

Town of Halfmoon Planning Board
Meeting Minutes – October 28, 2013

Those present at the October 28, 2013 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Tom Ruchlicki
John Higgins
Lois Smith-Law

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the October 28, 2013 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the October 15, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the October 15, 2013 Planning Board Minutes. Mr. Ruchlicki seconded. Vote: 6-Aye, 0-Nay. Motion carried.

Public Hearing:

13.105 PH Joe Cars LLC, 1648 Route 9 – In-Home Occupation/Special Use Permit
No action was taken on this item due to the applicant's failure to appear before the Board for the scheduled public hearing.

New Business:

13.110 NB CHROME Inc., 405 Hudson River Road – Change of Tenant & Sign
(formerly Costanzo's Restaurant)

Mr. Roberts and Mr. Berkowitz recused themselves from this item. Mr. Dave Cherry, the applicant, stated the following: I own the property at 405 Hudson River Road and we are looking to continue the food service industry at the present location. We are going to start with a light fare menu and then we're eventually going to expand upward to the banquet style once we get going. We are going to try and bring in a little bit of live entertainment aspect to it with acoustic type music to get us going. Mr. Ouimet asked what are your days of operation and hours of operation going to be? Mr. Cherry stated the following: We are going to start with 7 days a week and we may cut that

back to 6 days a week. We're going to open up at 4:00pm and during the week days we plan on closing around midnight. On the weekends we may stay open until around 1:00am. Mr. Ouimet asked would it be a dinner operation only? Mr. Cherry stated yes. Mr. Ouimet asked would you have any catering during the beginning? Mr. Cherry stated there will be no catering during the beginning and we're just going to try and keep it simple just to get going. Mr. Higgins stated your application stated that you wanted to have outside seating. Mr. Cherry stated the following: We were planning on doing something like that in the spring. We were thinking about doing a patio or something toward that aspect, but at the present time we're not going into that right now. Mr. Higgins stated the following: We recently had a public hearing on another site near there and some of the neighbors were saying that they had concerns regarding noise and also some of the runoff, but I know our engineer will take a look at that. As far as when you say "music", are you looking at bands or something else? Mr. Cherry stated eventually we would like to go to the bands, but we want to start in the bar area just with acoustic music; something that is very simple and nothing that's loud, obnoxious or anything like that. Mr. Higgins asked how many parking spots do you have at the site? Mr. Cherry stated I would say that we have over 100 parking spots with the back parking lot. Mr. Higgins asked do you have a site plan showing that? Mr. Cherry stated no, I don't have a site plan. Mr. Ouimet asked has the Planning Department taken a look at the parking situation? Mr. Marlow stated the following: We did look at the parking situation and based off that 10 x 20 code requirement, I got a rough estimate of around 50 parking spots or so, which utilized the side parking and the parking lot in the back. As of right now, and I talked to the applicant about the number of tables and based off the seating requirements and employment requirements; they are only required to have between 29 and 33 parking spaces depending on the table count that the applicant and I discussed. Mr. Cherry stated yes, at the present time we only have 12 tables with 4 seats each for a total of 48 people. Mr. Marlow stated the following: I did a range for 12 to 15 tables so; he needs less than 35 parking spaces total. As I said, as it sits right now my best guess estimate is about 50 because we don't have an engineered site plan with lined parking because it is a graveled parking lot. So, that may be something the Board would like to see; a parking lot labeled on an engineered site plan. Mr. Ouimet stated that's something that we're going to insist that you provide us with; a detailed site plan and if you're proposing to use some kind of area for outdoor seating in the future and you know where you want to go with it, you should indicate that on your site plan as well as how large an area and how many tables you would have. With that, we can calculate what the actual parking requirement is for that operation. Mr. Cherry stated alright. Mr. Ouimet asked if the Planning Department had a site plan in the file for that facility now as far as the parking situation? Mr. Marlow stated no. Mr. Ouimet asked do they have a site plan for the outdoor dining? Mr. Marlow stated the following: No, there doesn't appear to any outdoor dining on the existing site plan. Again, the site plan that I have is from 2003 and it didn't show any lined parking on it. The lined parking that I came up with was kind of a rough guess. Mr. Ouimet stated the following: Well, we don't want to guess because we really need a site plan for our files. So, that is one thing that has to be done. Mr. Cherry stated alright. Mr. Ouimet stated the following: The other issue that was raised by Mr. Higgins was that a neighbor, in response to a public hearing on the storage facility that is being built near you, has indicated that there's water flowing off of your parking lot onto his property. I don't know if that's a fact or not, but it's something that we're going to need to take a look at and we're going to have our engineer take a look at that also. Mr. Cherry stated alright. Mr. Ouimet stated I don't think it would be fair enough for the engineer to look at it until you get that detailed site plan to him so he knows where you want things to be. Mr. Cherry stated alright. Mr. Ouimet stated so, if you can get that site plan to the Planning Department, they will submit it to the engineer and the engineer will look at it and we'll come back and we'll discuss this some more

and hopefully we'll be able to approve your application. Mr. Cherry stated alright. Mr. Rick Marshall from AJ Signs stated the applicant has also proposed a sign application for this property and asked if the Board would look at that proposal tonight. Mr. Ouimet stated that's kind of putting the cart in front of the horse and we would prefer to do it all together at one meeting. Mr. Marshall stated okay.

This item was table as the Board requested an updated site plan; prepared by a licensed professional indicating lined parking spaces, topography/stormwater management and all other proposed outdoor site improvements, and referred the matter for review by the Town engineer.

13.111 NB MJ Engineering & Land Surveying, P.C., 21 Corporate Drive – Change of Tenant

Mr. Higgins recused himself from this item. Mr. Tom Address from ABD Engineering & Surveyors stated the following: I'm representing Mr. Ed Abele for a tenant change at 21 Corporate Drive, which was the old NFC building. This 50,000 SF has 250 parking spaces. MJ Engineering is currently located on Crescent Road and they will be moving to this facility. Again, this facility has a very large parking lot so; they have plenty of extra parking. Mr. Ouimet asked would this tenant fill the building now? Mr. Address stated there is just 1,500 SF of vacant space. Mr. Ouimet asked the Planning Department if they had sufficient parking at this site. Mr. Marlow stated the following: Yes, we have looked at the parking at this site and the parking requirement for this proposal is 45 parking spaces. With all of the tenants included, there is 252 parking spaces that are required and the latest site plan that we have shows 256 parking space on site. So, there is no problem with the parking. Mr. Roberts asked Mr. Address if the applicant was going to have a sign. Mr. Address stated we didn't do an application for a sign and I'm not sure if they will have one, but if they do want a sign, they will come back to this Board for that.

Mr. Roberts made a motion to approve the change of tenant application for MJ Engineering & Land Surveying, P.C. Mr. Berkowitz seconded. All-Aye. Motion carried.

Old Business:

13.101 OB Lawn Pro Evergreens, 1910 Route 9 – Change of Tenant

Per the applicant's request, this item was withdrawn from the agenda.

13.067 OB Trustco Bank, 215 Guideboard Road (Salty's Plaza) – Commercial Site Plan/Special Use Permit

Mr. Tom Address from ABD Engineering & Surveyors stated the following: At this point I think there were a couple of questions that had gone through Mr. Bianchino from CHA and I think those questions were answered. One question was in regards to center line striping and we changed the radius slightly on the island in the back where we added some landscaping and we put the fence across the front so that when you walk out of the Trustco Bank, you can't take a right and walk in front of the drive-thru lane. We also reflect the changes that the project had for Gil's Garage and they actually did remove the parking out front as part of their project also. Mr. Ouimet stated on the Hayner Heights Drive end of the project; the elliptical area that is depicted in white on the map, as opposed to the shaded areas; what is that? Mr. Address stated that is still a green area and we didn't color it green because we were not proposing any additional landscaping or anything in that area. Mr. Ouimet asked is it green in the sense that you actually cannot drive over it or do people cut that corner frequently? Mr. Address stated the following: I don't know. There are 2 guide wires, a pole and an elm tree so, I don't think they would cut through it too much. Mr. Partlow

stated the following: I've driven that area quite often where that particular area is and where the arrow is going to that road and if you cut that corner to the right, you're going to cutoff that area as it is very well driven over. I think what we're trying to propose here is to maybe revisit that and to actually make that green like the other spots that you have there. Mr. Address asked in respect to something along the edges or something? Mr. Ouimet stated at least something more clearly defining the in and out parameters of that one little driveway. If it is all blank, people have a tendency to make the turn quicker because it's easier. Mrs. Smith-Law stated the following: That area is kind of gravel and weeds and I think what we're asking is if you could clean that up just a little bit so that it's very clear that it shouldn't be driven over and we're going to be encouraging a lot more traffic on Hayner Heights Drive and some of that is residential. So, if that area were cleaned up a little bit, it would probably just be more appealing to the neighbors to have traffic coming through there. Mr. Address stated the following: Yes, I don't have any problem with that. We will just landscape it more like the other islands. Mr. Ouimet stated the other question I had on that area is; are you proposing a stop sign there? Mr. Address stated yes, there is and the leader is there, but it was cutoff on the short plan, but it is on the longer one. Mr. Ouimet stated the following: Okay. One of the questions that was raised at the pre-meeting is; why wasn't the striping and the arrows brought all the way to the intersection of Guideboard Road? It just seems to end at the corner of Gil's Garage building. Mr. Address stated the following: I think that once you get into the middle, it's pretty wide. We can certainly move these stripes down to here if you'd like, but once you get past here, I'm not sure what you would want to do. Mr. Ouimet stated I think that is one of the problems because there are no defined driving lanes and people just cut all over; right, left, center. Mr. Address stated it is my understanding that there was parking here before and when the Planning Board went through on Gil's Garage that was removed. Mr. Ouimet stated right. Mr. Address stated certainly there is enough room to put another row in. Mr. Ouimet stated yes, when that building was of a different use, there was parking there. Mr. Address stated we can certainly try to put some striping through there. Mr. Ouimet stated the following: It would seem to me that it would make more sense. Also, I don't believe there is stop sign at the exit of the plaza and I think that would make sense too. Mr. Berkowitz stated also, on the other side as you're coming from the NBT Bank, you will need a stop sign there too. Mr. Address stated well, I guess Trustco will put in a stop sign for the NBT Bank. Mr. Berkowitz stated it is for the safety of their customers. Mr. Ouimet stated and it is for the flow of the traffic. Mr. Address stated I agree, there should certainly be a stop sign there. Mr. Higgins asked are the green islands going to have any kind of curbing or what's going to define the end of the road and the beginning of the greenspace? Mr. Address stated the green islands have a hard edge and they weren't proposed to be elevated curbs. Mr. Higgins stated when you say a "hard edge", what does that mean? Mr. Address stated the pavement would be cut and the landscaping would go right up to it and obviously if it is maintained and the grass and the plants are there, you shouldn't drive over it and there may be a problem in the back because there is nothing there. Mr. Higgins stated I'm just thinking about people driving up on it. Mr. Partlow asked is it going to be mounded? Mr. Address stated it will be mounded and the contour shows mounding in there. Mr. Partlow asked what will keep the mulch from spilling out during the rain? Mr. Address stated the following: It's not mounded that high that you're going to have a slope on it that is going come out. We can certainly specify a stone along the edge if you want us to. Trustco will be maintaining it because it's now going to be part of their facility. Mr. Ouimet stated so, it was contemplated that there would be an asphalt curbing or anything like that? Mr. Address stated that wasn't proposed to be, no. Mr. Ouimet asked would it make sense to do that? Mr. Address stated the following: I didn't put it together, but I certainly think on the curb around the back that it would make sense to have a wing wedge because that is a tough corner. So, that would at least control the people and I don't see

any problem with doing that. Mr. Berkowitz asked where are you going to push all that snow for the drive-thru? Mr. Andress stated I assume they push the snow over to the empty lot. Mr. Berkowitz stated the following: The only trouble with that is now they have a single lane that goes about 50 FT. So, would they push it into the islands? Mr. Andress stated the following: I would assume they would come from the back and push it through and out. It would have to be a small plow because of the 10 FT single lane. Mr. Berkowitz stated so; they're not going to pile the snow up on that island in the middle. Mr. Andress stated the following: That wouldn't make any sense because you have to be able to see and that's so small compared to the rest of the lot. I don't know what their contract is, but it has to be someone who's pushing the snow in that large open site that hasn't been developed yet. Mr. Berkowitz asked is that where they push the snow now? Mr. Andress stated I don't know where they are pushing the snow in the winter. Mr. Roberts stated for clarification; you are going to do the striping from the drive-thru right out to Guideboard Road, right? Mr. Andress stated yes, we'll bring the centerline around through it, correct? Mr. Higgins stated and with the arrows. Mr. Andress stated we can do arrows if you want. Mr. Roberts stated yes, we do want the arrows.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQR. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the revised site plan and special use permit to install a one-lane drive-thru, with the following conditions and amendments to the site plan: (1) new landscaping added to the transition area east of the Hayner Heights entrance; (2) addition of two STOP signs at the Guideboard Road exit and west of Gil's Garage at the intersection of the NBT Bank access road and Gil's Garage; (3) wing wedges installed around the landscaped islands near the drive-thru; and (4) extension of center lane striping from the drive-thru area to Guideboard Road. Mr. Partlow seconded. All-Aye. Motion carried.

13.099 OB Nicholas J. Marchese & Co., CPA's PC, 2A Executive Park Drive – Change of Tenant & Sign

Mr. Tom Andress from ABD Engineering & Surveyors stated the following: I'm here tonight representing Mr. Don Espey who is one of owners of the facility and he is also present for tonight's meeting. We were not at the first meeting for this proposal, but we're back tonight to discuss this with the Board and to move forward with the proposal. This is a change of tenant application and I believe the new current owners purchased the building at the end of January or the beginning of February 2013. The applicant's wish to occupy 2,600 SF of the upper level of the building and there is less than a 1,000 SF that would be remaining on the upper level that they wouldn't occupy as a CPA. At the present time there is a computer software development company who are occupying approximately 3,000 SF of the basement area. I believe we did the original site plans back in 1991 and the building was built with 21 parking spaces initially and the count was actually based on the use of the building on the upper level. Over the years at some point in time as a couple of the other buildings in park were converted and people started utilizing the lower level. With most of those other lower levels I've come before this Board and we've added extra parking to make sure that it works. Unfortunately, we weren't involved in the tenant changes over the years and it was never done officially through the Board. I went to the site last week when I was called to take a look at the issues that we had there and I went out and counted the parking spaces and I provided a plan to the Planning Department that shows that there are 26 parking spaces as it stands rightt now on the site. The parking spaces are all 20 FT in depth, but 2 of them were 9 FT wide parking spaces. Also, a couple of the parking spaces are 8/8.5 FT that were old handicapped

parking spaces that were converted. So, certainly those parking spaces are clearly undersized and those parking spaces would have to be changed. We did present a site plan that showed those parking lot spaces changed to 9 FT and all the rest are staying as 9 FT initially until we discuss this with the Board. Mr. Ouimet stated and it is your intention to re-stripe the parking lot if this plan is approved by the Board, correct? Mr. Address stated we do have another plan that we submitted to the Board that has 27 parking spaces that are now a combination of 9 FT and 10 FT wide. Mr. Ouimet stated right, but we do require the re-striping of the parking lot. Mr. Address stated right, it would require re-striping of the parking lot. Mr. Ouimet asked how many employees are downstairs in the lower level operation? Mr. Address stated I did speak with them and they have a maximum of 11 and they said they usually only have about 8 people there. The 2 days that I went out to the site; they did have 8 cars on the first day and 6 cars on the second day. They don't have too many people coming in as it is a software development and he said that every once in a while they'll actually have a group from overseas come over in a van to go over the software that they develop. Mr. Ouimet stated there is also a vacant space there also, right? Mr. Address stated the following: With the CPA's going into the upper level; there would be about 1,000 SF that would still be vacant. We made an application to the Zoning Board of Appeals (ZBA) based upon the comments at the first appearance before the Board to request a variance for the parking space count and hopefully, based upon some of the past uses in the building. Mr. Ouimet stated 2 weeks ago at our meeting we reviewed a parking plan that was submitted at the time that did not have sufficient parking for its current use. Mr. Address stated that is correct. Mr. Ouimet stated and that plan was rejected and the applicant was sent to the ZBA for a variance, right? Mr. Address stated yes. Mr. Ouimet stated so what you're asking us to do is to relook at a reconfiguration of the parking lot for your present uses, correct? Mr. Address stated that's correct; for the use that we have and the CPA use. Mr. Ouimet asked has the Planning Department looked at the parking situation based on the new submissions? Mr. Marlow stated the following: Yes we have. The first plan that Mr. Address submitted is a combination of 9 FT x 20 FT and 10 FT x 20 FT parking spaces and there are only 26 parking spots with that plan. So, according to the code, they're still short a little bit. The second plan that they submitted to us is all 10 FT x 20 FT and they have 25 parking spots plus 2 handicap parking spots that are 8 FT x 10 FT, but they also have 8 FT loading lanes so that brings them to 12 FT x 10 FT on either side. So, that meets with our code. Mr. Address stated the following: For clarification; the second plan that we submitted has fourteen 10 FT wide spaces and it does have eleven 9 FT wide spaces. One area; the area across the front that is on Route 9, has the smaller spaces because we figured that would be an area for the office workers to park that were staying there all day. So, this Board did have some discretion on a mix between 9 FT and 10 FT spaces. Mr. Ouimet stated right, but it is only the second submission that is acceptable, right? Mr. Address stated that is correct. Mr. Marlow stated that is correct. Mr. Ouimet stated and the second submission will require re-striping, right? Mr. Address stated that is correct, it will. Mr. Ouimet stated and you realize that you have a vacant space there and any use of that space would require a variance from the ZBA because you don't have any more parking spaces available. Mr. Address stated exactly, that's why we're hoping this Board will be able to take action on this for the use that we're proposing now and we have the application into the ZBA to be able to get a variance for that vacant plus or minus 1,000 SF space. Mrs. Murphy stated the following: You can't get to the ZBA without a denial or a request for an interpretation, which this isn't. So, this Board would go forward with regard to the application currently before it, but because there isn't an application for the use of that vacant space, there isn't a denial for the use of that. So, you can't get to the ZBA until you come forward with a proposal. Mr. Address stated actually my understanding is that there was a denial and it actually went on to the ZBA. Mr. Marlow stated no, that was for this particular change of tenant and it doesn't include the 950 SF

that is still vacant. The next tenant that comes in for the 950 SF space is going to have to ultimately be denied and then would have to go to the ZBA for a variance. Mrs. Murphy stated the following: What has happened, if you remember the history of the layout of the building, it was not initially thought that the basement would be utilized. So, you built the parking to service the building excluding the basement. Mr. Address stated correct, it just accommodated the upper level. Mrs. Murphy stated the following: Correct. So, now that has been changed. So, this Board can allow you to go forward with this application and you have not proposed anything for that 950 SF so, the Board cannot deny anything. So, you can't get to the ZBA until you come back with something for that 950 SF vacant space. Because the Board did deny this, they graciously allowed you to come back with this with a re-drawn plan. Mr. Address stated okay, I understand. Mr. Ouimet asked so; do you want to stick with the redrawn plan? Mr. Address stated the following: I think we want to stick with the redrawn plan and we would ask that we be allowed to re-stripe the parking lot in the spring to add the additional parking. We would probably re-stripe at that point just because it is questionable already from a weather standpoint. We can set a May 1st deadline or something like that. Mr. Higgins asked what is your greenspace? Mr. Address stated the following: That is actually one of the comments that I put into my response. Just the 25 FT drainage easement alone has 21% green. So, I'm not counting any of the rest of the greenspace because you're over the 20% just with that. Mr. Higgins asked how close are you extending those 9 FT x 20 FT parking spots to the property line and would that be considered a side yard setback? Mr. Address stated the following: I don't know what you would look at because there are 2 fronts; Route 9 and Executive Park Drive. It would be in the 4 FT range in the front corner. Mr. Higgins asked what do we require from the property line? Mr. Address stated it is an extra wide right-of-way at that point. Mr. Higgins stated the following: I understand that, but I'm just looking at the property lines because as Mrs. Murphy was saying; originally the basement was supposed to be just for storage. Our Code Enforcement people then found some people working down there and in conjunction with the business upstairs, there was a Certificate of Occupancy (C.O.) issued for a limited number of people working downstairs. Mr. Address stated right and unfortunately this has gone through 3 different ownerships. Mr. Higgins stated the following: I understand that. How many entrances are there to the basement? Mr. Address stated the following: There is one entrance at the upper level and then there is an exit at the lower level. When you walk into the western end, it is sort of a 3 prong thing. There is a porch at the western end that goes into the last portion of the space and right next to that there is a door into a common area that walks between the 2, then there is the common area, then there is an open stairway going down to the lower level and then there is a door at the lower level. Mr. Higgins stated okay, so there is an emergency access on the lower level. Mr. Address stated that is correct. Mr. Higgins stated I just wasn't sure about the setbacks; whether it is a side yard or what. Mr. Ouimet stated the bottom line is that there is enough parking with the new configuration. Mr. Higgins stated right, but what if they have to go to the ZBA? Mr. Ouimet stated they can't get to the ZBA now. Mr. Higgins stated right, but that is why I was asking whether they are encroaching on their setback and whether or not we can even approve that with the proposed setup. Mr. Address stated the following: Are you referring to the side yard setback for the building because I don't believe there is any legislated setback for parking. We usually try to keep a certain distance, but I don't know of any legislated parking that would then require a variance. Mr. Higgins asked did you estimate 4 FT on that? Mr. Address stated it actually varies; it's probably 4 at the lower end and a little more as you go south because everything is on the skew of the whole building and the parking is on a skew to both. Also, there was a sign application that was submitted with the first submission. Mr. Roberts stated the sign application meets all the requirements.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs - 1

Sign 1

84"x 49" = 28 SF

Two-Sided

No Illumination

Free-standing/Monument Sign

Total Height – 7 FT

Mr. Berkowitz made a motion to approve the change of tenant application for Nicholas J. Marchese & Co., CPA's PC with a condition requiring re-striping of the existing parking lot by May 1, 2014. The Board also stated that the applicant will need to come back before the Board for any future request to occupy the remaining 950 SF vacant space. Mrs. Smith-Law seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the sign application for Nicholas J. Marchese & Co., CPA's PC. Mr. Berkowitz seconded. All-Aye. Motion carried.

13.085 OB Falcon Trace of Halfmoon PDD – Lot #4, 181 Route 236 – Commercial Site Plan

Mr. Roberts recused himself from this item. Mr. Jason Dell from Lansing Engineering stated the following: I'm here tonight on behalf of the applicant, Mr. Bruce Tanski, for Lot #4 of Falcon Trace. The project site is approximately 5.1-acres that is located at the entrance to Falcon Trace off of Route 236. The proposed project involves the construction of two 3,000 SF professional offices and one 4,000 professional office. The last time we were before this Board was at the end of August and the Board had several concerns that they asked us to look into a revision to the plans and we're here tonight to bring the Board up to speed on that. The first of which was in regards to the parking and the parking location. If you recall, the last plan had parking both in the rear behind the building as well as in front of the two 3,000 SF buildings over on the northern side of the entrance drive. So, we have since revised the plan to move all of the parking for the project to behind the buildings for all three of the buildings. The next comment that was a concern was the location of the handicap parking stalls and their proximity to the main entrances to the buildings. So, we have since relocated the proposed handicap stalls to in front of the entrances on all three of the buildings and they are reflected on the plan as well now. In addition to that, we talked about the quantity of parking as well as landbanking some of those parking stalls as the applicant did not indicate that they were all needed at this time. So, the most recent plan shows approximately eight of the parking stalls that are situated on the north side of the two building area as landbanked parking stalls. So, at this point, we have received some conceptual comments from CHA and those revisions to our plan are reflected in the plan that's in front of the Board tonight. So, we're here tonight to bring the Board up to speed on the revised plan, to get your feedback on it and ask to be referred back to CHA to begin the detailed engineering plans. Mr. Ouimet stated I have one question about the dumpster enclosure at the 4,000 SF building; is that fenced in because I can see that it is within visual range of the neighbor. Mr. Dell stated we will fence that in, yes. Mr. Ouimet asked was that the plan? Mr. Dell stated right now it's just shown as a typical dumpster, but as part of the detailed plans, we will show a dumpster enclosure over there. Mr. Higgins stated the following: I personally would like to commend the applicant for listening to the Board and responding to some of the comments we made at the previous meeting. I have one question on the landbanked spots that will require New York State Department of Environmental

Conservation (NYSDEC) approval and I don't know if that's something that they usually agree to as parking or is it something that's totally unconceivable? Mr. Dell stated the following: I do believe that is something that the NYSDEC would see as approvable. The attempt at first is always to mitigate that by lessening the impact. However, if there's a documented need for it, we do feel that we would be able to get that permit. Mr. Higgins stated okay, that is the only question I had because I realize what the space limitations are on the site and the fact that the applicant did put all the parking in the rear, he was responding to our request and again, I appreciate that. Mr. Berkowitz asked is there any way to landscape around the dumpster since that's one of the main entrances of the church there? Mr. Dell stated certainly. Mr. Berkowitz stated okay, because they have landscaped their whole side there and if you put a couple of bushes around there, it will hide it. Mr. Dell stated that will be part of the detailed site plans. Mr. Berkowitz stated great, thanks.

This item was tabled and referred to CHA for further engineering review.

Mr. Ruchlicki made a motion to adjourn the October 28, 2013 Planning Board Meeting at 8:45pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary

