

Town of Halfmoon Planning Board

April 9, 2007 Minutes

Those present at the April 9, 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: Jerry Leonard

Senior Planner: Jeff Williams

Deputy Town Attorney: Bob Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the April 9, 2007 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 26, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the March 26, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearings:

07.029 PH Zappone Subdivision, 83 Route 236 – 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. Jim Zappone, the applicant, stated the following: My parents own a piece of property on Route 236 that adjoins a second piece of property that my parents were Willed. We would like to subdivide the second piece of property to create a 30,000 SF lot with an existing house and convey 15,000 SF of this property along with another 15,000 SF land locked parcel to my parent's existing lot. Lots A, B and C will all be known as one lot. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:05 pm. Mr. Watts asked Mr. Williams if he had a letter from the applicant's attorney that states that the applicant had agreed to hook up to the municipal water supply once the weather permits. Mr. Williams stated yes, the attorney did a draft letter and sent it to the Planning Department.

Mr. Nadeau made a motion to approve the minor subdivision application for Zappone contingent upon #81 Route 236 connects to the Town water supply. Mr. Ouimet seconded. Motion carried.

07.030 PH Tanski/Key Bank, 1701 & 1703 Route 9 – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder's & Associates, stated the following: I am representing Mr. Bruce Tanski in his request for a lot line adjustment with Key Bank. The lot line adjustment will take place where the proposed Shops of Halfmoon are going to take place. The 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. After the land conveyances the Lands of Key Bank would be 0.92-acres and the Lands of Tanski would be 7.10-acres. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07 pm.

Mr. Nadeau made a motion to approve the minor subdivision application for Tanski/Key Bank. Mr. Ouimet seconded. Motion carried.

New Business:**07.022 NB Capital Gutters, 1427 Route 9 – Change of Tenant & Sign**

Mr. Harold Berger, of Harold Berger, PE, stated the following: I am here on behalf of Mr. Paul Hickok and Capital Gutters for a change of use at 1427 Route 9. This property is located at the corner of Route 9 and Lansing Lane. Previously there was a computer repair facility at this location and Capital Gutters would like to occupy this space. The site plan shows parking and we are proposing to place more parking on an adjacent piece of property. We felt that the parking on the existing lot may not be adequate. There would be 5 parking spaces, 1 of which is a handicap space on the existing lot and 4 parking spaces on the adjacent lot. The company has 2 trucks that would be parked on the adjacent lot and this would allow for enough parking spaces at the site. There are a total of 3 employees; 2 owners and 1 employee. There is an apartment above the store. Mr. Berkowitz asked how many parking spaces are required for the square footage of the building. Mr. Berger stated he did not have that answer. Mr. Williams stated the existing building is 1,200 SF, which requires 1 space for every 200 SF, so 6 parking spaces are required and the apartment would also require parking. Mr. Berger stated they are proposing a total of 9 parking spaces. Mr. Watts asked how many parking spaces are required for the building. Mr. Williams stated 8. Mr. Berkowitz stated the statutes state that there cannot be off-site parking even though it is the same landowner and asked if there was a way to reconfigure the parking area to have 8 parking spaces. Mr. Berger stated no. Mr. Watts asked if the proposed 4 parking spaces on the adjacent lot is required because the intensity of this proposed business is going to change. Mr. Berger stated I do not have an answer to this question, but I felt that the business trucks should be away from the site even though they wouldn't be at the site for much of the day. Mr. Watts asked Mr. Chauvin if off-site parking was permitted. Mr. Chauvin stated the following: No, the only way you could consider the present application is that the use is still a non-conforming use in the same nature and tenure. That means you would be able to use the part that exists and continue the pre-existing non-conforming use without any increase in the parking. Once the increase in parking is shown they would either have to incorporate that lot into the existing site plan or that it is owned and maintained as a separate parcel and then is no longer a pre-existing non-conforming use as is. Mr. Watts asked if this meant they could not park on the adjacent parcel. Mr. Chauvin stated it would be prohibited, as it is not part of the site plan. Mr. Hickok stated they don't necessarily need the extra parking. Mr. Watts asked if the trucks or cars would have to be parked anywhere else. Mr. Hickok stated no, because I don't see more than one to two customers at a

time. Mr. Glenn Contreras, the applicant, stated that most of their estimates are done off-site and the site would be used just to show products. Mr. Chauvin stated he had no problem with the proposed change of use as long as Mr. Berger revises the site plan and resubmits them to the Planning Department. Mr. Berger agreed to revise the site plan without the additional parking. Mr. Roberts asked if the proposed sign would replace the existing sign at the site. The proposed sign is 18 SF, 3 FT x 3 FT, two-sided and internally lit. Mr. Roberts asked if there was any neon. The applicant stated no.

Mr. Berkowitz made a motion to approve the change of tenant application for Capital Gutters based upon the pre-existing non-conforming condition with no off-site parking and contingent upon the applicant submitting a revised site plan eliminating the (4) parking spaces that are currently shown located on a separate parcel. Mr. Ruchlicki seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Capital Gutters. Mr. Berkowitz seconded. Motion carried.

07.033 NB Irene E. & Robert H. Brown, 121 Dunsbach Road – Minor Subdivision

Mr. Peter Melewski is representing Irene and Robert Brown for their minor subdivision application. Mr. Melewski stated the following: Mr. and Mrs. Brown wish to subdivide their 2.40-acre parcel located at 121 Dunsbach Road into 2 lots. Each lot would be approximately 1.2-acres.

Mr. Berkowitz made a motion to set a Public Hearing for the April 23, 2007 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

07.034 NB New Country Buick/Pontiac/GMC, 205 Route 146 – Change of Tenant & Sign

Mr. Brian Ragone, of Environmental Design Partnership, stated the following: I'm representing the New County Automotive Group. Also present at tonight's meeting is Mr. Bob Antonelli, General Manager of Buick/Pontiac/GMC Division. We are before the Board tonight to discuss three items; a change of tenancy, proposed change to the exterior of the existing Chrysler-Jeep building and for the existing freestanding pylon sign relocation. We would like to hear the Planning Board's views and thoughts and to receive a recommendation to the Zoning Board of Appeals. New Country is in the process of upgrading all of their Halfmoon auto facilities and one of the first steps would be to relocate the Buick/Pontiac/GMC dealership, which is currently located on the eastern side of Route 146. They are proposing to move the existing Buick/Pontiac/GMC dealership to the westerly side of Route 146 into the existing Chrysler-Jeep building site, which is currently vacant. The site is approximately 3-acres and the existing building is served by a shared on-site septic system with the Toyota Dealership, which is located across the street. Water is furnished by an on-site well. The Buick/Pontiac/GMC dealership currently has an auxiliary parking lot and they would like to retain that parking lot for their use. There are a total of 176 parking spaces including two other lots. There would be 27 full-time employees and 3 part-time employees. The change of tenant application is to move across the street and keep the existing conditions as is except for some minor changes. One of the changes would be a cosmetic alteration for the front of the former Chrysler-Jeep building to reflect the current GMC franchise image program. This would include a canopy that would extend 4 FT from the existing building overhang. The existing façade overhang currently extends into the front yard setback and one of the reason we are here tonight is to receive the Planning Board's interpretation and thoughts on whether we would need a new area variance because it would be extending 4 more feet into the setback. The applicant is proposing to

move the existing freestanding pylon sign across the street, which currently designates the Buick/Pontiac/GMC dealership. GM has requested that New Country move the sign to insure that the drivers traveling on Route 146 will be aware of the dealership relocation. We also would need an area variance for the existing pylon sign because it exceeds the height and area in the zoning code. The sign would exceed the sign area by approximately 220 SF for the entire site. Mr. Nadeau stated that the proposed canopy overhang would affect the square footage of the building and that would change the parking requirement. Mr. Williams stated he discussed this matter with Greg Stevens, Director of Code Enforcement, and he felt this would not affect the building setback. Mr. Ruchlicki asked if the canopy would cover the sidewalk in front of the building. Mr. Ragone stated yes. Mr. Higgins asked how many parking spaces were on the proposed site compared to the previous site across the street. Mr. Ragone stated there are approximately 193 parking spaces on the proposed site and 176 on the previous site. Mr. Watts stated that the Board needs interpretation from our attorney relative to the overhang and its affect on parking. Mr. Berkowitz asked if the proposed site would have sales and service. Mr. Ragone stated the following: Yes, the same as what the Chrysler-Jeep dealership had. Eventually, as part of the upgrade program, which is not part of this application, Toyota will take over the previous building and it will stay as part of the service auto body. Mr. Antonelli stated we are centralizing services in general. We are going to expand the recondition shop to a central location and after that the remaining space is going to be utilized by Toyota. Mr. Watts asked if they advertised this business as being located in Clifton Park. Mr. Antonelli stated the following: We did advertise some as Clifton Park but I have been doing more with Halfmoon on radio spots and some of our print advertising we have converted over to Halfmoon. Mr. Watts stated he appreciates all that has been done and we would appreciate using Halfmoon in your advertising. Mr. Antonelli stated the following: The need for less parking spaces is because we have worked with General Motors to step up their procedure to take back lease turn-ins because in our business, a lot of our parking spaces are taken up by vehicles that are turned in and are waiting to be picked up. We have stepped up that procedure with General Motors and they are responding very quickly so we don't need to have the parking spaces that we once did. Mr. Roberts stated the site is very visible from Route 146 and I feel the sign's height (37 FT) should be cut down to the 20 FT height limit. Mr. Watts asked what the total square footage of the sign would be. Mr. Roberts stated that was another matter. Mr. Antonelli stated the following: There is no question that we are grandfathered in as we have been in the Town a long time. The current site's 37 FT sign is not being made available to new businesses in general. Again, this sign has been there for a long time and that sign is one of our mainstays as far as recognition for our business because we draw people into the Town of Halfmoon and we tell people to look for that sign. One thing that I believe is truly going to be a fact is that based on where the sign is currently located now, being up off the main road and being up on a grade and then having that structure go up in the air, that is a big sign. When you take that sign and move it across the street and put it on an approximate grade variance of 3 FT below the road grade, it would diminish the perception of that sign and the sign would look much smaller than it does right now. Mr. Roberts stated that it would only be a 3 FT difference. Mr. Bianchino stated the application states that the proposed base elevation on the west side is 291 FT and the existing road elevation is 3 FT high and what Mr. Antonelli is saying is you look at the existing sign it is above the road. Mr. Ruchlicki asked what the difference would be in the road elevation to where the sign is currently located. Mr. Antonelli stated based on where the sign is currently, based on the road grade, I would have to approximate that it is 15 FT above road grade and moving it across the street it would be 3 FT below road grade so there would be an 18 FT difference. Mr. Chauvin stated the following:

Mrs. Murphy has done research with this particular issue and she was prepared to address this tonight. Because she is not available to address this issue tonight and because you are going to be referring the other issue on, I will ask her to get the information from Mr. Williams and I will ask her to render an opinion for the next meeting. For the record it would be helpful to clarify what the elevation is at for the current sign and what the elevation would be for the new sign across the street. Mr. Ruchlicki stated he would like to know where the top of the sign is now and where the top of the sign would end up when it goes across the street. Mr. Roberts stated this would be an opportune time to get rid of the two eyesores located at Route 236 and Guideboard Road. Mr. Antonelli stated the following: I am open to listen but obviously we put these signs up years ago for directional purposes to guide people to our location. This main franchise sign is what we are all about, it is well established, it draws people, it is a benchmark and this is the largest priority that we have. Mr. Watts asked the applicant to think about the issues that were mentioned and let us know before our next meeting. Mr. Higgins stated the number of vehicles stored on-site is going to be less than the applicant has mentioned because of the change in square footage of the building. Mr. Watts stated that the Board was going to defer action on this application and we will refer this to counsel relative to the façade and the signage.

This item was tabled for the Town Attorney to review the proposed canopy on the building and the proposed replacement of the existing 37 FT high sign.

07.035 NB A Touch of Polish Nails & Spa, 1509 Route 9 – Change of Tenant & Sign

Mr. David Blackmore is representing the applicant for her change of tenant and sign application for the Halfmoon Plaza. Mr. Blackmore stated the following: I will be speaking on behalf of Ms. Trang Le, the applicant, because of the potential language barrier. Ms. Le wishes to operate a nail and spa business in the Halfmoon Plaza by utilizing the space formerly utilized by Dog's Day Out. The business will have 3 employees including Ms. Trang Le. I believe this falls within the parking requirements. I don't think there is an issue with any of the parking with regards to the plaza. Ms. Trang Le was made aware that the existing Dog's Day Out sign was too large for the square footage. Hanley Sign submitted a new drawing and the sign now meets the square footage. Mr. Roberts asked how many customers would be expected at the site at one time. Mr. Blackmore stated Ms. Trang Lee stated that she can't really tell, but she hopes a lot but she is thinking no more than 3 to 5 people at one time. Mr. Watts asked if they schedule appointments or do people just show up. Mr. Blackmore stated both, by appointment and walk-ins. Mr. Watts asked if the business would operate 7 days a week. Mr. Blackmore stated the applicant was aware if she put those hours she doesn't have to necessarily abide by those hours, she could be open less. But that would be the maximum number of hours that she would be opened. Mr. Watts asked Mr. Williams if there was adequate parking available. Mr. Williams stated the following: The calculation for a retail plaza of 60,000 SF would require 80 parking spaces and this plaza has 75 parking spaces. This was after Hollywood Video was added to the site. We have done a number of change of tenant applications and we have never received any complaints with the 75 parking spaces, as there are some low-key usages at this site. Mr. Watts stated the following: If someone was to come before the Planning Board today, they would be required to have 80 parking spaces for a 60,000 SF building. Obviously this was something that happened in the past and I want people to understand that we don't approve things like this now. The proposed 30 SF sign would be located above the storefront, one-sided and internally lit. The tenant panels on the approved existing freestanding sign are two 5 SF tenant panels, two sided and flood lit. Mr. Roberts asked if the building sign would be backlit

the same as the previous sign. Mr. Blackmore stated yes. Mr. Higgins asked if the applicant understands that she must be licensed by New York State. Mr. Blackmore stated that Ms. Trang Le is licensed by the State of New York. Mr. Watts asked the applicant to please use Halfmoon in all her advertising.

Mr. Roberts made a motion to approve the change of tenant and sign application for A Touch of Polish Nails & Spa. Mr. Ruchlicki seconded. Motion carried.

07.036 NB The Home Depot, 4 Halfmoon Crossing – Addition to Site Plan

Mr. Bill Rach, general manager of The Home Depot, stated the following: The Home Depot located at 4 Halfmoon Crossings in the Town of Halfmoon is applying for the approval of an addition to our commercial site plan. We are proposing an additional outdoor display area as shown on the proposed site plan to house and display merchandise such as; sheds, landscape timbers, trailers, barbeque grills, power equipment, fencing, etc. Much of this merchandise has seasonal spikes in sales and is very cumbersome to try and move inside the building. There is plenty of parking for our customers. Also, as shown on the site plan, we would be very sensitive in keeping all ingress/egress areas free and clear. There would be no storage located on the customer pickup lane in front of the store. The proposed display area would be across the front of the store as well as a display area encompassing 8 parking spaces for trailer display. Temporary storage is proposed east of the garden center and along the western edge of the rear of the building. Currently there are 581 parking spaces. Mr. Higgins asked if the applicant was before the Board for an approval to place merchandise outside, merchandise that was being placed outside for years. Mr. Rach stated that is correct. Mr. Watts stated we had the applicant move this merchandise last year. Mr. Higgins stated the following: I understand the lawn mowers and the barbeque grills, but when you are getting into the sheds and the trailers, you are taking up parking area, whether or not it is necessitated, it is a requirement of the Town. You also fall into another area with the trailers because of New York State regulations as far as motor vehicle sales and dealership requirements, etc. Mr. Rach stated they sell new vehicles. Mr. Higgins stated they may be licensed by the State to sell these vehicles but you are not approved by this Board to sell them. Mr. Watts asked if they are currently selling these vehicles. Mr. Rach stated the following: They have been selling them for as long as he can remember. They are tow behind vehicles and are required to have them registered at the DMV and have a title. When I discovered that the outdoor displays along the front of the building was not part of the original site plan, I was surprised. Mr. Berkowitz asked if the original site plan showed the existing alternate seasonal sales area. Mr. Rach stated yes it does. Mr. Berkowitz asked what they store in that area now. Mr. Rach stated the following: It is used for an overflow of soils, mulch, block, plants, etc. In order to maintain the amount of inventory on hand that we need for the demand from the customers of Halfmoon, we need to have additional seasonal storage. Mr. Watts asked if this area is fenced. Mr. Rach stated it was security stacked outside and is not fenced off. Mr. Polak asked if the area, where they want to put the trailers out near Halfmoon Crossing, was on the original plan. Mr. Rach stated no. Mr. Higgins stated the following: This Board has worked very hard with the big box stores; Wal-mart, Lowe's, and the Home Depot to try and minimize the amount of displays out in front of the stores because it gets out of control quickly and they end up having a ton of merchandise outside that inhibits the accessibility for emergency vehicles, handicap people and everything else. This is why this approval, along with Wal-Mart and Lowe's were set up this way. It is the objective of this Board to try and keep the aesthetics of stores as well as making them practical. In my personal opinion with the outdoor displays with sheds etc. it tends to make a cluttered look. The reason why this Board is asking so many questions is because the outdoor display

areas can get out of control. Mr. Rach stated I have been the manager at this Home Depot for 2 years and I will not let these outdoor display areas get out of control. Mr. Higgins stated we have heard this from all the store managers and unfortunately the big box store managers are only at these stores for a couple of years and then these problems occur with new managers as they say they were unaware that they cannot do this. Mr. Watts stated we have had some managers that are excellent and then we have new managers that let this get out of control and don't really care how things look. Mr. Berkowitz asked why they are proposing the trailer display area in the middle of the parking lot when there are other areas where no one parks. Mr. Rach stated the following: We did this for visual purposes to be put in the view of our customers. Customers may come into the store and they may never know that we had these trailers. Mr. Watts asked how many trailers would be put in that area. Mr. Rach stated no more than 8 to 10 trailers and they are assembled behind the building and then brought to the parking lot. Mr. Ouimet asked if they are proposing to display their entire inventory of trailers. Mr. Rach stated yes, but if the trailers exceeded the area, I would not assemble any more. Mr. Ouimet asked if they would consider displaying less than the number you have shown. Mr. Rach stated if that is what it takes, then I would consider it. Mr. Berkowitz asked what would happen if all the trailers were not sold by the wintertime. Mr. Rach stated that he would move the trailers to another location. Mr. Berkowitz stated if this addition to site plan application is approved then the Home Depot's other competitors will be before this Board sooner or later for the same type of application. Mr. Rach stated I am not aware that our competitors are restricted like I am. Mr. Berkowitz stated the competitors are restricted and are in violation at this time. Mr. Roberts stated I agree with Mr. Polak regarding the display should be located closer to the building if this Board is going to give an approval for this application. Mr. Rach stated if the Board wishes that he put the display in another location, he would comply. Mr. Watts asked Mr. Williams if the Code Enforcement Department has looked at this site plan relative to fire lanes, etc. Mr. Williams stated yes, when we initially met with Mr. Rach, this was reviewed. Mr. Watts asked if this happened recently. Mr. Williams stated the following: Yes, within 2 weeks. Nothing could be stored on that hashed out customer pickup area and they also consider this the fire lane. I believe the ingress/egress area has to be 15 SF around the entrance of the building. Also, Mr. Rach made the suggestion to exclude the one parking area to increase the turning radius. Mr. Rach stated I would like to remove a parking space near the hashed out area and move the existing curb back about 4 FT so that the customers that are pulling into the parking lot do not clip the curb and this is reflected on the site plan. Mr. Nadeau stated this was a good idea because the curb creates a bottleneck with the people come in and going out of the site. Mr. Berkowitz asked if there would be more outside merchandise in the summertime than in the wintertime. Mr. Rach stated yes. Mr. Berkowitz asked if the summertime merchandise was stored off to the side in the wintertime. Mr. Rach stated I do the best that I can to sell all the merchandise before the winter. Mr. Berkowitz asked Mr. Rach if he would be opposed to a year-by-year approval basis. Mr. Rach stated he really doesn't want to do that. Mr. Berkowitz stated that another store in the Town does have to do this with their seasonal sales and as long as you keep the location neat and orderly there won't be any problem getting approval from this Board. Mr. Watts stated the following: This really works with Wal-Mart and we have had good compliance from them. We can make this part of our approval recommendation. Mr. Berkowitz stated the following: with the year-by-year approval, they could also make changes to either increase or decrease the display areas based on their sales. This way you have control over it and we have more control over it. Mr. Ruchlicki stated the applicant would have to come in each year to renew the application beginning and ending at a certain date. Mr. Watts stated Mr. Higgins was correct with his

statement that the Home Depot has been cooperative but we have no guarantees that corporate minds won't change management. Mr. Rach stated he would comply with this request if the Board requires him to do so. Mr. Higgins stated the following: For the record that the trailer sales are just supplemental sales to the major operation of the store and it is not the principle sale of the facility. This is so we don't have a problem with other applicants and motor vehicle sales in the Town.

Mr. Berkowitz made a motion to approve the addition to site plan application for the Home Depot contingent upon a revised site plan is submitted showing that the trailer display would be placed on east side of the building and applicant will seek outdoor display approval from the Planning Board on an annual basis. Mr. Higgins seconded. Motion carried.

07.038 NB Sheldon Hills PDD-Phase 2, Route 146 & Upper Newtown Road – Major Subdivision/GEIS/PDD

Mr. Mike McNamara, of Environmental Design Partnership, stated the following: I am here tonight representing A & M Holdings for their Sheldon Hills PDD. We are here tonight to initiate the approval process for Phase 2 of the project. Up to this point the only thing filed in the clerk's office and constructed upon is Phase 1 of the project. As part of the construction for Phase 1, the developers completed the improvements to Route 146 and also the public portion of the multi-use trail. Currently there are approximately 25 single-family homes and 30 twin home units that are either completed or under construction in Phase 1. The original plan for Phase 2 was to expand both Sheldon Drive and Covington Drive where they ended in Phase 1. Phase 2 is to include 45 single-family homes and 32 duplexes. The single-family homes would be on Sheldon Drive all the way to the end and the duplexes would be off of Covington Drive. Also, part of Phase 2 was the extension of all of the infrastructure necessary to serve the development. This included a temporary sanitary pump station at the end of Phase 1 and putting in the permanent pump station at the end of Phase 2. The remaining stormwater management facilities would also be constructed in Phase 2. The developers are proposing a slight modification to the plan for Phase 2. The new Phase 2 would include 31 single-family homes along Sheldon Drive and we are now proposing 54 twin home units. Covington Drive is exactly as it was in the original plan. The difference now is the last 1,000 FT of Sheldon Drive; in one section we are proposing 22 twin homes units where there previously were 14 single-family units proposed. There would be no change to the roadways or any of the infrastructures. All is exactly as it was in the original plan and as it was when the Town Engineer originally reviewed the plan. The change is that Phase 2 will now have 8 additional units and we will make an adjustment on future Phase 3 and deduct the 8 units from that phase. So the total units are going to remain the same at 323 units. It is our understanding that as long as that bottom line total units doesn't change, it is not necessary to go back to the Town Board to amend the PDD and that the Planning Board is able to approve the changes to the plan. The proposed twin homes are beyond the existing tree line. We believe putting these units in offers two advantages over the previous plan. Firstly, it provides a better transition instead of having single-family homes right at the future entrance to multi-family 4- units. We now have a transition from single-family homes to twin homes where there would be a natural dividing line at the edge of the woods. At the other end we would be going from twin home units to the 4-unit home duplexes and this is the same thing as we have done to the north. The second advantage that we think this offers is by having 8 fewer units in Phase 3 it would provide much more room to address all the access and parking concerns. Tonight we would like to ask the Board to advise if there is anything else that we need to address and to schedule a public hearing as soon as you can accommodate us. Mr. Roberts asked what the reason was

for the change in configuration. Mr. Chris Abele, of Abele Builders, stated the following: When Mr. Dave Michaels and I focused on Phase 2, we walked it and the tree line tended to be a natural break and we felt that if we did the twin homes, it would be a better transition from the twin home product into the multi-family. Also, it allowed us a little more room with fewer units in Phase 3 to do a better design with the multi-family units. We feel that this is an improvement to the overall concept of Sheldon Hills. Mr. Watts asked if some of this was market driven. Mr. Abele stated the following. Both products are selling equally well. To date, 30 single-family homes and 25 twin homes sold. When we did the original approval in the site plan, we didn't focus so much on the two products coming together. It was only after Mr. Michaels and I started thinking about Phases 2 and 3 that we came up with this idea. Mr. Watts stated that the Town Attorney has stated that there is no need to amend the PDD and I don't know if there would be a need for a public hearing. Mr. Williams stated that at some point we would need to have a public hearing for the subdivision of lands as the last time the public hearing only entertained Phase 1 of this project. Mr. Watts asked if this should be referred to CHA for review of the changes. Mr. Bianchino asked if detailed drawings were done for the new Phase 2 grading. Mr. Abele stated the way I understood it was; although only Phase 1 is approved, signed and filed, for Phase 2 I think we did the detailed engineering because of the pump station location. Mr. McNamara stated yes the detailed engineering was done because of the right-of-way but I don't know if the grading has been done. Mr. Bianchino stated the following: For that reason, I would like to be able to look at that. If Mr. McNamara does not have the grading plans done, then there is no point in referring it for review. Mr. Williams stated the following: It was my idea to bring this to the Board due to the changes in the housing. I told EDP that when it is referred to CHA they should submit the preliminary final engineering plans for their review. Mr. Nadeau stated the following: He asked Mr. Abele to explain the gain and loss because he recalls this project had a lot of concerns with the single-family homes verses the townhouses situation. I know we went through great detail concerning what this was going to be and this is the way it was going to stay. Mr. Abele stated the following: Originally there were 323 units; 140 single-family units, 84 twin homes and 106 multi-family units. What we are asking for is to lose 14 single-family units and gain 22 twin homes and lose 6 or 8 multi-family units. There is a little deviation from the original plan, but it is relatively small in numbers. It really has nothing to do with the product or the sales. It is purely driven on the fact that when Mr. Michaels and I physically walked and looked at the site, we said it would be a natural break point on the tree line. In Phase 2 the road wraps around and when the tree line starts, it would be a nice point to do the twin homes and because the multi-family road system is going to intercept the road where the twin homes will be located. The intent was that we wanted to keep similar products closer together. Mr. Higgins asked if the twin homes have 2 residences. Mr. Abele stated a twin home lot has 2 deeded parcels. Mr. Higgins asked if the number of units is actually the number of dwellings and if going from single to twins would increase the number. Mr. Abele stated the following: No, the actual saleable units is the same, it's just that the product mix is slightly different. There are 323 separate deeded for-sale units in Sheldon Hills, this number did not change. When I sell a twin home, I sell each side of the building to two separate owners but the lot is considered one lot. Mr. Higgins asked if the new proposal would be less dense then the original plan. Mr. Abele stated the following: No, it is the same. There would be fewer lots now but the unit density remains the same. Mr. Higgins asked if there would be more green space now with fewer lots. Mr. Abele stated yes. Mr. Watts stated the following: The Board is pleased to see how this development is coming along. The development looks nice and it is doing well. This was our first attempt at a cluster arrangement in the Town of Halfmoon and it appears that this has

worked out well. People who were unsure because it was something new have found that it is nice and other people are doing the same thing. Mr. Bianchino stated the following: I would like the applicants to submit the complete package with the grading plan to me and while we are doing the review, they can come back to the Board to schedule a public hearing for the project. Mr. Chauvin asked if they had any changes to the Homeowners Association (HOA). Mr. Abele stated they have made several amendments to the HOA. Mr. Chauvin asked Mr. Abele to submit this information to Mrs. Murphy. Mr. Abele stated he would. This item was tabled and referred to CHA for review.

Old Business:

07.014 OB Fortress Partners, LLC, 10 Enterprise Ave. – Addition to Site Plan

Mr. Jeffrey McCarthy, of Ivan Zdrahal Associates, PLLC, is representing Fortress Partners located at 10 Enterprise Avenue for their addition to site plan proposal. Mr. McCarthy stated the following: This proposed project was last before the Board in February 2007. The proposal at that time was for approximately 28,000 SF. Marini Builders occupy a majority of the property with a warehouse and sales office and the remaining 6,000 SF was to be a tenant. The proposal has now been reduced to sole occupancy by the addition by Marini Builders. The proposed building addition has been reduced to approximately 15,000 SF. They are proposing to add 26 parking spaces for a total of 138 parking spaces with 134 required. Additional lighting is proposed to illuminate the proposed loading dock and the new parking on the west side. There would be additional parking at the entrance we sidewalks have been proposed. Mr. Watts asked Mr. Bianchino if he had reviewed the new proposal. Mr. Bianchino stated yes, we are all set.

Mr. Roberts made a motion to approve the addition to site plan application for Fortress Partners, LLC. Mr. Nadeau seconded. Motion carried.

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

Mr. Dan Simpson, of CB Richard Ellis, stated the following: On March 26, 2007 Planning Board meeting Universal Supply Group came before the Planning Board seeking a change of tenancy at 16 Corporate Drive. Members of the Planning Board raised several question and subsequently we submitted a more descriptive narrative and letter written by the tenant, which was given to the Planning Board. The narrative answered the questions that the Planning Board raised during the meeting. With me tonight is the CEO and Vice-President of operations from Universal Supply Group. We are here tonight to answer any questions the Board may have. Mr. Ouimet asked for clarification regarding what they are proposing in way of the display area, how large the area would be, how frequently are people going to use it, and who will view it. Mr. Bill Pagano, CEO of Universal Supply Group, stated the following: As people go into the counter area, where they will come to pick up parts and accessories, next to this area would be a small area with display shelving approximately 15 or 20 FT x 12 FT. In this area we would have a point of purchase, merchandise display and we also might have new air conditioning units and new product lines that someone can come in to look at. As these new products become more standard, the latest new products would come out and be placed in the older products space. Mr. Ouimet asked if the display area was used for any retail sales. Mr. Pagano stated the following: No, it is not. We sell to contractors and if we start selling to retailers, we would lose the contractor business. It is not our intention to sell retail, we don't sell retail at most our places but there is always is an occasional sale where someone will come in to pick up something and we usually don't turn them away. If we do this as the practice we would actually lose our contractor base. Mr. Watts asked if I were to come by your site and

saw something I would like, would you sell something to me? Mr. Pagano stated we are not going to advertise or promote our products, but if someone were to come in to get an air filter or a humidifier part, because the contractor doesn't want to give them the parts, we would probably sell it to them as an accommodation. It would be an occasional sale it would not be anything on a regular basis. Mr. Watts stated so, you are not staffed to handle that either. Mr. Pagano stated the following: No, our products are contractor gear; refrigerant and air conditioning units have to be installed by licensed contractors so we do not want any misunderstanding with that. The bulk of our business is heating, ventilation and air conditioning. To say that there wouldn't be any retail sales, there still may be an occasional sale but it will not be our practice. Mr. Berkowitz asked if they would have a showroom where non-contractor customers come to look at the products. Mr. Pagano stated this is not the intent. The intent is to show the equipment to the contractors. Mr. Berkowitz asked if homeowners could come in to look at the product and then go to some contractor and say they wanted the product. Mr. Pagano stated no. Mr. Higgins asked if all of their storage would be stored inside with no outside storage. Mr. Pagano stated yes, this is correct. Mr. Ruchlicki asked if they would have any plumbing supplies other than plumbing products that would plumb an air conditioning unit. Mr. Pagano stated no, 85% of our business is; the heating, ventilating and air conditioning and we do sell some plumbing supplies. Mr. Ruchlicki asked if they sold sinks, toilets and things of that nature that a contractor would be able to come to your site to pick up. Mr. Pagano stated the following: Probably not but we can get them for the contractor. Mr. Ruchlicki asked if they sold hot water heaters. Mr. Pagano stated yes. Mr. Ruchlicki asked if bathroom fixtures were part of their product line. Mr. Pagano stated the following: Yes, we do have these products available from our other outlets. The focus in this area is that we already do some business in heating, ventilating and air conditioning by truck that is shipped from Middletown and from New Jersey. Mr. Nadeau asked if their business was basically wholesale. Mr. Pagano stated yes. Mr. Watts asked if there is not a lot of traffic in and out of the site and if there was adequate parking. Mr. Pagano stated yes. Mr. Ouimet stated at the last meeting Mrs. Murphy stated that the PDD legislation prohibited retail sales and I don't know how the occasional or incidental retail sale would affect that. Mr. Pagano stated the following: I don't mind saying there wouldn't be any retail sales because the problem is that it does happen. Mr. Berkowitz stated he believes that the Sportplex of Halfmoon does retail sales. Mr. Watts stated the PDD legislation does allow for incidental retail sales and asked Mr. Abele if the Sportplex sold retail. Mr. Abele stated yes, they have a snack bar, which is accessory to their business. Mr. Ouimet asked about the concept of the training courses being taught at the facility. Mr. Pagano stated the following: In order for us to obtain contractor business, the best way for us to do this is to make sure that the contractors are qualified and that they are comfortable with the equipment that we sell. Therefore, we do have training classes on how to install air conditioning equipment and how to troubleshoot equipment. As new equipment becomes available, we want to train the people to be able to service the equipment. This is also a way for us to build a relationship with the contractors and to eliminate the trouble calls. Mr. Higgins asked how many people would be in a typical training course. Mr. Pagano stated it is hard to guess but we give training classes for as little as 4 to 5 people and up to as many as 10 to 12 people. Mr. Ouimet asked how frequently are these training courses held in a year's time. Mr. Pagano stated about 12 a year, as we like to see them held about once a month. Mr. Higgins asked how many days the training sessions were held. Mr. Pagano stated most of the time the classes are held in the evening for about 3 to 4 hours for just the 1 evening. Mr. Watts stated the hours of operation that were submitted on their application stated 7:00 to 6:00 Monday through Friday and 7:00 to 5:00 on Saturdays and

asked if the time should be changed to 9:00 because they held the training classes in the evening for 3 to 4 hours. Mr. Pagano stated from that viewpoint yes, I apologize, as I wasn't thinking of the training as actual hours of operation. Mr. Watts stated the hours of operation would be changed to 7:00 to 9:00 Monday through Friday. Mr. Pagano stated okay. Mr. Watts asked the applicant to please use Halfmoon in all their advertising.

Mr. Nadeau made a motion to approve the change of tenant application for Universal Supply Group conditioned on training sessions involving new equipment installation and troubleshooting is associated with equipment sold at the site. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the April 9, 2007 Planning Board Meeting at 8:41 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary