property so they wont see that warren tire property while the leaves are on the trees, and there is a DOT right of way on rte 9 which will partially hide the sign coming north , people coming south will be able to see the sign , which the sign is about half way between the road and the peak of stone quarry road. And we didnt see too much of a problem placing the sign there.

**Don Roberts:** Ok, and Jason will you address the concern about the lights will you explain how it's going to be shining down?

**Jason Dell:** Yea, they will all be down, downward facing or downward directing lights, again as part of the detailed plan package we did put together a lighting plan and that was all reviewed and approved by CHA that it is in accordance with town standards.

**Rich Berkowitz:** And as far as the vehicles per day Mr. Kellogg said that between 30, 40?

**Mr. Kellogg:** Our customer traffic is like 30 at the lower time of the year like now and high, as up to 50 cars during higher season that's customers.

**Rich Berkowitz:** That's per day?

**Mr. Kellogg:** Yep and when they did the traffic survey they were even at our site, our other store and counting cars so it's in there.

**Rich Berkowitz:** And as far as storage on the property there is no storage of any tires?

**Mr. Kellogg:** No, no outside storage of anything

**Rich Berkowitz:** And no outside storage of vehicles?

**Mr. Kellogg:** We put them inside the shop unless someone drops something off after hours so if there is there would only be a few cars.

**Don Roberts:** Ok, Joe Romano are you satisfied with all the engineering concerns and would you explain the restrictions on any route 9 access?

**Joe Romano:** Yea, you have to go back our comments from our previous letters had been addressed where we reviewed you know, site lighting, early on in the process of our review the applicant provided a traffic analysis, traffic study particularly evaluating the proposed curb cut onto stone quarry road where the traffic volume and site distance was evaluated. We agree with that study that this was an appropriate curb cut location there are topography restrictions to proposing a curb cut to route9 and I frankly we would have a concern with adding another curb cut on rte9 so close to stone quarry road so we feel that the curb cut is in the right location.

**Don Roberts:** Now are you satisfied with the landscaping proposal on rte 9 side?

**Joe Romano:** We have gone back and forth with Jason obviously the boards site visit, if you felt there was additional landscaping required its somewhat

**Jason Dell:** Its all wooded there is what we saw with our site visit there anyway our landscaping would be on the inside of the wooded area, in addition to the wooded area that's currently in the DOT right of way so its going to be very well screened.

**Joe Romano:** They have added additional landscaping since our initial visit.

**Don Roberts:** its just maybe something that might give them a little, a little break up of a building, the size of the building ya know, ok. Ok thank you Joe. Anything else from the board. With that we will need a SEQR determination.

**Rich Berkowitz:** Well wait one second I do have a couple questions, I'm sorry it took me a minute, the storm water retention area is not marked on the drawing.

**Jason Dell:** Storm water management area was originally shown over here there are better more suitable soils over here for the storm water system and it will have an overflow discharges down and into a swale that will go into DOT system over here, so the storm water management area is on this side.

**Rich Berkowitz:** Ok, also the grinder pump is located in the middle of the driveway if you foresee that possibly being a problem as far as traffic if they have to work on the grinder pump traffic going around the back side of the building or...

**Jason Dell:** Yea there is an oil/water separator and a grinder pump, the grinder pump is in the parking lot it shouldn't be a problem at all, it will have a concrete ring and a lid.

**Rich Berkowitz:** I was just thinking that if, you had to work on it or something its gonna limit your access around the back of the building, I didnt know if it made any sense to put it a little further away in a parking spot so that you could still get vehicles by if you had to work on the grinder pump.

**Jason Dell:** We can certainly look at that, when they do repair those systems we are proposing an E-1 system and they're kind of plug and go, you unplug at the wiring and pull the pump out and put a new one in, plug it back in and your ready to go so it doesn't, we don't anticipate there being a long turn around time to replace a pump in one of those systems.

**Rich Berkowitz:** I have a little bit of experience with a grinder pump in this type of facility and the one at our facility they are working on it all the time so that's the only reason I mentioned it .The other thing was I didnt see anywhere on the drawing where the green space percentage was marked out?

**Jason Dell:** That was on our original concept plan, I believe we are at about 50 percent, 48 percent

**Rich Berkowitz:** ok, it wasn't on this drawing so that's the reason I asked. Thank you.

**Don Roberts:** anyone else, (No comments)

*Rich Berkowitz made a negative declaration pursuant to SEQRA, seconded by Tom Ruchlicki. Motion carried.*

*Rich Berkowitz made a motion to approve Warren Tire Service Centers Site Plan application with the increased buffer on the west side of the property. Marcel Nadeau seconded. Motion Approved.*

*Rich Berkowitz made a motion to approve Warren Tire Service Centers Sign Application with the limit of the top of the sign being 12 ft from the swale. Marcel Nadeau seconded. Motion Approved.*

*Rich Burkowitz recused himself*

**Steve Burke:** Owner of the Healthplex property, this is Paul Benedetti, the owner of Modern day Music. Proposing to take 2,200 sq ft with in the Healthplex strip center in Halfmoon. Paul operates a music business and provides music lessons and also produces music in the operation. The parking is approximately eight to twelve vehicles, there's one full time employee and six part time. The parking has actually downsized significantly from the previous tenant. The space is all petitioned walls there's no structural remodification of the existing walls, it suited very nicely because there was small spaces in there for the tanning and these are small spaces for teaching. Piano, Drums etc.

**Rich Berkowitz:** what business are you replacing, who left the area?

**Steve Burke:** Sunsations, it was a tanning salon with 27 studio spaces.

**Don Roberts:** Parking is no issue right?

**Richard Harris:** No, I mean we've had a lot of change of tenants here, I checked on the parking lot periodically, the only problem you have is nobody wants to park in that back parking lot, but that's the nature of any plaza where you have convenient parking and then moderately inconvenient, but you certainly have plenty in the back to avoid problems and this does appear to be less intense than tanning salon.

**Steve Burke:** yea the fitness buffs there choose to park right out front.

**Richard Harris:** That's a classic problem with gyms.

*Rich Berkowitz made a motion to approve Modern Day Music's application for Change of Use/Tenant. John Higgins seconded. Motion Approved.*

*Modern Day Music will be back before the board with a sign application in the future.*

*Tom Ruchlicki made a motion to adjourn the meeting at 8:16 pm. John Higgins seconded. Meeting Adjourned.*

