

**MEETING MINUTES  
Town of Halfmoon Planning Board  
May 26, 2015**

Those present at the May 26, 2015 Planning Board meeting were:

Planning Board Members: John Ouimet ó Chairman  
Don Roberts ó Vice Chairman  
Rich Berkowitz  
Marcel Nadeau - absent  
Tom Ruchlicki  
John Higgins

Planning Board Alternates: Robert Partlow  
Margaret Sautter

Director of Planning: Richard Harris  
Planner: Paul Marlow

Town Attorney: Lyn Murphy  
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

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Chairman Ouimet opened the May 26, 2015 Planning Board Meeting at 7:00 pm.

Mr. Higgins made a motion to approve with the changes that were given at the pre-meeting for the May 11, 2015 minutes, seconded by Mr. Partlow, Vice-Chairman Roberts abstained. Motion was carried.

Mr. Nadeau will not be here tonight.

**Public Hearings:**

**14.142 Kennedy/Choate Garage, 405B Hudson River Road – Commercial  
Site Plan & Use Permit**

**Chairman Ouimet commented:** Tonight the first item will be a public hearing would anyone like the notice read? If not, please come up to the podium and give your presentation.

**Mrs. Kennedy and Mr. Choate were present and commented:** We live at 405B Hudson River Road and we have a commercial piece of property we are proposing to build a personal garage on the property

for our personal use for our cars, tools and yard equipment. We needed a special use permit because it's an extension of a non-conforming structure.

**Chairman Ouimet commented:** I understand that you needed a variance first.

**Mrs. Kennedy commented:** Yes, we needed 4 different variances one for setback, land locked egress, area and front yard setback. All of the variances were approved by the Zoning Board of Appeals.

**Chairman Ouimet commented:** Would anyone from the public wish to speak? No one chose to speak. The public hearing was closed. Does the Board have any questions?

**Mr. Higgins:** I know we talked about it previously for the minutes this is for your own personal use you will not be operating a business out of that site or anything like that.

**Mrs. Kennedy commented:** No business just personal.

*Mr. Berkowitz made a motion to approve the special use permit for the personal garage at 405B Hudson River Road for personal use only, seconded by Mr. Higgins. Motion was carried.*

**Chairman Ouimet commented:** I just to caution you that should you decide to run a commercial venture out of the garage at some point in the future you will need to come back to this Board for a change of use permit. Thank you.

**15.048      Maintain Consulting & Inspection Services, 46 Upper Newtown Road – In-Home Occupation**

**Chairman Ouimet commented:** The next item on the agenda is another public hearing. Does anyone want the notice read? Please come to the podium and give your presentation.

**Mr. Peller, Attorney with Block & Colucci in Halfmoon commented:** I am representing Maintain Consulting & Inspection Services Christopher Patenaude is the record owner of the property and recently became certified under the National Association of Corrosion Engineers (NACE). That certification will allow him to start his own business and he is looking to operate out of his home on Upper Newtown Road. Mr. Patenaude meets all the requirements under the Code.

**Mr. Peller commented:** He is the only member of the family that will be in the business, the business will be in less than 30% of the home, he has a designated office type room, and he is not looking for a sign, not expecting to have any visits from the public so there would be no sign application. There will be no parking issues, no employees and has no disturbances, odors, electrical, dust etc. Business is not seasonal so in essence what he would be doing is being hired as a consultant and an inspector.

**Chairman Ouimet commented:** Does anyone from the public wish to speak. Please come up and identify yourself for the record.

**Mrs. Lori Stockdale, 32 Upper Newtown Road commented:** We are their neighbors of this young man. My only concern is that this is a residential area and we are zoned residential. We already went through

several board meetings trying to get Kodiak Steel from becoming a commercial business. If we start opening up residential areas for businesses also I don't see where it's going to stop just at homeowners and I am afraid that I am going to fighting battles for everything up the street. I have a neighbor on the right of me that has landscaping equipment year round for the last 2 years and another neighbor that just moved in and looks like he is building a used car lot. I just see my property demising and the re-sale value and I am afraid if we start opening up residential businesses into home uses I am afraid that the whole district will be re-zoned into something else into a commercial area.

**Chairman Ouimet commented:** Mrs. Murphy can you briefly tell us what an In-Home Occupation is?

**Mrs. Murphy commented:** An In-Home Occupation would a business run out of your home, I can't give you legal advice however, I can say to you that allowing someone to have an In-Home Occupation does not change the under lying zoning does not permit it to be operated as a commercial use it is just a minor use inside the building which is not to have any effect on the outside or with the neighbors which is why ask about parking and people visiting the place etc. So it doesn't change the under lying zoning. That is a fair question (which was not on tape) I believe that someone from the Board did ask that question.

**Mr. Peller commented:** Yes, it was asked last time yes there is not.

**Chairman Ouimet commented:** Would you care to elaborate on that please.

**Mr. Peller commented:** Sure, I think to Mrs. Murphy's point that it is nothing more than a home which is acting as an office for an individual that owns the home. This is not a commercial enterprise which we would think of inviting the public and sell product etc. this is at least in this instance Mr. Patenaude will be nothing more than doing engineering reports after having been on site elsewhere. Our position is nothing more than just clerical and he wanted to make sure he was complying with the Town because he is going to be using his address for his businesses address.

**Mrs. Stockdale commented:** Another question is this is a sole proprietorship basically in your business what happens if it expands and he will have to start hiring people to work out of his house. I am more concerned about the re-sale value of my property and what would happen in the interim and the long term from him having a home business. I work for NYSCO and I also get to work out of my home. It is a home office for another company and I understand I am just more concerned about a home based residential business I am just opening the flood gates for other things that are going to take place in a residential zoned area.

**Mrs. Murphy commented:** Again, I can not give you legal advise but this does not open the flood gates, it does not change the under lying zoning and I think you heard from the applicant that he is saying that is only going to be the applicant there with no customers. That will be a condition so that if he expands or proposing to expand he would have to come back before this Board for an expansion of the In-Home Occupation and we would have the same process.

**Mrs. Stockdale commented:** And who is in charge of making sure that this is taking place and is still a sole proprietorship?

**Mrs. Murphy commented:** Code Enforcement and honestly we rely on neighbors like yourself to let us know if you see something that is happening that isn't in conjunction with what they understood the use to be.

**Mrs. Stockdale commented:** Now we are going back to Code Enforcement and I spoken with these individuals on several occasions on both sides of my house and I have seen no resolution at all in the last 18 months. I don't have warm fuzzes.

**Mrs. Murphy commented:** I will follow-up with them in the morning and ask what the status of those properties are and if you want to call Planning in the next couple of days they can update you.

**Mrs. Stockdale commented:** I can give you a couple of pictures too.

**Mrs. Murphy commented:** I can give them to Code, thank you.

**Mr. Peller commented:** Section 165-39 of the Code Letter A Subsection 1 clearly states that the home occupation shall be carried out only by a member of the family residing in the dwelling unit and also the Code does allow for one employee who is not part of the immediate family however, in this instance, Mr. Patenaude has advised me that I can advise you that he has desire to hire any employees and if his business does take off and he feels he needs to hire additional Engineers then he would be looking for more of a commercial office space type setting than in his home.

**Chairman Ouimet commented:** Are there any other questions from the public? The public hearing closed. Does the Board have any questions? Do you intend to have any signage?

**Mr. Peller commented:** No not at all.

**Chairman Ouimet commented:** I think it may be helpful to all of us if would refresh our memory of what exactly this business is.

**Mr. Peller commented:** Mr. Patenaude is a licensed level 3 Certified Inspector under the National Association of Corrosion Engineers also known as NACE. He does on site for municipalities for the County, State and he inspects the inside of water towers, he inspects bridges to make sure they are painted properly; he looks at coatings and those kinds of things. He is doing nothing more than making sure that OSHA standard any other type of regulations depending upon what the item he is inspecting complies.

**Chairman Ouimet commented:** All these inspections are taking off site and none of the objects of his inspections are dismantled to the home? Does he store any corrosives?

**Mr. Peller commented:** Correct. Another words if the municipality hires him to go look at the inside of a water tower the municipality would be providing specs on what they used to paint the inside and outside to make sure the water wasn't contaminated those kinds of things. So there is no actual laboratory testing or paint chips being taken or anything like that. He is just looking at compliance.

**Chairman Ouimet commented:** Are there any other questions?

*Mr. Higgins made a motion to approve the In-Home Occupation contingent that it is strictly for the occupant of the home and that if he wants to have an additional employee even though it's in the regulations that he can do so that he come back before this Board for approval, seconded by Mr. Partlow. Motion carried.*

**Chairman Ouimet commented:** Motion was carried, thank you.

#### **15.017 Subdivision of 80 Vosburgh Road – Minor Subdivision**

**Chairman Ouimet commented:** The next item is a Public Hearing for a subdivision of 80 Vosburgh Road. Would anyone want the notice to be read? Mr. Partlow will be recused from this item. Technically this is the continuation of a public hearing as a result of comments from the Board at the last public hearing.

**Mr. Zee, Attorney for the Applicant commented:** With me tonight is Mr. Ivan Zdrahal, Engineer. At the last meeting which we were present at and following that meeting there was a letter submitted to the Planning Board formulizing some of the concerns of the adjoining property owner. Those issues that were raised include the wetlands with regard to the wetlands my client had the wetlands Engineer go out and re-delineate the wetlands to confirm what they previously had found and in fact for a further step they submitted it to the ACOE and DEC to reconfirm the areas that had been previously acknowledged by both agencies as being wetlands. Secondly, another major issue that was raised deals with the Fisher Cat and it was stated that the individual thought that the Fischer Cat was now a protected species and our review of the DEC regulations indicate that it is not accurate representation. DEC is analyzing and looking at the Fisher Cat but it is not a protected species and right now they are doing an analysis and looking at its habitat they are concerned because they are increased in numbers rather than decreasing which is normally the situation with endangered species and they are doing an analysis of the Fisher Cat and talking about possibly increasing the ability to trap and hunt the Fischer Cat at this point in time. All of this information that I am stating is part of the record in that Mr. Zdrahal has submitted a letter dated April 30, 2015. In addition a question was raised with regard to site distance at the intersection where we meet Vosburgh Road and we submitted information that this proposed intersection had been analyzed by this Board before and during the point of time it reviewed the entire Stone Crest Subdivision and the documentation supporting that is in the package with the April 30, 2015 letter and in that point in time they had said that they needed some improvements which my client has proposed to do to meet the necessary site distance at this proposed intersection. Another issue that was raised was whether there was any soil borings or test pits dug just to see where the brown water table is in this area. My client's letter indicates there are 12 test pits dug along the property where the proposed driveways are to be and some other areas that are shown the exact location of the ground water is the average depth of it is 5'. There was also some questions raised with regard to a storm water management and I believe the gentlemen that raised that concern said that his sub-pump was constantly running. We wanted to point out that there is a storm water frozen in a northerly direction from here and we propose to put in swales along Vosburgh Road and at the same time we propose to improve a culvert that crosses Vosburgh Road and all of that we would believe will enhance the current situation there and address the storm water situation. Mr. Zdrahal indicates in his letter that this concept of managing the storm water from the site and it flows along Vosburgh Road's right-of-way and dealing with the new culvert has been reviewed by the Town of Halfmoon Highway Superintendent and he found it to be acceptable. As we previously indicated and one of the issues that

was raised by the Board dealing with the width of the right-of-way or the driveway and the pavement going in we had put on the record previously that we would be conforming to the requirements of the Town Highway Superintendent with regard to the width and carriage way. The final issue that was brought up by one of the Board Members was an issue on how is there enforcement of the lands that we are talking about for Land Preservation. There was in fact a filing required by the ACOE as a matter of public record and filed in the Saratoga County Clerk's Office about the deed restriction and the Land Preservation areas. They are already deed restricted and the enforcing arm would be the ACOE.

**Chairman Ouimet commented:** Would anyone from the public wish to speak? Please come to the podium and state your name and address for the record.

**Mrs. Lisa Partlow commented:** I dropped off a letter earlier today I ran out of Assessor to read this and then I am running back. First of all, to address the culvert because that was not in my letter: The Town has been out repeatedly replacing, rebuilding, remodeling and restructuring that culvert so I don't know what any developer could do that would make it any better than what the Town has already done because they have replaced it 3 times since we have been in our house. My husband and I have lived in the Town in our house on Vosburgh Road since 1999. The continuous addition of residential homes in Halfmoon has been tremendous during this time especially in the last 10 years. In fact, when you drive around there are many new developments you will see homes for sale. The market on and near Vosburgh Road seems saturated there is no need to squeeze an additional 3 houses on the land of 80 Vosburgh Road. Over in Foxhound Circle just around the corner from us there are 3 homes for sale one is vacant and that is out of 11 homes on that street. If you continue in that development you will see Stone Crest has 3 homes for sale 2 under construction and numerous vacant lot, Barn Owl Place and Mallard Place have vacant lots available too. There are 2 new partially developed developments right on Vosburgh Road Windsor Woods and Bexley Lane already. The area is saturated we do not need to squeeze 3 new homes in. When they built homes on Fort Hill Road it affected the water table on our house so much that we needed to add a second sub-pump to our home. We have been assured by the Town countless times that sewer was coming but yet we haven't seen a sewer come to our section of the road. In 2001 when taking care of my newborn daughter I saw an unfamiliar animal in our backyard after describing many animals to my husband I said no take parts of this and parts of that we figured out it was a Fisher. The attached article that I handed in to you are from March 2015 from NYS DEC and on the first page it says maintain or enhance Fisher population in all areas of the State where suitable habitat exists we have a Fisher. My children have seen the Fisher come out of the woods and take a plastic egg on Easter when there was an Easter egg hunt in our backyard. The Fisher comes every 50-60 days. This spring we had the black bear sighting behind our house and last summer we had a baby bobcat cub up on the deck of our children's tree house. We thought it was the neighbor's cat and we went over and saw the tufts and clearly it was bobcat. We called ENCON to report it. We have a raft of wild turkeys all the time in our back yard, we have deer, white owls, a blue heron, it's a nice wild life we have had beavers trapped twice and pulled out of the stream in the wetlands behind our house because they continuously build a dam. These animals are beautiful representation of our national wildlife and need a place to live too. We need to consider the residential building in the Town of Halfmoon and possibly consider a building moratorium to prevent further residential construction. We are saturated and we are squeezing everything out. There are countless empty homes, apartments, condos, and townhouses in the Town. Our two daughters take the bus to and from Shen daily. The first year our eldest daughter entered kindergarten, the bus wanted to stop coming up Vosburgh Road where the Stewarts is and come around the crazy turn by Kehoe's stop in front of our house and have our children cross Vosburgh Road. We called transportation and advised

them that need to come out and see this in person as to where you asking a five year old to cross the road. They have since changed the routing and they have continued to pick up our children on the side of the road closest to our driveway and have it marked that they are not to cross the road. People continuously even when I put my 6<sup>th</sup> grader on the bus will go through the lights of a flashing school bus on Vosburgh Road. To put a driveway where they are proposing at 80 Vosburgh by that fire hydrant is dangerous you're going to risk kids on a school bus as people crest over that hill. There is a guard rail that stretches just about to that fire hydrant because it is so dangerous. It's a blind corner and people can easily drive by without regard to the speed limits posted on that road. An anticipated driveway in that blind spot is an accident waiting to happen it is not safe for anyone. There had been numerous times we creep out of our own driveway knowing and I can't imagine on that curve. Can you imagine my surprise when this was back on the calendar so soon? I know that there were points that were suppose to be addressed there is no way the Fisher category was addressed or some of the other concerns. How can environmental studies being preformed in such a short amount of time. Thank you for your time I am pleading with you to please vote this down.

**Chairman Ouimet commented:** Thank you.

**Robert Partlow, 92 Vosburgh Road commented:** Just a couple of questions that I have with regard to what you just brought up. The water table that you are referring to when you're talking about 5' are you talking about 5' down into the ground from the level? I am curious to know where you are getting the numbers from it as stated from my wife Lisa we had to add a second sub-pump as soon as they started construction up in the Toll Brother area. Secondly the Fisher Cat as she stated maintain or enhance what you are going to be doing is not maintain or enhancing the habitat it's actually taking away from the habitat. The blind spot area, what you are referring to, my understanding was that Toll Brothers was suppose to take care of that when they went under construction it was not done. What is going to make sure that this done to widen that blind spot area so we could actually see around it and the residents of 80 Vosburgh Road if it gets voted in a positive manor for you is taking care of so they don't have the same issues as we do. That is all I have, thank you.

**Chairman Ouimet commented:** Do you care to respond to that?

**Mr. Zdrahal commented:** Good evening, as far as the water table we had excavated test pits as shown on the maps throughout the area of the proposed construction of the driveway and some test pits on each of the lots. They basically represent a ground water table observed in those test pits that measure from the surface of the ground. As far as the Fisher Cat it is not an endangered species and that is what we found out about DEC and from my ecological consultant on the project. As far as the blind spot this lot was part of the Stone Crest Subdivision which was approved by the Town in 2007. In order to be able to build the project the grading was approved as shown on the plans to provide the site distance for travel around the curve and was suppose to be constructed at a Town application for a building permit. So this improvement will have to be constructed in connection with the construction of the improvements for the 3-lot subdivision.

**Mr. Zee commented:** There was one more issue that was brought up by a Board Member at the meeting, I apologize for not raising it sooner, and it is with regard to potential impacts to the adjoining home by lights as one leaves the driveways. We have shown on the plans, not on this specific plan. We propose to put fencing along the rear of the existing home and it says on the plan proposed 6' high picket fence approximately 90' of it so it would be located on my client's property obviously we will put it as close as possible to the adjoining property owner's home or their lot and use that to restrict or limit the amount of lights impacting the rear yard and the visibility from the driveways.

**Chairman Ouimet commented:** Thank you. Would anyone else from the public wish to speak?

**Mr. Partlow, 92 Vosburgh Road commented:** You want to put a 6' high fence in a 90' span behind my property where I get to see wild life all day long and now I am not going to be able to see it as well as seeing homes behind me. We bought that home specifically for the area that we are living in right now and now you are going to block that view by putting up a fence. I don't see that as something that is going to work as far as what that area is going to entail. I prefer to see some sort of trees that would help block that something along the way of evergreens but not a fence. Thank you.

**Chairman Ouimet commented:** Mr. Zee?

**Mr. Zee commented:** I understand that he has had the benefit of looking at my client's property in the past but obviously the gentlemen had raised concerns about lights going into his yard and people looking through. With regard to the fence that is what the proposal is when he is talking about trees I am not sure. We have proposed in the past we think it's already substantial vegetation it is a restricted area because it is land preservation. Maybe if we talk about the possibility at the point in time if this project is approved and we go in for a building permit that we work with the building department and talk about some vegetation, reasonable vegetation that we would consider. Obviously, it is already vegetated and just for the record the nearest home that is going to be developed in this development I believe this is approximately 900 feet away (3 football fields away) to the nearest home. So I believe this gentleman and his family will still have the benefit of seeing a substantial amount of vegetation between the homes to be built on in this subdivision and his rear yard.

**Chairman Ouimet commented:** Thank you. Does anyone else from the public wish to speak? I am going to close the public hearing now. Does the Board have any questions?

**Mr. Higgins commented:** I am the one that brought up the lights on the driveway because I have that problem at my house the neighbors are over 650' away. I am the one that brought up the lights of the cars coming down the driveway exiting the site. There is some ACOE designated areas but there is also some other areas directly adjacent to the driveway that I see that you could put some kind of evergreens or something in there rather than a fence. Also, coming in off of Vosburgh Road and making a left into the site again the lights are going to be coming right into the side of house, I don't know what is on that side of the house but again you can put some evergreens along that side of the driveway. This is not the first site that we have requested this because lights are from cars entering and exiting sites has become a real problem. As far as the driveway Ivan, I just want to go on record again you agreed as I understand it to build a driveway to meet the fire department's standards, is that correct?

**Mr. Zdrahal commented:** That is agreed on record with the fire chief.



**Mr. Higgins commented:** Correct and that was for an 80,000 lbs vehicle certain width.

**Mr. Zdrahal commented:** Yes.

**Mr. Higgins commented:** The other thing is now you are telling us (I don't remember hearing it previously) the area is ACOE is registered wetlands?

**Mr. Zee commented:** Yes a portion of it is.

**Mr. Higgins commented:** That is the area that is on the map with the little (+) marks?

**Mr. Zdrahal commented:** Those are DEC wetlands.

**Mr. Higgins commented:** Which ones are ACOE?

**Mr. Zdrahal commented:** ACOE was shown on the map.

**Mr. Higgins commented:** The DEC wetlands have 100' buffers?

**Mr. Zdrahal commented:** Yes they have 100' buffers.

**Mr. Higgins commented:** Ok and you have 100' buffer between the driveway and a couple of the spots there is that what you are telling me?

**Mr. Zdrahal commented:** The driveway is proposed to be adjacent area and there was a permit was issued in connection with the Stone Crest subdivision to (Inaudible) driveway with the adjacent area and the permit expired in 2011 so consequently we have re-applied to DEC for new designation for the wetland and a new permit.

**Mr. Zee commented:** What Ivan has indicated is when Stone Crest subdivision was approved this area was re-reviewed by DEC and the ACOE as part of the DEC permit there is within the area which we are proposing the driveway. This part of the 100' buffer however, you are permitted to get if you apply a permit to disturb the 100' area and they previously had a permit for that disturbance and we have re-applied for that.

**Mr. Higgins commented:** Ok, that is subject to approval by DEC.

**Mr. Zee commented:** That is correct.

**Mr. Higgins commented:** Also, something that Ivan said earlier about the storm water I know it was part of the Stone Crest but you just said earlier that you are going to be making some improvements to the storm water retention also or are you relying again strictly on Stone Crest.

**Mr. Zdrahal commented:** Stone Crest has an approval for the storm water management pollution prevention plan and the coverage is still in effect because the project is still under construction. I have

provided (Inaudible) on the record and the impact of this modification and the approved storm water pollution prevention plan which is valid. We have the documentation increasing the impervious >>>> presented are documented in the approved storm water report therefore, there is no additional water quality or (Inaudible) controls required for this modification on this lot.

**Mr. Higgins commented:** But you are proposing to increase the culvert?

**Mr. Zdrahal commented:** This is basically addressing a practical problem with the drainage in this location. Right now there is a big culvert here and we are not touching that and a low area at this corner of this project. There is a 4ö pipe covered (Inaudible) the 4ö pipe is not sufficient so I met with John Pingelski and he hold heartedly approved that we can install a culvert here and any water that comes from along this swale and entering into this swale along Vosburgh Road will be conveyed to them and the northerly side of Vosburgh Road. Right now there is not a good drainage facility which allows that.

**Mr. Higgins commented:** Could you just point to which way the 3-housing sites are the main drainage goes. So it goes north. One other question: You mentioned about off-site improvements that have to be made for this site distance that was approved. Are those improvements can be made within the Town right-of-way or do you need to get approval from adjacent property owners?

**Mr. Zdrahal commented:** In connection with the (Inaudible) subdivision at that time we enter into an agreement with the adjoining property owner lands of Marshall and the agreement is to allow it so we can do the work.

**Mr. Higgins commented:** That agreement is still valid.

**Mr. Zdrahal commented:** Yes, it's still valid so we can do the work.

**Mr. Higgins commented:** Thank you.

**Mr. Roberts commented:** Can you tell me what size culvert is being proposed now?

**Mr. Zdrahal commented:** A 15ö culvert is being proposed.

**Mr. Roberts commented:** Mike, in your opinion would that new culvert adequately address the surface water run-off in that area?

**Mr. Bianchino commented:** What size is it?

**Mr. Zdrahal commented:** 15ö

**Mr. Bianchino commented:** What is there now?

**Mr. Zdrahal commented:** There is a 4ö there now.

**Mr. Bianchino commented:** I honestly can't answer the question I haven't looked at the storm water information so I don't know. To be honest with you if Ivan designed it then I am sure it will be adequate to convey the water.

**Mr. Zdrahal commented:** It is actually a tributary area is very small with a slope here and draining here and going there and goes on this side of the driveway between this project and part of the property will drain into culvert. It is absolutely sufficient.

**Mr. Bianchino commented:** Are you concerned that it's not big enough?

**Mr. Roberts commented:** I am just wondering because an issue was raised.

**Mr. Bianchino commented:** Well I think what Ivan is addressing a smaller culvert that crosses at that location. Is there a lot of back up in that location now based on your conversation with John?

**Mr. Zdrahal commented:** I don't think that John knew but since it is obviously a low area a 40 and we will be directing some water there too. I felt that we had to address it. I just couldn't tell John that there will be water comes from this side very small actually it's wider we will be directing it to a 40 pipe.

**Mr. Bianchino commented:** It's not picking up the stuff that is coming down the hill? Is that picked up from another culvert right?

**Mr. Zdrahal commented:** Yes, there is a series of culverts which conveys water directly to the other side into the wetland area. There is a main culvert for the wetland in this location here which is a 160 culvert.

**Mr. Bianchino commented:** So the tributary area that you are picking up with the 150 culvert.

**Mr. Zdrahal commented:** I would say it's going to be half an acre.

**Mr. Bianchino commented:** It should be plenty.

**Mrs. Sautter commented:** We have discussed this in the pre-meeting do you know how many houses were originally proposed for this piece of property or was it just assumed to be developed at some point within the Stone Crest Subdivision.

**Mr. Zdrahal commented:** When the Stone Crest Subdivision was proposed as a property for one house.

**Mrs. Sautter commented:** Ok that was the question, just for one house?

**Mr. Zdrahal commented:** Right.

**Mrs. Sautter commented:** Also, regarding the site distance you said that in 2007 Stone Crest was approved contingent upon building this one home creating that site distance.

**Mr. Zdrahal commented:** It was not contingent upon building one home. The site distance was basically was regardless if you put one home or more homes, we agreed to improve the site distance around the curve.

**Mrs. Sautter commented:** But it was on this piece of property or on all of basically Stone Crest.

**Mr. Zdrahal commented:** It was just because of this property.

**Mrs. Sautter commented:** It was just because of this piece of property.

**Mr. Zdrahal commented:** We will be able to re-grade the driveway and the location.

**Mrs. Sautter commented:** I just wanted to be clear that if you were not doing this then that turn would never be re-graded it wasn't something that Stone Crest had to do. This is something if it was contingent upon this piece of property being developed.

**Mr. Zee commented:** Yes, it was only required if this piece were to be developed.

**Mrs. Sautter commented:** Ok that was my question. My final question is: You keep talking about the definition can you please explain the definition of land preservation area as opposed to a deed restriction. We have heard it before this Board many times and we are all aware of deed restrictions, it's a civil matter but you are calling it land preservation area is there a difference or is it just the word that you are using?

**Mr. Zee commented:** It is just the wordage that we are using.

**Mrs. Sautter commented:** So it will be a civil matter and it's nothing that can come back to us or the Town Hall I just want the public to understand that.

**Mr. Zee commented:** That is correct.

**Mr. Higgins commented:** Excuse me but you just told me that this was DEC wetlands. DEC wetland is not a civil matter. DEC wetland is between DEC and whoever infringes on those wetlands.

**Mr. Zee commented:** I mean for the rest of the property that we are putting deed restrictions on as well, I apologize.

**Mr. Higgins commented:** Oh ok. The DEC and the ACOE are not civil matters those are Federal and State.

**Mrs. Sautter commented:** That is what I wanted to clarify that. It is clearly labeled on the map, I believe. That was the difference that he indicated but some of it said land preservation and some of just so it's there. Thank you.

**Mr. Zee commented:** Yes.

**Mr. Higgins commented:** I have a few more questions. Are these all single family homes?

**Mr. Zee commented:** Yes.

**Mr. Higgins commented:** Ok. No duplexes?

**Mr. Zee commented:** No.

**Chairman Ouimet commented:** I think that is an important distinction John, I am glad you brought that up. I hope you know that if this is approved by the Board there is no way we would ever entertain duplexes in the Stone Crest Preserve. There is no way that we would. These would not be suitable for consideration to be duplexes.

**Mr. Zee commented:** Understood.

**Chairman Ouimet commented:** We have been there before, someone tried to do that. We said no. Are there any other questions?

**Mrs. Sautter commented:** Can you explain why it went from one to three? Was it just a simple were going to throw a house on there?

**Mr. Zdrahal commented:** We feel that the land is suitable to accommodate 3 homes it can all be placed under Town regulations so that is why we proposed it.

**Mr. Zee commented:** There is some infrastructure that is necessary with regard to the off site grading and improvements and adding into that the issue with regard to storm water improvements that are necessary that reviewed with the Highway Superintendent.

**Mrs. Sautter commented:** So you had to kind of wait for Stone Crest to go in to get these structures that is what I was thinking of. Thank you.

**Mr. Zee commented:** Yes.

**Chairman Ouimet commented:** Is there anything else?

*Mr. Roberts made a motion to approve the minor subdivision as submitted for 80 Vosburgh Road, seconded by Mr. Higgins with certain stipulations.*

**Mrs. Murphy commented:** In order to do this, you have to make sure that the person making the motion is ok with the stipulations you are adding.

**Mr. Higgins commented:** What I propose as far as stipulations is that the adjoining property owner would prefer some kind of evergreens rather than fence to block the lights from the driveway both coming in and going out and I think in consideration of that knowing how it is at my own residence that some kind of arborvitaes or some kind of evergreens are provided along both the rear portion where it is not part of the DEC wetlands and along the side of the applicant's property just to block the lights coming in and out of the entranceway. Consideration of keeping the lights when people are turning into the driveway.

Replace the fence with evergreens and extend it down further this way as well down as far as the house so cars coming in this way the lights are coming right in here. Is that agreed?

**Mr. Zee commented:** As I said at the time, which is why I said maybe at that we were working with the building department, just to go out there and physically mark that area out. But, we have no objections to that.

**Mr. Roberts commented:** That is going to be between other parts and not back to this Board.

**Mr. Higgins commented:** Lyn is that acceptable?

**Mrs. Murphy commented:** I don't get a vote. Just for clarification, so what you are requesting for the applicant to do is to replace what they are proposing as a fence with evergreens. It is on the map already as a fence but instead you want a natural buffer.

**Mr. Higgins commented:** And to extend down to the front line of the house. Do you agree Don?

**Mr. Roberts commented:** Yes, as long as they work it out amongst themselves.

**Mrs. Murphy commented:** They are not really working it out.

**Mr. Higgins commented:** If is on the drawings.

**Mr. Roberts commented:** We are not saying put this here and put that here we are not going into detail.

**Chairman Ouimet commented:** It's going to be on the drawing.

**Mr. Zdrahal commented:** Do you want it shown on the drawing and file the permit showing the drawing.

**Chairman Ouimet commented:** Motion was made and seconded with conditions. Motion was carried. Thank you.

#### **15.017 Bradley & Pabello, 19 Betts Lane – Minor Subdivision**

**Chairman Ouimet commented:** Who is presenting tonight? Please come up.

**Mr. Fred Metzger, Land Surveyor commented:** I am here on behalf of Mr. and Mrs. Pabello regarding a minor 2-lot subdivision located at 19 Betts Lane. The existing parcel is 6 acres will be subdivided into 2-parcels. One parcel has the existing parcel on it with the remaining lands of 4.5 acres and will create a new lot of 1.5 acres for a single-family residence shown on the plan as Lot 2. As you can see on the map falls within the AR District and the both lots will exceed all the existing zoning requirements. There will be private well and septic design done for the proposal.

**Chairman Ouimet commented:** We will need to see adjoining properties wells and septic located on the map.

**Mr. Metzger commented:** I do have them on Lot 1.

**Mr. Higgins commented:** We will need them for all the adjoining lands. What is on the other side of Betts Lane isn't there another house there?

**Mr. Metzger commented:** Yes, about 400 to 500 feet away.

**Mr. Higgins commented:** Mike is that far enough away that we don't have to worry about it? Usually we ask for adjoining properties.

**Mr. Metzger commented:** I could put notes on the plan if you want.

**Mr. Higgins commented:** It is up to the Town Engineer it is part of the requirements.

**Mr. Bianchino commented:** If the house appears that the septic is that far away it should not be a problem at all. The house is on the other side of Betts?

**Mr. Metzger commented:** The driveway is down a ways and the house sits up 300 to 400 feet from the road.

**Mr. Bianchino commented:** It should be fine.

**Mr. Higgins commented:** Ok. Can you just add a note to the plan to that effect, please? I thought there were something back a couple of years ago where there was another development in the back that was going to affect this property has that now gone by the weigh side?

**Mr. Metzger commented:** I didn't know as far as an access point?

**Mr. Higgins commented:** Was this part of the Abele lands he had an option on this?

**Mr. Bianchino commented:** I don't know about this parcel.

**Chairman Ouimet commented:** It's the other side of Betts isn't it?

**Mr. Bianchino commented:** It's behind it.

**Mr. Higgins commented:** Is it further up near the end of the road? Ok. This is further down toward the front. Thank you.

**Chairman Ouimet commented:** It is further down toward the front where Jehovah Witness.

**Mr. Bianchino commented:** I was trying to get my bearings.

**Chairman Ouimet commented:** Are there any other questions from the Board?

*Mr. Berkowitz made a motion to set a public hearing for Monday, June 8, 2015 at 7:00 PM on a 2-lot subdivision for Bradley & Pabello, 19 Betts Lane, seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** Set a public hearing for Monday, June 8, 2015, thank you.

**15.058     Red Robin, 1 Halfmoon Crossing - Sign**

**Chairman Ouimet commented:** Who is presenting, come on up to the podium.

**Ms. Bethany Zielinski, Capital Signs and Graphics commented:** We are going to be removing and replacing some existing signage at Red Robin at the Halfmoon Crossing. There are going to be (3) three existing illuminated letter sets from the exterior of the building and replace with (3) three new illuminated letter sets. Red Robin is re-branding and there is also going to be (1) one additional illuminated letter set on the exterior of the front of the building. We would also like to apply the store hours and the manager's name to the front door in vinyl and apply some vinyl logos to the left of the front door and logos to some windows in the back.

**Chairman Ouimet commented:** It's not what we have seen is it?

**Mr. Marlow commented:** I can double check but I believe anything as far as windows we don't regulate of what is on the inside of the window.

**Chairman Ouimet commented:** What we have here is 5 replacement signs and there is nothing here about vinyl anything.

**Mr. Marlow commented:** Yes, I believe what I read in the description it was basically stickers on the inside of the window which I don't think we regulate that here.

**Vice Chairman Roberts commented:** No we don't. People put things inside the windows all the time. We are talking about 5 signs. You have had discussions with Paul about where the R- R is. They are off the table.

**Ms. Zielinski commented:** We had a proposal for that he had told us that they couldn't go over the 97 SF so we were proposing removing one of them rather than reducing the size so that it would maintain that it would fall within the 97 SF.

**Chairman Ouimet commented:** That is not presented here so if you want to take this back and we will adjourn it until the next meeting or we could approve what is here and you can come back and ask for more at a later date.

**Ms. Zielinski commented:** That was what my understanding was we were proposing what we had already sent you guys.

**Vice Chairman Roberts commented:** I think we are dealing with 5 signs not the R- R thing.



**Chairman Ouimet commented:** We are dealing with that. If that is something that you want to do at a later date you would have to reapply for that. But at least you could get the signs approved tonight.

**Ms. Zielinski commented:** That is fine I had it all on a list here so I didn't know what you guys were doing.

**Vice Chairman Roberts commented:** Just so we are clear we are dealing with the following signs:

- 4ø x 16ø wall mounted internally lit sign
- 4ø11ö x 7ø8ö wall mounted internally lit sign
- 12ø2ö x 3ø10ö wall mounted internally lit sign
- 23ø x 1ø2ö wall mounted internally lit sign
- Free standing monument sign 8ø10ö x 5ø6ö

That is the signage we are dealing with tonight.

**Ms. Zielinski commented:** Yes, correct.

**Vice Chairman Roberts commented:** These all do conform.

**Chairman Ouimet commented:** How much is left over in square footage?

**Vice Chairman Roberts commented:** Less than 100 SF.

**Chairman Ouimet commented:** Is it 97 SF? That would be the maximum signage allowed by the Code.

**Vice Chairman Roberts commented:** All of these are below the roof line. Are you concerned about that?

**Mrs. Sautter commented:** On page 3 the roof line adjusting the roof line there is going to be construction?

**Ms. Zielinski commented:** Not to my knowledge.

**Vice Chairman Roberts commented:** They all have to be below the roof line. We have to clarify that. For the 5 signs they meet the Code.

*Vice Chairman Roberts made a motion to approve the 5 signs below the roof line, seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** The 5 signs are approved. Thank you.

#### **15.059 Fred's Tent's, 420 Hudson River Road – Change of Tenant/Use**

**Ms. Linda Tracy commented:** I am Linda Tracy and this is Fred Tracy we own the property at 420 Hudson River Road where we operate Fred's Tents. We manufacture tents for agricultural use, party rental industry, a lot of different applications. We were here less than a year ago to get approval to set up

tents outside which you define as display area I believe. We got a specific area approved and we are here today to asking for an additional area. We are requesting an amendment for an additional area of occasional tent set-ups not to exceed 10 tents at the same time. They will all be installed behind the front line of the building and they won't impact our parking requirements. Right now we have 102 parking spaces. We have 45 employees which require 30 parking spaces. We have a tenant in 37,000 SF of area with 1 employee so that requires 38 parking spaces. We have an excess of 34 parking spaces so about 1/3 of the parking lot is available.

**Mr. Tracy commented:** We have 102 spaces and we use 30 there is 72 left. We do have a tenant, Stone Management. Paul, do you have that as 1 1/2 for the tenant?

**Mr. Marlow commented:** I don't have the number of parking spaces for them in front of me. I would have to pull the old files. I think you guys are 1 1/2 though.

**Mr. Tracy commented:** We do have a tenant Stone Management and they have an employee there for about 2 hours a day with one employee. We are well within our boundaries.

**Chairman Ouimet commented:** And you have some empty space? Are you looking for a third tenant?

**Mr. Tracy commented:** No we are filled. The way I look at it I think there were some confusion we had talked about (how many people were not at the last board meeting) is there any new board members? You were all here right? This was a lot of discussion about parking lots. It is crucial that we are allowed to use the lawn. In that meeting we talked about the grass area behind the approved 100'x 100' spot. I have a picture of that. This is the picture of the grass area that we talked about at the last meeting. It is crucial for us to do bi-axial and horizontal and vertical loads in our anchoring system so we can't set the particular tent that we have set up now is on the grass area and we need to know what the grass is going to do on the tent anchoring system. If we did it on the blacktop it would give us a different load. In that meeting we talked about putting it up on the grass. I put a tent up on my grass side yard and that is where we ran into this problem. I thought we were ok.

**Chairman Ouimet commented:** Can you show us what you want to do?

**Mr. Tracy commented:** Yes, I would love to. I would love to be able to manufacture tents. This is aerial of the building now. This is our proposed area this is an old photograph where Yankee One Dollar had the building. This is our proposed area on blacktop. We didn't want to give up parking spaces so I have this grass area right here. So I put the tent up in this area.

**Chairman Ouimet commented:** Is this the front of the building?

**Mr. Tracy commented:** This is the front of the building. So what I am proposing to do is behind the green line that we have access to set up tents and models and modify our parking space requirements.

**Chairman Ouimet commented:** This is the building and where do you want to put up tents? You are not proposing to take these trees out right.

**Mr. Tracy commented:** They are not there.

**Chairman Ouimet commented:** They are not there. And you are not intending to put them there? Do you intend to leave this all grass?

**Mr. Tracy commented:** No. Yes.

**Mr. Higgins commented:** So you want to use your green space as display space basically.

**Mr. Tracy commented:** At the last meeting I said that when we do a new anchoring system we have to let the ground go to compaction, we may have to go through a winter season and we may have to wait until the winds come. So I don't like to use the word display area. I am not putting up a display up to sell to the public. It's going through crucial engineering tests that we have to do to manufacture these products. We may need to change that product from what we put out there.

**Mr. Higgins commented:** When you appeared before this Board previously you asked for permission to set up a tent in the back area so that the customer could come in and see the tent set-up.

**Mr. Tracy commented:** Correct.

**Mr. Higgins commented:** As far as the anchoring systems that is something totally new.

**Mr. Tracy commented:** I have it here I did call it out in the last meeting.

**Mr. Higgins commented:** Well I recall exactly what you said.

**Mr. Tracy commented:** I want to be clear with two things. That we had a person from Germany that would fly in periodically to look at the tent and we would set it up and take it down but I wanted to be clear that we have to go through a winter season to test this anchoring and test a new arch.

**Mr. Higgins commented:** I for one did not understand it that way. What I understood was that you wanted the capability of setting up the tent in the back so customer could come and look at it. So what you are telling us now is that the tent that is out front right now you may have to leave that there for a year just to test your anchoring system?

**Mr. Tracy commented:** Correct.

**Mr. Higgins commented:** I for one would say then you might have to find a different place to test your anchoring system because that is definitely in my definition a display which was not what I understood when you came before this Board originally.

**Mrs. Tracy commented:** So we do make new styles of tents sometimes we do have to set up tents when we make something customized to test it. This particular one is a testing of the staking. The location of the building on the property doesn't really allow you to put tents behind the building so they are not visible. Although we have a large space there we have grown a lot and we need to do some things outside. We have 2 other items on here as well. So even though that is what was on the original meeting today we are asking for an amendment of that yes.

**Mr. Higgins commented:** I for one and I am again speaking for myself if you have a different need on that site and you have excess parking spaces which you are telling us know. Regardless of this one person or thirty people working in that other area you have to have a certain number of parking spaces per square foot. Even though you are saying there is only one person working there we still have to leave a certain number of parking spaces for that site.

**Mrs. Tracy commented:** Correct it is 37,500 SF so we need 38 parking spaces plus one per employee.

**Mr. Higgins commented:** So how many extra spaces are you saying you have?

**Mr. Tracy commented:** We have 104 parking spaces. We need 70 based on your calculation. I would have 40 additional parking spaces.

**Mr. Higgins commented:** Could you tear up your parking lot in the back and put it to grass so that you could do your testing in the back.

**Mrs. Tracy commented:** What is that proposal for that? It is still going to be visible from the road.

**Mr. Higgins commented:** Yes but it's not right on the road. It's in the back of the building so it's a supplemental use to your building.

**Mrs. Tracy commented:** Why is that? Why is the back of the building different?

**Mr. Higgins commented:** Because in my personal opinion I do not feel that the tents way up in front are attractive and are what we want to see along that part of the road.

**Mrs. Tracy commented:** How many feet from the road.

**Chairman Ouimet commented:** Could you please address the Chair please? This back and forth is not very helpful.

**Mrs. Tracy commented:** I am sorry.

**Mr. Berkowitz commented:** Say those tents are there's can you classify that a testing area what does that do to your green space requirements? Does it keep your percentage above the minimum requirements? And also would you be willing to screen that if we do approve that? Put some trees in front of those tents so they can't be seen. So it would break up the tents from the road.

**Mr. Tracy commented:** Let me ask the question about the green space. So that is 38' x 2' with 1' wide but what I am saying is the tent would take up less than a 1 x 80' the grass is still growing within it, we haven't lost any of the green space so I have 2 questions that I would like to ask. One is the tent is ok if it was in the back on the blacktop.

**Mr. Berkowitz commented:** But that is not green space. If you fall above that minimum than I don't think it affects any regulations as far as green space is concerned.

**Mr. Tracy commented:** Then somebody asked that particular type of tent if I design another tent that is more appealing that is sort of opinionated.

**Mr. Berkowitz commented:** I am not talking appealing I think the regulations call for a certain number of green space in that zoning area. We have to meet that green space.

**Chairman Ouimet commented:** This is not being very helpful here. I think that when we originally approved your request for the facility I think you clearly heard us talk about the fact that we didn't want the tents to be visible from the road. Can we agree on that?

**Mr. Higgins and Mrs. Sautter commented:** No.

**Chairman Ouimet commented:** We can't. Ok.

**Mrs. Tracy commented:** So either way they are going to be visible from the road.

**Mr. Tracy commented:** These are the Planning Board minutes that I spoke about and no where here does it say that the tent can't be visible from the road. He is not on microphone. I want to be very clear that before I move to Halfmoon and spend a lot of money that this Board is again he is not on microphone.

**Mrs. Tracy commented:** So there was no mention in those minutes that the tent couldn't be visible from the road because it is visible from the road no matter where it is even within that 100'x 100'. That is why we are here today because we are asking for additional space.

**Vice Chairman Roberts commented:** I guess that we are trying to say that we don't want it on top of the road we want it as far back as possible that is my concern.

**Mr. Tracy commented:** Spoke but was not on microphone.

**Chairman Ouimet commented:** How many tents do you have up for display right now?

**Mr. Tracy commented:** One.

**Chairman Ouimet commented:** Just one and it has to be in that position.

**Mr. Tracy commented:** It has to be on the grass. Again he is not on the microphone.

**Chairman Ouimet commented:** And you are asking to be able to set up more tents?

**Mr. Tracy commented:** That is what we do.

**Chairman Ouimet commented:** Where?

**Mr. Tracy commented:** On the front side of the building is he spoke again but was not on microphone.

**Chairman Ouimet commented:** So you are going to put tents on the area that you couldn't put the front tent on,

**Mr. Tracy commented:** If I have a 10'x 10' I could put it here. If I have 100'x 100' I have to put it here. Again he is not on microphone.

**Chairman Ouimet commented:** Ok that is two (2) what else do you have? I am just trying to get a handle on how many tents you are going to have up at any one given time.

**Mr. Tracy commented:** He spoke but was not on microphone.

**Chairman Ouimet commented:** You want to put 10 tents up at one time.

**Mr. Tracy commented:** He spoke but was not on microphone.

**Chairman Ouimet commented:** I don't think you have the room, do you?

**Mr. Tracy commented:** He spoke but was not on microphone. In my proposal I said I would put up less than 10 tents and I would abide by the requirement of the parking spaces. I could put 10 tents. Again he spoke but it was not on microphone. So I would never put 10 tents up and not have adequate counts parking spaces. Again he spoke but was not on microphone. But I might put 3 here and 2 here and as soon as this one is tested it will come down.

**Vice-Chairman Roberts commented:** How long do you anticipate any one tent being up? Do you know?

**Mr. Tracy commented:** I would say a year again he was not on microphone.

**Vice Chairman Roberts commented:** Do you approximately how far off the highway these tents would be located? How far back from the highway the tents would be located?

**Mr. Berkowitz commented:** It's got to be at least 30-40'

**Mr. Tracy commented:** He spoke but was not on microphone.

**Mr. Berkowitz commented:** Fred are you willing to put a little screening up there just to break it up since there is the possibility of a tent being there for a year?

**Mr. Tracy commented:** My freshman year is over and I am coming into my sophomore year and I hadn't planned to come back to the Planning Board. I am giving you worse case scenarios. There may never be, it might 6 months if there is not a tent in there. If I put a fence up I will be more than willing to put a fence up I will put in arborvitaes I will put whatever you want but I don't want the Code Enforcement to come and say well we see the tent above the fence. I am not going to put a 30' fence up to cover the front of the fence.

**Mr. Berkowitz commented:** Plus you are also in a manufacturing area it is not suppose to look beautiful it's suppose to look presentable for me.

**Mr. Tracy commented:** That is a picture of the tent showing the front plain and what the building.

**Chairman Ouimet commented:** So it is clearly behind.

**Mr. Tracy commented:** He spoke but was not on microphone.

**Chairman Ouimet commented:** Now Fred is there anything in front of that tent that you could put a couple of arborvitaes or some kind of softening green space. I am just trying to see if there is space there. I don't know what he wants to use.

**Mr. Higgins commented:** I think we need Lyn to give us a definition of green space.

**Chairman Ouimet commented:** I think it is 25% and I think he has it on the other side of the building.

**Mr. Higgins commented:** Oh he does, he has, ok.

**Chairman Ouimet commented:** Green space I think is on the other side of your building.

**Vice Chairman Roberts commented:** Could I recommend that maybe we have a committee go out and look at this site and see just what the gentlemen is proposing? It is a little confusing of what is where and here.

**Chairman Ouimet commented:** Would you like to go out?

**Vice Chairman Roberts commented:** I would be glad to go out.

**Chairman Ouimet commented:** Any other volunteers? Margaret?

**Mr. Higgins commented:** I will go also.

**Chairman Ouimet commented:** Just as long as there isn't any pre-conceived notion that this is not going to get approved.

**Mr. Higgins commented:** No, I don't have pre-conceived notions and in fact, if you want, I will withdraw my offer to go out as part of the committee.

**Chairman Ouimet commented:** You are welcome to go. Why don't the three of you go out there and take a look. How quickly can you get out there?

**Vice Chairman Roberts commented:** I can do it this week, are you usually there at the site?

**Mr. Tracy commented:** We are doing a tent for the Governors' Ball.

**Vice Chairman Roberts commented:** I don't want to be involved in that!

**Mr. Tracy commented:** We need to get it done if we are still manufacturing in Halfmoon so luckily we won't have to do any testing on the Governor's Ball tent.

**Vice Chairman Roberts commented:** He isn't going to be there is he?

**Mr. Tracy commented:** Well he may.

**Vice Chairman Roberts commented:** I won't go that day.

**Mr. Tracy commented:** This particular tent is one for Home Land Security for an anchoring system. We are just running into a lot of obstacles and maybe we picked the wrong Town.

**Chairman Ouimet commented:** Well maybe you didn't. Maybe we can go out and look at it. It will look a little different than some of these older shots that you have been showing us.

**Mr. Tracy commented:** They are not old shots they were taken currently today the ones with the tent in it.

**Vice Chairman Roberts commented:** It is very difficult to see what is going on by the photos in my opinion.

**Chairman Ouimet commented:** The perspective from the road is off this way you go out and look they will know exactly what they are looking at and you tell them exactly what you want to do.

**Mrs. Tracy commented:** Can you tell us when that would be? Do we have to come back again?

**Vice Chairman Roberts commented:** I can go this week sometime.

**Mrs. Sautter commented:** Whenever you want to go. You said you were busy. It is up to you.

**Mr. Tracy commented:** Yes I am usually there. If you were to come out I would like to know what the direction or what we are looking for what your coming out for?

**Vice Chairman Roberts commented:** We want you to show us what your proposal is and we can walk the site and you can say I am going to put a tent here, I want to put something here. That is what we want to see.

**Mrs. Tracy commented:** Ok then what happens what is the schedule after that?

**Vice Chairman Roberts commented:** Come for the next meeting.

**Chairman Ouimet commented:** Come back for the next meeting. Two weeks.



**Vice Chairman Roberts commented:** I don't know what else we could do.

**Mrs. Sautter commented:** Is it the concern that the tent is up and Code Enforcement was there? Is that your main concern at this moment?

**Mr. Tracy commented:** I moved here 6 months ago and Code Enforcement came, gave me a written warning, I made three calls, 2 to his voice mail, 1 to his secretary, never got a return call. She gets a notification that she has to appear in court. So we have already had to go to the Court House spend numerous times asking the Court to adjourn our hearing because the Code Enforcement didn't return my calls. Then, I have to come here I met with the Supervisor, Code Enforcement to go over this. Listen, you guys invited us here we asked we were very clear we make to make tents, we are going to put them up from time to time, we need to put them up, I am not dragging it out for a long time and we are here. I should be making tents, making money, I have to make payroll on Friday. You guys don't want us.

**Mrs. Sautter commented:** We were saying we are coming to you. So our next question is do you want us to? It is an easy question yes or no.

**Mr. Tracy commented:** My doors are always open to anybody in Halfmoon and I said that to the Supervisor when he didn't have to subpoena my wife to the Court hearing that we could have worked through this. Ok, so I just don't want it to drag on because I have to make decisions.

**Vice Chairman Roberts commented:** We can be out there sometime this week. I can make it this week. You will be on the next agenda. I don't know what else we can do John.

**Mr. Higgins commented:** We have a committee tomorrow night so we won't be able to be tomorrow night because we already have another site visit at 6:00 PM. Another other time day or night I am available.

**Mr. Berkowitz commented** that he will be there tomorrow, if someone wants to meet tomorrow.

**Mr. Higgins commented:** Rich can take my place.

**Vice Chairman Roberts commented:** Are you still there at 5:00 PM. We will see you there tomorrow night at 5:00 PM.

**Mr. Tracy commented:** I will be there at 5:00 PM.

**Vice Chairman Roberts commented:** We will see tomorrow night at 5:00 PM.

**Chairman Ouimet commented:** Tomorrow night at 5:00 PM, it will be Rich, Don and Margaret.

**Mrs. Tracy commented:** Are we going to required to pay another \$250?

**Chairman Ouimet commented:** No.

**Mrs. Murphy commented:** If you can just be prepared to show the area that you will be screening and why that works or why you have to do this. I think there is some confusion that this is an unusual part of your manufacturing business as opposed to display. So if you could just be prepared to explain that on site I think it would be helpful.

**Mrs. Tracy commented:** And what about the other two items we also have a wrack and a staging area we have some picnic tables outside we have pallets outside they are also on the site plan.

**Mr. Tracy commented:** And I think that this piece of paper that you give out at the meeting is an interpretation of our whole submittal and I think where the grey area is in my interpretation is. I will take 100% of the blame and I am willing to come back here once I don't want to be here every 6 months and you guys don't want to see me here either every 6 months. It's not good business. You created people that are nervous to do anything.

**Mr. Marlow commented:** I know you guys have been talking to the Supervisor about the fees and everything like that. There was the fee to come before the Board tonight and I know we talked about it before hand. That is the only fee that you have to pay is that one time fee. There won't be any fees for additional hearings later or anything like that. There is just the one fee that you have to pay to be here tonight. Just to clarify that for the record.

**Chairman Ouimet commented:** Paul are you able to go there tomorrow with them?

**Mr. Marlow commented:** Either Rich or I will go I will talk to him about that tomorrow.

**Chairman Ouimet commented:** Tomorrow night there will be a site visit with 3 members of the Board and a member of the Planning Department at 5:00 PM.

**Mr. Tracy commented:** If the Planning Board is ok do I still have to come back before the Board at the next meeting and present it?

**Chairman Ouimet commented:** Somebody has to it doesn't have to be you.

#### **15.062/15.064    Tea Plus, 1683 Route 9 – Change of Tenant/Use & Sign (St. John Plaza)**

**Mr. Ed Esposito, Monarch Design and Tom Pratico, Rexford Group commented:** The application is for Bubble Tea. It is called Tea Plus they also sell take out items: snacks, cakes etc. The owner submitted a narrative on behalf of Will Shi, he currently owns Wills Nails on Route 9 he is familiar with Halfmoon. It is a Chinese tea room application. It is primarily take-out and we are here to answer any of your questions. It seems straight forward. I understand that Tom had met with Paul and reviewed 2 in the kitchen and there is a waiting line for the take-out. The whole plaza, I might add, is based on compliant works. It is a transit business there is Domino Pizza, same guy also owns another retail space Aldi Foods down in that plaza. Things seem to be working very good. The owner did make the last 3 tenant changes and in 2013 they obtained a variance and added 6 grass parking for over flow that has never been used. So the plaza seems to be working and with that we are just feel it is a simple change of tenant from the former space. It is 1730 SF.

**Chairman Ouimet commented:** The prior tenant was a Real Estate Broker? How many employees are being proposed?

**Mr. Esposito commented:** Yes, There will be 2 employees. Yes, 2 full time employees. It is a couple they travel together. There will be two in the kitchen and a line waiting and 6 tables of 2. It is a cute delight. We have gotten it when we travel. It comes in a plastic cup to go with a big fat straw. It comes in coconuts, taros and very different flavors with soy beans. It is very playful tasteful item and there is a big demand for it. You will see people walking around with it at the mall. It is a nice fresh alternative to the plaza.

**Chairman Ouimet commented:** Paul did you have an opportunity to look at the parking requirements. It actually requires one less parking space than the last tenant. But, since those issues came about 2 years ago now Tail Gators has moved out which was the primary impact as far as parking goes. They had the highest number of parking spots required. We have not had any issues in the last couple of years after everything got worked out.

**Chairman Ouimet commented:** Thank you. Are there any questions from the Board?

**Mr. Partlow commented:** My question is about the number of employees. You say you are only going to have 2 employees?

**Mr. Esposito commented:** Yes, there will be 2 employees in the kitchen. They make tea cakes normal hours are 10 AM to 6 PM and on the weekends maybe 9 AM to 6 PM.

**Mr. Partlow commented:** At looking at the plans if you have 2 people in the kitchen area who is going to take care of the counter space and who is going to take care of the table space?

**Mr. Esposito commented:** The kitchen is open so actually there is one at the counter and one in the kitchen. There is a total of 2 staff.

**Mr. Higgins commented:** The tables are strictly inside the building. There isn't going to be any outside on the sidewalk.

**Mr. Esposito commented:** The tables are a matter of convenience if you are waiting sometimes its speciality tea that may take more than a few minutes so there is an ample line waiting he plans on putting a kiosk or planter to divide the waiting lines. It is a simple seating arrangement its not intended for anybody to stay for too long a period of time.

**Chairman Ouimet commented:** There is a sign application also.

**Mr. Esposito commented:** Yes, Ray Signs graphics they were circulated to the Board. The prior sign was 14 SF Ray Sign is showing the outside as well as the Plaza Sign will be traded off. The sign board graphic will be digitally switched out but it is a simple logo.

**Vice Chairman Roberts commented:** So you are just replacing what was there before.

**Mr. Esposito commented:** Yes.

**Chairman Ouimet commented:** Any other questions on the change of use?

**Mrs. Sautter commented:** In your narrative it states that the Chinese items will not be produced on site or are some produced on site and some are not?

**Mr. Esposito commented:** Some are. They have and we are also doing the plans for the building permit and we do have a fryer. They do fry their dumplings and some of their cakes. It is Chinese tea so they do get a lot of their products like their moon cakes seasonally from China Town and the Melon cakes are also prepared in China Town. They are also fresh and shipped. There is a cooking kitchen.

**Mrs. Sautter commented:** Are those the pre-packaged items that you discussed.

**Mr. Esposito commented:** Yes, some are made on premises and they have 2 different display cases for that.

*Vice Chairman Roberts made a motion to approve the change of tenant request, seconded by Mr. Partlow. Motion was carried.*

**Chairman Ouimet commented:** The change of tenant is approved.

*Vice Chairman Roberts made a motion to approve the sign application, seconded by Mr. Partlow. Motion was carried.*

**Chairman Ouimet commented:** The sign are approved as well. Thank you.

#### **15.065 Newmeadow School, 23 Sitterly Road – Commercial Site Plan**

**Mr. Gavin Vuillaune, Environmental Design commented:** I am here tonight with Newmeadow School this evening with me are two members of the Newmeadow School Program Mr. Don Wells and Andrew McKenzie who is the Executive Director of the Newmeadow School. The applicant is very excited to be in front of the Board this is something that they have been looking forward to for a long time and they are very happy to be re-locating one of their facilities here in the Town of Halfmoon. I will give a quick run down of the school, a quick description of how they got to where they are today with this new facility and then I will get into more details with the site plan and things of that nature and the description of the site and what we are expecting for hopefully site plan approval at the end. Maybe I will ask Mr. McKenzie to give a brief more in depth description of the program itself. Newmeadow School currently has 2 locations the first primary location is in Malta Commons in the Town of Malta and they have another school up north in Queensbury. It is the one in Malta in which they would be replacing with this facility. So they will no longer will be located in Malta that whole program would move down to this new location. The site I think you are very familiar with it. It use to be owned by the Town of Halfmoon and was used it as a well production facility for many years. That activity stopped several years ago and the Town just recently sold the property and has now become available to Newmeadow School. It is located at 23

Sitterly Road it is right in front of the South View Apartments. It is a 2 ½ acre parcel it has 2 driveways on it one driveway right in front of the old well production building use to be it still is currently but it is not in use. There is also another driveway to the left side of the property which provides access to the South View Apartments and that is located within an easement. That one driveway along the westerly property line would remain and the other driveway would be re-located pretty close to where it is now. That would be our main access points to the facility. The zoning for the parcel, and because it was Town owned, and I may need help with that Lyn on how all this came about but generally because it was Town owned it really didn't have a zoning name to it or a designation.

**Mrs. Murphy commented:** It has a zoning designation it reverts back to the underlying zoning.

**Mr. Vuillaune commented:** It was R-3 at one time so that is what we are going with I guess.

**Mrs. Murphy commented:** They are talking about a private school.

**Mr. Vuillaune commented:** The private school is permitted with a Special Use Permit in R-3.

**Mrs. Murphy commented:** So they have to go through the whole process.

**Mr. Vuillaune commented:** Yes, we went over all of that with Rich and it is a permitted use in the R-3 Zone. So with that obviously now comes the site layout and the building itself. The building would be one-story approximately 20,000 SF you can see that it would have 2 or 3 primary entrances, right now we are showing the one facing the street and there would be several other entrances more towards the north side of the property. There would be 2 primary parking areas one would be essentially for employees and staff. The staff would park towards the back of the property and then there would be about 30 parking spaces available to parents who would occasionally be dropping off students. As far as the building itself goes again we are at the very early stages of the design of the building and at this time they are anticipating approximately 10 classrooms for anywhere between 130 to 160 students. Again, Andrew can get into a little more detail on that if you have questions on the actual building. We thought a lot about the circulation within the facility especially for the bus drop off area. I think we have chosen the back portion of the parking lot is where the buses would be dropping off the children. It is probably the safest space on the site it doesn't have a lot of congestion or cars coming in and out. As you can see with the front parking area you will have parents occasionally going in and out and dropping off children there. Most of the students I think do come by bus, correct? I would imagine yes. There are the small buses these are pre-school children with generally disabilities. Again, the program itself has been going on for years. There are children with autism and that nature. They do give a lot of care as to getting the children safe in and out of the facility. And this one has a site that is laid out the most perfect fit for what their needs will be getting children in and out of the building. As far as the utilities and the storm water we have begun to highlight a couple areas for storm water management. There is obviously water at the property being that it used to be a well production site. There is an existing water line right on Sitterly Road that we can connect to. Sewer will be a little trickier we have to go off site for the sewer. I believe that Corporate Park Drive is the nearest location for the sewer so we will have an off-site sewer connection that we need to deal with. As far as the remaining portion of the site it would be left as open space or green space I believe we are allocating approximately 40% green space at the site and within that green space there will small playground area toward the back of the building. I think that is a good general description and now I would invite Andrew to come up and introduce himself.

**Mr. Andrew McKenzie commented:** I am the Executive Director at Newmeadow Inc., it is a pre-school so the ages depending on birth days could be anywhere from 2 ½ to 5 years old and generally 3 and 4 year olds. For a child coming in at the beginning it would be 2 years and be there for the 3 year old, 4 year old, and get children ready for kindergarten. The speciality of the school is working with children with autism. In fact, we have a tremendous success rate with working with children with autism. For example last year we sent 12 children to come to us identified with serious disabilities we sent them onto kindergarten de-classified for the need for any services. So the work that we do is intense it is very involved. It is not a daycare this is a pre-school and it involves therapeutic model and we are also integrated we also serve typically developing children all in the same classrooms. The classrooms will have a ratio of 9 students who are identified with need and up to 9 students who are general education students typically developing students. The 3 and 4 year olds we don't separate them they are together. The since has been around since 1982 it was one of the first schools in the area to adapt this kind of intense therapeutic model. We have a staff of about 60 people on that particular site and Gavin is quite right we are very excited about the prospect of coming down into what is really the Mecca of the Capital District here in Halfmoon. Can I answer any questions?

**Chairman Ouimet commented:** Are there any questions from the Board?

**Mr. Higgins commented:** The apartment complex in the back about how many apartments are back there? That is the main access to the apartments, correct?

**Mr. Vuillaunce commented:** I am not too sure as to how many apartments are back there. Just at looking at the parking I would say there are about 12 unit apartment buildings.

**Mr. Higgins commented:** So 12- units times how many units?

**Mr. Vuillaunce commented:** There are two buildings so maybe 24-25 apartments.

**Chairman Ouimet commented:** The green space that you show is to the west of the intersection. Is that storm water management? The whole left side?

**Mr. Vuillaunce commented:** All of this would be green space. On the left side there is a little bit of green area on the other side of the driveway.

**Chairman Ouimet commented:** Look between where you separate the driveway from the apartments. What is that?

**Mr. Vuillaunce commented:** Right now that is green space or storm water management area.

**Chairman Ouimet commented:** So you are not sure what it will be yet?

**Mr. Vuillaunce commented:** We have not designed the storm water yet it may not all be needed for storm water.

**Chairman Ouimet commented:** If I remember the site correctly don't you have to drive down it?

**Mr. Vuillaunce commented:** Yeah, this site is a little low here but it is high on this side. As you are looking at it gets higher.

**Chairman Ouimet commented:** So as you approach the curve on Sitterly Road it gets higher.

**Mr. Vuillaunce commented:** So everything is higher on the back so it will kind of shaved off and brought into the low area that is currently existing at the bottom part near that driveway.

**Chairman Ouimet commented:** So is the building you are proposing to be one story building or two?

**Mr. Vuillaunce commented:** One story building.

**Chairman Ouimet commented:** How are you separating the parking lot from the apartments?

**Mr. Vuillaunce commented:** Well we certainly will have the green area here and we can do landscaping we can do a fence. I don't security wise if it's needed to have a fence there but we could add one if we thought we needed it to kind of separate the two people in case the kids want to wander. They are supervised once they are outside.

**Mr. McKenzie commented:** I should have mentioned that this is a situation where the children are supervised 100 % of the time. Literally hands held.

**Chairman Ouimet commented:** What is the student to staff ratio?

**Mr. McKenzie commented:** In the more severely involved classrooms there are 12 students to 3 staff and then in the other classrooms where you have the 9 and the 9 it will be 18 children to 3 staff. And then frequently because we are dealing with children with severe challenges they are also one on one aids that are provided so we can have more adults in a setting like that than what I just mentioned.

**Chairman Ouimet commented:** Do you do your bussing? Or is it contracted?

**Mr. McKenzie commented:** No, the children identified with special needs are all part of entitlement and so they are funded with a state tuition and they are entitled just like any other child in New York State or 94-142 under the law. Those children are afforded busses, those children who are typically developing are general education children they are brought in by their parents. That is like a typical pre-school situation. I sent my children through pre-school we had to bring them and pick them up everyday.

Someone spoke from the audience but was not identified or on microphone.

**Mr. McKenzie commented:** We don't do any transportation ourselves. It is all contracted through the County of origin. We are serving 7 different counties and about 21 school districts.

**Chairman Ouimet commented:** What are the typical school day hours?

**Mr. McKenzie commented:** At this time because it is about to change for us under State requirements it will be probably something in the neighborhood of a 5 hour day 9 AM until 2 PM. We are still

negotiating with the State. Right now it is 9 AM to 1 PM it is a 4 hour day we are being required to change that and it will probably be 9 AM to 2 PM or 9 AM to 2:30 PM.

**Chairman Ouimet commented:** I think it mystifies me about this site though is that the fact that when the Town sold the property it sold it as a non-buildable lot. I don't understand how we can build on this site.

**Mrs. Murphy commented:** I can clarify that for you. There was a lot of confusion there were 5 parcels sold. This lot according to appraisal that we have a copy of says that it is zoned R-1 Residential and because there is an access to the apartments that goes right through it nobody is going to want to build residential in there. It was appraised for \$43,000.00 and it is about a cost of \$48,000.00 to due the removal of all the wells stuff etc. So it has an access to an apartment building was zoned residential so the non-buildable portion there was 4 other parcels that were sold and at the time of the public hearing (I didn't handle the matter so I was being told what the realities were) unfortunately that was a little miss leading and already covered that and addressed that situation.

**Chairman Ouimet commented:** Are there any other questions from the Board?

**Mr. Partlow commented:** You have 165 students that you are proposing to attend this school, correct?

**Mr. McKenzie commented:** It is going to vary every year because the child age out every single year so lets say an average of 3 and 4 year olds they turn 5 they move onto kindergarten. Our census goes up and down and it doesn't always flatten out. As Gavin suggested, we are probably somewhere between 130 and 160 in any given year. With that you are going to get some drop offs pick ups all the time during the morning and in the afternoon twice a day.

**Mr. Partlow commented:** How many busses are you thinking are going to go through that parking lot as well as parents vehicles.

**Mr. McKenzie commented:** There are about 15 of these busses that come through in the morning they are not all busses some of them are minivans as well. So they are these short yellow busses they are short little busses and there are some minivans mixed in with that.

**Mr. Partlow commented:** So with this parking lot design you are saying that there are going to drop off in the back area how do you propose the vehicles to get back out.

**Mr. Vuillaunce commented:** They will come in the front entrance they will line up here and probably line up here as far as the busses depending on how many are on site at once. So the circulation will be like this then back out to the driveway then out this way so it will be basically a counter clock wise circulation.

**Mr. Partlow commented:** So there is going to be curb cut into that driveway.

**Mr. Vuillaunce commented:** Yes.

**Chairman Ouimet commented:** Have you looked into a traffic study? Sitterly Road is awful busy.



**Mr. Vuillaunce commented:** We certainly will. We knew you would be asking for it. We will put together a small little traffic area.

**Chairman Ouimet commented:** We are not talking about a small facility here. It is fairly substantial.

**Mr. Vuillaunce commented:** There will be some attacks to the traffic even though the traffic engineer will say it doesn't.

**Chairman Ouimet commented:** How many parking spaces are you proposing?

**Mr. Vuillaunce commented:** 90 parking spaces is what we are showing on the plan.

**Chairman Ouimet commented:** The number of staff is?

**Mr. Vuillaunce commented:** There is 60 staff. And again, I know there was a misprint on the labels there. They are 9 x 20 parking spaces for the staff. There would thirty of the larger spaces 10 X 20 for visitors.

**Chairman Ouimet commented:** I can't see where you would have a typical visitor staying for long.

**Mr. Vuillaunce commented:** They are just dropping off their child and go.

**Mr. Berkowitz commented:** Will there be days when the parents are there with the kids?

**Mr. McKenzie commented:** Yes there are times when parents are coming in and there be our mystery reader for the day but you are talking about on any given day 3 or 4 parents at the most usually it's 1 or 2 and it's not everyday.

**Mr. Berkowitz commented:** You don't have graduation? Parent teacher conferences?

**Mr. McKenzie commented:** Parent teacher conferences are spread and our graduation are all spread out too. So if we have 10 classrooms in operation there might be 2 on one day but they are spread out they are not all 10 in one day. Each classroom does their own graduation.

**Mr. Berkowitz commented:** You won't have event where you will have 40 or 50 sets of parents for?

**Mr. McKenzie commented:** I would hate to tell you that could never happen if we are offering a special training for parents or something of that kind of a seminar but I think in the three years that I have been there we have done that once or twice.

**Mr. Berkowitz commented:** If you do it once or twice on that road that is once or twice too many because there is no place to park.

A woman from the audience spoke but was not on speaker and was not identified for the record.

**Mr. McKenzie commented:** That would not be during the day.

**Mr. Berkowitz commented:** That is overwhelming for the kids too.

**Mr. McKenzie commented:** When I say we have parents coming in that number it would be in the evening. It would not be during the school day. We wouldn't have the resources to deal with that many parents during the school day.

A woman from the audience spoke but was not on speaker and was not identified for the record.

**Mr. McKenzie commented:** This is also a secure building. It is completely secure building no one is in the building without an escort including parents that we know they have to escorted to and from. And that is all since, as you know, that tragedy in Connecticut.

**Mr. Berkowitz commented:** Do you have special access for first responders, ambulances and police?

**Mr. McKenzie commented:** Well we have lanes where there won't be permitted any parking and things of that nature. And also, we have lock down procedures as well. As we go through those drills and if first responders were coming they would be access for them, yes.

**Chairman Ouimet commented:** What fire district is this in?

**Mr. Marlow commented:** Clifton Park/Halfmoon or Waterford I believe.

**Chairman Ouimet commented:** Clifton Park/Halfmoon?

**Mr. Marlow commented:** Yes I believe so.

**Chairman Ouimet commented:** Can you make sure you get a copy of this out to the Fire Chief?

**Mr. Marlow commented:** Absolutely.

**Mr. Vuillaunce commented:** I am meeting with Fire Chief on Thursday.

**Chairman Ouimet commented:** I think at this time we will refer this to Clough, Harbour for their review. Thank you.

*Mr. Ruchlicki made a motion to adjourn, seconded by Mr. Higgins. Motion carried.*

Respectively submitted by Denise Mikol, Secretary  
Town of Halfmoon Planning Board