

**MEETING MINUTES
Town of Halfmoon Planning Board
February 23, 2015**

Those present at the February 23, 2015 Planning Board meeting were:

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

Planning Board Alternates: Robert Partlow
Margaret Sautter

Director of Planning: Richard Harris

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

Mr. Ouimet opened the February 23, 2015 Planning Board Meeting at 7:00 pm.

Mr. Ouimet asked the Planning Board Members if they had reviewed the draft January 26, 2015 and February 9, 2015 Planning Board Minutes. Mr. Roberts made a motion to approve the January 26, 2015 and February 9, 2015, draft Planning Board Minutes. Mr. Berkowitz seconded. Vote: 7-Aye, 0-Nay. Motion carried.

New Business

15.020 American Para Professional Systems, Inc., 1673 Route 9-Sign

Mr. Berkowitz recused himself.

Ms. Jeslyn Bell, Regional Director of Apps Paramedical- Just requesting to change the existing monument, the base panels, to represent our change of tenant.

Mr. Ouimet- Don have you had an opportunity to review the request?

Mr. Roberts- Yes I have and it looks fine, it meets the ordinance. Motion to approve.

Mr. Partlow- Second.

Mr. Ouimet- All in favor? All-aye. Motion carried. Signs are approved, thank you.

15.022 Sleepys Sign, 1694 Route 9- Sign

Tom Willard of AJ Sign Company- The Sleepys building on Route 9, we're looking to put up a monument sign. This would be shown here, it is internally lit, it accommodates two tenant panels and it also has The Crossing heading on top. That plaza is owned by Equinox which also owns The Crossings so it brings some continuity to the parcels there and make it come together. We're not sure exactly what the tenants will be on

there at this point, but I'm hoping to get the sign approved then if we need to submit the actual tenant panels then we can do that at a later date. The sign will be centered on the building at the right-away line and then it will come back so it will actually come in to the parking lot a little bit, probably do a decorative retaining wall around it so that cars can't back into the sign.

Mr. Ouimet- How tall is the sign that you propose?

Tom Wheeler- 180 inches. So under 16 feet.

Mr. Ouimet- Don, have you had an opportunity to look at this request?

Mr. Roberts- Yes I did and The Crossings as you go in they have a higher sign there, but they have many tenants in there. Now right now Sleepys is the only tenant in that building.

Tom Wheeler- Correct.

Mr. Roberts- Do you plan on changing that?

Tyler King Property Manager of The Crossing- In the past the building has been occupied by more than one tenant, the Sleepys lease is rather short and we don't hear very positive things, my colleague Todd Fisher did some research and found the sign was per code allowed so we really just wanted to jump on the opportunity and secure it for any future tenants that may want to lease the building because before it stood vacant for many many years, so we're kinda trying to nip it in the bud so to speak.

Mr. Roberts- See as a rule for a building that size we don't usually go 15 feet, I mean right across the street Raymour and Flanigan's has a much bigger building and even though it's only Raymour and Flanigan they have their name and they also got Sealy for the mattress and theirs is only 9 and a half feet high.

Tom Wheeler- We actually looked out there and the parking lot where the sign would go is actually down, Route 9 is up approximately 5 feet, so we do need the elevation to get it up so that it's visible from the road. You know, it comes off the side of the road then goes down quite a bit there.

Mr. Roberts- It doesn't go down that much, I don't believe, but that's my own opinion. I just think 15 feet is too high, myself, for that location.

Tyler King- We would be willing to go lower, if it is still visible. When Tom, myself, and Todd walked the site certainly the embankment is much taller than our site line and then there's a guard rail there as well. So obviously we'd want to be just to be seen above the guard rail would be totally fine with us.

Mr. Roberts- I was out there, I was thinking maybe 10 feet.

Tom Wheeler- So if the guard rail is about 3 and then its 5 foot, like I said we went out there and kind of leveled and measured things, so if its 5 foot down and then 3 foot of guard rail then that's 8 right there.

Mr. Ouimet- Is that something you're gonna need to go out and take a look at?

Mr. Roberts- Probably will, yeah.

Mr. Ouimet- Any other questions from the board?

Mr. Higgins- No, I agree with Don, I don't think it's that much lower. If you want I'll volunteer to go out with Don and we'll meet out there and take a look at it.

Mr. Ouimet- Why don't we do that, why don't we coordinate a site visit with the Planning Department. We'll go out and take a look, tonight we will table your request and we should be able to dispose of it next meeting. Which is two weeks from tonight.

Mr. Harris- Do you want them to have some type of elevation there so you can see the height of what's maybe 10 or 12 or 15 feet, to see the effect for the site visit?

Mr. Roberts- We can work something out there probably, I would think right?

Tom Wheeler- Yeah if you let me know I'll bring a 15 foot aluminum stick with some marks on it so we can hold it up and get a good idea.

Mr. Roberts - Okay thanks Rich. Question here.

Ms. Sautter- Yeah I just had a quick question about, can't you use like the sign with Big Lots, I know the Target one and the Kohl's one, there kind of full for the Crossings. Is the one that has Big Lots, I think it only has like two spaces, couldn't you use that?

Tyler King- Are you referring to the one on Route 9 or the one on Route 146?

Ms. Sautter- I think it would be on Route 9.

Tyler King- On Route 9, that one is pretty maxed out to our knowledge.

Ms. Sautter- So there's no space in any of them, that was really my question.

Tyler King- That's a separate parcel also so technically we would have an off premise sign.

Ms. Sautter- Well that's what I was questioning. Can I get to Sleepys or whoever else is going there, from the Crossings because that was confusing to me. I didn't even realize it was part of what you're saying is The Crossings.

Tyler King- Right well I mean I guess that's kind of our goal in tying everything together from the Berkshire Bank to the Halfmoon to Red Robin just wanting it to kind of brand name it as the Crossings. It is a separate parcel, but it is owned by a separate company within Equinox, but we just see it as an advantage for our branding.

Ms. Sautter- For your tenants.

Tyler King- And to our tenants, right.

Mr. Ouimet- So basically you would have three monument signs on Route 9. The two that currently exist there which is one down by the car wash and

Tyler King- Right, Home Depot owns that one, right.

Mr. Ouimet- And then there's the one that's further up at the roadway entrance from where we're talking about right now. Then you would add a third one which would be not that many feet from that roadway, correct?

Tyler King- In some ways yes, I mean the way it all came about was we had Home Depot had erected that monument sign when they came in, at that entrance. The pile on sign that she was referring to was the one to demark the main entrance into the Crossings, then we had this separate building that we wanted to, that we always had a difficulty renting that we discovered in looking at the code that we had the ability to put up a pile on sign. So that's our goal.

Mr. Higgins- But that building is not part of the Crossing. The Crossing when it came and got approved by Halfmoon Planning Board did not include the Hess Gas Station, it did not include that site, and I don't believe it included the Cracker Barrel. They were separate sites, separate parcels. So now you're actually if you're going to use the name The Crossing you're putting a sign off site that's not part of the Crossing property. Which we don't allow, but we can talk about it when we're out there, but it's not part of the Crossing that was approved.

Mr. Ouimet- The interesting thing is the Crossings is the complex and what you're saying is, this is part of the complex, but it's a separate parcel.

Mr. Higgins- And a separate company and it was never part of the parcel to begin with.

Mr. Ouimet- So John is correct when he says it's an off premise sign because it is off premise to the Crossings, not to the two tenants that are going to occupy the building. Do you know what I'm saying?

Tyler King- I do understand what you're saying and if you're opposed to having The Crossing on there we can rework it just so it's a good looking sign it doesn't have the Crossing on it.

Mr. Higgins- All I'm saying is that it, by putting that name on there and not being part of The Crossing per the legislation that was approved by the Town Board for that complex it's an off site sign. So if you take the name off then that's a different story.

Tyler King- Okay.

Mr. Higgins- Just bringing that point up.

Mr. Ouimet- So what you would be doing is erecting a new pile on sign for that building with two tenant spaces.

Tyler King- So as Tom just mentioned we could just put the number of the building on there.

Mr. Higgins- Yes exactly the street address is not considered part of the sign.

Mr. Ouimet- But the issue still remains of the board is the height of the sign so why don't we table your request tonight and go out there take a look at the height and nail it down there on the next meeting.

Tyler King- So you'll contact me?

Mr. Harris- Yeah we will set it up, we'll try to do it within the next week or so. Does that work?

Tyler King- That works.

Mr. Ouimet- Thank you very much.

15.023 Local Loyals, Inc., 1471 Route 9- Change of Tenant/Use

Tom Disonell- Do you have questions? We were just looking for a change..

Mr. Ouimet- I'm sorry we need your name and address or what town you're from.

Tom Disonell- We're looking to become tenants of the building.

Mr. Ouimet- Can you tell us, it's unclear really to us, we talked about it at the pre-meeting unclear exactly what you do.

Tom Disonell- What Local Loyals is? We're not lawyers we're Local Loyal. We're a software development company we build out everything from political software to this particular concept we build out deals and loyalty software for merchants. So this is just our back office, this will just be where the techs are so there will be no retail. We're just looking to put a hub office, we're up in Saratoga right now and we're just looking to come centralize more, because our staff is from Albany up to Saratoga.

Mr. Ouimet- In your narrative you talk about conference space, you're going to have conference space for your own staff or?

Tom Disonell- Yeah like a training room. Yeah we expect to have a conference room in there for training for our staff. But we don't expect to have any...

Mr. Ouimet- Pretty much an internal operation.

Tom Disonell- Yeah we don't expect any retail.

Mr. Ouimet- And this is on the second floor?

Tom Disonell- Yes second floor yes.

Mr. Ouimet- Any questions from the board?

Mr. Higgins- How many people would be there for a conference?

Tom Disonell- I think we'll start out with probably 3 managers and 3 or 4 developers. So it could be between 7 and 10 for certain meetings. I mean we're hoping to grow.

Mr. Higgins- So 7 to 10 additional people you're talking about?

Tom Disonell- No 7 to 10 total.

Mr. Higgins- Okay so it's conference room for just the people at that office.

Tom Disonell- Yeah we have, we'll have independent sales floors too, but they'll be in the street so we might have 4 or 5 sales guys come in for the meeting as well.

Mr. Ouimet- Your conferences last all day or just part of the day?

Tom Disonell- Excuse me sir?

Mr. Ouimet- Your conferences last the entire day or just part of the day?

Tom Disonell- No, a couple hours of training at most.

Mr. Ouimet- Have you had opportunity to take a look at the parking situation there?

Mr. Marlow- Yes we have, per the town code this applicant is required to have 6 spaces. There are 81, excuse me 86 line spaces. There is room for land banked parking as well. This is a similar use as far as requirements for parking is concerned as the last tenant so it has not increased in demand as far as parking.

Mr. Ouimet- Any other questions?

Mr. Berkowitz- Motion to approve the change of tenant and use.

Mr. Ruchlicki- Second.

Mr. Ouimet- All- in favor? Aye. Motion carried.

Mr. Roberts- John, is there a sign application.

Mr. Ouimet- Oh that's right I'm sorry, sign? No sign?

Tom Disonell- No signs.

15.024 Bliss Nail and Spa, 1509 Route 9- Change of Tenant/Use & Sign

Cheng Fang Xie of Bliss Nails- It was a part of Touch of Polish it changed to a new tenant. Right now it is Bliss Nails, also changing the sign to the size everything the same as before.

Mr. Ouimet- Okay so it's the same size sign, you're just changing the name?

Cheng Fang Xie- Yes

Mr. Ouimet- And your operation is basically the same as what was there before? Same number of operators?

Cheng Fang Xie- Yes

Mr. Ouimet- Any questions from the board?

Mr. Roberts- Motion to approve change of tenant and sign.

Mr. Berkowitz- I'll second.

Mr. Ouimet - All in favor? All-aye. Motion carried.

15.028 Lowes Seasonal Outside Storage, 476 Route 146- Change of Use

Michael Welch, Store Manager of Lowes in Halfmoon- What we're doing is this year we're applying for our annual permit to have the merchandise outside, we have where store the seasonal goods for our fencing, bagged goods and stuff like that. Same as we've done in the past, no changes to that.

Mr. Ouimet- Same layout, the same area, space requirements?

Michael Welch- Yes.

Mr. Ouimet- Any questions from the board?

Mr. Berkowitz- Last year, were you here last year?

Michael Welch- Yes.

Mr. Berkowitz- I just asked about adding some stop signs, just for the safety of your customers and the other people that are using that perimeter road.

Michael Welch- We did look.

Mr. Berkowitz- What ever came of that?

Michael Welch- We did look into that at what we would do, but the cost on that would go up tremendously because we have like right now there's piles of snow in there so the damage that would occur to those signs yearly during the winter and then the upkeep so even if we had signs there now they would be covered in snow without being able to see them. What we did look at..

Mr. Berkowitz- Is the snow supposed to kept there in the intersections?

Michael Welch- No it's kept right at the end of the lot, if we were, we looked at putting a stop sign in the three way intersection out there because we looked at that being one of the places that we would have the biggest problem and putting one right in the roadway a stop sign on both sides. So that was a option that we did present, I talked to the planning team over there about doing it. But that's still on the table.

Mr. Berkowitz- So you're still going to look into that at all?

Michael Welch- With the stop sign in the road? We could do something similar to that yes. I mean that's something that we're looking into I would have to definitely talk to Lowe's corporate about what we're gonna do and come up with something that we can do. But that was something that we had proposed at one point. Then that would have people stop at all intersections so they stop as they were coming on both sides as well as, there's a three way intersection right there.

Mr. Berkowitz- Are you talking about the one that's coming in from Raymour and Flanigan?

Michael Welch- Right that's where the curve is that makes it difficult for people to probably see as they're coming around so if they had a stop sign there or a speed bump or something, that we could propose to kind of slow the traffic down through there. But that is something that we can definitely look more into.

Mr. Berkowitz- Okay.

Mr. Ouimet- So you're asking for this approval to go from March 1st to September 30th?

Michael Welch- Yes. Until the last week or so.

Mr. Ouimet- You think you're going to make March 1st?

Michael Welch- No we we're hoping that would be the case, but.

Mr. Ouimet- I don't think I'm in the market for a lawn tractor.

Michael Welch- No it's not going to happen right away, but we were hoping for that to be the case, but no weather's not on our side right now. But we do anticipate though that the product will start arriving next week. And we're going to have to clean out a lot of that snow against that side.

Mr. Ouimet- Yeah I was going to ask you about that, the snow storage on the side there.

Michael Welch- That's on there we're going to have to get rid of some of that too so we're working through that to get them to come and take care of some of that snow on the side of the building so we can open up that area, like I said next week the goods start arriving so spring will come. I hope.

Mr. Ouimet- I hope so. Any other questions?

Mr. Higgins- Yeah are you going to, the snow you're going to remove are you gonna keep that on site or are you gonna take it off site. I was there the other day and it's not a problem, but there's a lot of parking spots that are covered with snow right now. So that's why, I just want to make sure that we don't have a problem with parking. I know there's a lot more spots there then you typically use, but you're also going to use a bunch of them for the storage.

Michael Welch- We only use the ones that are on the side over there by the side garden gate, which is probably maybe 8 spots that we're looking at on that side over there. We don't put anything out toward the front or on the front of the building as far as out in that area. Nothing goes where the snow is now of course, but we are looking in to the snows going to melt soon I hope, but I tell you it's been a winter. But, as long as we don't get any more we should be fine.

Mr. Higgins- I just want to caution you that you, you want to make sure that you still provide sufficient parking for your clientele.

Michael Welch- Right, thank you.

Mr. Ouimet- Motion?

Mr. Berkowitz- Motion to approve.

Mr. Higgins- I'll second it.

Mr. Ouimet- All in favor? All-Aye. Approved for seasonal storage.

15.027 Sheldon Hills PDD, Route 1460- Minor Subdivision

Mike McNamara representing A&M Holdings- Pretty simple application, when the first phase of Sheldon Hills was filed back in 2005 there was a 25,000 square foot parcel that was created on the subdivision plan, on this map that's the whole area that's in dark here and the intent of that was for when the traffic signal was put in for Vosburgh road, this was all supposed to be dedicated to the state and become part of 146 highway. The signalize intersections have been triggered now and the last few months of 2014 that was designed by Creighton Manning and as they went through their approval process with DOT, DOT does not want this entire 25,000 acre parcel. DOT only wants what I have highlighted in yellow here that creates kind of an impractical separation between the towns right away for Covington and for the state right away. So in orange what we have done, this rectangle is something that we will subdivide out and propose that to be dedicated to the town in order to make the two right ways mix. And then after those two pieces are cut out there's two remaining pieces on either side that will remain property of the Homeowners Association. So it is a totally utilitarian subdivision. No building lots or anything and I understand we will have to have a public hearing anyway so answer any questions and ask that you schedule the public hearing.

Mr. Ouimet- Any questions from the board?

Mr. Higgins- This isn't 25,000 acres right?

Mike McNamara - Did I say that?

Mr. Higgins- Yes that's what you said.

Mike McNamara - No 25,000 square feet. About half of an acre. I wish it was they would probably end up with a building lot or two out of that.

Mr. Higgins- Just wanted to make sure the record was straight.

Mr. Ouimet- We might have an airport.

Mr. Roberts- I'll make a motion to set a public hearing for, what date do you want?

Mr. Ouimet- 3/9? Our next meeting.

Mike McNamara- Sure that'd be great.

Mr. Ruchlicki- Second.

Mr. Ouimet - All in favor? Aye. Motion carried. See you on the 9th.

15.030 Mechanicville Industrial Park Halfmoon Subdivision, Industrial Park Road-Minor Subdivision

Jim White of Azimuth Surveying- I am representing the city for this industrial park subdivision. I don't know how familiar you are with it so I don't know where you want to start.

Mr. Ouimet- We're somewhat familiar with it, but we don't know what the ultimate plan is for the lots other than the ball fields.

Jim White- Right I think the rest of it is going to be sold as part of the overall lot, the 14 acre lot. So it'll be that lot which I think we're calling lot D which is partially in the city and partially in the town and so I don't know, I don't think anybody knows what the ultimate use is for that yet.

Mr. Ouimet- Any questions from the board?

Mr. Higgins- So the town, the city of Mechanicville is asking us to approve a subdivision and we don't know what is going on that site?

Jim White- That's correct, when it comes, it's an industrial zoned parcel and it presumably as a use becomes apparent for it it will be coming in to site plan review with you and there's going to be you, the city, I think DEC will also have a review section in it.

Mr. Higgins- Okay so all we're talking about now is strictly subdivision.

Jim White- Right now we're just trying to subdivide out the ball fields.

Mr. Higgins- So when and if it's sold or a future tenant becomes available they have to come back before us for site plan approval.

Mr. Ouimet- I think it's a little more than just the subdivision because they're asking to keep the ball fields, correct?

Jim White- The city wants to retain the ball fields, the city also owns the lot next to it which has the additional 2 or 3 ball fields on it.

Mr. Ouimet- But as I understand it under our zoning code the ball fields are going to require a special use permit to remain in that zone once the subdivision is created, if it is. So it's actually a two part request one for the subdivision.

Jim White- Okay I think we actually did paperwork for a special use permit. We did okay.

Mr. Ouimet- Am I correct Rich?

Mr. Harris- Yes and they completed the paperwork for, to have a joint public hearing if you decide to call it for the special use permit and the public hearing for the subdivision, but as John indicated when and if development occurs on the properties it'll have to, on the other properties, adhere to the zoning and come for site plan approval.

Mr. Ouimet- Correct, any other questions from the board? Do we have a motion to set a public hearing?

Mr. Higgins- I'll make a motion to set a public hearing at the next meeting.

Mr. Ouimet- On both the subdivision and the special use permit?

Mr. Higgins- On both the subdivision and the special use permit for site F is the only one we need a special use permit on. For March 9th.

Mr. Roberts- I'll second.

Mr. Ouimet- Okay we are set for a public hearing at our next meeting. All in favor? Aye. Motion carried.

15.013 Stonecrest Preserve Duplex, 4 Mallard Place- Special Use Permit

Frank Barbera of Barbera Homes 1716 Central Avenue, Albany- With me this evening is Chris Greklek of 30 Marne Street, Watervliet, NY. Chris is the prospective owner of the property that we are here to discuss this evening. The application was for a special use permit for a duplex style home in the Stonecrest Preserve neighborhood. In the application we also included a narrative with Mr. Greklek's personal situation as well as proposed plans for the house.

Mr. Ouimet- Now the proposed plan that you submitted merely states that you're going to try to mirror the character of the neighborhood in the construction of this home.

Frank Barbera- Yes the house that we selected was one that is already built in the neighborhood, the previous builder, Rosewood Homes, had built the duplex in there at 14 Stonecrest, so I contacted Mr. Rosetti and got his permission to use that same exact plan so that we can match what's currently in the neighborhood at the present time a duplex that was previously approved by the board.

Mr. Roberts- How close is the existing duplex to this site?

Frank Barbera- It is on a different street, this will be on Mallard, the other home is on Stonecrest. It's in a cul-de-sac as a matter of fact.

Mr. Ouimet- Which, the existing one or..

Frank Barbera- The one that I'm proposing.

Mr. Ouimet- The one that you're proposing. Any other questions from the board? John?

Mr. Higgins- How many square feet is this lot?

Frank Barbera- The lot itself is 1.04 acres.

Mr. Higgins- And how many square feet is that?

Frank Barbera- 42,000 and change.

Male voice- 14,000?

Frank Barbera- 42. 1 acre.

Mr. Higgins- I wasn't sure, Tom and I couldn't remember that's why I asked the question.

Mr. Ouimet- So each unit you're proposing to construct will have 3 bedrooms or 4?

Frank Barbera- 3 bedrooms.

Mr. Ouimet- Will they mirror one another?

Frank Barbera- The floor plans are very similar. There's a little more space on the one side because there's an extension over the garage for an office.

Mr. Ouimet- Now is the site developed on either side of this proposed lot?

Frank Barbera- The property to the right of it is under contract.

Mr. Ouimet- No houses been erected there?

Frank Barbera- No I haven't come in for a permit yet.

Mr. Ouimet- And the other house, the other side is vacant.

Frank Barbera- The other side is vacant, yes.

Mr. Ouimet- Any other questions? We need to set a public hearing because this is a special permit request. I'm thinking we may get some interest from the public on this one. Given the fact that the development is predominantly single family. So if I could have a motion from the board for setting a public hearing in two meetings.

Mr. Roberts- I'll make a motion to set a public hearing for two meetings from tonight.

Mr. Ouimet- Which would be March 23rd.

Frank Barbera- If at all possible are we able to do it on March 9th to accommodate Mr. Greklek's travel schedule because we figured it would be one of the two dates.

Mr. Ouimet- We can do it after the 23rd if you would like, we would do it first meeting in April, but not on the 9th. We already have three public hearings for the 9th.

Frank Barbera- Gotcha, you're in Dallas.

Chris Greklek- I'm in Dallas.

Mr. Ouimet- What about the first meeting in April.

Chris Greklek- I would have to look, but I would imagine that would probably be okay.

Frank Barbera- I mean what we're trying to do now, obviously time is of the essence we're getting into the spring building season and

Mr. Ouimet- Hopefully.

Frank Barbera- I know it's inevitable I swear it's coming.

Mr. Ouimet- I think we're going to have to do it in April because we need to give the public time to get notice of what we did tonight, what you've presented, what we're looking at. Then we have to get the notices out so the soonest we could do it is that second meeting in March, but since you're not available for that meeting we're left to April 13th. I know that pushes it down the road quite a bit, but

Frank Barbera- If we put it on for the 23rd and we just move it to April 9th if he's not able to accommodate.

Mr. Ouimet- Does he need to be here I guess is the question.

Frank Barbera- No I think he would like to be. Let's put it on for the 23rd. I'll be prepared and then I'll contact the planning department if we have to go.

Mr. Higgins- They're sending notices out.

Mr. Roberts- Then we're going to redo everything right?

Ms. Murphy- We can do it we just may have to spend extra money.

Mr. Roberts- Once the notices go out if you cancel we have to do it all over again.

Frank Barbera- Yeah I understand, I mean he would know in the next day or so, he would call see if he could. We'll be quick on the 9th.

Mr. Ouimet- These minutes won't be approved until the 9th so that's my dilemma and I'm not going to shortchange the public, they need to know, they need to have knowledge.

Mr. Roberts- Just one more quick question, now you'll be living in one side and renting out the other side right?

Mr. Greklek- Yeah.

Mr. Roberts- Okay, thank you.

Mr. Ouimet- Do we have a motion?

Mr. Roberts- Make a motion to set a public hearing for March 23rd

Mr. Ouimet- Can I have a second?

Mr. Partlow- Second.

All- aye. Motion carried.

Mr. Ouimet- Okay we have a public hearing scheduled for March 23rd.

Frank Barbera- I appreciate it and while we're here are there any questions that you have for Mr. Greklek or myself that we may be able to answer in advance of the public hearing since he won't be here that evening?

Mr. Ouimet- I don't know I guess the standard for us to review is how it affects the character of the neighborhood. So in order to get a full view of how it is going to affect the neighborhood is to hear from the neighbors. If the neighbors object strenuously and have valid concerns then obviously we may have a further conversation about it.

Frank Barbera- Is there any additional information that we can provide; narrative, elevations that the board foresees...

Mr. Ouimet- I think that you need to be prepared with that, I think the public is going to want to know what this house is going to look like.

Frank Barbera- Yeah we have that it's in the packets so we can dress that up. Okay very good, thank you for your time this evening.

Mr. Ouimet- You're welcome thank you very much.

Mr. Ouimet- Yeah do we have to do an expanded notice?

Ms. Murphy- I would suggest because he already said the adjoining parcels are vacant so no...

Mr. Ouimet- I think we're going to have to do the whole neighborhood.

Mr. Harris- Okay, we'll do all of Stone Crest then.

Mr. Ouimet- The Stone Crest neighborhood yeah.

Mr. Harris- Okay.

Mr. Harris- Do you want to do all of Stone Crest Drive?

Mr. Ouimet- I would want to do the entire neighborhood. I understand what you're, but you're neighbors are not there anymore, or they're not there yet, let's put it that way. They're not.

Frank Barbera- There's five (INAUDIBLE).

Mr. Ouimet- Yeah you're going to have to come back up because this is all recorded and that's how they get the minutes.

Frank Barbera- There are five phases in the neighborhood. We are phase five so I guess my question was the last one that was approved was in phase four, which really just kind of helps you guys understand how to break it down whether it's phases 3,4,5, or the whole neighborhood. It really doesn't matter, it was more of a question.

Mr. Ouimet- Have you looked at the entire project as opposed to the individual phases because I think if we limit to the last phase it's too small.

Mr. Harris- Yeah the last phase is the two cul-de-sacs, pretty much that you bought.

Mr. Ouimet- Your phase doesn't even include...

Frank Barbera- Yeah I'm five so you would want to at least incorporate four, is what I'm getting at.

Mr. Harris- Yeah that's Stone Crest Drive right near you.

Frank Barbera- Correct.

Mr. Berkowitz- How many homes are you talking are there?

Frank Barbera- In my phase, I bought four lots on Stone Crest and then we have another 15 on the two cul-de-sacs, which are really just getting developed now. So three I don't know.

Mr. Higgins- I think you gotta go through the whole development.

Mr. Ouimet- Yeah I think so. I think we'll have to do the whole development.

Mr. Higgins- It's only fair.

Mr. Ouimet- The existing duplex is in Phase one I take it?

Frank Barbera- No I believe it's in Phase four.

Mr. Ouimet- Four?

Frank Barbera- Yeah.

Mr. Higgins- How many houses are there total in all of Stone Crest?

Frank Barbera- Probably over 100.

Mr. Harris- It's around 100, I'm not sure, I don't have..

Mr. Ouimet- Is it 100 lots or 100 existing homes already?

Frank Barbera- No there's only; I only have 19, the last 19 lots. So there's somewhere in the 70 plus range that you would have to notify.

Mr. Ouimet- I think we're going to have to.

Frank Barbera- That's fine.

Mr. Ouimet- Thank you.

Frank Barbera- Alright, thanks again.

15.018 Subdivision Lands of N/F E.D Properties Inc, & Boundary Line Adjustment with Lands of N/F Marchand, Button Road- Minor Subdivision

Joe Bianchine of ABD Engineers and Surveyors representing E.D Properties- It's Ed Dalheim, if you know him, he has a construction business and Ed lives just to the south of this project and he has his business just to the south of it. He previously had 3 acres here and 4 years ago he split off about 1.8 acres and Chris Marchand bought that and built a duplex on this property. He has remaining 1.45 acres and he basically would like to split that into two lots, one being 30,000 and the other being almost 33,000 square feet. But when Chris built his lot his driveway and a little bit of his turnaround area somehow got over onto the other property, onto Ed Dalheim's property. So we're proposing to make a slight adjustment of the property lines so all pavement is on Chris Marchand's property. There's water across the street, no on the same on side of the street excuse me, so we'd have a water line into the house and then we'd have septic systems on each of the lots, if you know the area it's all gravel in the back there so I don't think we will have any problems with the septic systems, just we can't get out there now and do any perks or test pits. That's pretty much it.

Mr. Ouimet- So those lots that are being proposed are going to be for single family homes?

Joe Bianchine- They will be for single family actually Chris Marchand is buying this lot and Ed Dalheim's son is thinking about building his house on this lot.

Mr. Ouimet- Any questions from the board? Seems pretty straight forward, why don't we set this one for our next meeting, public hearing.

Mr. Roberts- I'll make a motion to set a public hearing for our March 9th meeting.

Mr. Higgins- I'll second it.

Mr. Ouimet- All in favor? All-aye. Motion carried.

Mr. Ouimet- Okay we have a public hearing for our next meeting. Thank you very much.

Joe Bianchine- Thank you.

15.012 Harbor Freight Retail Development, 1617 Route 9- Commercial Site Plan

Removed at the request of the developer.

15.014 Starbucks & Restaurant Development, 1589 Route 9- Commercial Site Plan

Jason Dell of Lansing Engineering Representing Starbucks and Restaurant Development Project- The project site is located at the intersection of Sitterly Road and Route 9. The parcel approximately 1.77 acres, it is zone C1 commercial. The project site currently had the Phelan's Banquet House on there and we've been before the board on a couple of occasions on this property. Years ago it was the Specialty Grocer Project and most recently I believe about a year to a year and half ago it was for an Italian restaurant and we're back before with a little bit different idea now and the applicant's proposing to construct a 1,920 square foot Starbucks Coffee Shop on the western portion of the property and another 5,700 square foot restaurant on the eastern side of the property. The larger restaurant they've yet to have an exact tenant for, but we're looking to get that proposed and approved and expect that they would have one. Parking has been laid out according to the Town of

Halfmoon regulations, the proposed Starbucks would be required to have 30 stalls and we are proposing 30 parking stalls. The restaurant based upon 120 seats and 15 employees would require 55 parking stalls so we've proposed 55 parking stalls here. The only difference in parking the central area of the parking is all ten by twenty foot parking stalls, only on the eastern side these diagonals stalls as well as over here, we're proposing them to be ten by eighteen and those would be employee parking areas for those ten stalls. Water will be supplied to these sites by a connection to the municipal system which is located right along Route 9 and sanitary sewer service would be provided by a force main that would connect to the gravity main that is located over on Sitterly Road with the entrance to the Mobil station. We've got two, or one ingress to the site situated from the Hess property as well as two out, one dedicated to the drive through lane that would come around and wrap back out to where we would have them exit the facility via the signalized intersection there with the Hess. So we're here tonight to represent the project to the board, answer any questions that you may have at this point, and advance the project however the board sees fit.

Mr. Ouimet- Questions by the board?

Mr. Roberts- Yeah Jason, how might this proposal affect a proposed road between Route 9 and Plant Road?

Jason Dell- This proposal, we no longer have that proposed road connection from Route 9 to Plant Road. The reason being is, there are a couple of reasons right now that we have removed it. The cost to construct that 300 foot section of road, when you're looking at about \$500 a foot for road construction now, you're looking about \$150,000 for the road section as well as the intersection improvements to the signalized, the actuators as well as the lights, so you're looking at potentially over a quarter of a million dollars to construct that short 300 foot section of road. Which has kind of cause the previous two proposals to stall because of the sheer economics of constructing that road which basically is going to go and stop. The second part of that is that as part of the project we need to get a DEC wetland disturbance permit for both our site as well as for that road. Our site is a justifiable disturbance because we are occupying previously disturbed areas. However where that road would extend down and through goes down into, further into the DEC adjacent area and when we made application to them they had come back and requested additional information and input from the town, which I contacted and spoke with Rich this is back for the last iteration, but the DEC is actually looking for some input from the town as to what is the future goal and what is the future plan of that road, where is it going, what is going to happen with that property and to what extent is the wetland going to be impacted by that potential, future road, which I don't believe the town has at this point in time, a design of that road and DEC is looking for something from that. They see the writing on the wall of a road that's coming off and stubbing and dead ending and stopping, they know that that's being done for some future expansion which will extend it on in through the DEC wetland. So it's kind of two fold the expense of it, it's an intersection, the applicant is aware that we are going to have to make some improvements to that intersection. That being, improve the signals, actuators, we're going to need to improve the mast arm because once you put a double row of lights on it, it exceeds the weight limit that is out there now. So we are aware that we will have to improvements to that intersection, but to construct that road all the way down and stop it is kind of been a very significant financial burden to the project.

Mr. Ouimet- So Jason I'm not so sure I understand this yet. The ingress and egress, the one way to the right coming out, two way ingress and egress spot, it's from the parking lot of the Hess gas station?

Jason Dell- Correct, that parking lot if you look at the original site plan and what was proposed for the Hess that is all within a right away area, so we can connect into that area and we have received a letter in the past from Hess indicating before that when the road was going to go through that they would allow the work on their property. That was another stipulation of the DEC that the DEC wanted to know that Hess would allow the road connection.

Mr. Ouimet- So are you proposing to convert part of the Hess parking lot into a roadway?

Jason Dell- That's what was originally proposed and required for the previous iterations of the project, that a road was to come down and stop down here.

Mr. Ouimet- Right.

Jason Dell- A full 32 foot wide road with a 60 foot right away.

Mr. Ouimet- And how wide is the curb cut that goes out to Route 9 at the stop light?

Jason Dell- The exact width is approximately I would say is 24 to 26 feet.

Mr. Ouimet- So it's actually too narrow for a road then, isn't it?

Jason Dell- There were significant improvements required to the intersection as well as coming through the Hess property, if the road is to be constructed.

Mr. Ouimet- Now does your client have an easement through that parking lot or for the creation of that roadway?

Jason Dell- Well I believe it's an existing right of way that was part of the Hess site plan years ago, that was granted to the Town of Halfmoon.

Mr. Ouimet- Right so your due diligence has found that the map that was file with the county has a right of way in it?

Jason Dell- Correct that's what the previous iterations of the project and comments from this board.

Mr. Ouimet- I'm sorry?

Jason Dell- Previous iterations of the project and comments from the board have also led us down the road originally of doing the road through there.

Mr. Ouimet- What if you find out that, that doesn't exist that way?

Jason Dell- Then we would have to look to do a separate curb cut directly out onto Route 9. The signalized intersection would be in everyone's best interest to improve that and have that be the access point for this project.

Mr. Ouimet- I know this is probably premature for this discussion, but I don't particularly like where you have the handicap parking spots proposed. They're not really adjacent to the entrance, they're further away then they need to be. I don't know why it was put that way, but. And for the proposed Starbucks entrance is going to be on the west side of the building? Or I'm sorry east side of the building?

Jason Dell- Yes there would be an entrance in the front as well as on the east and in the rear, it's a concept plan right now and we would work to define that a little bit better with Starbucks, exactly where they wanted to. But we estimate that they would want their main entrance on the opposite side of the drive through.

Mr. Ouimet- As opposed to facing the Hess gas station or facing the gas station. One side or the other then you'd have to reconfigure the parking wouldn't you?

Jason Dell- Well I mean the entrance here as opposed to on this is we couldn't have it right smack in the middle of the drive through, am I answering that correctly or understanding your question correctly?

Mr. Ouimet- Well my concern obviously is the handicap parking as you have proposed.

Jason Dell- We can certainly shift that.

Mr. Ouimet- On both buildings because you have both of them to the, depending on how you look at the building, further away from the entrance and not centered into the entrance area.

Jason Dell- We have found with grading, with the ramp and the way it comes down to have it a little offset so you can ramp up to the main platform to the door, but we can certainly shift that over to be dead center in front.

Mr. Ouimet- And you have found that how?

Jason Dell- Through grading, I mean if you come out you want to ramp down, if you come out and have your ramp right in front, tell me if I'm wrong. We found when it comes to the grading on the sites that it works a little bit better offset.

Mr. Ouimet- Even though it's a further distance to travel to the entrance?

Jason Dell- We can shift it.

Mr. Ruchlicki- I think the issue there is that your concern is somebody in a wheelchair, but not all handicap people are in wheel chairs, so by putting the parking place all that distance away to accommodate the ramp facility type situation, you're making it more difficult for somebody that doesn't use a wheel chair.

Mr. Ouimet- I think you can have the ramped area further away and that would satisfy what you're finding, but like Tom suggested not everybody uses a ramp so, I just ask you to take a look at that.

Jason Dell- Absolutely, sure.

Mr. Ouimet- However this final layout

Mr. Higgins- John, I'm looking at this drawing and I know the previous site plans for this site, now the applicant knew when he bought this property that there were certain restrictions with it, so I guess the fact that it's going to cost money to make the road that was always part of this site a requirement. I understand that, but he also understood it when he bought the property. I just can't possibly see one entrance going in because Starbucks, we all know it's people going in to get their morning coffee whatever it's a very high volume traffic and I can't believe that one entrance into this is going to work. I understand DEC's requirements as far as wetland disturbances, but as you said you have to get a permit for the wetland disturbance area that you're already have to, is part of the site and in the back, even if you brought the road back as far as where the gray area is on your drawing you could put another entrance in there and at least have two entrances into the site and then give a little bit better traffic flow. The way it's setup right now with no improvements on the Hess right away I don't think you can have enough traffic, area for traffic flow and I really don't see it, I know the wetlands are in the back, but I don't believe that there's wetlands as far as the end of the gray area on the drawing.

Jason Dell- We would certainly again look to work with our traffic engineers as well as Mike B in CHA, they had originally, not shown on this concept plan, but there are some minor improvements done to the intersection to better direct traffic down here to the proposed uses and we would again look to work with those guys to better facilitate the traffic movements down there.

Mr. Higgins- Are there wetlands in that area there? Right where your hand is, yes.

Jason Dell- What happens is the 100 foot buffer wraps around and comes down and the road extended down well beyond our entrance here because the original entrance into the facility came through right in here and extended beyond that another 30 or 40 feet so you get down further into new buffer area and new disturbances into the buffer area because the road stops, but then there's significant gray drop that comes down off of that so the grading pushes further into the DEC buffer so this would all be new disturbances to that buffer. While the permit that we're going for and looking to obtain would be just to occupy already disturbed DEC buffering area.

Mr. Higgins- Where was the existing building that was there on site before, about where the restaurant is now?

Jason Dell- The existing building was further up to the front here, but the parking lot extended down to the boundaries that we show here.

Mr. Higgins- So it's not really a wetland disturbance permit, it's a disturbance of the 100 foot buffer?

Jason Dell- It's still considered a wet land disturbance permit.

Mr. Ouimet- I think we can have a conversation about this as we go further down the road, I think that at this point the issue with the road, now if the road is going to go to nowhere I don't think there is any good planning theory that says we should approve a road to nowhere, obviously if at one point in time there was a desire or a thought or a concept to bring it to Plant Road that's fine, but if that's not going to happen, then I don't think we should insist that some concept that was debated years ago should be adhered to. I just don't think it makes any sense.

Mr. Higgins- I wasn't talking about the road, I was talking about access to the site and I don't think...

Mr. Ouimet- I understand that John, but..

Mr. Higgins- So all I'm saying is even if they came down a little further and improved that existing Hess right of way because you're going to talk about a lot of traffic going in and out of Starbucks. I mean I've seen it on other Starbucks sites and it's nothing for them to have 10 or 15 cars lined up and that's all I'm concerned about is getting in and out of the site. I'm not even talking about the future road, I'm just talking about getting in and out of this site.

Mr. Ouimet- Well I think there's some challenges getting in and out of this particular site and I think that's something that we can debate as we go on, but I think at this point what I would like to do is refer this to Clough.

Mr. Roberts- One thing about the road, I see that, I know what you're saying, if this road is no longer going to be viable I think someone has to tell us that because I would not want to take action on this and then have someone come back to us and say how could you have done such a thing now you made the road go away. Someone's gotta tell us the road is no longer viable.

Mr. Ouimet- I agree with you Don. It's one of the things I'm going to have Mike highlight in his review; the history of the road, where the road can go, where it's going to go, if it's going to go anywhere and what the developer needs to do as far as gaining access.

Mr. Roberts- I don't want anyone to blame us for something.

Mr. Ouimet- I understand, but I think at this point in time what I'd like to do is refer this to Clough and also to emergency services because there is going to be some questions about access to and from the site by emergency services. Might as well get it up front, hear it all at once. So unless there is any further question from the board what we will do is refer this to Clough and emergency services and go from there.

Jason Dell- Thank you.

Mr. Ouimet- Thank you very much.

Mr. Ruchlicki- Motion to adjourn.

Mr. Higgins- I'll second it.

Mr. Ouimet- All- aye. We stand adjourned.

Respectfully submitted,

Richard Harris
Director of Planning