

Planning Board Minutes - June 28, 2004

Those present at the June 28, 2004 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Cindy Patenaude
Rich Berkowitz
Tom Ruchlicki
John Higgins
Daphne Jordan – Planning Board Alternate

Planner: Jeff Williams

Town Attorney: Bob Chauvin

Town Board Liaisons: Walt Polak
Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the June 28, 2004 Town of Halfmoon Planning Board meeting at 7:00 PM.

Mr. Watts asked the Board if they have reviewed the June 14, 2004 Planning Board Minutes. Mr. Higgins made a motion to approve the June 14, 2004 Planning Board Minutes. Mr. Ruchlicki seconded. Mr. Nadeau abstained. Motion Carried.

Public Informational Meeting:

04.137 Sysco Foods, 1 Liebich Lane – Addition to Site Plan

Mr. Watts opened the Public Informational Meeting at 7:01 PM. Mr. Watts asked if anyone wished to have the Public Notice read. No one responded. Mr. Ray Schiffer, Executive Vice President for Sysco Foods, stated they are here tonight to discuss a 21,000 SF addition to their perishable freezer distribution center. Mr. Schiffer stated they have met with the Planning Board committee review team to discuss some outstanding site issue such as, erosion and storm water management area issues. They have discussed of placing a 1-2 yr performance bond to be placed to ensure the improvements and corrections work adequately as designed. They have also discussed noise issues from the site. Mr. Schiffer stated they are in the midst of obtaining a sound expert to do a study. Mr. Schiffer stated they would be looking to install new technology for sound mitigation such as shields/baffles to the evaporator units and special "quiet" fans to help in the noise issues. Mr. Schiffer stated that they are instituting new guidelines to the tire changing practices associated with the site. The old way was a 24-hour tire changing operation but will now do the tire changes during the daytime working hours unless it is an emergency situation. Mr. Schiffer stated they have created a narrative to dispel any notion of the site opening a store to the public from the site. Mr. Schiffer stated that Sysco does not want a store and will not operate one from the site. Mr. Watts asked if anyone from the public wished to speak. Mr. Edwin Rezinski, Staniak Road but owns adjacent property to the Sysco site, stated that the original site plan had a balloon study performed to see the height of the proposed buildings. Mr. Rezinski stated that the building was built higher than what was originally proposed. Mr. Rezinski stated during the construction of the original site, Sysco stock piled soil on his property and will not tolerate any form of encroachment on his land by Sysco. Mrs. Robin Trombley, acting on behalf of her mother at 315 Farm to Market Road, stated that the diesel fumes during the winter enter her mother's home and affects her health problems. Mr. Schiffer stated that he has not heard of any concerns about diesel fumes but would commit to helping out in the situation. Mr. Nadeau asked Mrs. Trombley to clarify that it is diesel fumes she is concerned with and not fuel. Mrs. Trombley stated yes – fumes. Mr. Higgins asked if the problem is mainly in the winter. Mrs. Trombley stated that is when it mostly occurs. Mr. Higgins stated the refrigerator units on the trucks while warming up cause it. Mr. Bill Fink, 2 Northern Site Drive, stated he has concerns with additional noise from the proposed addition. Mr. Fink asked to see the Sound study when finished. Mr. Watts stated the sound study will be submitted to the Planning Department and will be public record. Mr. Larry Hopek, Tabor Road, stated he has small particulate matter from the diesel engines that affect his property. Mr. Schiffer stated he would look into the fume and particulate matter issues. Mr. Watts asked if anyone else has any comments. No one responded. Mr. Watts closed the Public Informational Meeting at 7:12 PM. Mr. Watts asked for comments from

the Board. Mr. Higgins asked Mr. Hopek what time of the year is the particulate situation occurring. Mr. Hopek stated mostly summer but the particulates cover their house. Mr. Berkowitz asked if the proposed addition would add more noise. Mr. Schiffer stated no that they are hoping to incorporate baffles and specialty fans on the refrigerator units. Mr. Nadeau asked Mr. Bianchino about the storm water issues. Mr. Bianchino stated that they met in the field and walked the area. Mr. Bianchino stated they are looking in ways to control the soil erosion problems and work is needed to the existing storm water basins so they hold the volume of storm water in which they were designed. Mr. Bianchino stated that Sysco has submitted new data on the issues and have been very cooperative. Mr. Higgins stated he would like to have a Letter of Credit or Performance Bond for two years to ensure the site is working correctly. Mrs. Wormuth asked the Town Attorney, which would be, preferred a Letter of Credit or Bond. Mr. Chauvin stated he prefers a Letter of Credit. The Board agreed. Mrs. Patenaude stated she would like to have more data submitted before proceeding with the application. Mr. Schiffer stated there has been data submitted to CHA on the storm water, they have started the Sound study but would need to research a way to study the diesel and particulate issues. Mr. Higgins stated that Sysco mentioned a different way of running the refrigeration units on the trucks. A Sysco representative stated they have mechanisms on some of the trucks where the units do not run continuously – only when needed. Mr. Higgins asked to have the percentage of trucks in the fleet that have the control mechanisms installed submitted to the Planning Department. Mr. Watts stated that they would table the item until further information is submitted. This item has been tabled for further information to be submitted.

Public Hearing:

04.156 Sommers Subdivision, Pruyn Hill Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:19 PM. Mr. Watts asked if any one from the public wished to have the Public Notice read. No one responded. Mr. Joe McBride stated he wishes to create two lots from an existing 6-acre parcel located on Pruyn Hill Road. Mr. McBride stated the lots will be about 3-acres apiece. One lot will conform to the lot width requirement and the other will be considered a flag lot do to the 60 ft of frontage. Mr. Watts asked if any one from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:20 PM. Mr. Nadeau stated he reviewed the proposed subdivision and does not see any issues with it. Mr. Nadeau asked to have a note placed on the subdivision plan stating that the lands would no longer be able to be subdivided due the one flag lot and no additional road frontage available.

Mr. Nadeau made a motion to approve the proposed subdivision contingent on a note placed on the map stating no further subdivision will occur. Mr. Roberts seconded. Motion carried.

Old Business:

04.143 Snyder's Restaurant, Old Rt. 146/Rt. 9 – Addition to Site Plan

Mr. Gil VanGuilder stated that this proposed addition gained relief from the Town's ZBA, for a corner lot set back, at the June 7, 2004 meeting. Mr. VanGuilder stated the proposal consists of placing a 528 SF addition on the rear of the existing restaurant. Mr. VanGuilder stated that there a few changes to the site plan. Mr. VanGuilder stated that there is sufficient required parking existing at the site, even with the additional seating capacity. Mr. VanGuilder stated, with the addition, there would be 96 seats and 6 employees at maximum shift. Mr. VanGuilder stated that 38 spaces would be required. The site will have 38 parking spaces and two handicap spaces for a total of 40 spaces. The site plan has changed by proposing to stripe the parking lot and to remove all of the existing parking spaces in the rear of the restaurant from the ROW. This will be done for all of the parking except for three existing parking spaces in front of the site. Mr. VanGuilder stated there are areas with asphalt that is not needed and will be removed to increase the site's green space to 13%. Mr. VanGuilder stated that the County suggested of placing planter boxes along Old Rt. 146 to delineate the ROW and to minimize the curb cut. Mr. VanGuilder stated the owner is opposed to this due to snow removal needs. Mr. VanGuilder stated they are proposing to place curb bumpers instead. Mr. VanGuilder stated they will also enclose the dumpster pad. Mr. Roberts asked if the existing parking calculation include the three existing parking spaces in front of the restaurant, which are in the ROW. Mr. VanGuilder stated yes. Mr. VanGuilder stated the front parking areas are used by the Police Departments and that they feel uncomfortable of having to enter through the bar area. Mr. Watts read the County's response letter. Mr. Nadeau stated that they couldn't approve a site plan with parking shown to be in the ROW. Mr. Tanski, owner, stated he could remove the parking from the front. Mr. Berkowitz asked if the front area could be turned into green space. Mr. Tanski stated the asphalt is needed to drain the area to the street. Mr. Tanski suggested of adding no parking signs out front. Mrs. Patenaude asked about a planter box to be added to the front. Mr. Tanksi stated the area is close to the Rt 9 and the snow trucks would bury it. Mrs. Wormuth asked if a seasonal planter could be added there. Mr. Tanksi stated yes. Mr. VanGuilder stated they could add one more additional parking area to the rear and still be in compliance with parking.

Mr. Berkowitz made a motion to approve the addition contingent on the three parking spaces in the front are removed, one parking space added to the rear parking area and no parking signs being placed in the front. Mr. Nadeau seconded. Motion carried.

04.163 Old Dublin Inn, 130 Meyers Rd. – Addition to Site Plan

Mr. Higgins recused himself and Mrs. Jordan replaced him. Mr. Bill Byrne, owner, stated they received relief from the Town's ZBA for an enlargement to a pre-existing, non-conforming use, at the June 7, 2004 meeting. Mr. Byrne stated that the ZBA made it contingent on no live music allowed on the deck. Mr. Byrne stated he is before the Board to place a deck on the existing restaurant. Mr. Berkowitz stated there is to be no music, live or recorded, on the deck. Mr. Nadeau asked if there would be a canopy on the deck. Mr. Byrne stated no. Mr. Rucklicki stated he noticed that the site had an auger on site and asked if the deck was started. Mr. Byrne stated no that they were placing a stockade fence section to buffer the kitchen. Mr. Ruchlicki asked if they hit a spring. Mr. Byrne stated the spring has always been there and they channeled the water to run into Meyers Brook. Mr. Ruchlicki stated that riprap needs to be added to the existing drainage swale. Mr. Byrne stated he understands that and he will add stone to the spring channel. Mrs. Patenaude asked when. Mr. Byrne stated in the next two days.

Mr. Berkowitz made a motion to approve the deck contingent on there will be no music allowed on the deck. Mr. Roberts seconded. Mrs. Patenaude opposed. Motion carried on a 6-1 vote.

04.173 Daystar Technologies, 13 Corporate Drive – Change of Tenant

Mr. John Sharp, Daystar Technologies, presented a change of tenant application to locate in an existing office/warehouse at 13 Corporate Drive in the Capitol Region Business Park. Mr. Sharp handed out a "Introduction to DayStar Technologies Halfmoon Facility" narrative and explained the contents to the Board (Attachment #1).

Mr. Watts stated himself and Mrs. Wormuth met with Mr. Sharp to talk about the concerns that the Planning Board had. Mr. Watts explained that any approval would be met with contingencies of the proper permits would be obtained from any other regulating agency. Mr. Watts asked the Board for comment. Mr. Ruchlicki asked what type of acid is used. Mr. Sharp stated a dilute formula of HCL. Mr. Ruchlicki asked if there was an electrical discharge to combine the material on the foil. Mr. Sharp stated no that the copper is hit with an atom of argon, which splatters the material on the foil. Mr. Ruchlicki asked what other materials are used. Mr. Sharp stated copper, gallium, indium, selenium and sodium for one layer. The other layer is zinc oxide. And the chemical dip layer is a cadmium sulfide layer. Mr. Berkowitz asked if they do this in California. Mr. Sharp stated yes except the cadmium sulfide layer. Mr. Ruchlicki asked why. Mr. Sharp stated the technology is new and the machines are not present in Ca. Mrs. Patenaude stated that the discharge to the sewer is primarily soapy water from washing the metals. Mr. Sharp stated that the foil needs to be absolutely clean. Later on in the process, acid is used to wash, and the acid can be neutralized and the County Sewer District has been contacted and they will have the authority of accepting the industrial waste. Mr. Sharp states his company is very sensitive of meeting all compliance issues with any of the regulatory agencies. Mr. Roberts asked what type of risks do the employees face during the process. Mr. Sharp stated the process is very safe but did not want to down grade any concern when chemicals is being used. Mr. Sharp stated that suits are used to keep the product clean but the employees are required to use face shields and chemical gloves. Mr. Nadeau asked if this is an allowable use in the PDD. Mr. Watts asked Mr. Williams if the allowable uses was reviewed. Mr. Williams stated the applicant is proposing to locate in the building where Diagnostic Imaging was located, which used chemicals to develop films. Mr. Higgins stated the CV Joint company was there that assembled products similar to their use. Mr. Berkowitz asked if the Malta site will be used for a higher volume of production. Mr. Sharp stated that he sees the Halfmoon site being used as a satellite site and that the offices and research and development will be done there. Mrs. Patenaude stated she feels that this is a marvelous thing for the Town but wants to make sure the use is allowed in the park.

Mr. Roberts made a motion to approve the change of tenant site contingent on the Town's attorney researching if the use is allowed in the Abele PDD and that all necessary permits from all regulatory agencies are obtained. Mr. Berkowitz seconded. Motion carried.

New Business:**04.171 Auto America Super Store Inc., 1540 Rte. 9 (Mackey Auto) – Change of Tenant & Sign**

Mr. Jim Towne, attorney representing Auto America and Jim Starr the manager for the site presented a change of tenant for the existing Mackey Auto site on Route 9. Mr. Towne stated the site will go through extensive site improvements. One will be to replace the stockade fence to buffer the cars not ready for sale. The site plan is asking for 9'x18' display parking spaces because the cars will not be moving in and out only for display. Mr. Berkowitz asked how they will unload the cars. Mr. Starr stated that the cars are driven up. Mr. Polak stated the cars are unloaded on Route 9. Mr. Starr stated that was the practice of the previous owner. Mr. Starr stated that it is his intention of driving the vehicles to the site. Mr. Roberts asked if they have any car carriers coming to the site. Mr. Starr stated no that can be a condition of approval of no car carriers on site. Mr. Roberts stated he saw a car carrier there about two weeks ago. Mr. Watts asked if they are operating from the site right now. Mr. Starr

stated he has been there for about two weeks stating they are in the process in the changing the tenant. Mr. Towne stated that the cars will be coming from four retail establishments in the area and has no problem with conditioning the approval with no car carriers. Mr. Higgins stated that if a flat bed truck is being used, the site needs to have adequate room for the truck to enter. Mr. Towne stated the cars will be driven out from the other locations. Mr. Nadeau stated that what was just said is that there are no car carriers used on the site and there will be no car carriers on the site. Mr. Starr and Mr. Towne agreed. Mr. Nadeau asked if the garage bays are used only for the cars sold from the site. Mr. Starr stated yes. Mr. Higgins asked how many companies will be operating from the site. Mr. Towne stated one. Mr. Higgins asked if only one DMV license will be used from the site. Mr. Towne stated correct. Mr. Higgins stated presently there is more than one being used from the site. Mr. Starr stated there will be one from Auto America and is not sure what Mr. Mackey will do with his license once he leaves. Mr. Higgins stated whether he is selling from the location or using the address from the site, the Planning Board needs to know what operations are being conducted from the site. Mr. Towne stated the only business will be Auto America but if Mackey wants to use the address we cannot stop him. Mr. Towne stated Mackey could use the address without us knowing of it. Mr. Nadeau stated he is confused stating further that there is to be one business operating from the site but two businesses are being talked about. Mr. Towne stated that Auto America will be operating from the site and that the business is not associated with Mackey Auto business. Mr. Towne stated they will not allow Mr. Mackey to store cars, sell cars from the site. Mr. Nadeau asked if there will be two businesses from the site. Mr. Higgins asked if they are buying or leasing from Mr. Mackey. Mr. Towne stated that they are leasing the site from Mr. Mackey. Mr. Watts stated that Mr. Mackey operation and any other operation that are there will cease once approval is granted for Auto America change of tenant. Mr. Towne agreed. Mr. Higgins stated there will be only one DMV license shown. Mr. Towne stated correct. Mr. Berkowitz asked if there will be any repair or bodywork to be performed on the site. Mr. Towne stated no only prep work on the cars to be sold. Mr. Higgins stated that the site has been used for bodywork previously. Mr. Towne stated that Auto America has two other locations for bodywork and will not need it at this site. Mr. Nadeau stated the prior approval allowed prep work for the cars and no retail car repair shop. Mr. Towne stated there will be no painting or spraying. Mr. Watts asked if there will be oil changes. Mr. Towne stated for the cars to be sold only and no oil changes will be offered to the public. Mr. Higgins asked Mr. Nadeau asked if they offer inspections from the site then that has to be legally offered to the general public. Mr. Nadeau stated technically correct. Mr. Nadeau stated the applicant has stated that they are not soliciting the public. Mr. Towne agreed stating the business is not there to hand out inspection stickers. Mr. Higgins stated that the Board has a concern because Mr. Mackey has been concentrating on wholesale and there has not been a lot of traffic entering the site. The Board is concerned with the retail dealership and creating traffic and safety concerns. Mr. Towne stated that Denooyer Group owns Auto America and the site will be used to sell used cars that are not salable from their current location. Mr. Higgins asked how many cars will be on display and how many cars in the rear of the fenced area. Mr. Towne stated the site has space for 56 display vehicles and the only vehicles in the rear will be vehicles not ready to be placed in the retail area. The cars in the rear are in transient between owners/sellers. Mr. Higgins asked about customer parking. Mr. Towne showed an area behind the existing office. Mr. Towne stated employees will park in the rear. Mr. Higgins asked how many parking spots. Mr. Towne stated two that are not shown on the site plan. Mr. Towne stated that if the Board was comfortable with the 9'x18' parking spaces they will add two employee parking places. Mr. Higgins stated he does not think two customer parking spaces will be sufficient. Mr. Watts asked the Mr. Bianchino for any thoughts. Mr. Bianchino stated the Town's parking ordinance does not specify sizes for use only that parking spaces will be 10'x20'. Mr. Towne stated most municipalities have parking space requirements for intense use but with a car dealership it is disadvantageous because the cars are not moving from the space. Mr. Chauvin asked to have Mr. Williams look at recent auto display parking spaces. Mr. Nadeau stated he does not have an issue with the reduced spaces for the display parking. Mr. Polak stated that the existing lighting at the site needs to be looked at. There is a tremendous glare from the site. Mr. Towne they are willing to work on the issue by placing shields or replacing the lamp heads. Mr. Higgins is still concerned with the customer parking spaces. Mr. Chauvin stated we need to have the Planning Department review on display parking for other sites and what would be the required parking per the Town's statute for the employee and customer parking. Mr. Chauvin asked the applicant to submit a narrative on what exists and what will be done at the site for the files so that in the future it can be reviewed. Mr. Chauvin stated that if the applicant is operating from the site presently, they should stop until approval is granted. Mr. Roberts asked is the sign will be replacing the existing sign. Mr. Towne stated yes. Mr. Higgins asked for the height of the flagpole. Mr. Towne asked for guidance for the flagpole. Mr. Watts stated this will be tabled for further information.

04.174 NBT Bank, 225 Guideboard Rd. (Central National Bank) – Sign

A representative from Rapp signs presented a total site sign package to represent Central National Bank changing ownership to the Planning Board. The representative stated there are six signs to be changed out. The two-sided, internally lit, freestanding sign will have dimensions of 5.1 ft x 8.8 ft x 2 with a total area of 89.76 SF. The total height of the sign is 13 ft. The one-sided, internally lit, entrance sign will have a dimensions of 1.7 ft x 4.5 ft

with a total area of 7.65 SF. The two-sided, internally lit, directional sign will have a dimension of 3 ft x 6.5 ft x 2 with a total area of 39 SF. The single-sided, internally lit sign to be placed between the windows on the building will have a dimension of 2.5 ft x 4.1 ft with a total area of 10.25 SF. The existing two-sided, non-illuminated, drive-thru directional sign will have dimensions of 2 ft x 3 ft x 2 with an area of 12 SF. The single-sided, internally lit, ATM sign will have dimensions of 1.1 ft x 4 ft with an area of 4.4 SF. The total area of all proposed signage is 163.04 SF. Mr. Roberts stated he measured the existing pylon sign and that it measured at 12 ft in height and would like to keep it at that height instead of the proposed 13 ft height.

Mr. Roberts made a motion to approve the sign changes contingent on the pylon sign being of a height of 12 feet. Mr. Nadeau seconded. Motion carried.

04.175 Guiltless Gourmet – Rte. 9 @ Towne Ctr. – Change of Tenant & Sign

Mrs. Carol King presented to the Board a change of tenant & sign application to the Board to locate in the former Backyard Birds storefront located in the Towne Center Plaza. Mrs. King stated she wishes to operate a retail diet foods shop from the plaza. Mr. Berkowitz asked if there was to be a take out service from the store. Mrs. King stated no it was for retail sales of diet food only. Mr. Roberts stated the applicant has agreed to reduce the existing sign from 16 SF to (2'x6') 12 SF. Mrs. King stated she also has a crescent moon on the sign to represent Halfmoon.

Mr. Nadeau made a motion to approve the change of tenant and sign as presented. Mrs. Patenaude seconded. Motion carried.

04.176 Ianniello Subdivision, 25 Pruyn Hill Rd. – Minor Subdivision

Mr. Dan Tompkins, EDP representing the Ianniello's, presented a minor subdivision plan to create two lots from an existing lot in the Pruyn Hill development. Mr. Tompkins explained that the creation of the Pruyn Hill development started in the turn of the 20th century and most of the lots had 50 ft of frontage. The Ianniello's bought a double-lot in 1961. Public water and sewer serve the area. Mr. Tompkins explained the Ianniello's lot is about 18,500 SF and wish to create a 9,974 SF lot and a 8,603 SF lot. Mr. Tompkins explained the proposed lots do not meet the current lot size or widths for today's Town standards but do reflect the character of the development.

Mr. Nadeau made a motion to deny the minor subdivision application due to the proposed lots do not meet the minimum residential lot requirements as described in the Town's Zoning Laws. Mrs. Patenaude seconded. Motion carried.

04.177 Lot 23 Halve Maen Manor No., Lot 23 Hendrik Hudson Way – Minor Subdivision

Mr. Marty Zanghi, Boswell Engineering representing Bel Nav Developers, was present with a minor subdivision to create two building lots and a lot for the existing County Sewer Pump Station located in the Halve Maen Manor North development. Mr. Boswell explained that the original Halve Maen Manor North subdivision was to create a 3.3-acre parcel to be conveyed to the County for their pump station. The County does not wish to take ownership of such a large parcel and is asking for the pump station lot to be 3,027 SF lot. The owner is asking to create two additional building lots from the remainder of the original pump station lot. The first lot will front on Hendrik Hudson Way and will conform to a residential lot with water and sewer at 20,020 SF. The second lot will be a flag lot, which is the only flag lot in the development. The second lot will have an area of 2.61-acres. Mr. Zanghi stated that the flag lot will have to cross a ACOE wetland and that they have approached ACOE where it was the disturbance will be under the threshold for a national permit. ACOE recommended a mitigation measure of placing extra buffer areas, described on the deed, to the wetland areas. Mr. Zanghi stated all minimum lot requirements are met per the Town's standards. Mrs. Patenaude asked if the original Halve Maen Manor North was accepted for wetland disturbances. Mr. Zanghi stated the thresholds that were affected before were reviewed and accepted by the ACOE. This proposal is over the threshold and the buffers have been added to mitigate the wetland crossing. Mr. Berkowitz asked if they could move the proposed driveway. Mr. Zanghi stated there are drainage issues and the ACOW recommended the drive way be placed in the proposed location. Mr. Ruchlicki asked if the wetland continue to the adjacent properties. Mr. Zanghi stated yes but is only shown on the involved lots. Mr. Higgins asked if there are any other flag lots. Mr. Williams stated he looked at the original development map and there were no flag lots created originally. Mr. Chauvin stated a concern of having the pump station lot smaller in area than what is allowed per the Town's standards and may need to be reviewed. Mr. Watts stated they will table this item to review the substandard lot being proposed for the pump station. Mr. Bianchino asked if the stub street in this development is related to the proposal. Mr. Chauvin stated the deed for the stub street has been filed.

04.178 Wal-Mart, 1549 Rte. 9 – Addition to Site Plan

Ms. Sara Baily and Mark Tuttle, APD Engineering, representing Walmart and Bench Mark Group, to place two additional glazed canopies over the existing fenced, outdoor gardening area. The additional canopies will create an additional 1,500 SF of space for the fenced outdoor gardening area. The improvements are being proposed to increase product capacity and protect stock. The proposal will not affect parking, fire lanes or traffic circulation. Ms. Bailey handed out renderings. Mr. Berkowitz asked how much area will the outdoor gardening area will be expanded. Ms. Bailey stated 1,500 SF. Mr. Berkowitz asked if there would be enough parking. Ms. Bailey stated if the plan is approved with the original site plan it would be OK. Mr. Berkowitz asked how many parking spaces are provided. Ms. Bailey stated 1,025 spaces are provided and 90 future parking spaces if needed. Mr. Williams stated the original parking requirements was calculated by using the SF of the store including the outdoor fenced gardening center. Mr. Berkowitz stated they are adding the 1,500 SF of retail space. Mr. Higgins asked if the area will only be roofed or have sidewalls. Ms. Baily stated it will look very similar to the existing area. The fenced in area will have moveable walls in the winter. Mr. Higgins stated a sign will have to be moved. Ms. Baily stated yes. Mr. Berkowitz stated the concern is if the site has sufficient existing parking with the added space being proposed for the canopy area. Mr. Tuttle stated that the existing parking, as it stands, is not in conformance without including the land banked parking. Mr. Berkowitz stated that at certain times of the year, the parking can be a problem. Mr. Williams stated from the approved site plan that the provided parking is 1,025 spaces, the required parking including the fenced off garden area is 1,065 spaces and with the seasonal outdoor sales area 39 spaces are being utilized. Mr. Berkowitz asked when will the future parking be needed. Mr. Roberts stated he feels it is time to add the future parking now. Mr. Berkowitz agrees stating there have been issues with tractor-trailers and storage containers on the site. Mr. Watts stated they will refer the application to CHA and look at the issue when the future parking area will be needed. Mr. Tuttle stated the land banked parking was placed to gain green space but will put the extra parking in if the Board deems necessary.

04.179 Kennedy Subdivision, 144 Stone Quarry Rd. – Minor Subdivision

Mr. Dave Flanders stated that the Kennedy parcel located on Stone Quarry Road has two different zones that is separated by the NIMO power line easement. The Kennedy's wish to separate the zones in order to market the property. The subdivision consists of separating the 3.5-acre Residential zone portion of the parcel from the 30-acre Commercial zone portion of the parcel.

Mr. Roberts made a motion to set a Public Hearing for July 12, 2004 Planning Board meeting. Mrs. Patenaude seconded. Motion carried.

04.180 Menneto Subdivision, Orchardview Dr. – Minor Subdivision

Mr. Dave Flanders presented a proposed three-lot subdivision in the Orchard Park development. Mr. Flanders stated that the parcel is 200 ft in depth and 300 ft along the road. The area is provided by public water and sewer. All of the proposed lots meet the minimum lot requirements to the Town's zoning requirements. Mr. Berkowitz asked what type of homes will be built. Mr. Flanders stated he feels they will be similar or a bit more upscale than what is there presently.

Mr. Nadeau made a motion to set a Public Hearing for July 12, 2004. Mr. Roberts seconded. Motion carried.

04.182 Bast Hatfield Commercial Park, 1399 Vischer Ferry Rd. – Minor Subdivision

04.183 United Rental, Bast Industrial Park – Change to Site Plan

NOTE: Next two items are related. Mr. VanGuilder stated that in 2002, a 4-acre parcel was conveyed from the Capitol Storage property to Bast Hatfield. Tonight's application is to convey a portions of the 4-acre land to Lot A (Bast Hatfield), a portion to Lot B (United Rental) and Lot C (vacant). Lot A will retain 2 acres to make a 7.6-acres and Lot B will get 1.6 acres of land to make a 4.4-acre lot and Lot C will get .35 acres to make a 2.9 acre site.

Mr. Gil VanGuilder presented a site plan for the United Rental to incorporate a gravel storage yard to store the equipment in the rear of the building and create a loading dock for the equipment. Mr. VanGuilder stated the area is very well screened from the travel corridors. Mr. VanGuilder stated there are no building improvements but to make the site more efficient in their equipment handling. Mrs. Patenaude asked to have CHA to look at all the site statistics and not just the grade changes. Mr. Polak asked if all of the equipment being stored there will now go to the rear. Mr. VanGuilder stated yes. Mr. Polak asked what will happen to the side area where the equipment is stored now. Mr. Tom Pratico, Bast Hatfield, stated that some of the equipment is on Lot C and now all of the equipment will go back on the site.

Mrs. Patenaude made a motion to set a Public Hearing for July 12, 2004. Mr. Berkowitz seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the June 28, 2004 Planning Board meeting at 9:04 PM. Mrs. Patenaude seconded. Motion Carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner