

Town of Halfmoon Planning Board

March 26, 2007 Minutes

Those present at the March 26, 2007 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the March 26, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 12, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the March 12, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearings:

07.023 PH Allen & Colwell, 465 Hudson River Road – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Paul Allen, the applicant, stated the following: I live at 465 Hudson River Road. My adjoining neighbor, Mr. Wayne Colwell, and I would like to make a lot line adjustment to our parcels so that our lot line would be perpendicular to the roadway. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm.

Mr. Nadeau made a motion to approve the lot line adjustment for Allen & Colwell. Mr. Ruchlicki seconded. Motion carried.

07.024 PH Brown Subdivision, 1506 Route 9 – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Dave Flanders, of David A. Flanders Associates, stated the following: I am representing Mr. Tom Brown for this application. The parcel lies on the westerly side of Route 9. The parcel consists of 1.92-acres. The purpose of the subdivision

is to divide the single-family residential parcel from the existing liquor store. Mr. Tom Brown owns both the home and the liquor store. The division line would separate the commercial property (liquor store) from the residential property. There is also an existing garage on the residential property that has access over a driveway going past the liquor store. On the southerly side of the parcel we have created a 20 FT wide ingress/egress easement for access to the garage to utilize the existing driveway. The parcel is zoned C-1 Commercial. Both lots would conform to the existing zoning code and public water and sewer would service both lots. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:06 pm. Mr. Ouimet stated that it was indicated that both lots would now be conforming lots if the subdivision request were granted. Mr. Flanders stated that is correct. Mr. Williams stated there was one issue regarding one of the lots width, which would be the liquor store lot, which is substandard to what is required. Mr. Watts asked what the required width was. Mr. Williams stated 150 FT. Mr. Flanders stated it was mentioned at the previous meeting that this lot was considered a flag lot. Mrs. Murphy stated the following: The clarification that I made to the Board at the March 12, 2007 meeting was: Technically it would not constitute a flag lot pursuant to our statute. The applicant is taking a non-conforming parcel and making it more conforming by doing this subdivision by creating one conforming lot and then creating a smaller non-conforming lot. The applicant does not need to go before the Zoning Board of Appeals as they may proceed before this Board. This action makes the property more conforming by separating the uses. If someone were to attempt to expand on the commercial use, they would have to go to the ZBA for a variance. Mr. Watts stated this would make the situation better and the intent is still to operate a liquor store at this site. Mr. Flanders stated this was correct. Mr. Nadeau stated for the record that this Board is not setting a precedent here, as this action is to bring a lot into a more conforming lot. Mrs. Murphy stated this was correct.

Mr. Nadeau made a motion to approve the Brown minor subdivision application. Mr. Berkowitz seconded. Motion carried.

New Business:

07.025 NB A-1 Septic Service, 392 Hudson River Road – Change of Tenant

Mr. David Taylor, the applicant, stated the following: I am before the Board tonight for a tenant change. There would be no alterations to the building footprints, parking lot or lot lines. The only change would be for the usage. The proposal is for a new storage area for the portable toilets in the rear of the site. There would also be a storage back-up truck behind the building for the septic service. Also shown on the site plan is an existing asphalt parking lot, gravel and crushed stone parking lot, lot lines, easements and overhangs. We are proposing a stockade fence across the rear property line running north and south. Mr. Berkowitz asked if there was going to be an additional storage area or a relocated storage area. Mr. Taylor stated with the addition of the stockade fence we thought it would be better to relocate the toilets to the rear of the property as opposed to having them in the front of the property. Mr. Berkowitz stated that Mr. Taylor stated in his description that there would be an additional storage area. Mr. Taylor stated the site plan shows the proposed additional storage area and also the existing storage area. Mr. Berkowitz asked if Mr. Taylor's plan is to remove the existing storage area and relocate it to the rear of the property. Mr. Taylor stated the following: I felt this would be better esthetically once the 8 FT stockade fence was put up. We are trying to do what we can for the neighbors. Mr. Berkowitz asked wouldn't you be impacting the neighbors more if you move the storage area back toward their property. Mr. Taylor stated they are proposing an 8 FT stockade fence. Mr. Berkowitz stated there would still be an odor. Mr. Nadeau stated the

portable toilets should stay in the front of the site to protect the residents in the rear of the property. Mr. Nadeau asked how many units the applicant had. Mr. Taylor stated he had 120 units but never all on-site. Mr. Nadeau stated that the project narrative indicated the portable toilets were cleaned at the location they were at. Mr. Taylor stated yes, where the customer is located is where we empty the toilets and flush them out. Mr. Nadeau asked if there was any cleaning done at this site. Mr. Taylor stated no, no toilets come back with waste in them. Mr. Nadeau asked if the trucks had waste in them at the site. Mr. Taylor stated yes, sometimes when they are not full. Mr. Nadeau stated he had concerns with this site being located in a M-1 Industrial zone near a residential area. Mr. Higgins asked the usage of the existing concrete block garage. Mr. Taylor stated it was primarily used as a shop to work on the truck repairs and they also repair the toilets in this garage. Mr. Higgins asked if another business was operating in the garage. Mr. Taylor stated no. Mr. Higgins stated that he and Mr. Roberts were at this site a couple of years ago and there was some kind of car maintenance going on in this garage. Mr. Taylor states there was and that business left about two and a half years ago. Mr. Higgins asked if the building in front was going to be used strictly as an office. Mr. Taylor stated yes. Mr. Berkowitz asked what the back-up truck was used for. Mr. Taylor stated the following: They have 2 trucks in case the primary truck needs repair. When the primary truck is out of service we transfer the plates at the motor vehicle department and put the plates on the other truck so we can continue operating while the other truck is repaired. Mr. Berkowitz asked if the back-up truck had any stored waste in it. Mr. Taylor stated no. Mr. Berkowitz asked could it be possible that the back-up truck had waste in it. Mr. Taylor stated yes, I suppose it could. Mr. Berkowitz stated so could this back-up truck theoretically be used as a waste storage area. Mr. Taylor stated yes, I suppose it could. Mr. Berkowitz asked if the truck emits any odors. Mr. Taylor stated no because these are vacuum trucks that are totally contained. Mr. Ruchlicki asked if the trucks are vented. Mr. Taylor stated the following: The only vent that is on the trucks is for discharging the pressure if the pressure exceeds 30 PSI. The truck is unlikely to vent even in the direct sun. Mr. Roberts stated the toilets and the trucks should be as far away from the residences as possible. Mr. Watts asked the applicant if he would be putting up an 8 FT high wooden stockade fence with no openings in the slats. Mr. Taylor stated yes, the fence would go along the entire length of the property. Mr. Watts stated that the Town did not have a fence ordinance so it would be okay for you to put a fence there and you could show that on the site plan. Mr. Higgins asked Mr. Taylor to show the Board exactly where he wants to put the fence in the front of the property. Mr. Taylor stated the following: The fence currently runs from the building out minus the last 20 FT of the property line because there is a ditch there. Our intentions in the future are to move the property out further, fill in the ditch and bring the fence all away across the rear property line. Mrs. Wormuth stated the following: If the ditch is filled in would this impact a natural drainage area or water run off on another property? Also, at this time is the Board entertaining approving the extension of the property line and filling in the ditch to extend the fence? Mr. Watts stated no. Mr. Taylor stated there is a culvert that runs directly under Routes 4 & 32 and it is 15 inches in diameter and what I planned on doing is putting a 15 inch diameter culvert the whole length of the property so I can extend the parking lot out for more area. Mr. Watts stated that Mr. Taylor would have to come back to the Board for his future intentions. Mr. Ruchlicki stated because of the ditch everything would have to be up on grade so the applicant could not store anything in that area at this time. Mr. Watts stated the following: There was an issue that our Code Enforcement Department had where the applicant had a large amount of firewood stored around the building in the back. This is in violation of the State Building Code and this firewood will have to be moved away from the building. I will have one of our Code Enforcement

Officers come to the site to advise you where you will have to move the firewood. Mr. Taylor stated okay. Mr. Watts stated there were also some issues relative to some citations and violations at this site and asked Mr. Taylor if these issues had been addressed. Mr. Taylor stated the following: They have. This is an ongoing process that started some 2 and a half years ago when I first applied to this Board. At that time we were operating the primary operation across the street and this Board had recommended some changes from what was there. Since that time we have cleaned up that site and removed some unregistered vehicles that were there. Then we moved across the street and there was another tenant that had not moved out yet and there were 11 cars that were there that had no plates on them and some containers and all of this has now been removed. We were then told that we could not have more than 1,000 gallons of fuel oil on the property. What we had was a 300 gallon fuel oil tank for the furnaces that were inside, another 300 gallon fuel oil for off road use for backhoes and bulldozers, and another 1,000 gallon tank for trucks for highway use. So we removed all of these tanks and removed the oil heating systems, which was replaced by a wood stove. We did everything that you asked for to be in compliance. At that time there was an issue of the portable toilets across the street because of the restaurant next door. At that time the Board asked us to put up a fence around the units and we agreed. However, I received an extension on my lease on the other side of the street and decided I could run my business out of one location instead of two, as it would be much easier on everyone. So, I will be happy to put up the 8 FT stockade fence on this property as I did on the other property. Mr. Watts asked if the other citations, etc. are still in court. Mr. Taylor stated yes, all the issues are still in court and the court has adjourned them twice. Mr. Watts asked if the court adjourned the cases or if Mr. Taylor adjourned them. Mr. Taylor stated the first adjournment was at my request and the second one was at the court's request. Mr. Berkowitz asked how many units would be at the site. Mr. Taylor stated the following: I own 140 units and I have 43 to 47 units out right now in the winter and in the summer I have all the units out. Very seldom do I bring the units back, but if I do, it is only for a week or two and then the units go back out. Mr. Nadeau asked if all the units did come back, where would they put them. Mr. Taylor stated he had more than adequate space to put them on the site. Mr. Watts asked if they planned on getting any more units. Mr. Taylor stated with the business's growth, there could be more units. Mr. Berkowitz asked how many units would the storage area hold. Mr. Taylor stated 275. Mr. Berkowitz asked if this would be in the front area. Mr. Taylor stated it depends, if the lot was divided in half then it would be about 200. Mr. Berkowitz asked how many units could be stored in the approved storage area. Mr. Taylor stated if he owned 200 units and I had to store 140 units then I would be okay. Mr. Berkowitz stated then you could store 140 units there. Mr. Taylor stated that was correct, as the units are 4 FT x 4 FT square. Mr. Roberts asked if the applicant was in compliance with all DEC regulations on all these parcels. Mr. Taylor stated the following: Yes, because you cannot get a DEC permit until you comply with all the regulations and it starts with the DOT. It also goes to the County level and you have to obtain permits at the County. You cannot get the County permits until you get the adequate insurance, which is on a 30 day refusal and if you are late with your payments, they notify the treatment plants 30 days in advance. Once you get the County permits, then you can apply to the State. Once you get the State permits then you are in compliance. We are probably one of the most regulated businesses out there. Mr. Higgins stated I think that if there were 150 clean units on the site, on a hot summer day, this could negatively affect the neighborhood. Mrs. Murphy stated the following: The applicant has agreed to putting in an 8 FT wooden stockade fence, which is shown at the rear of the property, he has agreed to put the 8 FT stockade wooden fence in the front of the site, moving the storage site to the front, no cleaning on-site outside and limiting

the units to 140, no storage tanks and no parking the trucks in front on the site. Based on this, if the Board wants to make an approval and make it conditioned on those things, the applicant would then submit another map detailing in notes and in drawings.

Mr. Roberts made a motion to approve the change of tenant application for A-1 Septic Service contingent upon installation of an 8 FT stockade fence along the rear of the property, a maximum of 140 port-a-johns stored on-site, port-a-johns stored in front of the site, an 8 FT stockade fence buffer in the front of the site, no cleaning port-a-johns on-site and all trucks are to be stored away from residences and submittal of a new site plan detailing above changes in notes and drawings. Mr. Nadeau seconded. Motion carried.

07.027 NB Wal-Mart (Outdoor Sales), 1549 Route 9 – Change of Tenant/Use

Mr. John LaLone, of Wal-Mart, stated the following: Wal-Mart would like to reopen their seasonal storage and display of lawn and garden materials. The plans would be the same as last year. Mr. Watts stated the following: The application indicated that two of the displays would be at either side of the garden center exit door per the fire code. Please make sure that you keep that exit door clear. Mr. LaLone stated yes they would keep that door clear. Mr. Watts stated one of the reason we have Wal-Mart come in each year for their seasonal sales permit is to make sure that the site is in compliance at all times. From our Code Enforcement's point of view this site is in compliance at all times and we have had no problems with Wal-Mart at all. We are very pleased that Wal-Mart is a good neighbor to our Town.

Mr. Ouimet made a motion to approve the Wal-Mart (Outdoor Sales) change of tenant/use application valid from this date through September 3, 2007. Mr. Berkowitz seconded. Motion carried.

07.028 NB Universal Supply Group, 16 Corporate Drive – Change of Tenant

Mr. Chad Pagan, of ABD Engineering, stated the following: I am representing Mr. Ed Abele for a change of tenant use for 16 Corporate Drive. The previous tenant at this location Non-Stop Sales, were involved in wholesale carwash supplies. The proposed tenant, Universal Supply Group, which is involved in plumbing and heating supplies. Universal would occupy the same space as Non-Stop Sales occupied. I did not supply information in my narrative regarding sales. Universal would not be a retail establishment but they are going to have a counter space for contractors. Most of the business is done by contractors calling in orders and the products are delivered to the site. Universal would like the ability for the contractor to come to the site to pick up their orders. Mr. Watts stated the following: The Planning Department has indicated that the parking was adequate on the site. How many people would be coming to the site to pick up their orders? Mr. Pagan stated the following: In talking with the owner of Universal Supply, they indicated to me that there would not be any more than 2 to 3 contractors at the site at any given time. Universal also has six other locations and this was their first opportunity to operate in the Halfmoon area. Four of the other locations have counter sales and they feel this would also work well in this area. There are 55 parking spaces available and Universal would have 10 employees so I feel we would have more than enough parking available. Mr. Watts asked if there would be delivery trucks/vans coming in to the site to pick up/drop off supplies and does the site plan show where the parking and deliveries would be. Mr. Ed Abele stated the following: Universal Supply expects to have 2 trucks per week for bringing in supplies and a truck to handle the deliveries. There is a loading dock at this site and there would be a couple of trailer deliveries per week. Mr. Watts asked if contractors would be coming to this site to pick up supplies. Mr. Abele stated the following: Yes, on occasion. Most of the contractors would rely on deliveries but there are contractors who would come to the

facility to pick up missing parts and that sort of thing. Mr. Berkowitz asked if this tenant would use motorized hand trucks. Mr. Abele stated I believe there are plans to have a forklift. Mr. Berkowitz asked if this forklift would have to go into the parking area to deliver parts into a pick-up truck or a flatbed truck. Mr. Abele stated the following: I don't believe so. I feel something like that might be delivered. The facility has a grade level door where trucks can drive-in as well as a loading dock level door for trailers. In talking with Universal today, I believe the employees may be less than 10. Mr. Watts asked if this was considered retail sales. Mr. Pagan stated no, this is wholesale sales dealing strictly with contractors. Mr. Ouimet stated the following: I don't believe contractors coming to the site would be unique to this particular facility. They have other facilities around and they must know how many people come and go and what they actually do with contractors who pick up parts at their facilities. I think we need a better understanding of how this change of use is going to actually work. Mr. Dan Simpson, of CB Richard Ellis, stated the following: I assisted this tenant in finding this space and location and I worked closely with their operations manager and Mr. Bill Pagano, the owner of the firm. I believe their closest location is in Orange County and they are now pushing this way north. So, this is a fairly new market to them and again the crux of their business is in fact wholesale. The counter space would not be there for major pick up items, most of those items would be delivered to the site. The counter would be used for incidental items where contractors could go pick something up should they need it. As Mr. Abele stated, there is ability to drive-in on the site. This is a fairly new market for them and also the square footage that they would be taking is a little larger than the initial square footage that they asked for. This building did offer the amenities and the location that the applicant wanted. Mr. Watts stated the narrative that was submitted with this application on March 7, 2007 doesn't describe all of what was mentioned tonight. Mr. Abele stated the following: The business is primarily wholesale contractor sales. The customers are going to be plumbers, heating contractors and other sorts of contractors. Many of these contractors rely on deliveries, but there will be people that will go to the facility to pick up a part and there will be inventory parts. This applicant sells heating equipment, toilets, etc. Mr. Ouimet stated the following: I am clear on the type of customers they will get, but I am not clear on the number of customers they will get. If they do have an established location in Orange County or any other area, they must have some way of telling us what their normal traffic is. Mr. Abele stated the following: When we asked how many people would be at the counter, they said 2 to 3 at a given time. There will be 7 to 8 employees with 55 parking spaces available and this gives us a comfort level because one of the things that we evaluate when we look at new tenants is parking issues. Mr. Ouimet stated the following: I understand what you are saying and I appreciate what you are saying but I am not getting a clear understanding of what is going to come in and out of this facility. I know the types of people who would come to the counter but I don't have a good understanding as to how many people will be coming to this site. Mr. Watts stated the following: We have had on occasion difficulties with narratives that are not descriptive and we have a note on our application which states: "Note: A separate written narrative fully describing the business and all activities that the site will be used for MUST be submitted with your application." The narrative for this application does not meet our requirements. Mr. Abele stated I am not sure if the engineer is going to be in any better position to describe what I can share with you tonight. Mr. Higgins stated this Board wants to make sure how many vehicles would be going in and out of this facility. Mr. Abele stated the following: Mr. Pagano, the owner of the Universal Supply, had indicated that 90 to 95 percent of the people who would go to that facility in a given day, aside from deliveries, would be contractors. Mr. Pagano stated sometimes in connection with doing plumbing or heating work a customer may request to look at a toilet to see what they may be

provided. So, you may have a customer accompany a plumber. Mr. Pagano stated that a walk in person would be far and few between. Mr. Higgins asked if there would a showroom. Mr. Abele stated there is a small showroom about 500 to 600 SF. Mr. Watts stated the Board is going to delay action on this application for a fully expanded narrative for our next meeting. Mr. Abele stated okay and we will try to be more descriptive.

This item was tabled for the applicant to submit a detailed narrative explaining the business operations.

07.029 NB Zappone Subdivision, 83 Route 236 – Minor Subdivision

Mr. James Zappone, the applicant, stated the following: I am representing my parents for this application. My parents own a piece of property at 83 Route 236 and they would like to combine their parcel with property they inherited. Presently there are 4 lots that they would like to combine into 2 lots.

Mr. Roberts made a motion to set a Public Hearing for the April 9, 2007 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

07.030 NB Tanski/Key Bank, 1701 & 1703 Route 9 – Lot Line Adjustment

Mr. Duane Rabideau, of Gilbert VanGuilder's & Associates, stated the following: I am representing Mr. Bruce Tanski for the Shops of Halfmoon. The application is for a lot line adjustment between Lands of Tanski and Lands of Key Bank. Lands of Key Bank proposes to convey 1.42-acres to the Lands of Tanski and Lands of Tanski proposes to convey 0.02-acres to the Lands of Key Bank. The proposed lot line adjustment map also represents the lease area for the proposed Rite Aide.

Mr. Roberts made a motion to set a Public Hearing for the April 9, 2007 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

Old Business:

07.007 OB Gas Turbine Parts & Services, Inc., 1 Old Route 146 – Addition to Site Plan

Mr. Fernando Robleno, the applicant, proposes to construct a 3,200 SF accessory garage in the rear of the property to store company vehicles, snow removal equipment, office furniture and law maintenance equipment. Mr. Robleno stated the following: I was before the Board in January and the Board had some questions regarding a buffered area near the proposed garage and for us to consult our neighbors about our proposal. We have consulted our neighbors and none of neighbors denied or disagreed with our plans. Mr. Watts asked if the plans show the buffering. Mr. Robleno stated yes, we would have buffering in the rear.

Mr. Berkowitz made a motion to approve the addition to site plan application for Gas Turbine Parts & Services, Inc. Mr. Roberts seconded. Motion carried.

07.011 OB Bast Hatfield Comm. Park (General Mechanical), Lot "C" – Addition to Site Plan

Mr. James Reeks, of Bast Hatfield, stated the following: This is a follow up to comments that were sent to us from CHA concerning the overhead door area. We are here tonight for an approval of a 4,000 SF addition. Mr. Bianchino stated that all of CHA comments were addressed and asked Mr. Reeks for clarification on the use of the overhead door. Mr. Reeks stated the following: The overhead door area would be used for UPS and Federal Express. With this, the drivers will not go through the office area, as they will have a separate door. Mr.

Bianchino asked where these trucks would park. Mr. Reeks stated they have 16 parking spaces for the 4,000 SF building and we don't feel there is a need for 2 of the parking spaces so the driver would be able to pull in that area in the rear, come in the door, drop the packages off and then return to their truck. Mr. Watts asked if these 2 parking spaces were marked and if so, wouldn't it be better if they were not lined as parking spots and mark those 2 spaces for delivery only. Mr. Reeks stated the following: They could do that because I think that the 14 parking spaces would be adequate parking. We are not looking at any retail usage, as the operation would be for light distribution, no showrooms and no customers coming to pick anything up. Mr. Ouimet asked if this addition is going to be for General Mechanical. Mr. Reeks stated they had to first offer the space to General Mechanical as part of the lease that we have with them. If General Mechanical does not respond back to us in a certain amount of time, we will look for another tenant. Mr. Ouimet asked if they had another tenant in mind at this time. Mr. Reeks stated no. Mr. Ouimet asked if they knew what the space would be used for if General Mechanical doesn't take the space. Mr. Reeks stated we had 2 people look at the space but we haven't received a lease signed from them yet and this building would be used for a distribution set-up. Mrs. Murphy stated to Mr. Reeks that if General Mechanical does not use the space, he would have to come back to this Board for a change of tenant approval. Mr. Reeks stated okay. Mrs. Wormuth stated the business operation would also have to be compatible with whatever we approve as far as the use. Mrs. Murphy stated there would be no tractor-trailer's utilizing that entrance. Mr. Reeks stated correct. Mr. Watts stated the applicant would also have to submit a revised site plan showing the removal of the 2 parking spaces. Mr. Reeks stated okay.

Mr. Roberts made a motion to approve the addition to site plan application for Bast Hatfield Commercial Park (Lot "C" - General Mechanical) contingent upon no tractor-trailers using the addition entrance, two parking areas near eastside of overhead doors to be removed and labeled "delivery only". Mr. Nadeau seconded. Motion carried.

07.018 OB Christopher Subdivision, 139 Cemetery Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder's & Associates, stated the following: At the March 12, 2007 Public Hearing for the Christopher Subdivision some drainage issues were raised by a neighbor. I field checked this site and submitted my report and opinion to Mr. Williams. The Town's personnel looked at it and agreed with our assessment that the drainage concerns were not an issue for this subdivision. We are showing the well casing in the back that was requested. Also, Note #3 indicates that all lots would be connected to public and water. We have also added a proposed culvert to the site plan. Mr. Watts stated we have reviewed our files and found that CHA and the Town Highway Dept. had visited the site in 2003 and made a number of observations. Mr. Watts read a response letter from CHA dated December 19, 2003: *"Based upon the above observations, it appears that the home was constructed in a low area where surface runoff had previously drained. The lot should have been graded to divert runoff around the home, toward the wetlands in the rear. This condition is typical when new homes are developed on older town roads, which are built at higher elevations than the surrounding wet areas. To improve the conditions, the homeowner should regrade the property to provide positive drainage around the home to the wetland in the rear."* Mr. Watts stated this was reviewed as the letter referred to the catch basin installed and that this work did not significantly impact that area. Mr. Nadeau asked if this information could be forwarded to the neighbor. Mr. Watts stated there was a letter from Mr. Bob Chauvin, Esq. to the Ken DeCerce who was the Town Supervisor at that time. Mrs. Murphy stated I would ask that we draft a different letter because attorney client privilege would prevent us from forwarding that letter.

Mr. Watts stated okay, we will write another letter. Mr. Bill Mullins, a neighbor on Vosburgh Road, asked what the frontage was on the new lot. Mr. Rabideau stated 100 FT. Mr. Mullins asked what the distance was from the proposed structure to the Christopher property line. Mr. Rabideau stated 14 FT. Mr. Mullins stated that the proposed structure looked to be out of line with the other homes on the street. Mr. Watts asked if this would meet the front yard setback requirements. Mr. Williams stated yes, there is a 50 FT setback requirement. Mr. Watts stated he was not setting a precedent but I allowed Mr. Mullins to speak, as he was not present at the Public Hearing.

Mr. Nadeau made a motion to approve the Christopher minor subdivision contingent upon all three involved parcels will be connected to municipal utilities (water & sewer). Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the March 26, 2007 Planning Board Meeting at 8:04 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary