

## **Town of Halfmoon Planning Board**

### **November 26, 2007 Minutes**

Those present at the November 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:** Jerry Leonard

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the November 26, 2007 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 13, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the November 13, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

**Public Hearing:**

**02.143 PH Sandy Rock Subdivision, Beach Road – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Steve Lamb is representing Mr. Ray Dahoda for a major subdivision application. Mr. Lamb stated the following: The property is located between Dunsbach Road and Beach Road. The applicant's proposal is to subdivide a little over 30-acres into 19-lots. We have worked with CHA for on-site sanitary septic disposal systems and there will be public water. Stormwater will be managed on-site. The proposed project would have a 3,000 FT road that would end in a cul-de-sac. The road would be built to standards and will be dedicated to the Town. An emergency access will be provided through Forest Lane and the Lands of Dahoda. As I mentioned, the stormwater would be contained on-site and disposed of in accordance with the current provisions. There are some wetlands that will be mitigated on Dunsbach Road by increasing an existing wetland area and swapping out an acre of wetlands that we would disturb in order to build the roadway. We are proposing 19-lots. Mr. Watts inquired about the emergency access road. Mr. Lamb stated the emergency access would begin at the end of the cul-de-sac near the hill and would come down the stub

street that has been proposed in case the adjoining land is developed. It would come down and join the existing road that goes out to Forest Lane. The fire chief has reviewed this proposal and he has responded favorable with a letter to the Town. The fire chief actually had emergency vehicles in here in the past and he stated this was acceptable. We plan on extending the 200 FT of road and would be using a base capable of supporting emergency traffic and the fire chief stated this would be acceptable. Mr. Watts asked if anyone from the public wished to speak. Mr. Paul Fedden stated the following: I live at 51 Dunsbach Road and asked how close the road would be to his property. Mr. Lamb stated it would be beside the fence line and part of the right-of-way would be built up to the property line. Mr. Fedden stated this seems very close to my house and asked if trees or a berm could be placed to buffer the road because my driveway will be right next to the road and asked if anything was going to be built behind his home. Mr. Lamb stated the following: We can look into the berm with trees. There is wetlands in the rear of the property that would not allow us to build anything in that area. Mr. Fedden inquired about the stormwater management area and asked if his kids would be likely to drown in these ponds. Mr. Lamb stated the ponds would only be a couple of feet deep. Mr. Fedden asked if there would be a fence around the ponds. Mr. Lamb stated not currently. Mr. Fedden asked if there were any requirements for fences because I have a problem with this project being built very close to my house and it seems like a dirt wall or trees should be installed. Mr. Lamb stated this would not be a problem and we will work with you and give you whatever you want. Mr. Paul Berlin, of 1460 Crescent Vischer Ferry Road, stated the following: There is an old stonewall near the back of my property and I would hope that the wall would stay. Mr. Lamb stated this wall is not being touched. Mr. Berlin asked if the lots would be sold off or would they be developing the lots. Mr. Lamb stated I believe Mr. Dahoda hopes to sell off the lots. Mr. Berlin asked what the stormwater management requirements were. Mr. Lamb stated the stormwater management areas have to be placed for erosion and have to keep the water off of adjacent properties and things like that. Mr. Berkowitz asked if they had a no-cut buffer. Mr. Lamb stated we don't have one in here but it would be easy to put one in. Mr. Berlin stated near the front of my property a business was put in and I have concern with them putting the parking lot right up to my property line and the snow goes between my neighbor and me and asked if there was a buffer in that area. Mr. Lamb stated there is about 200 FT from the property line and there is a grading area and if it is desirable we can increase the buffer zone to 50 or 75 FT or whatever is desirable to the Board. Mr. Berlin stated when some people buy lots they like to clear-cut and I have a concern with this. Mr. Lamb stated we have no problem with putting a buffer in. Mr. Watts closed the Public Hearing at 7:13 pm. Mr. Higgins asked how wide the area was from the paved surface to Mr. Fedden's property line. Mr. Lamb stated the roadway is 30 FT wide and the right-of-way is 60 FT so it would be about 15 FT. Mr. Higgins asked if there was stormwater management in that area. Mr. Lamb stated there is no stormwater retention there and we could easily plant a buffer. Mr. Higgins stated I have concern because obviously there are culverts that are going to be 4 to 5 FT across. Mr. Lamb stated the water would drain off to the south side. Mr. Higgins stated when the Town is plowing this you can get snow flying up to 6 to 7 FT and they would be plowing the snow onto this gentleman's driveway. Mr. Higgins asked if there was anyway they could move the road to the south. Mr. Lamb stated no. Mr. Higgins asked if the reason they couldn't move the road was because of the stormwater management. Mr. Lamb stated yes. Mr. Higgins asked if there was a way to elongate the stormwater detention areas. Mr. Lamb stated the following: It would be difficult to move the stormwater management from where it is because of the wetlands and the stormwater management would take care of the water in the area. This is where there are existing wetlands and the area that is going to be

enlarged because of the swap from the wetlands mitigation area where the wetlands would be disturbed. I did not consider the snow plowing to be a significant problem. Mr. Higgins stated the adjacent property owner has a legitimate concern if you are going to be grading right up to their property line. Mr. Lamb stated we won't be grading right to the property line it would be 15 FT away. Mr. Higgins stated it wouldn't be 15 FT by the time you put the culverts in. Mr. Lamb stated the culverts are within the carriageway of the roadway. Mr. Higgins stated not the culverts but the swale that the Town has you put in there. Mr. Lamb stated that area would be graded so that it is draining onto the roadway and the stormwater runoff will be accumulating and going to the draining system into the stormwater retention area. Mr. Higgins asked where the water goes when it falls off of the paved surface and asked if the water goes into the wing area. Mr. Bianchino stated the following: Yes, this is a basic standard section with a winged wedge curb and then closed drainage so there aren't any ditches along the side of the road. As Mr. Lamb stated the lawns would basically drain onto the roadway into the wing wedge and then go to the catch basin. Mr. Higgins stated the stormwater retention areas are right along the property line and why are they in that location. Mr. Lamb stated the following: This is to accommodate the existing contours of the land and the natural way to minimize grading so that the water runoff would be taken care of. To change this, we must expand quite a bit of the required grading area and this area is heavily treed and we really don't want to cut it down. Mr. Higgins stated the following: I understand you not wanting to cut that down but I am more concerned about the neighboring property owners' rights and also with disturbing their property. When you have stormwater retention areas directly on the property line going down 4 or 5 FT, I don't see how you can possibly grade it and build it without affecting the adjoining property owners' property. Mr. Lamb stated that is what the contours show; we will not be grading onto the side of the existing property. Mr. Higgins asked if there was a no-cut buffer zone between you and the neighbor and typically I prefer to see a little bit of an area there protecting the neighboring peoples' property and their rights. Mr. Watts asked who would own the stormwater ponds. Mr. Lamb stated they are proposed to be dedicated to the Town. Mr. Bianchino stated they get dedicated as part of the right-of-way to the Town. Mrs. Murphy stated that is if we decide to accept it and asked with the people behind them, how would you get to it to maintain it? Mr. Lamb stated there is an access from the existing proposal to these sites where there is 20 FT around them and I believe this is what the standards state. Mr. Bianchino stated the following: This was looked at 2 years ago, however, I don't remember the specifics of where these are but normally we would get either an easement or a lot where the stormwater management would be with access to the Town Road and they would all be dedicated at the same. We would get the road right-of-way, the access and the stormwater management area as part of the road dedication. Mr. Lamb stated there is a right-of-way that CHA has looked at. Mr. Higgins stated it says "easement for emergency access to be removed when a permanent access is developed in the future" and asked Mr. Lamb to explain that statement. Mr. Lamb stated if another connection is made, the emergency access is not needed. Mrs. Murphy stated the following: Depending on that issue, I think that would address the Board's concern. However, I haven't seen any proposal language that would permit an easement across the other property or the emergency access together with a maintenance easement for the drainage ponds. Mr. Lamb stated we are not at that stage yet. Mrs. Murphy stated the following: Anything that the Board chooses to do would be contingent upon my approval of the easement language. Also, they talked about a no-cut buffer and this would require a deed restriction and I would need to see that language and this would also be contingent upon my approval. Mr. Roberts stated I believe we should see the easement language and deed restriction information before we go any further. Mr. Tom Kuhn, of 1472

Crescent Vischer Ferry Road, asked if he could speak. Mr. Watts stated I have closed the public hearing but I will allow Mr. Kuhn to speak. Mr. Kuhn stated the following: I hike through this area often and currently there is an area that is under water and I think you are going to push the water up toward the corner of the site. Mr. Lamb stated there would be no increase in the runoff. Mr. Kuhn stated this area should be looked at because that water has to go somewhere. Mr. Watts stated the following: At this point the applicant has heard the concerns of the Board and the Public and we would like you to address those concerns to see what the possible improvements are along with the easement languages, drainage and buffering issues.

This item was tabled for the applicant to respond to public comments from the Public Hearing.

**New Business:**

**07.111 NB Clearwire US, LLC, Stone Quarry Road – Commercial Site Plan**

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**07.112 NB Clearwire US, LLC, Grooms Road – Commercial Site Plan**

**&**

**07.113 NB Clearwire US, LLC, Lower Newtown Road – Commercial Site Plan**

Mr. Jeff Davis, Attorney for Hiscock & Barclay, stated the following: I am representing Clearwire. Clearwire has a FCC license to provide high-speed wireless internet service to the Albany area that includes the Town of Halfmoon. Clearwire is in the process of constructing their network in the Albany area. They have been before this Board before for a couple co-location applications in the Town. Clearwire has also submitted another application besides these 3 locations. They are trying to figure out a way to provide wireless service to the area without having to do a cell tower. This proposal is to extend existing utility pole structures to allow and accommodate panel antennas and additional antennas at the top of the utility poles. All 3 of the utility poles are located in the public right-of-way. The 3 locations would be at Stone Quarry Road, at the corner of Grooms Road and Woodin Road and Lower Newtown Road at the Harris Road intersection. I would like to talk about all 3 of these together because they are basically the exact same thing from a construction standpoint. There is an existing 40 FT utility pole that would be removed and replaced at the 80 FT level. On all of the pole locations the antennas would be located at the top of the pole along with transformers. The antennas and transformers would be painted to match the poles and then the equipment is bolted at the base of the poles that would not touch the ground. The equipment would face off the street so there would not be an issue with mowing. The equipment could also be painted to match. The panel antennas and the additional antenna structures at the top of the poles takes up about as much area as transformers on a typical utility pole. All 3 proposals would be located on National Grid utility poles. Clearwire has approved lease installations with National Grid authorizing Clearwire's use on all 3-pole locations for this service. I am going to focus on the pole on Stone Quarry Road where there is a hole in their coverage. The packet that I have provided shows all the information regarding the gap in coverage and then with the gap in coverage filled in as a result of the installation at all 3 locations. There is only one of these currently approved in New York State and that was approved last week in the Town of Manlius in the Syracuse area. Clearwire also has applications that they working on in the Town of Colonie. I would be glad to answer any questions regarding Clearwire; what their service is, what they do and how these particular installations would affect the Town from a planning perspective. Mr. Berkowitz asked what the radius was for one of these towers as far coverage.

Mr. Davis stated the coverage would be roughly about 1.5 miles. Mr. Berkowitz stated so you would basically need a pole every 1.25 miles. Mr. Davis stated the following: Yes, we would need antennas somewhere. Not all of them would need to be these types of poles and they could be co-located on poles in and around the area. But they would need a structure that would be tall enough to put their antennas on. Mr. Berkowitz asked if the antennas were made of rubber. Mr. Davis stated the following: The antennas are actually panel antennas. They are similar to a cellular antenna panel; however, they are only about 4 FT tall and 6 inches wide verses 6 FT tall and 1 FT wide. They broadcast a signal that is used in your laptop or home computer. These antennas provide wireless internet and telephone service. Mr. Roberts stated I am concerned about seeing too many of these towers pop up in Town. Mr. Berkowitz asked if they had done research on how many antennas you would need if you had the antennas at 40 FT. Mr. Davis stated the following: At the 40 FT level you would not be above the tree line and you would need to be above the tree line. We did look at the 60 FT level and when I come back to the Board I can give you the difference between the 60 and 80 FT. Mr. Berkowitz asked how long Clearwire has been in business. Ms. Meredith Smith stated 3 years and Nextel developed it. Mr. Berkowitz asked in what city did they start. Ms. Smith stated the following: They are based in Seattle or outside of Kirkland, Washington. Their first one is in Jacksonville, Florida and they have expanded mainly in the south and the northwest. The reason why they are in these areas are because the market is cheaper. In cities where they have a lot of other cell towers it is cheaper for them to build it out. This is obviously a little more expensive but it is cheaper to build this type of installation than a brand new cell tower. Which is why they prefer to do this, which they view as less intrusive. Mr. Berkowitz asked if they did studies to see how many customers have switched over to Clearwire from other carriers. Ms. Smith stated they do have these studies on what the customer had and what their switch rates are. Mr. Berkowitz asked who would take down the hardware if the company were to fail. Ms. Smith stated we have a back out clause with National Grid. Mr. Berkowitz asked if they were responsible for removing the equipment. Ms. Smith stated because we have a union contract with National Grid, they would probably not build it. Mr. Ouimet asked if the take down clause only requires you to remove your equipment. Mr. Davis stated I don't believe there would be an issue because if these were to be approved it would be conditional that there be a bond required. Mrs. Murphy stated our legislation requires a bond be posted and continued for the life of the pole and that it be removed when no longer in use. So, this would be an issue that you would have to work out with National Grid. Mrs. Murphy asked if they had public utility protection with the cell company that they are with. Mr. Davis stated the following: They have FCC rights under the Telecommunications Act and Clearwire has a FCC license to provide its wireless internet service. There is a letter in the packet that explains the Telecommunications Act and what they do and how they comply. Mr. Polak stated they have stated that this type of pole is cheap and the Town Board may have some concern if we have cell tower every 5 to 10 miles or if we have cheap poles every 1.25 miles. Mr. Davis stated the following: It is not that it is a cheap pole but it is a cheaper cost to get on air. It is a wooden utility pole that you are getting verses a steel cell power but typically your zoning cost and your construction cost is much greater on a cell tower because of the extensive foundation. They have many of these in the Seattle area and other markets where there isn't a cell tower to co-locate on. They want to co-locate whenever they can but when there isn't something in a residential area, this is how we can best provide our coverage without introducing a cell tower. This is an alternative that Clearwire has come up with and I believe Clearwire is the only one that really can do this type of service. At the base of the pole they would use a box about the size of a DSL box. If you are familiar with the other providers, they have large equipment shelters, multiple cabinets and

different things like this that just are not going to fit in the right-of-way and that wouldn't be bolted to a utility pole. These poles would only have 3 antennas verses a lot of the other providers' equipment. Mr. Watts asked the dimension of the DSL box. Mr. Davis stated the box is 20 inches high, 6.3 inches deep and 8.2 inches wide. Mr. Watts asked how high up the box would be mounted on the pole. Mr. Davis stated the following: It is mounted about 2 FT off the ground so it can be easily opened up and worked on without bringing in a bucket truck. Mr. Watts asked if all 3 poles were located next to the road. Mr. Davis stated yes, they are all in the public right-of-way. Mr. Watts asked if there were any safety issues with these boxes if someone were to drive off the road and hit them. Mr. Davis stated the following: No, National Grid had the PSC look at these types of pole attachments and the PSC has approved similar types of poles and they have determined that these poles could go up to 100 FT and would not provide a hazard. Another process which they must go through is to see if any permits need to be pulled; for instance in the State right-of-way they need to go through the NYSDOT process and get a permit for the safety of the people who do this type for work. Mr. Roberts asked for a visualization of how these poles are going to look in these areas. Mr. Davis stated okay. Mr. Polak asked if there was a break point on the pole where you have to have clearance near buildings. Mr. Davis stated no, it is a National Grid utility pole. Mr. Polak stated if the pole is wooden it has to have a breaking point. Mr. Higgins stated the following: Typically when NYSEG puts in the taller poles they have a lot longer guide areas because of the height. You are not only going to see more poles, you are going to see more guide wires coming off of those poles. Also, regarding the box at the bottom of the pole, is there back up power for this system? Mr. Davis stated they have a 24-hour battery back up in their box. Mr. Ruchlicki asked if there was a difference in the radius range of cell tower for strictly cell phone use verses the wireless internet. Mr. Davis stated the following: They operate at a higher frequency. Your typical cell phone provider is at 800 megahertz and from a radius standpoint it is about 5 to 6 miles. Your PCS providers are at 1900 megahertz so it would be about half of that. The Federal Government is pushing everybody to go the higher frequency ranges and they want to get away from the lower frequency ranges because they are reserving more of that for Federal purposes. Mr. Ruchlicki stated the fact of the matter is your antennas have to be closer together in order for you to provide a wireless internet service verses telephone service. Mr. Davis stated yes, the antennas have to be closer together. Ms. Smith stated the following: They have to be closer together because they need to guarantee in-building coverage, which cellular companies don't have to guarantee. The cellular companies design for highway, car and road coverage and they don't need to guarantee penetrating the walls of your house. Mr. Berkowitz stated when technology improves and all these systems get smaller, what precludes someone else being located on your tower? Mr. Davis stated the following: This would not be our tower. This would be a National Grid pole and if someone wanted to lease with them, I am sure that they could. The Town of Manlius also asked me that same question and if it would become like a cell tower pole. National Grid's response was no, they would probably have to move to another utility pole. National Grid owns the pole and they own the ground so anybody who wants to go on this pole needs to lease the pole. They don't have a footprint on the actual graph at the base of the pole where National Grid can lease out space. It is not a National Grid right-of-way for their lines; it's a Town highway right-of-way that this pole was in. Mr. Berkowitz stated the following: So you are telling me that you can co-locate on a pole for wireless internet and 5 years from now the technology is going to be such that cell towers could locate on that National Grid pole. With the problems that National Grid has being the transmitter of electricity with more competition this would be easy money for them. Mr. Ruchlicki stated theoretically what you are telling me is someday we may be looking at all 80 FT

poles because all the rest of the people are going to co-locate or not co-locate and they are going to have all those poles. So if you put a pole in every 5<sup>th</sup> pole going down the road with your antenna on it, there may be 300 companies 10 years from now that are going to want an 80 FT pole in between your poles. Mr. Davis stated the following: I cannot predict what is going to happen in the future but the utility poles have gotten bigger over the years with more wires on them because we now have cable and all that other stuff. Poles have gotten bigger in everybody's neighborhood. National Grid's primary goal is to provide electricity and it is not their primary goal to provide utility poles for antennas, cell towers and wireless internet. Mr. Ouimet asked how long their lease was with National Grid. Mr. Davis stated it is a 5-year agreement with 5-year renewal terms. Mr. Ouimet asked 10 years from now if you need to go up another 40 FT higher, I would assume you would put in another pole. Mr. Davis stated I am not able to answer that question. Mr. Ouimet stated the following: I am trying to figure out how permanent this venture is because you had stated earlier that these wooden utility poles were how you could get in and get established in the market quickly as oppose to going through the process to erect a steel cell tower and without having to go through the approval process and all the other things. At some point in time you are either going to expand your system or abandon your system. Mr. Davis stated correct. Mr. Ouimet asked if they would be removing your equipment from these wooden poles and erecting different kinds of poles at that time. Mr. Davis stated the following: I have been in this business for 7 years and I honestly can tell you that I have never been back before a Board with any one of my clients to say we want to remove our antennas from that cell tower and move them over to this tower. Once they are up they are up. If they need to come back in because there isn't enough coverage for the customers in the Town of Halfmoon, then they will try to figure out something to allow them to put their antennas on. If there is nothing tall, then I think they would look at trying to figure out a way to do it through something like this proposal. Mr. Ouimet asked if it is Clearwires plan to just go in and throw a lot of cheap pole towers and then in 3 or 4 years come back and install more permanent structures or bigger structures and abandon these towers. Mr. Davis stated the following: No, their intentions are to co-locate on anything they possibly can to provide their service. When they can't find a co-location, they are trying to come up with a unique idea. Usually with a typical cell tower, it is going to be a tall structure with as many co-locators as they can have to cover their cost. So you are going to get a 120 FT structure with multiple carriers on that structure and need a much bigger space to do that. Clearwire has found that these types of installations, for the most part, are their solution to provide coverage in difficult coverage areas. Ms. Smith's previous comment was very clear. Their customers are all the homes that are around here, so they are trying to get coverage into residential areas and business areas where they are trying to provide their service. It is unlike coverage up and down the Northway. When the cellular providers first came out, they wanted to cover all the highways to get the mobile phones truly mobile. Then they started branching off of the highways. This Clearwire application is totally different. They now need to get into the houses so they are trying to figure out a way to get into these residential areas and do such with the least visual impact as possible. They found in other markets that these type of installations are much more acceptable than trying to figure out a way to put in a cell tower in the middle of a residential area. Mr. Berkowitz asked if they had looked at the existing cell towers in this Town. Mr. Davis stated the following: Yes and we have put a list of those towers in the packet that we provided you. There are 3 of these cell towers already in the Town that they have gotten permits for and there is one other tower in the Town which is adjacent to an existing site that they have already permitted on so they are not going to use that one. Mr. Berkowitz asked which towers are those you mentioned in the packet. Mr. Davis stated tab

#11 goes through the full list of everything we have looked at. It shows the locations of the existing towers, the available heights on each tower, whether Clearwire is on it or not and if they are not on it, why they are not on it. Mr. Berkowitz asked if they know about the tower that they saw a few weeks ago located on Route 236. Mr. Davis stated the following: Yes, the Verizon site. It is our understanding that the Verizon site would roughly be about a 90 FT pole. If we could get in at the 80 FT level, this would work for us but I don't think that spot is available. The next spot available would be at 58 FT level and we would not be able to get the coverage needed that we would get the Stone Quarry site. Mr. Watts stated we are going to refer this to our consultant for review, Mr. Polak is going to discuss this with the Town Board and Mrs. Murphy will review the various languages about the mandates. Mr. Davis stated we will provide some photo simulations at different locations up and down the road from the proposed sites and I understand the Board's concerns.

The above 3 items were tabled and referred to Mr. Mike McNamara, of Environmental Design Partnership, to review on behalf of the Town. The Board asked for photo simulations.

**07.114 NB      Jennings Subdivision, Upper Newtown Road (18 & 20 Upper Newtown Road) – Minor Subdivision**

Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: The proposal is for a minor subdivision for the Lands of Robert and Virginia Jennings. The applicant's own a 19.50-acre parcel on the southerly side of Upper Newtown Road. The parcel lies between the D&H Railroad and the former Champlain Canal currently owned by the Town of Halfmoon. The applicant wishes to subdivide out two 2-acre lots that front on Upper Newtown Road with the third parcel being 15.50-acres that has a 30 FT flaglot access to the property, which was provided by a prior subdivision of Lands of Jennings. About 2 years ago the Jennings were approved for a minor subdivision for a 0.95-acre parcel that is now owned by John and Donna Coreno. They are also planning on supplying Town water to the 2 proposed lots plus to the Coreno parcel. A 10 FT wide utility easement would be created for the installation of the waterline for the 2 proposed lots and the 1 existing residence. The large parcel in the rear is proposed to be owned by Mr. John Coreno and another tap to the waterline would be added for that lot. The septic systems are going to be raised systems. We have done perc tests in that area and I am sure the Town is well aware of the soil conditions at that location. Mr. Nadeau asked if the 15-acre parcel would be accessed from the 30 FT flaglot. Mr. Flanders stated that Mr. Coreno also owns the lot in front of the 15-acre parcel. Mr. Nadeau asked if the 15-acre lot was developable. Mr. Flanders stated the following: I did come up with a layout for residential lots with a Town road and Mr. Coreno does not want that. The lot is pretty flat and Mr. Coreno plans on building his residence on that parcel and wants to leave it the way it is. Mr. Nadeau stated if this subdivision is approved the easement would be eliminated. Mr. Flanders stated I tried to talk him into leaving a 60 FT strip but he didn't want to do that. Mrs. Murphy stated the lot that his home is currently on would have to be consolidated on one deed. So now you would no longer have a 30 FT right-of-way and you are going to have a 1-piece parcel. Mr. Flanders stated he's not going to want to do that. This is currently his individual lot and why would he want to dissolve that lot. Mrs. Murphy stated the following: There is a regulation in our subdivisions that requires if you have 2 adjoining parcels that you have to consolidate them. We can require this but it doesn't mandate the consolidation of the lots. This Planning Board has the authority to mandate this. There is concern over the 30 FT of access to the 15-acres. Mr. Flanders stated I don't quite understand this. Mrs. Murphy stated the Board has the right to mandate this and we have done this in the past on commercial lots



especially along Route 146. Mr. Flanders stated the following: I will pass this information on to Mr. Coreno. This is what Mr. Coreno wanted to know and he has commented to me if he ever wanted to divide this, he could remove the existing residence and possibly propose a road through there. I told him it is not the best place for a road it would be better in the middle of the property. I guess Mr. Coreno doesn't really know where he is headed beyond this. Mr. Watts stated we have raised various questions that are legitimate and I don't know at this point whether it would be worthwhile to schedule a public hearing without the answers of the applicant because this would affect what is said at the public hearing. Mr. Flanders asked if they were asking him to combine those 2 parcels. Mr. Nadeau stated as the owner of the property he can do what he wants but we want to make sure that he is aware of this and that he can be hindering himself for the future. Mr. Flanders stated I have made him fully aware of this. Mr. Roberts stated if we approve this then part of the resolution will be that statement. Mr. Polak stated the following: Put a stipulation in the approval that if he wants to further develop that parcel, he will need a 60 FT access. This way Mr. Coreno will be aware of it. Mr. Watts stated I respect what he wants to do but we want to make sure that there are no issues.

Mr. Roberts made a motion to set a Public Hearing for the December 10, 2007 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**07.115 NB      Leyerle Subdivision, 970 Hudson River Road – Minor Subdivision**

Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: This parcel is the Lands of the Estate of John F. Leyerle. The Estate of Mr. Leyerle owns approximately 49.50-acres of land on the westerly side of Routes 4 and 32. This property lies adjacent to the access for the Saratoga County Sewer District Plant. This parcel has frontage at numerous locations. On the 49.50-acre parcel there are 2 existing residences that are shown on the plans. What we want to do is to subdivide out each house. The southerly home being just shy of 8-acres and the northerly home is approximately 7.50-acres. Both of those residences are supplied by public water and on-site septic systems. There are extensive Army Corp. wetlands on the property; there is a stream that runs through the property and extensive wetlands along the rear of the property that is shown on the map. By creation of these 2 residential lots, we end up severing the northerly piece of property, which consist of 4.7-acres. Essentially this is all wetlands and not developable. In its present state the only use that I could find for it would be possible mitigation to acreage that the Estate of Leyerle owns on the other side of the railroad tracks. Something might be done as far as the mitigation with the Army Corp. As it stands right now without those efforts and if somebody wanted to go through all that, it is a remnant parcel and we are not proposing it to be a buildable, residential or commercial parcel of any kind. In speaking with the Planning Department, the existing lands are considered to be a pre-existing, non-conforming use. Mr. Roberts stated it is our practice that the wetland parcel be attached to the near parcel instead of being stand-alone and asked Mr. Flanders why they couldn't do that in this case. Mr. Flanders stated they have perspective buyers for these properties and they don't want it. Mr. Watts stated maybe nobody wants it. Mr. Flanders stated then it would remain with the Estate. Mr. Watts stated it could be abandoned and go up for a tax sale, which is why we don't do that. Mr. Roberts stated down the road I don't think the Town wants to become responsible for that piece of land. Mrs. Murphy stated if he is saying he is creating a lot, which is essentially not a buildable lot, the Town does not permit that. Mr. Flanders asked are you saying the only way that we can do this is to attach it to a parcel? Mr. Watts stated yes, and good luck with the Army Corp. Mr. Higgins asked if the remaining 29.5-acres has road access. Mr. Flanders stated the following: Yes, over 500 FT and

there is access in 3 different locations. I have seen in the past non-buildable lots on subdivision maps and I was hoping that this would be something that you would consider as non-buildable. Mr. Watts stated the following: Some of the issues in the past are not the issues of the present. Some of the practices in the past are not the practices of the present. I know some precedent may have been set in the past here or in any other Town. Mr. Flanders stated we would have to go back to the drawing board and see if they are willing to work this out. Mr. Nadeau stated on lot #1 there are 2 driveways and asked if there would be an easement there or are you going to eliminate one of the driveways. Mr. Flanders stated the following: No, the driveways would remain. There probably could be a separation because the property line is there. For obvious reasons we are creating separate driveways.

This item was tabled and the Board asked the applicant to review one of the proposed lots that is 99% wetlands and appears to be unbuildable.

**07.116 NB      Busch Subdivision, 70 Route 236 (68 Route 236) – Minor Subdivision**

Mr. Harold Berger represented Mr. Busch for a 2-lot minor subdivision located at 70 Route 236 across from Knox Boulevard. Mr. Berger stated the following: Currently there is an existing home and the property is for sale. The applicant wishes to subdivide a 3.7642-acre parcel to create 2 lots. Mr. Fred Metzger, who is a licensed land surveyor, created the survey map. Mr. Metzger did several soil percolation tests because the soils aren't very good here. We also had a wetlands delineator do Federal Wetlands delineation and this is also shown on the map. The delineation is current and was just done a few weeks ago and this map reflects those results. Also, in conjunction with all that, I did a footprint for the area that a raised sewage system would encompass and this is on the drawing. The green area on the plans is essentially the footprint of what the sewage system would be and asked if they were able to tie-in to the sewer line on Route 236. Mr. Williams stated the pressure is too high. Mr. Berger stated it is only 80 pounds. Mr. Williams stated my understanding is that no individual grinder pumps can tie-in to the line. Mr. Berger stated I could design one that would work. Mr. Watts stated Mr. Berger could speak to the County Sewer District about that. Mr. Berger stated we are also showing the footprint of the home along with a footprint of the sewage system. Public water is available to this site. The proposal is for a 1.7057-acre lot with the existing single-family home and the second lot would be 2.0584-acres and is proposed for either a single-family home or a possible duplex lot. Mr. Ruchlicki asked if the proposed septic system for the new lot was larger than the system on the existing lot. Mr. Berger stated the following: Yes, because this layout was done based on today's current standards for raised systems. The existing sewage system was done many years ago and we don't what size the existing system is. Mr. Ruchlicki asked if the existing sewage system was functioning. Mr. Berger stated yes.

Mr. Roberts made a motion to set a Public Hearing for the December 10, 2007 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

**07.120 NB      Ferrini-Konarski Assoc., Inc., 1387 Crescent Vischer Ferry Road – Change of Tenant**

Mr. David Konarski, the applicant, stated the following: I am part owner of Ferrini-Konarski Assoc., Inc. My business partner and I purchased this property a few weeks ago with the sole intent of moving our local office to 1387 Crescent Vischer Ferry Road. We are currently operating our business in Troy. We are a manufacturer representative agency. We have been

in business since 1974. We have 4 offices across upstate New York; in Buffalo, Syracuse, Rochester and the local branch in Troy. We primarily sell commercial and industrial lighting systems. Mr. Watts asked if they would have any storage at the site or are you just a sales office? Mr. Konarski stated it is a sales office and sell to local distributors and we typically ship directly to the distributor's site or to a job site. Mr. Roberts asked if they had customers coming to the site. Mr. Konarski stated rarely, on the average a couple a week. Mr. Roberts asked if 14 parking spaces would be enough for what you need. Mr. Konarski stated yes. We have 3 employees that would be at the site on a regular basis. Mr. Watts asked if they were going to have a sign. Mr. Konarski stated the following: No, because we are very well known in our industry. People know how to get a hold us and they know where we are. If you were not involved in our industry, you would probably never hear about us. Therefore, no signage is necessary. Mr. Higgins asked if there would be any problems or constraints with the parking in the rear of the site. Mr. Konarski stated I have submitted a drawing and those parking spaces do not exist. I believe the parking in the rear of the site was proposed for the previous business. Mr. Higgins asked where are you going to park. Mr. Konarski stated there is room for about 8 cars in the front that is paved and I also have a crush stone area and this is without being directly in front of the building. Mr. Watts asked Mr. Williams how many parking spaces are required for this site. Mr. Williams stated 7. Mr. Higgins asked if there was a drawing showing these 8 parking spaces. Mr. Watts stated there is more than enough room to expand. Mr. Nadeau stated this was supposed to be done for the hair salon and maybe in this case we can land bank the situation. Mr. Watts stated if more parking is not required, I don't know that this is even required. Mr. Roberts stated the site plan is up to standards. Mr. Watts asked the applicant to submit a revised site plan showing the parking that would be eliminated and show the 8 parking spaces that they will have at the front of the site. Mr. Watts asked the applicant to please advertise as being located in Halfmoon.

Mr. Berkowitz made a motion to approve the change of tenant application for Ferrini-Konarski Assocs. Inc. contingent upon the applicant provides a site plan showing the existing parking conditions for the site. Mr. Nadeau seconded. Motion carried.

**07.121 NB      Charlew Subdivision, 80 Ridgewood Drive/56 Cary Road – Lot Line Adjustment**

Mr. Percy Cotton, of Chas. H. Sells, Inc., stated the following: I am here tonight to present a minor 2-lot subdivision, which is basically a lot line adjustment. This lot line adjustment is related to the Rolling Hills PDD. We are proposing to adjust the lot line between 2-lots to correct the encroachment of an existing driveway. The proposal is to convey a 30 FT wide parcel to the adjoining property to the south.

Mr. Nadeau made a motion to set a Public Hearing for the December 10, 2007 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**07.125 NB      SkinLab, 15 Route 236 (Woods Plaza) – Change of Tenant & Sign**

Mr. Charles Robillard, the applicant, stated the following: My partner and I would like to open a spray-tanning studio. We also would be selling products related to airbrushing and we would also sell airbrushed artwork. We are proposing to open our business in the Woods Plaza

located on Route 236. We will be using everything that exists in the store. We would not make any interior changes. The only thing we would do is paint. We also would be using the existing sign, which is 16 inches x 8 FT for a total of 10.4 SF. The sign is one-sided and would be internally lit. Mr. Roberts asked what is body art? Mr. Robillard stated the spray tan application is done by airbrush and we would be using stencil designs as we apply airbrush-tanning solution. Mr. Roberts asked if they would be tattooing. Mr. Robillard stated the following: No, this is kind of a wave of the future. I won't actually be doing the airbrushing myself. My partner, who is female, would be taking care of most of the customers who are primarily female. Not to say that men wouldn't do it. This technique is healthier because you are not in front of UV bulbs. The application is a sugar solution and is non-toxic. This is a topical solution and it does not cause skin cancer and it is temporary. Basically it is like getting your nails done only without the poisonous and hazardous fumes. Mr. Berkowitz asked how long an application would last. Mr. Robillard stated surprisingly, a long time. Mr. Roberts again asked if they would be tattooing. Mr. Robillard stated the following: No, not currently and as far as this location I wouldn't think so. Maybe down the road if there is a need for it but I don't think there is. The market that we are looking for is people that want to tan with a healthier product. The business would be more like a spa and more of a tanning environment. We are laid back and casual. We would be scheduling by appointments. This would not be like a retail spot where we would have 15 to 20 people coming in at the same time. We would only be one application at a time, which usually takes about ½ hour. Mr. Berkowitz asked if there was an age limit on their customers. Mr. Robillard stated no, there is no age limit but there is an age limit for UV tanning, which is no younger than the age of 16. Mr. Berkowitz asked if a 13 year old could have this tanning application. Mr. Robillard stated I can't see a parent justifying this for a 12-year-old child and I don't see a market for that age group. Mr. Watts asked what the price was for the tanning application. Mr. Robillard stated the following: It can cost anywhere from \$40 to \$80. There are different techniques with shading and it is more accurate than a tanning booth. Mr. Berkowitz asked if the spray tanning application provided UV protection. Mr. Robillard stated I don't believe so but it creates healthier skin because there is glycerin and it is water based. Mr. Berkowitz asked if they would have tattooing or body piercing. Mr. Robillard stated no, but we will have retail jewelry for sale. Mr. Nadeau asked if the applicant stated that the spray tanning technique was non-toxic. Mr. Robillard stated the following: It is not toxic and there is an existing exhaust fan at the site that I will keep for the air brushing artwork that I do. My airbrushing paint is also non-toxic and is also water based. There is no toxic paint involved in any of this. Mr. Higgins asked if they need a license from the Health Department. Mr. Robillard stated the following: No, everything is certified by its own labeling on the products themselves and approved to be used in the public. As far as the airbrushing booth itself you don't need any ventilation but we would have some ventilation that has a filter there to make it more enjoyable. We would be using a high volume low-pressure gun that doesn't have to be siphoned because it is gravity fed gun. If I were spraying it right here, you wouldn't hear the pump or see the spray. Mr. Watts stated Mr. Greg Stevens, our Director of Code Enforcement, would be looking at the tenant set-up of this business. Mr. Roberts asked if they were just replacing the existing sign. Mr. Robillard stated yes. Mr. Watts asked the applicant to please advertise as SkinLab of Halfmoon. Mr. Robillard stated we would be proud to do that.

Mr. Roberts made a motion to approve the change of tenant and sign application for SkinLab. Mr. Higgins seconded. Motion carried.

**Old Business:****05.209 OB Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/PDD**

Mr. Scott Lansing, of Lansing Engineering, stated the following: I am here tonight for the Pino Commercial/Light Industrial Park PDD. This application is a commercial/light industrial project that was originally proposed as 5 commercial lots from a conceptual standpoint. We are proposing 2,300 linear feet of roadway to be dedicated to the Town of Halfmoon and would be constructed to Town standards as far as water, sewer and stormwater. Water would be serviced by the existing water main along Route 146 and would be extended to Pruyn Hill and Farm to Market Road. Sanitary sewer would be extended to an existing sanitary sewer main on the southern side of Route 146. Stormwater would be managed on-site. We are here tonight to request the Board's consideration for setting a public hearing. Mr. Watts asked Mr. Lansing if he had the proposed road layout. Mr. Lansing stated the proposal is for a one lot subdivision and there would be a Town right-of-way associated with that. We are here for a subdivision and site plan approval for the roadway and would like to set a public hearing for the subdivision. Mr. Higgins stated the following: We have recently expressed concern regarding single long roadways because they can potentially be a safety issue where emergency vehicles could not enter the site. Is there anyway to put any kind of emergency access or to do something to eliminate that possibility? We have had several discussions recently with similar length roadways. Mr. Lansing stated the following: With this parcel we are somewhat constrained to do a narrow access point in the front. We have shifted the roadway. Originally we were waking down the center of the parcel with a cul-de-sac and we have shifted this toward the west side of the parcel. There is a potential future access for many different curb cuts along this land and there is a vacant parcel to the west. Another option is a boulevard and an emergency access road around; however, I don't really see any convenient way to do it at this point. Mr. Higgins stated the problem is that if there is an accident at the end of the road where it meets Route 236 and something happens inside the park, there is no way to get emergency vehicles in there. Mr. Lansing stated the following: I understand that and it is a new concern. During the PDD process we did a similar road layout. Mr. Higgins stated I don't think the original roadway was as long and that it branched off more in the middle. Mr. Lansing stated the following: Yes, we have since shifted the cul-de-sac toward the north where there could be future access points in a more useable area toward the individual lots. I do feel there are many opportunities for potential future access points. Mr. Watts asked Mr. Bianchino if he had any comment on that because I know this is a commercial site plan and a PDD as opposed to residential. Mr. Bianchino stated the following: We did not have any comment and we were comfortable with the intended use and knowing the topography around the site with the way it has been revised. As Mr. Lansing has indicated, there are plenty of opportunities for some other access that could go out to other lands as they become developed and then out to Farm to Market Road. We will work with Mr. Lansing and the one thing that we ask is to widen that entry thoroughfare so that it would provide more of an opportunity to get around the site. Mr. Higgins asked how close the roadway is to the property line. Mr. Lansing stated 15 FT away. Mr. Higgins stated because it would be this close, do you have the potential to deposit snow and other things onto neighboring properties. Mr. Lansing stated I think 15 FT away is ample room to stack snow.

Mr. Ruchlicki made a motion to set a Public Hearing for the December 10, 2007 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

**07.086 OB      Northside Drive Access Point, 5 Northside Drive – Commercial Site Plan & Sign**

This item was removed from the agenda per the applicant's request.

**07.087 OB      Bethel Subdivision, 46 Plank Road – Minor Subdivision**

Mr. Frank Fazio, of L. Sipperly and Associates, stated the following: This project has been before the Board several times and a public hearing was held. I would like to address a couple of comments that came up at the public hearing regarding drainage. The drainage area would be self-contained. We did delineate the wetlands on the site and we found the wetlands to be pretty much isolated and self-contained on the site. Any runoff that develops from the homes would go toward the back of the site. We don't see any drainage affecting the adjoining properties from this project. We have also done some test bits and perc tests. The ground that we found at varying levels where the septic system is going to go on the parcel to the south. The average would be 4 to 5 FT deep and on the other parcel we would be using a grinder pump that would discharge out to the road. The other home on Plank Road would be installing a septic system. We would be creating a no-cut buffer line 20 FT across the eastside of the property, which adjoins all the properties along Brigantine Drive. Mr. Nadeau stated at the public hearing there were numerous comments on the drainage and have they addressed these issues. Mr. Bianchino stated the following: I went to the site and asked the applicant to provide more information. It was my observation that the majority of wetlands are in the southeast corner of the site and the majority of the people that were concerned about drainage live on the Westside of Plank Road. I am not quite sure that this parcel has anything to do with their drainage problem. Mr. Nadeau asked if there was a culvert that was undersized. Mr. Polak stated one of the residents that had concern about the drainage lives on the other side of Stone Quarry Road and it would not affect her property. Mr. Watts stated there were numerous concerns that were brought up regarding buffers and vegetation. Mr. Fazio stated we would provide a buffer along the adjoining properties. Mr. Watts stated the following: The neighbors have had drainage issues on various occasions with this property and with the Amedore project, and unfortunately that is a wet area and this project would not add to the drainage problem. I don't think that an additional public hearing would resolve the issues of individuals. Mr. Higgins asked how they could possibly build a house and have a 20 FT no-cut buffer right along the edge of the house. Mr. Fazio stated the house that is shown on the plan is not the actual footprint. Mr. Higgins stated one of the residents that had concerns about the drainage lives in the Rivercrest Development and asked if the water would drain toward that development. Mr. Fazio stated the wetland within the site is isolated and the topography is such that the water drains toward the site. Mr. Bianchino stated the wetland is located in the far southeast corner and it is my guess that the wetland probably extended out and went through the homes that have already been built in Rivercrest. Mr. Fazio stated we talked with a consultant that walked the property and the consultant advised us that the water is contained within the site. Mr. Bianchino stated there may be some drainage that currently goes in the direction of that corner. Mr. Watts stated the following: So what we are saying is that this project would not add to any drainage issues and it is not financially practical for the applicant to take care of everybody else's drainage issues. This was part of the problem with the Amedore proposal. Mr. Roberts asked Mr. Bianchino if the proposed buffer was adequate. Mr. Bianchino stated the following: Yes, there are some fairly large trees and underbrush in that area. If they leave the underbrush and if it is 20 FT wide, it would provide a buffer. Outside the 25 FT buffer you will see that there is a house back there.

Mr. Berkowitz made a motion to approve the Bethel minor subdivision application. Mr. Ouimet seconded. Motion carried.

**07.092 OB      Lawrence Hopeck Mixed Use Industrial Plan, 84 Tabor Road – Commercial Site Plan/GEIS**

Mr. Joe Dannibal, of Environmental Design Partnership, stated the following: I am here representing Mr. Lawrence Hopeck for his application for a self-storage facility and a 7-lot subdivision of lands on Tabor Road. The application was previously before the Board on September 10, 2007 as a 90,000 SF light industrial use that would be used for distribution purposes. At that time the application was referred to CHA for review and was held up at the request of the applicant for a more detailed approach and for a proposed tenant, which is now proposed. The 16.4-acres parcel is zoned Light Industrial/Commercial LI/C. The applicant is now proposing a total of 83,000 SF of self-storage. The applicant is proposing a 37,000 SF self-storage building in the rear of the site that would be used for RV's to winterize them and to keep the RV's there for the winter and things of that nature. The remaining 46,000 SF would be used in a typical fashion of a self-storage unit that is seen throughout the County. Comparatively speaking from the last presentation, we believe this use would be a significantly lower impact to the adjacent properties with less overall traffic. We plan to connect to the public water supply through the adjacent lands of the Rolling Hills PDD site to the south. We are proposing a private septic system and we are also proposing on-site stormwater management. Along the eastern property line we are proposing a 50 FT wide landscape buffer with a mix of evergreen and deciduous trees. I have reviewed the Saratoga County literature on their recommendations for self-storage with the applicant and he agrees to conform to that by putting some varying material along the façade's facing the roads, some brick pillars and things of that nature and possibility some dormers to break up the ridge line to create a more attractive appearance in this residential setting. Also added to the plan since the original submittal is the 7-lot subdivision. This application would create 6 new residential building lots with the existing house in the rear to be removed and ultimately transferred to the adjacent property owner to the south in exchange for running water service up to the site on Tabor Road. The proposed 6 single-family houses would be serviced by individual septic systems and be connected to the public water supply. We are also proposing shared driveways to help minimize the amount of curb cuts on Tabor Road. Mr. Nadeau asked the heights of the storage buildings in the front of the site. Mr. Dannibal stated 10 to 14 FT, which is typical for self-storage. Mr. Nadeau asked if they would be visible. Mr. Dannibal stated the following: Coming from the westerly direction on Tabor Road they would be visible and then you wouldn't see them where the road drops down. We are proposing some evergreen vegetation along the front to help break up that view. Mr. Watts asked regarding the architectural issues. Mr. Dannibal stated we have reviewed the literature from Saratoga County and we are proposing some brick façade pillars to break up the vertical vinyl siding to make it more attractive in this residential setting. Mr. Watts asked the self-storage units would look like metal boxes. Mr. Dannibal stated the following: No, not on this façade. The rest of the buildings on the interior that would not be visible from the road would probably have the more standard metal siding. Mr. Watts asked if they would be submitting some architectural renderings of the buildings. Mr. Dannibal stated yes. Mr. Berkowitz asked if they would be bringing water into the site. Mr. Dannibal stated the we are working with the Rolling Hills PDD to run water service up to Tabor Road in exchange of 2.6-acres of land in the rear of the site. Mr. Berkowitz asked if there was any way to run under Tabor Road. Mr. Dannibal stated that is not in the plan. Mr. Berkowitz asked if they could look into that. Mr. Dannibal stated that is something I can talk about with

the applicant to see if that is a possibility. Mr. Berkowitz stated they have dry wells in that area so if you could run that under Tabor Road that would help them out tremendously. Mr. Polak stated the Water Committee has looked to see how big a dead-end that system is because they may want to loop it somewhere. Mr. Nadeau stated that entire site in that area has had water issues from day one. Mr. Watts stated when we refer this to CHA we will have them take a look at all of those issues. Mr. Higgins asked if you are bringing water in, isn't there a way to run sewer out because there is a sewer line that goes through that same area where the water line is? Mr. Dannibal stated at this time this is not something the applicant willing to consider because the extension of the sewer down to the site is still quite a distance down to the approved road in the Rolling Hills PDD. It is cost prohibitive for the 6-lots to run the sewer line down to that road. Mr. Higgins stated there is a note that states "one plus or minus feet of material may be removed from site" and asked if they would have to get a mining permit to take that much material off-site. Mr. Dannibal stated the following: I don't believe so as it is incidental to the development. We are going to try and balance the site where we would move as little fill as possible from the site. Our early calculations show that we might be removing about a foot of material from the site. Mr. Higgins asked if the RV storage unit proposed for the rear of site would strictly be used for storage because you mentioned winterization. Mr. Dannibal stated there is no repair on site and my statement of winterization may have been the wrong term. Over the winter they would store the RV's when they are not being used. Mr. Higgins asked if the storage areas are strictly in the enclosed areas and asked what the gravel in between would be used for. Mr. Dannibal stated what these units would be is actually 2 end walls and open on both ends and you would be able to come in and drive into the building and parking perpendicular to the center isle of that building. Mr. Nadeau asked if the units were typical pole barns. Mr. Dannibal stated the following: Yes, I guess you could say that because of the open ends. The unit on the end would be suited with an attractive façade toward the residential uses. Mr. Nadeau asked if there would be any outside storage and all the storage would be under a roof. Mr. Dannibal stated correct. Mr. Higgins stated so there will not be any outside storage on the site for boats, cars or anything like that and everything would be under the roof. Mr. Dannibal stated correct.

This item was tabled and referred to CHA for their review.

**07.097 OB     Thomas D. Rupert Insurance, 308 Grooms Road – Commercial Site Plan**

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here to represent Mr. Thomas Rupert for his site plan review. Mr. Rupert wishes to put an office building located at 308 Grooms Road. Currently there is a existing single-family residence that would be torn down. The initial site plan and upon review by CHA they ask for some modifications. We have addressed all of CHA concerns. They wanted him to retain the vegetative buffer between Ellsworth Landing and the parcel so the driveway has been moved over. He will leave many of the mature trees in the front. There was an issue with potential drainage flooding the neighboring parcel and there seems to be enough natural storage for any potential flooding if it happens. He will tie in to the public water and would modify the existing on-site septic system. Mr. Watts stated the County's review indicated something about a New York State Licensed Engineer providing plans for the septic and asked if this had been done. Mr. Rabideau stated yes, this will be done. Mr. Watts stated you will need a curb cut permit for the driveway from the County DPW since Grooms Road is a County road. Mr. Rabideau stated yes, that is correct and we will be pushing the driveway over and flattening the grade coming



on to the road. Mr. Bianchino stated the following: The only thing we were concerned about was making sure that we weren't going to have any impact on the adjoining properties regarding drainage. Their November 12, 2007 letter indicated that there should be enough natural storage for the drainage. The situation would be monitored and the owner is willing to address the issue if it becomes a problem. We are comfortable with the area along the edge and that this area would be undisturbed and should have adequate storage for any of the drainage that is there at this point and time. The area is currently dry and if there is additional runoff and it goes into this area it may become wet. This is fine as long as it is maintained on the existing property. Mr. Watts asked that they advertise as Rupert Insurance of Halfmoon.

Mr. Berkowitz made a motion to approve the Thomas D. Rupert Insurance commercial site plan contingent upon the applicant agrees to adhere to drainage, stormwater and buffering conditions described in a letter from Gilbert VanGuilder & Associates November 12, 2007 response letter. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 26, 2007 Planning Board Meeting at 9:06 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary